

File No: 100/2018

4 May 2018

Dear Councillor,

You are kindly requested to attend the **Ordinary Meeting** of Wingecarribee Shire Council to be held in **Council Chambers**, **Civic Centre**, **Elizabeth Street**, **Moss Vale** on **Wednesday 9 May 2018** commencing at **3.30 pm**.

Yours faithfully

Ann Prendergast **General Manager**

SCHEDULE

3.30pm Council Meeting begins

5.30pm Questions from the Public

to be read out

7.40pm Closed Council

O Civic Centre, Elizabeth St, Moss Vale, NSW 2577. PO Box 141, Moss Vale. t. (02) 4868 0888 f. (02) 4869 1203

RUNNING SHEET

ORDINARY MEETING OF COUNCIL

held in the Council Chambers, Civic Centre, Elizabeth Street, Moss Vale

on Wednesday, 9 May 2018 at 3.30 pm.

Time	Item	
3.30pm	Opening of meeting – please remind all present that mobile phones must be switched off before the meeting and that the meeting is tape recorded and the Council Chamber now has 24 Hour Video Surveillance.	
	Acknowledgement of Country - Clr G Markwart	
3.32pm	Opening Prayer – Reverend Richard Mills, Mittagong Anglican Church	
3.35pm	Apologies – Clr L A C Whipper and Clr G M Turland	
	Adoption of Previous Minutes – Tuesday, 24 April 2018	
	Business Arising (if any)	
	Declarations of Interest (if any)	
	Mayoral Minute –	
	Item 8.1 Dedication of the Exeter Park Memorial	
	Public Forum (if any)	
	Motion to move into Committee of the Whole - Clr T D Gair	
	Visitor Item –	
	Item 10.1 Planning Proposal to Extend the R2 Low Density Residential Zone on Penrose Road, Penrose	
	Item 10.2 Planning Proposal to Rezone Land at 105-119 Bong Bong Road, Mittagong	
	Item 10.3 Planning Proposal to Rezone Land at 18-22 Parkes Road, Moss Vale from IN2 Light Industrial to R3 Medium Density Residential and Land at 23 and 31 Garrett Street, Moss Vale from R2 Low Density Residential to R3 Medium Density Residential	
	Item 10.4 Planning Proposal to Rezone Centennial Vineyard to SP3 Tourist	
	Item 10.5 Planning Proposal to Amend WLEP 2010 to Permit Development for the Purposes of Seniors Living at 6 Wiseman Road, Bowral	
	Council Reports	
5.30pm	Motion to move into Council and the Mayor resumes the Chair	
5.30pm	Questions from the Public - to be read	
	Continuation of Council Reports	
	General Business Questions	
	Questions with Notice Notices of Motion	
	Total Cost of Middle 17	



RUNNING SHEET

ORDINARY MEETING OF COUNCIL

held in the Council Chambers, Civic Centre, Elizabeth Street, Moss Vale on Wednesday, 9 May 2018 at 3.30 pm.

7.40pm	Closed Council
8.00pm	Meeting Closed

Ann Prendergast **General Manager**





Business

1.	OPENING OF THE MEETING	
2.	ACKNOWLEDGEMENT OF COUNTRY	
3.	PRAYER	
4.	APOLOGIES CIr L A C Whipper and Clr G M Turland	
5.	ADOPTION OF MINUTES OF PREVIOUS MEETING Ordinary Meeting of Council held on 24 April 2018	
6.	BUSINESS ARISING FROM THE MINUTES	
7.	DECLARATIONS OF INTEREST 1	
8.	MAYORAL MINUTES 8.1 Dedication of the Exeter Park Memorial	
9.	PUBLIC FORUM	
COM	IMITTEE OF THE WHOLE	
10.	VISITOR MATTERS	
	OPERATIONS, FINANCE AND RISK	
	Nil	
	CORPORATE, STRATEGY AND DEVELOPMENT SERVICES	
	10.1 Planning Proposal to Extend the R2 Low Density Residential Zone on Penrose Road, Penrose	
	10.2 Planning Proposal to Rezone Land at 105-119 Bong Bong Road, Mittagong	
	10.3 Planning Proposal to Rezone Land at 18-22 Parkes Road, Moss Vale from IN2 Light Industrial to R3 Medium Density Residential and Land at 23 and 31 Garrett Street, Moss Vale from R2 Low Density Residential to R3 Medium Density Residential	
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11.	EN BLOC MOTION	
12.	OPERATIONS FINANCE AND RISK	
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	12.2 Tender - Bridges Condition Assessment	
	12.3 Tender for Bundanoon WTP and Wingecarribee WTP Clear Water Tank Baffles - Design Fabrication & Site Installation193	

Wednesday 9 May 2018



	12.4 Tender for the Nattai Ponds Floodplain Risk Managment Study and Plan and Review of Whites Creek Floodplain Risk Management Study and Plan197	
13.	CORPORATE STRATEGY AND DEVELOPMENT SERVICES	
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	13.3 Water and Sewer Development Servicing Plans219	
	13.4 Planning Proposal to Amend Certain Clauses in WLEP 2010223	
	Mayor to resume chair at 5.30 pm	
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14.	GENERAL MANAGER Nil	
15.	DELEGATE REPORTS	
16.	PETITIONS Nil	
17.	CORRESPONDENCE FOR ATTENTION Nil	
18.	COMMITTEE REPORTS Nil	
19.	QUESTIONS WITH NOTICE Nil	
20.	NOTICES OF MOTION	
	20.1 Notice of Motion 12/2018 - Superfluous Council Owned Land229 20.2 Notice of Motion 13/2018 - Station Street Upgrade	
21.	GENERAL BUSINESS	
	Nil	
22.	CLOSED COUNCIL	
	Moving into Closed Session232	
	22.1 Tender - Bridges Condition Assessment This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)d(i) as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.	

Wednesday 9 May 2018



22.2 Tender for Bundanoon WTP and Wingecarribee WTP Clear Water Tank Baffles - Design Fabrication & Site Installation

This report is referred to Closed Committee in accordance with \$10A(2)\$ of the Local Government Act, 1993, under clause 10A(2)d(i) as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

22.3 Tender for the Nattai Ponds Floodplain Risk Management Study and Plan and Review of Whites Creek Floodplain Risk Management Study and Plan

This report is referred to Closed Committee in accordance with \$10A(2) of the Local Government Act, 1993, under clause 10A(2)d(i) as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

23. RESUMPTION OF OPEN COUNCIL

Resumption of Open Council Adoption of Closed Session

- 24. ADOPTION OF COMMITTEE OF THE WHOLE
- 25. MEETING CLOSURE



Our Mission, Our Vision, Our Values

OUR MISSION

To create and nurture a vibrant and diverse community growing and working in harmony with our urban, agricultural and natural environments

Leadership: 'An innovative and effective organisation with strong leadership'

People: 'A vibrant and diverse community living harmoniously, supported by innovative services and effective communication with Council'

OUR VISION

OUR VALUES

Places: 'Places that are safe, maintained, accessible, sympathetic to the built and natural environment, that supports the needs of the community'

Environment: 'A community that values and protects the natural environment enhancing its health and diversity'

Economy: 'A strong local economy that encourages and provides employment, business opportunities and tourism'

Integrity, trust and respect

Responsibility and accountability

Communication and teamwork

Service quality

Wednesday 9 May 2018



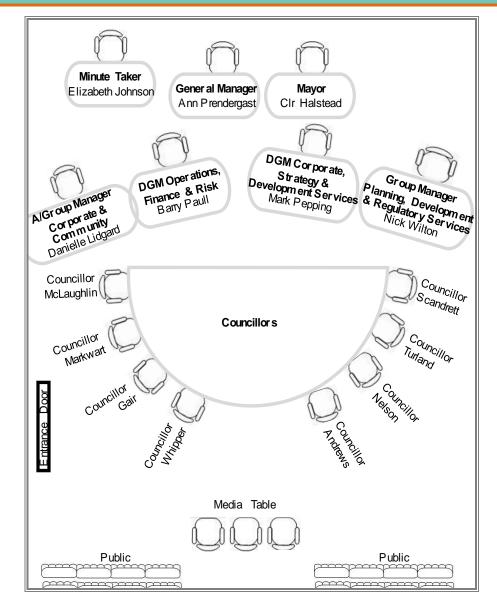
Council Chambers

Recording of Ordinary and Extraordinary Meetings of Council

As authorised by the *Local Government Act 1993*, Wingecarribee Shire Council records the proceedings of the Ordinary and Extraordinary Meetings of Council to ensure accurate transcription of resolutions.

Recording of meetings by members of the media is permitted only for the purpose of verifying the accuracy of any report concerning such meeting. Broadcasting of any sound recording is not permitted. Video recording is also not permitted. No member of the public is to use any electronic, visual or vocal recording device or instrument to record the proceedings of Council without prior permission of the Council.

The Council Chamber now has 24 Hour Video Surveillance.



Wednesday 9 May 2018



ACKNOWLEDGEMENT OF COUNTRY

I would like to acknowledge the Traditional Custodians of this land and pay my respect to Elders both past and present. I would also like to extend that respect to all Aboriginal and Torres Strait Islanders present here today.

APOLOGIES

Request for Leave of Absence - Councillors Larry Whipper and Garry Turland

Councillors Larry Whipper and Garry Turland intend to be absent from all Council commitments on Wednesday, 9 July 2018, including the Ordinary Meeting of Council and Briefing Sessions that day, for personal reasons.

Under Section 234 of the *Local Government Act 1993* and Clause 235A of the *Local Government Regulations 2005* leave of absence can be granted to a Councillor with Council approval.

Council's consideration of the requests for leave of absence is sought.

DECLARATIONS OF INTEREST

101/3, 101/3.1

The provisions of Chapter 14 of the *Local Government Act 1993* regulate the way in which Councillors and nominated staff of Council conduct themselves to ensure that there is no conflict between their private interests and their public trust.

The Act prescribes that where a member of Council (or a Committee of Council) has a direct or indirect financial (pecuniary) interest in a matter to be considered at a meeting of the Council (or Committee), that interest and the reasons for declaring such interest must be disclosed as soon as practicable after the start of the meeting.

As members are aware, the provisions of the Local Government Act restrict any member who has declared a pecuniary interest in any matter from participating in the discussions or voting on that matter and further require that the member vacate the Chamber.

Council's Code of Conduct provides that if members have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed. The Code also provides for a number of ways in which a member may manage non pecuniary conflicts of interest.

Wednesday 09 May 2018

MAYORAL MINUTES



8 MAYORAL MINUTES

8.1 Dedication of the Exeter Park Memorial

Reference: 102 Report Author: Mayor

Authoriser:

Link to Community Strategic Plan:

PURPOSE

The purpose of this Mayoral Minute is to commend the Exeter Village Association (EVA) for their efforts in the construction of the village War Memorial and acknowledge the subsequent dedication service carried out following this year's ANZAC Day service.

RECOMMENDATION

<u>THAT</u> the volunteer members of the Exeter Village Association be commended for their efforts in relocating, constructing and maintaining the Exeter War Memorial and preserving the memory of the villagers who paid the ultimate sacrifice in World Wars I and II.

REPORT

The original Exeter village War Memorial was erected in 2002 and honours the seven residents of Exeter who were killed in World Wars I and II.

In 2016 the refurbishment and expansion of the adjacent Exeter Village Hall was commenced by Council which necessitated the temporary relocation of the War Memorial.

In 2017 these works were completed and a new onsite location for the War Memorial was agreed by Council, the EVA and the local community.

This same year Council both relocated the War Memorial and supplied and installed a ceremonial flagpole.

Led by the EVA, residents of the village then constructed and installed a dry-stone wall with engraved sandstone capping, crushed granite pathway, garden and lawn.

Council also provided seven Rosemary bushes representing each of the fallen servicemen.

Works were finalised in mid-April 2018 and the completed project was formally dedicated following a poignant ANZAC Day service.

Wednesday 09 May 2018

MAYORAL MINUTES



I wish to thank the Exeter Village Association for the invitation to attend their ANZAC Day service and subsequent War Memorial dedication.

I would also congratulate both the members of the EVA and village residents for their efforts in the construction of the Exeter War Memorial and the role they have played in preserving the legacy of the Shire's forebears.

Clr Ken Halstead **Mayor**

Friday 4 May 2018

ATTACHMENTS

There are no attachments to this report.

Wednesday 09 May 2018

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



COMMITTEE OF THE WHOLE

10 VISITOR MATTERS

CORPORATE STRATEGY AND DEVELOPMENT SERVICES

10.1 Planning Proposal to Extend the R2 Low Density Residential Zone on Penrose Road, Penrose

Reference: PN1742820, 5901

Report Author: Senior Strategic Land Use Planner

Authoriser: Coordinator Strategic Land Use Planning

Link to Community

Strategic Plan: Identify and protect the unique characteristics of towns and

villages to retain a sense of place

PURPOSE

To consider a submission to amend Wingecarribee Local Environmental Plan (WLEP) 2010 to extend the R2 Low Density Residential zone on Penrose Road, Penrose.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

RECOMMENDATION

<u>THAT</u> the Planning Proposal to extend the R2 Low Density Residential Zone on Penrose Road, Penrose <u>NOT BE SUPPORTED</u>.

REPORT

BACKGROUND

A Planning Proposal was lodged with Council by Lee Environmental Planning requesting that Council consider an amendment to WLEP 2010 to extend the current R2 Low Density Residential on Penrose Road further north to the corner of Penrose Road and Koolilabah Lane at Penrose. The proposal was assessed by Strategic Planning staff and discussed with Councillors at an Information Session on 14 March 2018.

Wednesday 09 May 2018

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



REPORT

Proposal

The subject land, Lot 43 DP1234556, is located at 46 Koolilabah Lane, Penrose. The village of Penrose is located some 6 kilometres from Bundanoon and 5 kilometres from Wingello in the southern part of the Shire as indicated in **Figure 1** below.

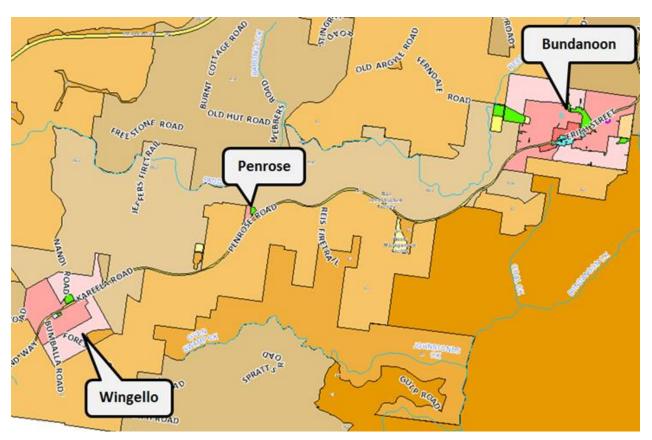


Figure 1

The subject site is zoned E3 Environmental Management with a minimum lot size of 40 hectares and adjoins the northern edge of the existing Penrose Village residential area. The total area of the site is some 9.5 hectares although not all of the site is under consideration.

A portion of the subject site fronting Penrose Road, between the current residential zone and two existing dwellings, was included in the Penrose and Wingello Precinct Plan of the Wingecarribee Local Planning Strategy 2015-2031 for rezoning to R2 Low Density Residential with a minimum lot size of 2000m². This would create two (2) additional lots linking the current residential zoned land to the south with two (2) lots to the north, one of 1,963 m² and one of 1,011m², both currently zoned E3 Environmental Management but with existing dwellings on them. A Planning Proposal to progress that Resolution is with the Department of Planning and Environment for a Gateway Determination.

This current Proposal seeks to further extend that rezoning to the intersection of Penrose Road with Koolilabah Road resulting in six (6) additional lots of 2,000m² each.



Figure 2 below indicates the location of these various parts of the site.

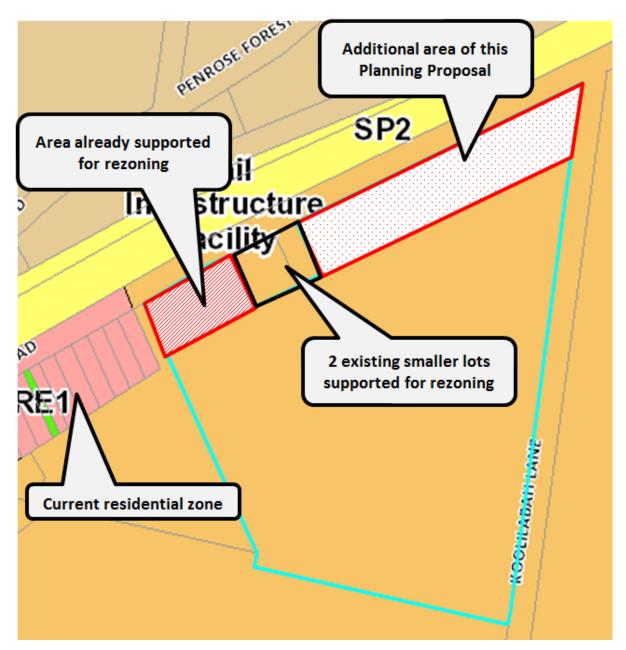


Figure 2

Strategic Assessment

While Council was prepared to support a modest increase in residential development along Penrose Road, as included in the Wingecarribee Local Planning Strategy 2015-2031, the new proposal would be a substantial increase in residential lots in an area with no reticulated water or sewer infrastructure.

Wednesday 09 May 2018

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



Recommendation

It is recommended that the proposal **NOT BE SUPPORTED**.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

There are no implications for Council's Fit for the Future Improvement Plan resulting from this report.

COMMUNICATION AND CONSULTATION

Community Engagement

No community engagement would occur if the recommendation to the report is supported. If the submission is supported by Council a Planning Proposal would be prepared and lodged with the Department of Planning & Environment for a Gateway Determination. Community consultation would then occur in accordance with the Gateway requirements.

Internal Communication and Consultation

Consultation with Development Engineering staff was undertaken as part of the strategic assessment of the proposal.

External Communication and Consultation

No external consultation would occur if the recommendation to the report is supported. However, if the submission is supported by Council it would be externally referred to relevant agencies for comment as required by the Gateway Determination.

SUSTAINABILITY ASSESSMENT

Environment

If the recommendation to the report is supported there are no environmental issues. However, if Council supports the proposal, adverse environmental impacts from residential development of land which does not have reticulated water or sewer infrastructure could occur.

Social

There are no social issues in relation to this report.

• Broader Economic Implications

There are no broader economic implications in relation to this report.

Culture

There are no cultural issues in relation to this report.

Wednesday 09 May 2018

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



Governance

The submission has been considered in accordance with guidelines provided by the Department of Planning & Environment.

COUNCIL BUDGET IMPLICATIONS

There are no budget implications associated with this report.

RELATED COUNCIL POLICY

There are no other Council related policies.

OPTIONS

The options available to Council are:

Option 1

Support the recommendation to this report to not support the Proposal.

Option 2

Not support the recommendation to this report.

Option 1 is the recommended option to this report.

CONCLUSION

The Planning Proposal has been assessed and a recommendation made based on the content and intended outcome of the Proposal. While Council was prepared to support a modest increase in residential development along Penrose Road, the new proposal would be a substantial increase in an area which does not have reticulated water and sewer.

ATTACHMENTS

Planning Proposal to rezone land at Penrose Road Penrose

10.1 Planning Proposal to Extend the R2 Low Density Residential Zone on Penrose Road, Penrose

ATTACHMENT 1 Planning Proposal to rezone land at Penrose Road Penrose



ATTACHMENT 1

Planning Proposal

Proponent Initiated

To amend Wingecarribee Local Environmental Plan 2010 to rezone land at Penrose from E3 Environmental Management to part R2 Low Density Residential and introduce a minimum lot size to allow subdivision of the residential portion to a minimum of 2000 square metres.

Prepared & Submitted by: Lee Environmental Planning

On behalf of: Graham and Pat Cretney of 46 Koolilabah Lane Penrose

Version 1 – For Council Assessment & Determination

September 2017



Civic Centre, Elizabeth St, Moss Vale, NSW 2577.
PO Box 141, Moss Vale. ABN 49 546 344 354
T. (12) 4868 1888. F. wscmail@wsc.nsw.gov.au

www.wsc.nsw.gov.au

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10.1 Planning Proposal to Extend the R2 Low Density Residential Zone on Penrose Road, Penrose

ATTACHMENT 1 Planning Proposal to rezone land at Penrose Road Penrose



Planning Proposal - Penrose Road, Penrose

Prepared by Lee Environmental Planning

Version 1 for Council Assessment & Determination

ATTACHMENTS WHICH FORM PART OF THIS PLANNING PROPOSAL

1	Plan of proposed subdivision prepared by Gary Antaw Surveyor	
2	Site photos	

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10.1 Planning Proposal to Extend the R2 Low Density Residential Zone on Penrose Road, Penrose

ATTACHMENT 1 Planning Proposal to rezone land at Penrose Road Penrose

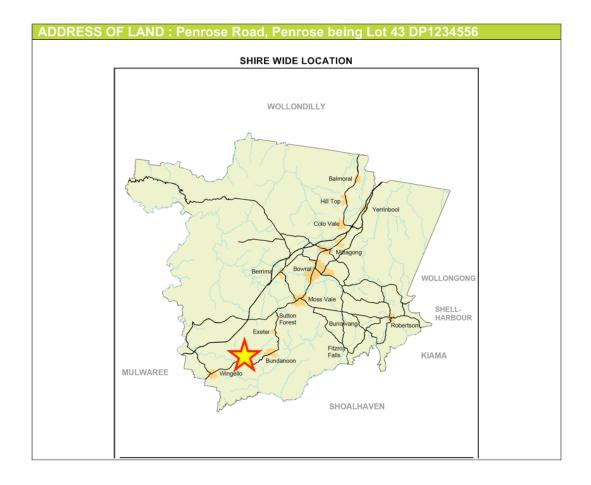


Planning Proposal - Penrose Road, Penrose

Prepared by Lee Environmental Planning

Version 1 for Council Assessment & Determination

LOCAL GOVERNMENT AREA: WINGECARRIBEE SHIRE COUNCIL



Wednesday 9 May 2018

10.1 Planning Proposal to Extend the R2 Low Density Residential Zone on Penrose Road, Penrose

ATTACHMENT 1 Planning Proposal to rezone land at Penrose Road Penrose



Planning Proposal - Penrose Road, Penrose

Prepared by Lee Environmental Planning

Version 1 for Council Assessment & Determination

SITE LOCATION & DESCRIPTION

The site is situated in the village of Penrose, fronting Penrose Road, approximately 6 kilometres form Bundanoon and 5 kilometres from Wingello.

It has a legal property description of Lot 43 DP1234556.

Penrose village is a small rural village that is characterised by 'ribbon' style housing development along two roads that run parallel to, and each side of the railway line.

The subject site is situated on the southern side of the Southern Rail Line at the eastern end of the village, just 200 metres from the Penrose Public School and 400 metres from the Penrose Railway Station.

The site is approximately 9.497 hectares in area.

Situated upon the land, adjacent to the sites southern boundary, is a dwelling house and various associated out buildings. The dwelling has a driveway onto Koolilabah Lane approximately 430 metres from the intersection with Penrose Road.

The broader Penrose locality has a mixed character with much of the area either within the Penrose State Forest to the north or uncultivated remnant forest areas to the south with bushland gullies running through to Morton National Park and Wingello State Forest. The 'middle' area that fronts either Penrose Road on the southern side of the rail line or Kareela Road on the northern side of the rail line, is characterised by rural residential properties fronting these roads, with a consistent presence of residential dwellings as you travel between the larger settlements of Bundanoon and Wingello.

Within the village the regularity of dwelling houses increases along both Penrose Road on the southern side of the rail line and similarly on the northern side of the rail line fronting Kareela Road.

The first marker that you are entering the Penrose village area from the east (Bundanoon) is the Penrose Public School. As noted, the school is just 200 metres east of the subject site. Obvious markers of an urban area become apparent in the placement of school speed zone signage, school pedestrian signage and the existence of a footpath extending from the school in a westerly direction, clearly signalling that this is no longer a rural locale and that you are now within the village.

The current zoning of the land under Wingecarribee Local Environmental Plan 2010 is E3 Environmental Management and the minimum lot size for subdivision is 40 hectares. Neither the zoning nor the minimum lot size are considered to be appropriate for the current circumstance or the future potential of the land.

The land immediately to the west is already within the R2 Low Density Residential zone with a minimum lot size of 2000 square metres. Fronting Penrose Road, surrounded on all three sides by the subject land are two small residential lots occupied by dwelling houses,

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10.1 Planning Proposal to Extend the R2 Low Density Residential Zone on Penrose Road, Penrose

ATTACHMENT 1 Planning Proposal to rezone land at Penrose Road Penrose



Planning Proposal - Penrose Road, Penrose

Prepared by Lee Environmental Planning

Version 1 for Council Assessment & Determination

one of approximately 1000sqm and the other of approximately 2000sqm. These dwellings were erected in approximately 1980/81. Council has supported the inclusion of these two lots (Lot 41 DP1058534 and Lot 22 DP11288) into the R2 Low Density zone.

The history of the current property boundaries is important to understand. Although the site is now one land parcel, it was previously made up of multiple lots. DP11288 was lawfully created in 1922and this original village plan incorporated Lots 1-35 right along Penrose Road frontage from just opposite the Railway Station, in an easterly direction all the way to Koolilabah Lane. Many of these original lots still exist and have dwellings upon them, while some have been resubdivided or consolidated. There are now approximately 10 dwellings onto Penrose Road from Koollilabah Lane to the railway station. These lots were matched by a series of subdivisions creating smaller lots along Penrose Road in the westerly direction where there are now approximately twenty dwellings (20) between the railway station and the railway overbridge.

A series of re-subdivisions and consolidations occurred with the current owners consolidating multiple original lots in 1988 in order to secure approval for a new dwelling. This requirement signalled a change in direction from Council, as it followed Council's earlier approval of the two dwellings on the original lots now sitting in isolation on Penrose Road surrounded by the subject land.

The site is mainly cleared grazing land with no particular environmental features. It is not within a scenic viewing area and from that perspective is indistinguishable from the land that already accommodates residential development outside of the arbitrary 'village' boundary.

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10.1 Planning Proposal to Extend the R2 Low Density Residential Zone on Penrose Road, Penrose

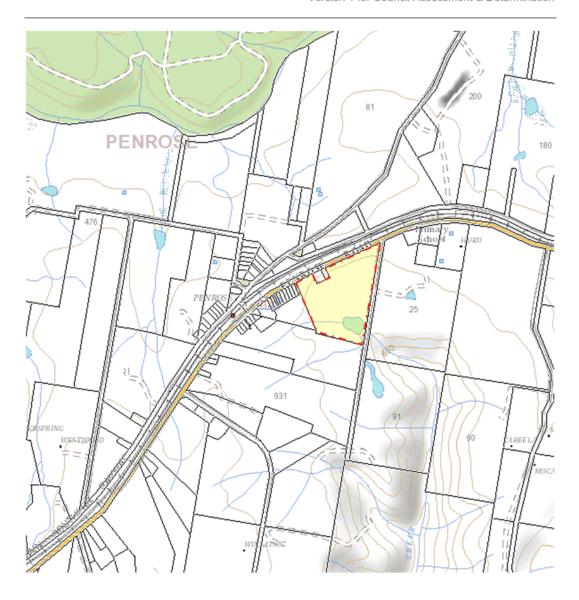
ATTACHMENT 1 Planning Proposal to rezone land at Penrose Road Penrose



Planning Proposal - Penrose Road, Penrose

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Site Locality Map (source Sixmaps)

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10.1 Planning Proposal to Extend the R2 Low Density Residential Zone on Penrose Road, Penrose

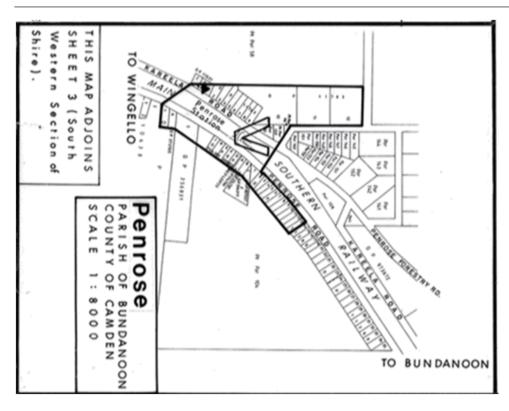
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Planning Proposal - Penrose Road, Penrose

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Extract from Wingecarribee Local Environmental Plan 1989 showing village zoning and the existing original allotments extending east towards the school

10.1 Planning Proposal to Extend the R2 Low Density Residential Zone on Penrose Road, Penrose

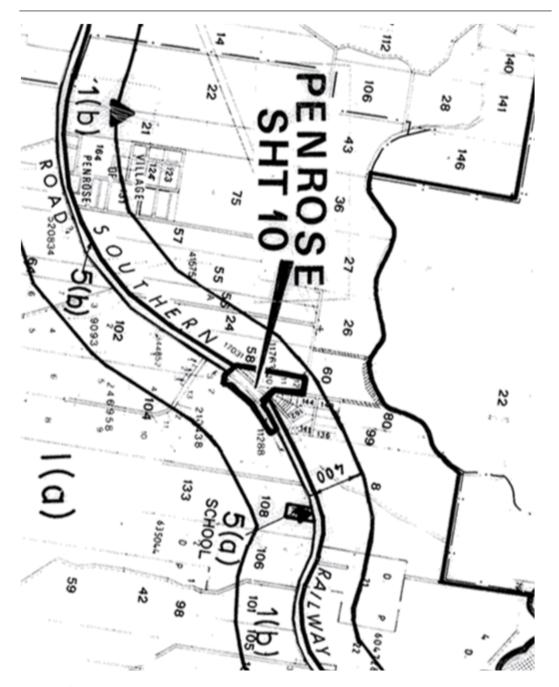
ATTACHMENT 1 Planning Proposal to rezone land at Penrose Road Penrose



Planning Proposal - Penrose Road, Penrose

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Extract from Wingecarribee Local Environmental Plan 1989 showing surrounding zoning including the school site that was a special use zone

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10.1 Planning Proposal to Extend the R2 Low Density Residential Zone on Penrose Road, Penrose

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The subject land is identified upon the WLEP2010 map tiles for zoning and lot size, being Sheets 004B.



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10.1 Planning Proposal to Extend the R2 Low Density Residential Zone on Penrose Road, Penrose

ATTACHMENT 1 Planning Proposal to rezone land at Penrose Road Penrose



Planning Proposal - Penrose Road, Penrose

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PART 1: OBJECTIVES OR INTENDED OUTCOMES

The objectives of this Planning Proposal are as follows:

- To provide for the future residential development of the land at an agreed density of development; and
- · To provide the appropriate planning mechanism to give effect to that outcome

.

The intended statutory planning outcome would be that the land (Lot 43 DP1234556) is identified upon the appropriate Zoning Maps of Wingecarribee Local Environmental Plan 2010 as part R2 Low Density Residential and part E3 Environmental Management and upon the Lot Size Maps of Wingecarribee Local Environmental Plan 2010 so that subdivision of the land within the R2 Low Density zoned would be permissible to a minimum lot size of 2000sqm consistent with the current minimum lot size for residential land in the Penrose village.

This Planning Proposal is supported with a Proposed Plan of Subdivision prepared by Gary Antaw Surveyor that depicts such an outcome. Refer to plan on following page. There would be eight (8) new lots created with one residual lot to accommodate the existing dwelling house.

The intended built form outcome would be subject to the submission and assessment of Development Applications firstly for the subdivision of the land and then approvals for the construction of dwelling houses upon the newly created lots. The new allotments of 2000sqm would be suitable for the erection of dwelling houses.

From a broader strategic perspective, the intended outcome is to provide additional opportunity for housing within the Penrose village, with the attendant benefits of social cohesion and support for community services such as the local school and the village shop.

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10.1 Planning Proposal to Extend the R2 Low Density Residential Zone on Penrose Road, Penrose

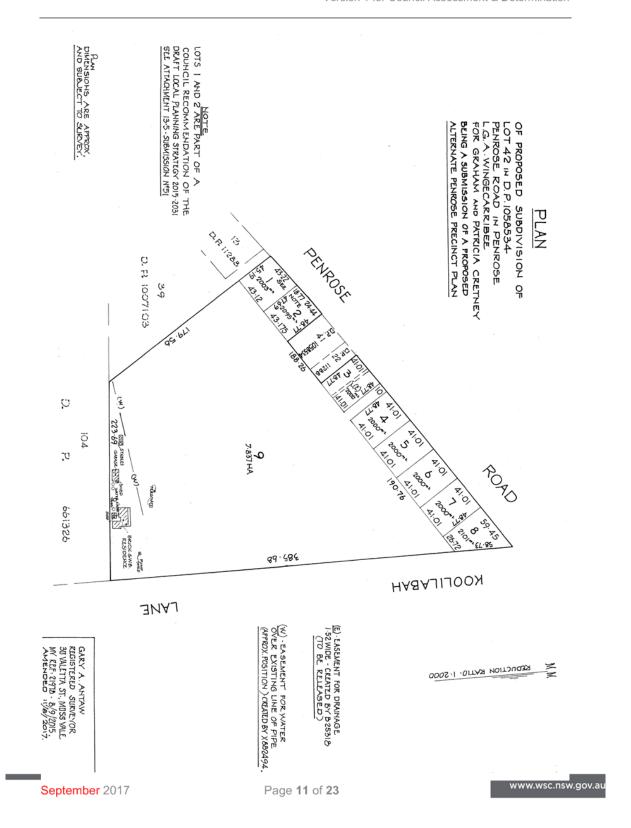
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PART 2: EXPLANATION OF THE PROVISIONS

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

The WLEP2010 instrument does not require amendment in order to achieve the intended outcomes of the Planning Proposal. The changes required are map related as described below.

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

Map to be amended	Detail of Amendment
Land Zoning Map Sheets LZN_004B	Amend the WLEP 2010 maps so that
_	the subject land, Lot 43 DP1234556, is
	partly within the R2 Low Density
	Residential zone and partly within the
	E3 Environmental Management zone
Lot Size Map Sheets LSZ_004B	Amend the WLEP 2010 maps so that
	the subject land, Lot 43 DP1234556, is
	partly within the area identified as 2000
	square metres minimum lot size
	(aligning with the zone boundary) and
	partly within the area identified as 40
	hectares minimum lot size

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Planning Proposal - Penrose Road, Penrose

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PART 3: JUSTIFICATION OF OBJECTIVES, OUTCOMES & PROCESS

Section A – Need for the Planning Proposal

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

The Planning Proposal has its origin in the Council's resolution of 23 March 2016, as follows:

13. the rezoning to R2 Low Density Residential with a minimum lot size of 2000m² of that portion of Lot 42 DP1058534 fronting Penrose Road between Lot 13 DP11288 and Lot 41 DP1058534, being approximately 4000m² in area, be supported fro inclusion in the Penrose Precinct Plan of the adopted Wingecarribee Local Planning Strategy 2015-2031 and THAT the rezoning to R2 Low Density Residential with a minimum lot size of 2000m² of Lot 41 DP1058534 and the rezoning to R2 Low Density Residential with a minimum lot size of 2000m² of Lot 22 DP11288 be supported for inclusion in the Penrose Precinct Plan of the adopted Wingecarribee Local Planning Strategy 2015-2031.

This resolution was a component of the broader review of local planning undertaken as part of the Council's adoption of the Local Planning Strategy 2015 -2031 (also adopted 23 March 2016). The Planning Proposal should be viewed in that strategic context.

The Planning Proposal is however not exactly as resolved by Council. Firstly, Lot 42 DP 1058534 is now identified as Lot 43 DP1234556 following a minor boundary adjustment undertaken with its neighbour to the south. This has no material impact on the question of rezoning. Secondly and more importantly, the Planning Proposal being put forward increases the number of resultant lots from 2 to 8.

It is being put forward because it is a more logical outcome when the circumstances of the history of the land and the future of the area are considered. Rather than an additional two lots being created at the north western end of the site, the Planning Proposal would retain those two lots and add a further 6 residential lots at the north eastern end of the site, making a total of 8 additional residential lots, consistent with the original plan of the Penrose village established in 1922 that had residential lots extending to Koolilabah Lane. While the Council resolution from March 2016 supported 2 additional lots, the area excluded from Council's original resolution has all the attributes of the land that was supported for rezoning. The land is still within what should correctly be called the village boundary, being west of the Penrose Public School, which acts as the obvious and very strong marker of entry into the village. The additional lots will not detract from the village boundary, they will help reinforce it. Currently the school provides the marker for the village but then there is a 'gap' before the two existing dwellings and then another 'gap' before the current R2 zoning. This is not a suitable way to provide a demarcation between the rural Penrose and the village Penrose.

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

This matter has been reviewed extensively by Council and it has been determined that a Planning Proposal is the appropriate way to achieve the desired outcome. It is not possible to move directly to the Development Application phase to subdivide the land into smaller allotments under the current planning regime.

It can be assumed that a Planning Proposal pathway is accepted by Council as the appropriate way of achieving the creation of smaller lots on this land, hence their resolution of 23 March 2016.

The combination of the current zoning and minimum lot size for subdivision do not allow for a reasonable development outcome to be achieved for the land without first reviewing the fundamental planning controls of zoning and lot size through the Planning Proposal process.

Section B – Relationship to strategic planning framework

3. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including draft strategies)?

The Planning Proposal is consistent with the South East and Tablelands Regional Plan 2036.

In broad terms, the Strategy seeks to cater for continued growth within the region, without impacting adversely upon the character of the region. This Planning Proposal achieves this by providing an increase in the density of development achievable upon the subject land, with such development being consistent with the character of the locality and within the capacity of the land to accommodate development.

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

Direction 24 of the Strategy is to deliver greater housing supply and choice, noting that local housing strategies need to consider community aspirations. This Planning Proposal will support this objective and would be consistent with the community aspirations as put forward in previous community workshops.

Direction 25 of the Strategy Focus is for housing growth in locations that maximise infrastructure and services in particular to achieve sustainable urban outcomes that do not undermine existing strategic and local centres.

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Direction 27 is to deliver more opportunities for affordable housing which this Planning Proposal will do.

The strategies broad aim of protecting the sensitive elements of the natural environment is not endangered by this Planning Proposal.

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

The Planning Proposal is consistent with the local planning strategy for Wingecarribee Shire.

The relevant local strategy is the recently adopted Wingecarribee Local Planning Strategy 2015 -2031. Council's resolution to support a change to the zoning and minimum lot size for subdivision of the subject site was part of the Council's consideration of the Local Strategy, so in that respect the Planning Proposal is consistent with the Local Strategy.

It is acknowledged that this Planning Proposal contemplates an increased number of lots arising out of the zoning and lot size change, however, not to the extent that it could be considered as inconsistent or as a completely different proposition to what was considered previously. In essence, the Planning Proposal is considered to more fully support the Council's strategic planning aims than did the original resolution from March 2016.

Chapter 3 of the adopted Local Planning Strategy deals with managing rural lands and Part 3.1.2 suggests that a review of land in the RU4 and E4 zones should be undertaken as these two zones provide 'lifestyle' options more so than agricultural production options. Although the land in question is within the E3 zone, the location of the subject site, its relationship with adjoining properties and the fact that it is an existing small lot not being utilised as high class agricultural land, means that it is offering the lifestyle option referred to in Part 3.1.2. The current E3 Environmental Management zoning for all of the land is an anomaly and the Planning Proposal is consistent with the Strategy in the sense that the land is offering lifestyle options, not agricultural or environmental ones. The utilisation of some of the land for residential purposes, consistent with land immediately adjoining, would be completely consistent with Council's stated strategic objective.

Chapter 4 deals with managing housing needs and clearly identifies the ongoing pressure to ensure a supply of housing opportunities across the Shire for a range of different demands, needs, household types and changing demographics. This includes the need to address housing affordability. It is noted that this Chapter of the Strategy, while endorsed by Council has not been endorsed by the Department of Planning, who have currently advised that Council should reconsider Chapter 4 and provide some more certainty and opportunity around housing development.

This Planning Proposal is consistent with this objective because it will eventually add to the available housing stock in a location that is suitable and one that has good proximity to

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services already provided by Council and other social services that would benefit from some additional development within their catchment, such as the local public school and the local village shop.

The concept of 'infill' development as described in the Local Planning Strategy, is supported by this Planning Proposal as it is dealing with land on the edges of existing zoned areas with good access to services, the development of which will not compromise the rural character of the Shire nor threaten sensitive rural landscapes. This is a case where the actual physical village boundary does not align with the artificial boundary imposed by current zoning controls.

The history of the village suggests that housing lots were always anticipated along Penrose Road up to Koolilabah Lane. The siting of the school and the associated infrastructure of footpaths and traffic signage is a stronger marker of the village boundary and should be preferred over the current arbitrary line of the R2 Residential zoning that is simply a repeat of the previous Village zoning under the previous planning instrument. It is currently not a demarcation based upon any particular analysis of site capacity or suitability or upon any particular physical land feature or topographical feature that would distinguish a boundary.

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

The Planning Proposal is not inconsistent with any State Planning Policy.

State Environmental Planning Policy (Rural Lands) 2008 is relevant as it contains provisions relating to the subdivision of rural lands. Clause 10 sets out matters to be considered in determining development applications for rural subdivisions. These are:

- (a) the existing uses and approved uses of land in the vicinity of the development,
- (b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,
- (c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),
- (d) if the land is not situated within a rural residential zone, whether or not the development is likely to be incompatible with a use on land within an adjoining rural residential zone,
- (e) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d).

When these matters are considered, it is reasonable to conclude that a subdivision of the subject land would not be in conflict.

These matters are aimed at ensuring compatibility of land use and the development of the subject land for an increase in residential capacity, if it were to proceed, would be more

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compatible with neighbouring properties than if rural and/or agricultural uses were to be pursued on the land. The land is not high class agricultural land and the area to be included into the residential zone could not be described as being critical in an agricultural sense.

The proposed change in zoning would address a current anomaly whereby there are two residential parcels isolated from other residential parcels. This proposal would allow a logical continuation of residential use up to a physical barrier in Kollilabah Lane, thus reinforcing the school as the logical eastern boundary to the village.

6. Is the Planning Proposal consistent with applicable Section 117 Directions?

The following table provides an assessment of the Directions issued by the Minister for Planning under section 117(2) of the *EP&A Act 1979*:

Direction	Assessment
1. Employment and Resources	
1.1 Business and Industrial Zones	NA
1.2 Rural Zones	NA – the Direction does not apply to Wingecarribee LGA
1.3 Mining, Petroleum Production and Extractive Industries	NA
1.4 Oyster Aquaculture	NA
1.5 Rural Lands	This Direction requires proper consideration of the rural planning principles of the State Environmental Planning Policy (Rural Lands) 2008. The subject site is not high value agricultural land, it is not utilised for agricultural purposes, it is not within an identifiable rural context, it does not contain natural resources requiring protection and its development would enhance not detract from services and infrastructure.
2. Environment and Heritage	
2.1 Environment Protection Zones	The land is not within an environment protection zone.

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	In any event, the proposed change of zone would not alter the requirement for any development proposal (future dwelling houses) to properly consider the environmental issues of water quality and bushfire hazard. The PP is not inconsistent with the Direction.
2.2 Coastal Protection	NA
2.3 Heritage Conservation	The land is not within a conservation area under WLEP2010, nor in proximity to any individually listed item.
2.4 Recreation Vehicle Areas	NA
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	NA
3.2 Caravan Parks and Manufactured Home Estates	NA
3.3 Home Occupations	NA
3.4 Integrating Land Use and Transport	NA
3.5 Development Near Licensed Aerodromes	NA
3.6 Shooting Ranges	NA
4. Hazard and Risk	
4.1 Acid Sulfate Soils	NA
4.2 Mine Subsidence and Unstable Land	NA
4.3 Flood Prone Land	NA
4.4 Planning for Bushfire Protection	The subject land is mapped as bushfire prone on Council's Bushfire Hazard Maps. However, the land is predominately clear of vegetation and mapped mainly as buffer area only. There is a small section within the south east corner of the site that is mapped as containing bushfire vegetation. This area is distant from the

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	area of the site to be rezoned for residential development. It is not considered that bushfire would be an issue to seriously concern future subdivision and residential development of the land.
5. Regional Planning	
5.1 Implementation of Regional Strategies NB: This Direction has been revised to include previous Directions 5.6 and 5.7.	The Sydney – Canberra Corridor Regional Strategy is in place and therefore relevant. Refer to comments in Section B Point 3 of this Proposal document.
5.2 Sydney Drinking Water Catchments	The land is within the Kangaroo River sub catchment of the broader Sydney Drinking Water Catchment. The proposed amendment to WLEP2010 would still require any future development of the land to properly consider the requirements of the State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011. Any development proposal would need to demonstrate a neutral or beneficial effect on water quality as a result of the development. The PP is not inconsistent with the Direction
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	NA
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	NA
5.8 Second Sydney Airport: Badgerys Creek	NA
5.9 North West Rail Link Corridor Strategy	NA
	· ·

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6. Local Plan Making	
6.1 Approval and Referral Requirements	A PP that seeks to allow an agreed number of lots in order to facilitate future development for dwelling houses on designated land parcels, is not inconsistent with the Direction.
6.2 Reserving Land for Public Purposes	NA
6.3 Site Specific Provisions	The PP does not propose to have any site specific provisions other than the designated minimum lot size for subdivision of 2000sqm which is a common development standard used in many other areas of the Shire.

Section C – Environmental, Social & Economic Impacts

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the Planning Proposal?

No. The land is not identified as containing any critical habitat or threatened species, populations or ecological communities or their habitats

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

There are no immediate environmental impacts arising from the Planning Proposal. As a consequence of the PP, there will be a Development Application for subdivision in accordance with the proposed plan of subdivision prepared by Gary Antaw Surveyor submitted with the Planning Proposal. Subsequently, applications for dwelling houses upon the newly created lots will be necessary. These Development Applications will provide the appropriate mechanism for the thorough assessment of any potential environmental impacts and these can be managed through the imposition of conditions of development consent as appropriate. This includes the issues of bushfire, access, stormwater and waste water management.

There is no reason to suggest that the subject land is not capable of accommodating additional dwelling houses upon the proposed new allotments. The number of lots created

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will be in accordance with the proposed plan of subdivision and as can be seen from that plan, all proposed lots are compliant with the minimum lot size identified by the Planning Proposal of 2000sqm.

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

There are no particular social impacts arising directly as a result of the Planning Proposal. It is primarily a site specific issue, although it is one that could have broader implications throughout the community in the longer term. It will eventually provide for additional dwellings, the occupants of which will then contribute to the Penrose local community and the Southern Highlands more generally.

One particular social positive could be the eventual support from new families for the Penrose Public School that is far more likely to remain viable if it can draw on more local families living within the district. Like many smaller communities, Penrose requires some turnover and renewal as well as some moderate growth in total housing and population numbers in order to remain a viable local community.

This point was well made by the local community in the workshops held by Council in the formulation of the local planning strategy. Although there was caution in relation to inappropriate development, specifically the scale and design of new housing, there was recognition of the values of some development leading to improved services and viability for others.

It should also be recognised that Penrose has a greater sphere of influence and connectivity than just the area currently within the R2 Low Density Residential zone. There are far more important markers for the village boundary than the current residential zone boundary and changing the zone boundary as proposed will not in any way diminish the village. It will in fact entrench and support the village.

From an economic perspective, the Planning Proposal will provide for the economic and best use of the land. The community workshops associated with the Local Planning Strategy clearly recognised the positive economic outcomes that could arise from moderate targeted residential growth.

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Section D – State and Commonwealth Interests

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

Appropriate and adequate public infrastructure is available to service the resultant development in terms of access and power. Water and sewer are not available and the scale of this proposal will not result in this circumstance changing in the short term. The net increase of 8 lots/dwellings will not place any significant burden upon services currently provided by Council but it may make such services more sustainable. The existing road network is capable of accommodating the minor traffic increase generated by the PP.

PART 4 – MAPPING

The subject land is identified on the relevant WLEP which require amendment as indicated below:

Map to be amended	Detail of Amendment
Land Zoning Map Sheets LZN_007G and 007H	Amend the WLEP 2010 maps so that the subject land, Lot 43 DP1234556, is partly within the R2 Low Density Residential zone and partly within the E3 Environmental Management zone
Lot Size Map Sheets LSZ_007G and 007H	Amend the WLEP 2010 maps so that the subject land, Lot 43 DP1234556, is partly within the area identified as 2000 square metres minimum lot size (aligning with the zone boundary) and partly within the area identified as 40 hectares minimum lot size

PART 5 – COMMUNITY CONSULTATION

Community consultation will occur as directed in the Gateway Determination and in accordance with the Department's Guide to preparing LEPPs. It is noted that Council normally provides at least 28 days of public exhibition which includes, as relevant, notification by letter/email to adjoining property owners and weekly advertising in the Southern Highland News for the duration of the exhibition period. Copies of the Planning Proposal and relevant documentation are provided on Council's website, at the Customer Service Counter at the Civic Centre and at all relevant libraries including Council's Rural Outreach & Delivery Service (ROADS) Mobile Library.

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PART 6 – TIMELINE

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

MILESTONE	INDICATIVE DATE
Gateway Determination	
Agency Consultation	
Public Exhibition	
Report to Council on exhibition of Planning	
Proposal.	
S.59 Documents to DP&E & PCO.	
Approximate completion date	

DELEGATIONS

TO BE COMPLETED BY COUNCIL SHOULD THE PLANNING PROPOSAL PROCEED.

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REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



10.2 Planning Proposal to Rezone Land at 105-119 Bong Bong Road, Mittagong

Reference: PN1765390, 5901

Report Author: Senior Strategic Land Use Planner

Authoriser: Coordinator Strategic Land Use Planning

Link to Community

Strategic Plan: Identify and protect the unique characteristics of towns and

villages to retain a sense of place

PURPOSE

To consider a submission to amend Wingecarribee Local Environmental Plan (WLEP) 2010 to rezone land at 105-119 Bong Bong Road, Mittagong from RU2 Rural Landscape to principally R2 Low Density Residential with a minimum lot size ranging from 450m² to 1000m².

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

RECOMMENDATION

<u>THAT</u> the Planning Proposal to rezone land at 105-119 Bong Bong Road, Mittagong from RU2 Rural Landscape to primarily R2 Low Density Residential <u>NOT BE</u> SUPPORTED.

REPORT

BACKGROUND

A Planning Proposal was lodged with Council by Lee Environmental Planning requesting that Council consider an amendment to WLEP 2010 to rezone Lot 115 DP 1067955, being 105-119 Bong Bong Road, Mittagong. The property is known as "Willow Run". A copy of the Visual Assessment study referred to in this report is available for Councillor viewing in the Councillor Room in the Civic Centre. The proposal was assessed by Strategic Planning staff and discussed with Councillors at an Information Session on 14 March 2018.

REPORT

Proposal

The subject land comprises a single parcel, Lot 115 DP1067955, known as Willow Run, 105-119 Bong Bong Road Mittagong. The land covers an area of 36 hectares and is located opposite the Renwick Urban Release Area as indicated in **Figure 1** below.

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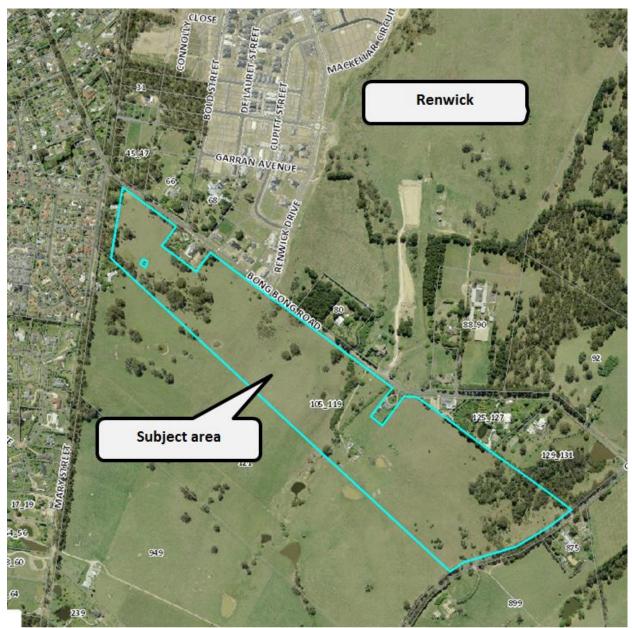


Figure 1

The land is zoned a combination of RU2 Rural Landscape and E3 Environmental Management, both with a minimum lot size of 40 hectares as indicated in **Figure 2** below.

The Planning Proposal initially seeks to rezone the RU2 Rural Landscape portion of the site and to subsequently apply a minimum lot size range from 450m² to 1000m².

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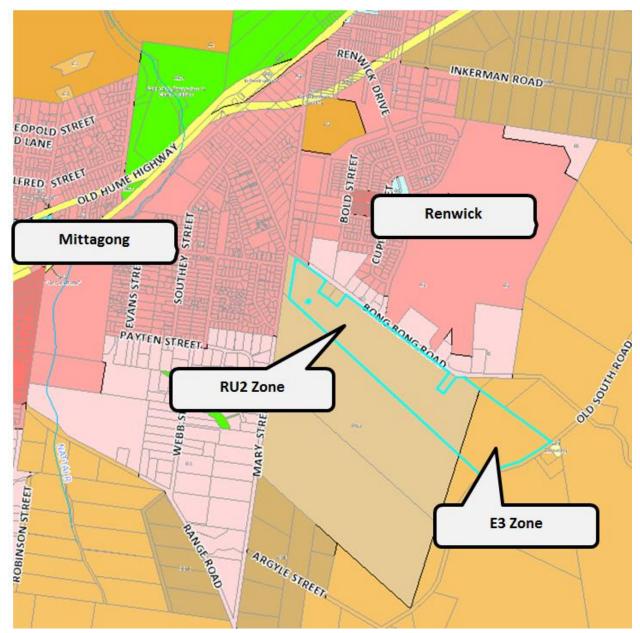


Figure 2

The proponent's Planning Proposal (page 12) states that:

"The change of zoning in this case is argued to provide Council with the best chance of achieving its strategic planning goals in providing additional housing opportunities across the Shire, including both infill and green field development opportunities. A large site, in one ownership with no environmental or townscape constraints, is the type of green field opportunity that Council must maximise if it is to achieve its stated aim. It is noted that Council's options across the Shire in this regard are limited."

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Strategic Assessment

The subject land is an Item of Local Heritage (I1193 – wells, barn and outbuildings) and part of a more extensive heritage precinct including Renwick and the Marist Brothers Centre to the east as indicated in **Figure 3** below.

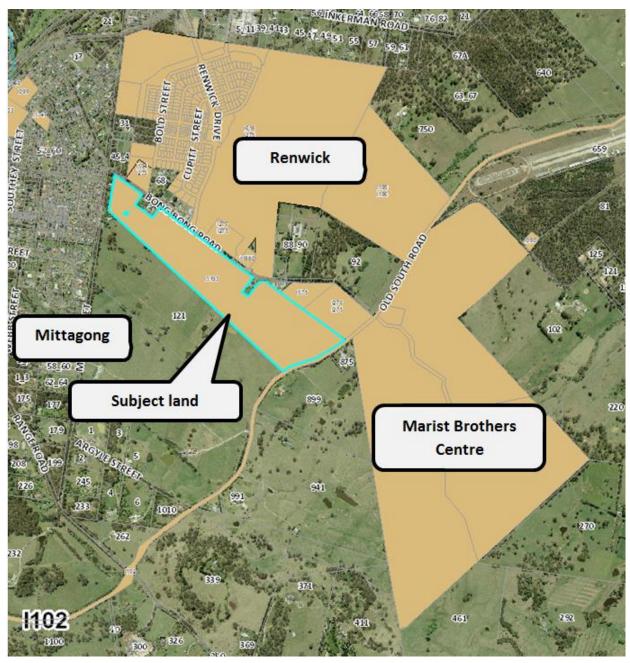


Figure 3

It is acknowledged that the heritage listing of the Renwick site relates to the silos on the site. Once the development of Renwick is completed, the heritage listing will be confined to the allotment containing the silos. Individual Items of Heritage on Bong Bong Road associated with Renwick, as indicated in **Figure 4**, will retain their heritage status.

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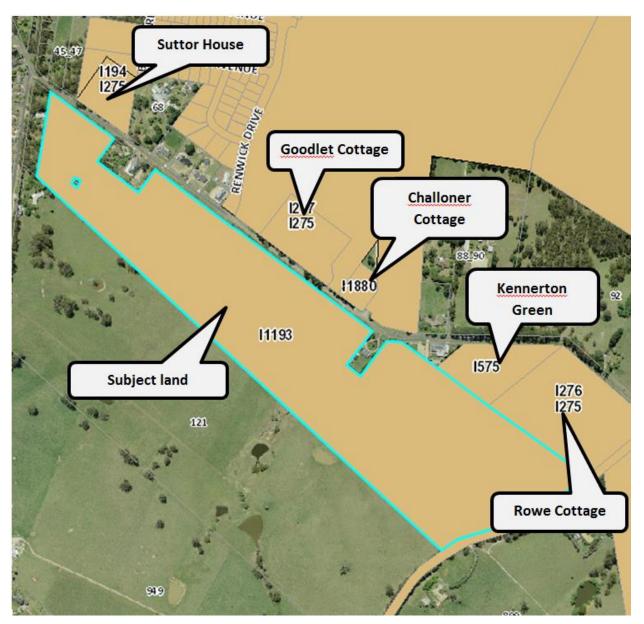


Figure 4

Although the aerial photograph indicates vegetation on the south west boundary, there is no mapped vegetation on this part of the site. There is Southern Highlands Shale Woodland on the adjacent property on the corner of Bong Bong Road and Mary Street and on the north east corner as indicated in **Figure 5** below.

Pockets of bushfire affectation are located on the subject land as indicated in **Figure 6** below.

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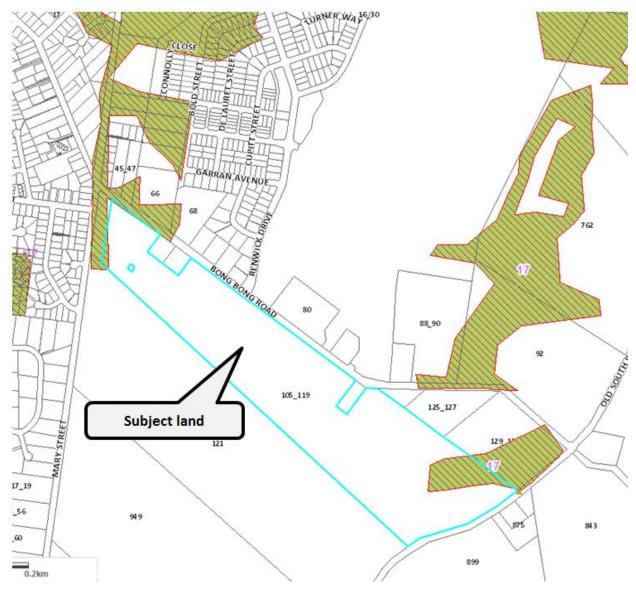


Figure 5

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Figure 6

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The land is also flood affected as indicated in **Figure 7** below.

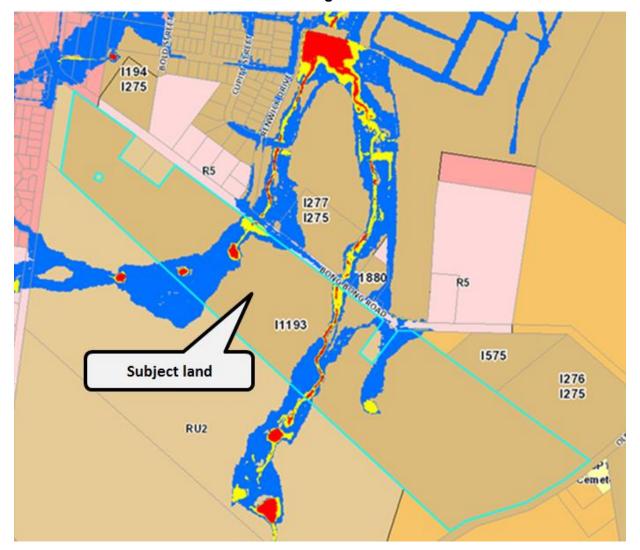


Figure 7

It is noted that the land was the subject of a rezoning request during the preparation of WLEP 2010. At that time Council determined that the extent of any development should be limited to the western section of the site only as indicated in **Figure 8** below.

The imposition of this restriction was due to the visual impacts which could result from more extensive development particularly given that the site is an Item of Local Heritage and located within a small heritage precinct as discussed above.

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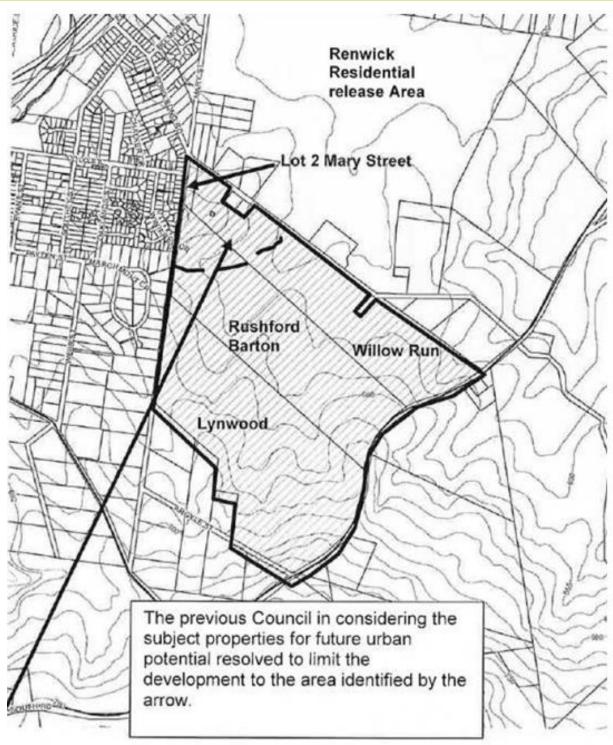


Figure 8

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The site was also considered along with three other adjoining sites during the preparation of the Wingecarribee Local Planning Strategy 2015-2031. At its Ordinary Meeting on 23 March 2016, Council resolved as follows:

<u>THAT</u> Lot 115 DP 1067955, 105-119 Bong Bong Road and Lot 1 DP 1140914, 21 Mary Street, Mittagong, and Lot 11 DP 1067256, 949 Old South Road <u>remain</u> zoned part RU2 Rural Landscape and part E3 Environmental Management with a minimum lot size of 40 hectares under WLEP 2010, and <u>THAT</u> the rezoning of Lot 2 DP 157625, 19 Mary Street, Mittagong to R5 Large Lot Residential with a minimum lot size of 4,000m2 <u>be supported</u> for inclusion in the Mittagong Precinct Plan of the adopted Wingecarribee Local Planning Strategy 2015-2031.

This resolution resulted in 'Lot 2 Mary Street', referenced in the diagram above, being included in the Mittagong Precinct Plan with Council supporting the rezoning of that lot to R5 Large Lot Residential with a minimum lot size of 4000m². No Planning Proposal to progress this resolution has yet been received by Council. The remaining lots, including the subject site were not supported for rezoning.

To address Council's concerns regarding potential visual impacts of the site, a Visual Assessment undertaken by Dr Richard Lamb accompanied the Planning Proposal. Extracts of key conclusions from this assessment follow:

"3.1 Visual Resources of Subject Land

The visual resources of the total Site are considered to include:

- 1. Open, grassy, undulating, rural character.
- 2. Limited areas of remnant or natural indigenous vegetation.
- 3. High visual exposure to Bong Bong Road.
- 4. Varied exposure and partial screening of view from Old South Road.

3.1.1 Open, grassy, undulating rural character

The Site is of similar intrinsic character and scenic quality to land currently undergoing urban conversion to residential use in Renwick. Land of a similar character is widespread in the vicinity and in Mittagong and the Wingecarribee LGA generally. Therefore, the resource of landscape of this character and quality would not be significantly reduced by conversion of the Site to the proposed use.

3.1.2 Limited areas of remnant or natural indigenous vegetation

The site is minimally vegetated overall, but contains two stands of vegetation of some scenic value. A group of scattered trees toward the north-west end of the site includes mature specimens that contribute to the scenic value of the site, prominent individuals of which could be retained in the future subdivision plan. A more substantial stand exists in the current E4 zoned land towards the south-east boundary or the site with Old South Road. This vegetation associated with a drainage line acts as a visual buffer to the majority of the frontage of the site to Old South Road, in way that has some similarity to the screening of the Renwick area from the road further north.

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3.2 Summary of potential for conserving visual resources

It is concluded that potential use of the land for residential uses is not intrinsically inconsistent with maintaining the visual resources of the Wingecarribee LGA. The majority of the land is of the same or similar character and scenic quality as adjacent residential zoned land and is of similar visual exposure. The visual impacts of conversion of the land, subject to appropriate subdivision planning and environment safeguards and design, would be compatible with the existing and desired future character of the land.

The conversion of the site to residential use would not lead to the perception of loss of the current rural break that occurs between Mittagong and Bowral, as viewed from Old South Road. The Site is long, with a narrow frontage to the Road, which is largely screened from view by vegetation (see discussion below). The long side of the site, while partly visible from Old South Road at elevated locations to the south of the site, would appear as no more than a marginal infill between existing residential areas to the west and north. When completed and occupied by residential development, the change would be minor and would not significantly alter the resource of rural and scenic landscape in the locality.

In our opinion, use of the subject Site along the lines in the Planning Proposal would not be antithetical to achieving the above objectives in the adjacent and existing E3 zone. The land proposed for rezoning if developed for residential uses would adequately protect the cultural and aesthetic values of the adjacent land."

Council is not convinced that visual assessment report provides a sufficiently strong endorsement to address Council's concerns that the development of the site would result in adverse visual impacts.

These concerns, together with the heritage value of the site and its flood potential, confirm Council's assessment that development should be limited to that area originally identified, being north west of the identified flood prone land on the site.

An indication of the maximum area which might be considered for rezoning, within the context of mapped flood liable land, is provided in **Figure 9** below. However, any proposal to rezone only a portion of the site should be accompanied by a flood study to support the proposal.

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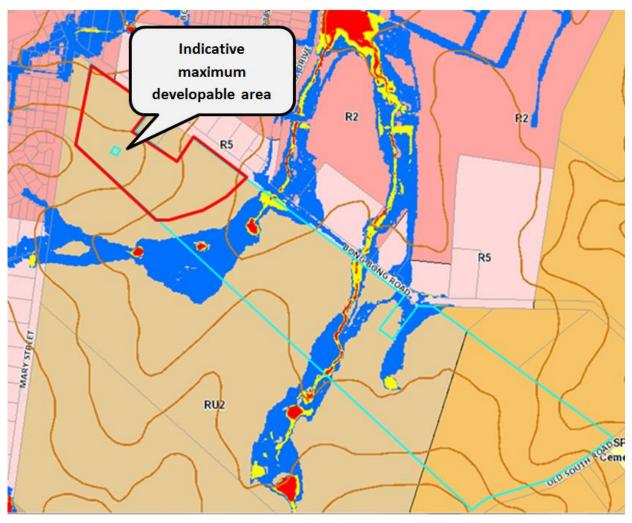


Figure 9

Recommendation

In view of the above assessment, it is recommended that the Proposal <u>NOT BE SUPPORTED</u>.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

There are no implications for Council's Fit for the Future Improvement Plan resulting from this report.

COMMUNICATION AND CONSULTATION

Community Engagement

No community engagement would occur if the recommendation to the report is supported. If the submission is supported by Council a Planning Proposal would be prepared and lodged with the Department of Planning & Environment for a Gateway Determination. Community consultation would then occur in accordance with the Gateway requirements.

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Internal Communication and Consultation

Consultation with Heritage staff was undertaken as part of the strategic assessment of the proposal.

External Communication and Consultation

No external consultation would occur if the recommendation to the report is supported. However, if the submission is supported by Council it would be externally referred to relevant agencies for comment as required by the Gateway Determination.

SUSTAINABILITY ASSESSMENT

Environment

If the recommendation to the report is supported there are no environmental issues in relation to this report. However, if Council supports the proposal, adverse environmental impacts from residential development of the land could occur due to its flood potential.

Social

There are no social issues in relation to this report.

Broader Economic Implications

There are no broader economic implications in relation to this report.

Culture

If the recommendation to the report is supported there are no cultural issues. However, if Council supports the proposal, adverse cultural impacts from residential development of the land could occur due to its heritage status within a small heritage precinct.

Governance

The submission has been considered in accordance with guidelines provided by the Department of Planning & Environment.

COUNCIL BUDGET IMPLICATIONS

There are no budget implications associated with this report.

RELATED COUNCIL POLICY

There are no other Council related policies.

OPTIONS

The options available to Council are:

Option 1

Support the recommendation to this report to not rezone the land.

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Option 2

Not support the recommendation to this report.

Option 1 is the recommended option to this report.

CONCLUSION

The Planning Proposal has been assessed and a recommendation made based on the content and intended outcome of the proposal. Council has consistently maintained its position of supporting development of only a portion of the site.

ATTACHMENTS

1. Planning Proposal submission 105-109 Bong Bong Road Mittagong

ATTACHMENT 1 Planning Proposal submission 105-109 Bong Bong Road Mittagong



ATTACHMENT 1

Office Use Only

Date
Received

Receipt
of Fees

Property
Number

Planning Proposal Submission

Planning Proposal to amend the Zoning map and the minimum Lot size Map under the Wingecarribee Local Environmental Plan 2010 for land known as Willow Run, at Bong Bong Road, Mittagong

Version 1 – For Council Assessment & Determination – Date: October 2017

Submitted by: Lee Environmental Planning on behalf of Willow Run Developments Pty Limited

Please deliver to Wingecarribee Shire Council:

- By hand to Customer Service Centre, Elizabeth Street, Moss Vale NSW 2577,
- By mail to Po Box 141 Moss Vale NSW 2577,
- By email to <u>wscmail@wsc.nsw.gov.au</u>

For further information contact Council's Strategic Planning Branch on 02 4868 0888



www.wsc.nsw.go

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10.2 Planning Proposal to Rezone Land at 105-119 Bong Bong Road, Mittagong

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PLANNING PROPOSAL TO amend zoning and minimum lot size maps for land at Bong Bong Road,

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ATTACHMENTS WHICH FORM PART OF THIS PLANNING PROPOSAL

	Planning Proposal to amend the Zoning Map and Minimum Lot Size Map for land	
	at Bong Bong Road, Mittagong	
Views Assessment report prepared by Richard Lamb & Associates		
	Political Donations Declaration Form	

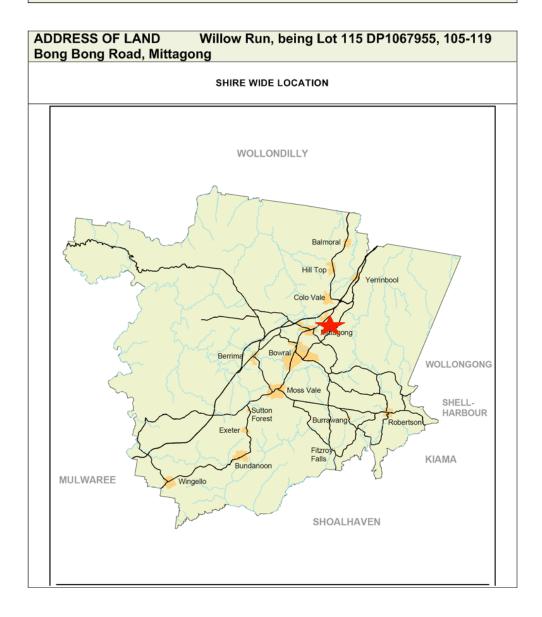
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LOCAL GOVERNMENT AREA: WINGECARRIBEE SHIRE COUNCIL



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SITE LOCATION & DESCRIPTION

The site is made up of one large parcel, legally described as Lot 115 DP1067955 with a street address of 105-119 Bong Bong Road, Mittagong. The property is known as Willow Run.

The total site area is approximately 36 hectares.

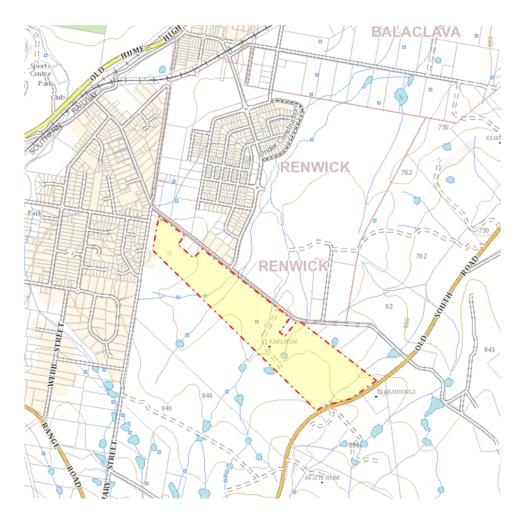


Figure 1: Locality plan (Source Sixmaps)

The site is a long rectangular shape running generally on an east west alignment between Mary Street to the west and Old South Road to the east. It has a length of approximately 1300 metres and a depth of approximately 260 metres.

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Figure 2: Aerial view of site (Source: Sixmaps)

There is some remnant native vegetation towards the north west corner towards Mary Street and at the north east corner along the Old South Road frontage to the site. Apart from those two areas, the site is predominately open grazing land with one older farm house but very few other improvements. The land has a combination of Class 3 and Class 4 agricultural land classification meaning that it is suitable for some pasture improvement and limited grazing.

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The topography is gently undulating with moderate slopes rising both to the east and the west from an obvious low point towards the centre of the site almost directly opposite the intersection of Bong Bong Road and Renwick Drive. The adjoining land to the south is steeper the further south it extends.

Natural drainage channels from the catchment of the higher ground continue in a northerly direction across the site and into the Renwick precinct on the opposite side of Bong Bong Road. Major storm water works are evident within Renwick.

The site is currently within both the RU2 Rural Landscape and E3 Environmental Management zones under Wingecarribee Local Environmental Plan 2010. Refer to Figure 3. The Minimum Lot Size Map for this locality shows a 40 hectare minimum standard for subdivision of the land in either zone.

Figure 3, the zoning map, also highlights the sites proximity to other residential land. The site is less than 2 kilometres east of the Mittagong town centre and just 1.5 kilometres from the Old Hume Highway. Notably, the site is directly opposite the Renwick urban development precinct that has been developing over the past 5 years and is now rapidly approaching the release of the final stages of development. At the western end of the site are the more established residential areas of Mary Street and Colo Street.

The site cannot be considered as an isolated or fringe rural locality.

The site is listed within Schedule 5 of WLEP2010 as a local item of heritage significance as I1193 – Willow Run wells, barn and outbuildings. The barn has not been present on the site for some years having become unsafe and falling into a state of dilapidation. This heritage listing should not be considered significant to the assessment of the Planning Proposal but if a Gateway Determination were to be made in favour of the rezoning, then incorporating the heritage aspects of the property into any future development scheme would be necessary. The development of Renwick is a case in point where there were a number of local items within the Renwick site as well as adjoining the site, all of which have been successfully integrated into the broader development scheme without detriment to their heritage value.

The site has been the subject of previous consideration, including in 2007 and 2009, with the most recent occasion being in Council's deliberations of its Draft Local Planning Strategy in March 2016. At that time, the site was one of four land holdings considered in one planning report. The resolution arising from the Council meeting was as follows:

 Lot 115 DP 1067955, 105-119 Bong Bong Road and Lot 1 DP 1140914, 21 Mary Street, Mittagong, and Lot 11 DP 1067256, 949 Old South Road remain zoned part RU2 Rural Landscape and part E3 Environmental Management with a minimum lot size of 40 hectares under WLEP 2010 and THAT the rezoning of Lot 2 DP 157625, 19 Mary Street, Mittagong to R5 Large Lot Residential with a minimum lot size of 4,000m2 be supported for inclusion in the Mittagong Precinct Plan of the adopted Wingecarribee Local Planning Strategy 2015-2031.

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The parcels were described in terms of Site 1, Site 2, Site 3 and Site 4. In addition to the subject site, Willow Run Lot 115 DP1067955 that was described as Site 2, the two immediately adjoining land parcels to the south were considered (Sites 3 and 4). It is clear from the site analysis and planning assessment presented to the Council meeting of 23 March 2016 that many of the concerns raised by Council related primarily to the topography and increased visual prominence of the land to the south far more so than to Willow Run.

The report raised concerns about the presence of Endangered Ecological Community on the majority of Site 1. This was not a major factor for Willow Run with the possible exception of the far eastern end of the site that under this Proposal would remain within the E3 Environmental Management zone.

The report placed significant weight upon previous consideration of perceived visual impact of developing the land south of Bong Bong Road (Sites 2, 3 and 4) and referred to the relative height difference between the lower slopes (Site 2 Willow Run) and the upper slopes, specifically Site 4 and to a lesser extent Site 3. Overall there is a height difference of approximately 90 metres from Bong Bong Road to the upper levels of Site 4. The report stated:

"The subject site slopes from 630 (AHD) at Bong Bing Road to 720 (AHD) up towards the intersection of Old South Road and Argyle Street (at the top of the RU4 zoning). This is an increase in altitude of 90 metres. The elevation of the slope therefore has a visual prominence on the prominent and iconic feature of the Southern Highlands landscape.

The presence of dwelling houses on hill sides that can be viewed from a considerable distance will have a visual impact on the landscape setting of the Shire. The lower levels of the site (at around 630AHD) will have a lesser impact on the setting as these areas would not be visible to the observer. This is the reason an amendment to the development potential of land on a limited portion of the lower slopes is supported."

At the time of adopting the Local Planning Strategy, any change to Willow Run was rejected. It is clear from the report at that time that concern over potential visual impact was a major consideration and was the primary justification for that decision.

A reconsideration of the merits of Willow Run is now considered to be reasonable.

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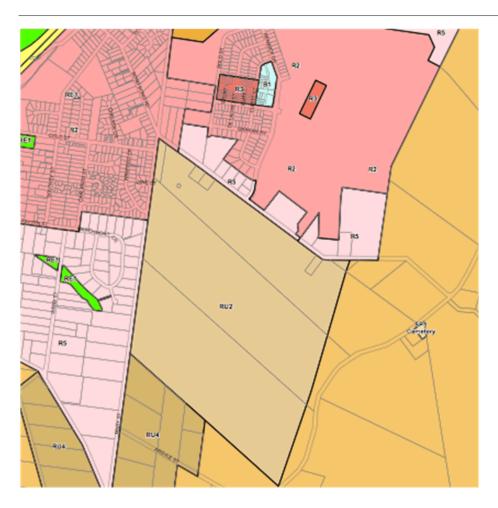


Figure 3 Extract from zoning Maps of WLEP2010 showing the Site and its context with residential development adjoining and the extent of the eastern portion of the site within the E3 Environmental zone, the majority of which will be retained within that zone.

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PART 1: OBJECTIVES OR INTENDED OUTCOMES

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

- The objective is to initially amend the Land Zoning Map of WLEP2010 so that the land becomes a combination of R2 Low Density Residential and E3 Environmental Management that better reflects the sites context and capacity.
- In due course and as a result of more detailed analysis, to then overlay a suitable minimum lot size on the Lot Size Maps, ranging from 450 square metres to 1000 square metres for the R2 Low Density zone and retain the 40 hectare minimum for the E3 Environmental Management zone portion
- The outcome of the Planning Proposal will be the ability to subdivide the land in accordance with the amended minimum lot size for the site, in a subdivision pattern that is suitable for the circumstances of the land, compatible with adjoining development and supportive of Council's shire housing strategy that relies in part on the identification and development of 'green field' housing opportunities.

With approximately 29 hectares of developable residential land proposed, a total yield could range between 250-350 lots dependant upon the final urban design phase of planning. At this stage a proposed development/subdivision plan has not been presented. This was not considered to be necessary at this stage, a view shared by planning staff in a pre lodgement meeting held on 23 June 2017. It was agreed at that meeting however that potential visual impact and encroachment into the rural landscape was the primary concern and would to a large degree inform the initial deliberations on this site. As noted previously, this issue has been at the centre of Council's previous decisions with respect to this locality.

It was agreed that unless it was possible to allay concerns around the issue of visual intrusion into the landscape, then the Planning Proposal would fall at the first hurdle. Therefore to assist in demonstrating the suitability of the site from a visual impact perspective, a Views Assessment report prepared by Richard Lamb and Associates has been submitted in support of the Planning Proposal. The findings and implications of this Study are discussed in the following sections of this Planning Proposal.

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PART 2: EXPLANATION OF THE PROVISIONS

The preferred amendment to the WLEP2010 and the one being proposed in this submission is to change the current zoning of the subject site with a consequential change to the minimum lot size maps.

This would result in the zoning of the majority of the land, approximately 29 hectares, changing from its current designation of RU2 Rural Landscape to R2 Low Density Residential. Refer to Figure 4 which is an extract from the Lamb report on visual impact that shows the proposed zone boundaries.

This would necessitate a change to the minimum lot size maps for the residential part of the site to show a range of 450 square metres to 1000 square metre lot sizes. A Lot Size Map has not yet been prepared, but would be prepared if the Planning Proposal was to proceed through the Gateway. At the eastern end of the site, the area of the site that is within the E3 Environmental Management zone boundary would be marginally reduced in accordance with the findings of the view assessment report. Approximately 7 hectares, from the existing 10 hectares, would remain within the E3 zone, sufficient to conserve existing native remnant vegetation and provide the required visual buffer so that the residential development was not viewed from vantage points along Old South Road.

This is considered to be the most efficient way to give effect to the stated objectives and intended outcomes of the Planning Proposal.

Should this initial Planning Proposal be favoured, then the potential minimum lot sizes ranging from 450sqm to 1000 sqm will allow a subdivision of the site, subject to the lodgement of a Development Application. Prior to that Development Application and prior to any final change to zoning and subdivision standards, more detailed analysis of the opportunities and constraints of the land would be undertaken. This would involve all of the usual considerations of infrastructure, ecology, stormwater, bushfire, open space and of course, connectivity with surrounding residential areas, Renwick in particular. All of these considerations would inform the ultimate configuration and capacity of the land for subdivision, but there are no specific or apparent issues that would preclude reasonable development of the land. The Gateway process for Planning Proposals envisages this type of approach and a Gateway determination in favour of the Proposal can ensure appropriate studies are completed.

A change to the zoning and consequential change to the minimum lot size is considered the preferred amendment because the R2 Low Density Residential zoning of the land is considered to be the most suitable and appropriate zoning for the majority of the land. As previously identified by Council in its earlier deliberations, the lower slopes occupied by Willow Run are not visually prominent in the way the land further to the south is and therefore, while the land has a history of rural use, it is not visually prominent to the extent that it demands the rural 'landscape' designation of the existing RU2 zone.

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With the retention of the E3 Environmental Management zoning of the land at the eastern extremity of the site, the potential visual impact is avoided by quarantining any future development of this component of the site and restricting development upon the land that can only be viewed from other existing residential areas. This claim is supported by the Lamb report.

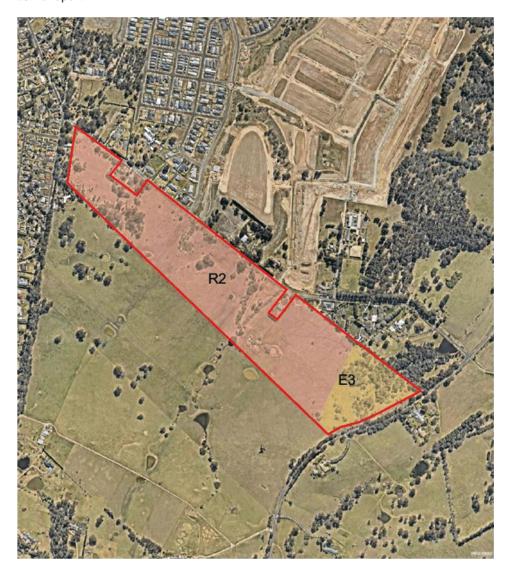


Figure 4: Proposed new zone boundaries (Source: Visual Assessment report prepared by Richard Lamb and Associates)

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PART 3: JUSTIFICATION OF OBJECTIVES, OUTCOMES & PROCESS

Section A - Need for the Planning Proposal

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

It is considered that the Planning Proposal has a particular basis in and a connection to, Council's adoption of the Local Planning Strategy 2015 -2031 (adopted 23 March 2016) and supports its ongoing commitment to Chapter Four of that Strategy dealing with Population and Housing.

While the circumstances of the land in this case are site specific, a change to the land zoning and minimum lot size can assist in and have a bearing upon, the strategic decision making of Council. The Planning Proposal can address a set of circumstances that have come about from previous land use decisions of Council, including the support of the Renwick residential development that has transformed this locality into a connected and desirable residential precinct rather than a rural outskirt.

The Planning Proposal is made on the basis of the need for Council to consistently review its position in relation to land availability from a long term strategic perspective.

The change of zoning in this case is argued to provide Council with the best chance of achieving its strategic planning goals of providing additional housing opportunities across the Shire, including both infill and green field development opportunities. A large site, in one ownership with no environmental or townscape constraints, is the type of greenfield opportunity that Council must maximise if it is to achieve its stated aim. It is noted that Council's options across the Shire in this regard are limited.

It is also noted that the provision of such opportunities tends to be cyclical. Following the planning and release of East Bowral in the late 1990's and early 2000's there was a hiatus in longer term strategic decisions and land supply was all but exhausted by 2005. Starting with Renwick, over the past 10 years Council has made strategic decisions on a range of new residential land release opportunities – Renwick at Mittagong, Nattai Ponds at Braemar, Retford Park in Bowral and Darraby at Moss Vale. All of these have proven to be important additions to the availability of housing land across the Shire, complementing modest growth in the infill opportunities presented within existing towns and villages.

All of these residential release areas have also demonstrated the high latent demand for housing and as a result have quickly been exhausted once they have come to market. As a consequence Council finds themselves in a situation similar to that of circa 2005, with strong demand unable to be matched by available housing options. This situation has been recognised at State government level, hence the decision by the Department of Planning not to accept Chapter 4 of the Council adopted Local Planning Strategy and instead request Council review that Chapter in order to better address the obvious need in housing and land availability.

It is in this context that this Planning Proposal is put forward as a way to address a situation that is of high priority and of important consequence. Therefore while it could be

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argued that the Proposal is not strictly in accordance with the current Planning Strategy of Council, it is clearly in accordance with the strategic necessity of Council.

Previous background analysis of the housing and demographic makeup of the Shire, including the strategic report prepared by SGS Economics and Planning in 2012, clearly identify the need for housing opportunity, including in Mittagong that was identified as an area for greenfield development.

Since that time, strong demand has been demonstrated well in excess of earlier historical levels and pressure continues to be strong from the continued growth of the broader Sydney metropolitan area as it moves towards the stated targets of 8 million residents. Put simply it is inconceivable that Wingecarribee Shire will be outside of the influence of such growth and it is therefore incumbent upon Council to acknowledge and plan for additional housing.

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

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

It is not possible to achieve the objectives and outcomes without a Planning Proposal. Council could not accept, nor support a Development Application for the subdivision of the land without such a Proposal being first assessed and supported.

The Planning Proposal process as currently constituted, is designed to enable initial overview of potential planning changes to be discussed with a focus on threshold questions prior to more detailed analysis being required of the practical or specific outcomes. More detailed work on design and services etc. can and in this case would be required as part of any initial Gateway determination. This would include the urban design analysis that would lead to the final recommendations of lot layout, size and yield, all informed by the engineering and environmental capacity assessments of the site.

In this case, the threshold questions could be framed in the following way:

- · is there a need for additional housing opportunity in the Shire?
- is the site a logical location in the context of surrounding development and does it lend itself to integration (services, infrastructure, access) with existing development?
- · are there any insurmountable environmental constraints?
- and finally, specific to this location, would development result in adverse visual impacts on a significant and sensitive scenic rural location?

Given the above and the previous comments made, the answers to these threshold questions lead to the conclusion that the submitted Planning Proposal requesting an amendment to the land zoning maps and consequentially the minimum lot size maps, is clearly the best and most appropriate means of achieving both the land owners and Council's strategic objectives and intended outcomes.

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There can be no doubt that additional housing opportunities are required within the Shire. This is the case now and bearing in mind the time frames involved in the course of a Planning Proposal, Development Application and construction process, it is conservatively estimated that it would be possibly 5 years before residential lots were available.

With its proximity to Renwick and other existing residential development to the west, the site is an obvious extension of existing residential development and of future residential opportunity.

Integration in terms of traffic movements, drainage, sewer and open space are all readily achievable. Importantly, the retention of the E3 Environmental Management zone at the eastern extremity of the site acts as the limit to development to avoid the concern of gradual and continuous "urban creep". Similarly and as already highlighted by previous Council consideration, the steeper topography of the land to the south will determine a natural extent to development.

The site is not environmentally constrained to the extent that residential development could not be achieved. It is mainly cleared grazing land with the remaining remnant native vegetation being contained within the area to be retained under the environmental zoning. Although there are some Category 3 streams traversing the site, generally requiring 10 metre setbacks from development, these are not so sensitive as to preclude development on the land.

Finally, the critical issue of visual impact raised by Council in its initial consideration of this locality and again by planning staff more recently, has been addressed in the detailed View Assessment report prepared by Richard Lamb and Associates.

The Lamb report concludes that the 'visual effects of the conversion of the land to residential uses would not result in the loss of a significant resource of rural land, significant impacts on rural character, or loss of the sense of a rural break between Mittagong and Bowral as seen from Old South Road'.

This acknowledges the benefits of retaining the eastern portion of the site within the E3 Environmental Management zone. This would 'in part acts as a visual buffer to view of residential land from Old South Road..."

Further, the retention of a proportion of the site of the existing buffer "and augmentation of the effects of this, by means of additional planting adjacent to the boundaries of the Site, is considered a sensitive and appropriate response, which would comply with the objectives, while allowing an orderly and logical development of the Site for residential uses."

At the Planning Proposal stage, the task is to judge the planning context and planning logic of a particular land use proposition rather than become immersed in the detailed assessment that is the role of a Development Application. Based on the fundamental questions of demand, context, integration and visual impact, the proposition of utilising the site for residential purposes is sound and can be supported. Supporting the Planning Proposal is consistent with Council's strategic planning options and obligations.

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Section B – Relationship to strategic planning framework

3 Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including draft strategies)?

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

In broad terms, the Strategy seeks to cater for continued growth within the region, without impacting adversely upon the character of the region. This Planning Proposal achieves this by providing an additional opportunity for residential development which would be at a final yield, yet to be determined, but at a density that would be achievable upon the subject land, with such development being consistent with the character of the locality, being immediately opposite residential development at Renwick and within the capacity of the land to accommodate development.

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

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

Housing affordability is currently a major and serious issue of concern. There are various issues that play into housing affordability, however the supply of land and housing is critical in that equation. As mentioned earlier, decisions made today in relation to future development opportunity may have lead in times of up to 5 years so it is imperative that decisions relating to the objectives and outcomes of the Regional Plan not be delayed.

Direction 25 of the Strategy Focus is for housing growth in locations that maximise infrastructure and services in particular to achieve sustainable urban outcomes that do not undermine existing strategic and local centres. The sites proximity to Renwick is ideal in the opportunity it provides to leverage off infrastructure and services already introduced or embellished in this locality, while at the same time being close enough to Mittagong to encourage the use of all existing services that it has to offer.

Direction 27 is to deliver more opportunities for affordable housing which this Planning Proposal can achieve through a range of lot sizes, just as has been experienced within the Renwick precinct.

The strategies broad aim of protecting the sensitive elements of the natural environment is not endangered by this Planning Proposal. As noted, the site is not highly sensitive, but those parts of the site that contain remnant native vegetation will be either safeguarded within the retained E3 Environmental Management zone or accommodated within future detailed subdivision layouts. From a visual impact perspective, the sites sensitivity has been well considered in the Lamb report.

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10.2 Planning Proposal to Rezone Land at 105-119 Bong Bong Road, Mittagong

ATTACHMENT 1 Planning Proposal submission 105-109 Bong Bong Road Mittagong



PLANNING PROPOSAL TO amend zoning and minimum lot size maps for land at Bong Bong Road,

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

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

Within the local strategy a key issue that relates to residential development is that of new green field development. The Planning Proposal will increase residential opportunity through rezoning rural land with the final density to be determined with a minimum lot size of 450sqm ranging up to potentially 1000sqm lots.

Therefore, it is considered that this Planning Proposal has some strategic planning implications in the sense that it will assist in attaining the strategic goals of Council as they relate to housing provision across the Shire. Council has obligations in this regard and this Planning Proposal would go some of the way to fulfilling those obligations.

At this stage it is difficult to assess and/or compare the strategic merits of the site in comparison with other potential sites because Council has not been able to provide any alternative sites for scrutiny, at least not in the public forum. Such work may be a task being undertaken by Council's Demographic and Housing Advisory Committee.

However, at this stage the only potential release area identified with any status is that land commonly known as Chelsea Gardens/Commungie at Moss Vale, the responsibility for which has recently been assumed by the Department of Planning. While this may, if it proceeds, present as some tangible source of housing supply, it cannot and should not be considered as the sole solution.

It has been recognised by the Demographic and Housing Advisory Committee that the total Southern Highlands housing market works with numerous sub markets based on various factors including location. Chelsea Gardens is some 16 kilometres to the south of the subject site and a land release in Moss Vale will do very little to quell the demand for additional housing in the northern part of the Shire.

A comprehensive housing strategy must cater for sub markets within the Shire and this must include options at the northern end of the Shire with easy access to the Hume Highway.

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

There are no directly applicable State Planning Policies that would be contravened by this Planning Proposal. The following table lists all of the State Planning Policies and where necessary has made relevant comment, although many are are simply listed as Non Applicable

State Environmental Planning Policy	Relevance to Planning Proposal
No.1 Development Standards	No longer relevant due to Clause 4.6 of WLEP2010 being the mechanism for the consideration variations to development standards
No.14 Coastal Wetlands	Does not apply to the subject site
No.19 Bushland in Urban Areas	Does not apply to the subject site
No.21 Caravan Parks	Potentially applicable to future development at Development Application stage, however it is noted that caravan parks are not permissible in either of the proposed zones – R2 Low Density Residential or E3 Environmental Management
No.26 Littoral Rainforests	Does not apply to the subject site
No.30 Intensive Agriculture	Potentially applicable to future development at Development Application stage, however it is noted that the development types covered by the Policy are not permissible in either of the proposed zones – R2 Low Density Residential or E3 Environmental Management
No.33 Hazardous and Offensive Development	Potentially applicable to future development at Development Application stage, however it is noted that industries of the type covered by the Policy are not permissible in either of the proposed zones – R2 Low Density Residential or E3 Environmental Management
No.36 Manufactured Home Estates	This Policy applies to land within Wingecarribee Shire. However it is noted that caravan parks are not permissible in either of the proposed zones – R2 Low Density Residential or E3 Environmental Management and therefore manufactured home estates will not be permissible
No.44 Koala Habitat Protection	This Policy applies to land within the Wingecarribee Shire. However the Policy requires Council to be satisfied of certain

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No. 47 Magra Dark Shawarayan	matters prior to issuing consent to Development Applications, not Planning Proposals. Clause 16 does allow for the preparation of local environmental studies, which could be required as part of any Gateway determination. However, in this case, the subject land does not contain potential koala habitat and is not core koala habitat so the likely need for such a study is negligible.
No. 47 Moore Park Showground	Does not apply to the subject site
No.50 Canal Estate Development	Does not apply to the subject site
No.52 Farm Dams and Other Works in Land and Water Management Plan Areas	Does not apply to the subject site
No.55 Remediation of Land	This Policy applies to land within the Wingecarribee Shire. Clause 6 requires the planning authority to consider whether the land is contaminated and/or whether the land can be made suitable for purpose. The land is not within a class of land identified within Clause 6 subclause (4) and there is nothing in the history of the site to suggest that land contamination will be present. Initial contamination assessments can be required either as part of a Gateway determination or as part of subsequent Development Applications.
No. 62 Sustainable Aquaculture	Not applicable to the form of development permissible within the proposed zones
No.64 Advertising and Signage	This policy applies to land within the Wingecarribee Shire. However, the provisions relate to the assessment of Development Applications and can be properly administered if relevant applications are made in the future.
No.65 Design Quality of Residential Apartment Development	This Policy applies to land within Wingecarribee Shire. However it is noted that residential flat buildings and others covered by the policy are not permissible in either of the proposed zones – R2 Low Density Residential or E3 Environmental Management.
No.70 Affordable Housing (Revised Schemes)	Does not apply to the subject site
No.71 Coastal Protection	Does not apply to the subject site
Affordable Rental Housing 2009	This Policy applies to land within Wingecarribee Shire. It may have some applicability to the land within the proposed R2 Low Density Residential zone. The PP is not inconsistent with the Policy and any

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	relevant Development Application lodged
	can be assessed against the Policy if that
Building Sustainability Indov. Book 2004	development seeks to rely upon the Policy
Building Sustainability Index: Basix 2004	Related to the development/building phase
Educational Establishments and Child Care Facilities 2017	This Policy applies to land within
Facilities 2017	Wingecarribee Shire. However, the Policy is focused on the development application
	process. The proposed R2 Low Density
	Residential zone is a prescribed zone for
	the purposes of the Policy which will
	enable certain development to proceed,
	with or without consent. The E3
	Environmental management zone is not a
	prescribed zone.
Exempt and Complying Development	This Policy applies to land within
Codes 2008	Wingecarribee Shire and will be applicable
	in the usual way
Housing for Seniors or People with a	This Policy applies to land within
Disability 2004	Wingecarribee Shire. The PP is not
	inconsistent with the Policy. The R2 Low
	Density zone would be considered as land
	zoned primarily for urban purposes and seniors housing will be permissible under
	the Policy, as it is under WLEP2010. The
	E3 zone does not allow seniors housing
	however, a site compatibility certificate
	could be requested on the basis of this
	land being adjoining land zoned primarily
	for urban purposes.
Infrastructure 2007	This Policy applies to land within
	Wingecarribee Shire. However it is focused
	upon the development application phase. A
	subdivision of the land within the proposed
	R2 Low Density zone may be of a scale to trigger referral to the RMS as Traffic
	Generating Development (more than 200
	lots under Clause 104 Schedule 3). A
	Gateway determination may require more
	detailed assessment as part of the formal
	exhibition process or the matter could be
	dealt with as part of the Development
	Application process. The PP is not
	inconsistent with the Policy.
Integration and Repeals 2016	Does not apply to the subject site
Kosciuszko national Park - Alpine Resorts 2007	Does not apply to the subject site
Kurnell Peninsula 1989	Does not apply to the subject site
Mining, Petroleum Production and	This Policy applies to land within
Extractive Industries 2007	Wingecarribee Shire. However it does not contain provisions that require any specific

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	provisions within PPs. The policy is focused on the Development Application phase
Miscellaneous Consent Provisions 2007	This Policy applies to land within Wingecarribee Shire however has no particular relevance to this PP
Penrith Lakes Scheme 1989	Does not apply to the subject site
Rural Lands 2008	This Policy applies to land within Wingecarribee Shire. The land is not State Significant agricultural land. Under section 117 of the Act, the Minister has directed that councils exercise their functions relating to local environmental plans in accordance with the Rural Planning Principles. In regard to the principles it should be noted that the land is not high class agricultural land, it is not a significant contributor to the rural economy of the Shire, there is a need for additional housing opportunities that are well located and will not have adverse environmental impacts and the provision of additional housing opportunities is consistent with the applicable regional strategy.
State and Regional Development 2011	This Policy applies to land within Wingecarribee Shire however the PP does not involve land or a scale of development that is relevant to the Policy
State Significant Precincts 2005	This Policy applies to land within Wingecarribee Shire however the PP does not involve land or a scale of development that is relevant to the Policy
Sydney Drinking Water Catchment 2011	The Wingecarribee Shire is within the area covered by the Policy. The key purpose of the Policy is to ensure water quality impacts are properly assessed as part of development proposals. Any Gateway determination could require further more detailed water quality assessment to be part of the formal exhibition process or such assessment could be held over until the development application phase. The PP is not inconsistent with the Policy and there is no reason to suspect that future residential development cannot satisfy the NorBE test under the Policy
Sydney Region Growth Centres 2006	Does not apply to the subject site
Three Ports 2013 Urban Renewal 2010	Does not apply to the subject site Does not apply to the subject site

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Vegetation in Non-Rural Areas 2017	Does not apply to the subject site
Western Sydney Employment Area 2009	Does not apply to the subject site
Western Sydney Parklands	Does not apply to the subject site

6. Is the Planning Proposal consistent with applicable Section 117 Directions?

Direction	Assessment
1. Employment and Resources	
1.1 Business and Industrial Zones	NA
1.2 Rural Zones	The objective of this Direction is to protect the agricultural production value of rural land. The Direction, as it applies to Wingecarribee Shire, says that a planning proposal must not rezone land from a rural to a residential zone. However, the Direction can be varied. In this case, the rural land is not of a high class of agricultural land, it is currently not used and has not been extensively utilised in the past for high grade agricultural purposes. The site area involved is minor. Further, the Regional Strategy, that requires the Shire to provide additional housing opportunities can only ultimately be realised with some loss of rural land. It is considered that there are reasonable grounds to vary the Direction in this case.
Mining, Petroleum Production and Extractive Industries	NA
1.4 Oyster Aquaculture	NA
1.5 Rural Lands	NA to Wingecarribee Shire
2. Environment and Heritage	
2.1 Environment Protection Zones	NA. Part of the site is within the E3 Environmental Management zone, but this zone is not designed for environmental protection. In any event, the majority of the land within this zone will be retained within this zone under the planning proposal.
2.2 Coastal Protection	NA
2.3 Heritage Conservation	The land is a listed item of heritage within Schedule 5 of the WLEP2010 and in immediate proximity to other listed items. It is not within any Heritage Conservation Area. The nature of the listing is such that should the PP be supported, subsequent

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	residential development can be designed in such a way as to be sensitive to the heritage values of the site and its neighbours. This extends to the potential for aboriginal objects, places or landscapes.
2.4 Recreation Vehicle Areas	NA
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones 3.2 Caravan Parks and Manufactured Home	The Planning Proposal is supportive of this Direction in the way it would encourage a variety of housing choice for future housing needs, make efficient use of infrastructure that is directly opposite within Renwick and would have minimal impact on the environment. It seeks to change the zoning of land to facilitate residential development in a manner that can address all relevant urban design criteria thus ensuring the final built form will deliver a high level of amenity. This is not inconsistent with the Direction.
Estates	177
3.3 Home Occupations	NA
3.4 Integrating Land Use and Transport	The PP is consistent with this Direction in providing additional residential opportunity that will further strengthen the proposed Renwick village and community centre as well as being able to access the more recently introduced bus service through Renwick and along Bong Bong Road.
3.5 Development Near Licensed Aerodromes	The Mittagong Aerodrome is in proximity, with the south western end of the runway being approximately 2 kilometres from the site. If deemed necessary, more detailed assessment can be undertaken but on the basis that development at Renwick is closer and has not been unduly restricted by the aerodrome, it is unlikely that the provisions of this Direction cannot be satisfied.
3.6 Shooting Ranges	NA
4. Hazard and Risk	
4.1 Acid Sulfate Soils	NA
4.2 Mine Subsidence and Unstable Land	NA
4.3 Flood Prone Land	NA The last is the first test to the first test test test test test test test t
4.4 Planning for Bushfire Protection	The land is identified as bushfire prone, but

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vegetation area of the the E3 En A Bushfire Complianc necessary future sub impedimen	or degree only, with the major area being to the east within the e site that will be retained within a narronmental management zone. Hazard Risk Assessment and the Report can be prepared as a
	supporting document for any odivision proposal. There is no not to development of the land g as a result of bushfire threat.
5. Regional Planning	
NB: This Direction has been revised to include previous Directions 5.6 and 5.7. Strategy (the Regional Strategy (the Regional Strategy) (the Regional	ey – Canberra Corridor Regional the South East and Tablelands Strategy 2036) is in place and relevant. The PP is not not with the broad intent of the Strategy that identifies the need ngecarribee Shire to increase its of housing.
5.2 Sydney Drinking Water Catchments The proposition of the propositi	osed change of zoning and lot size would not impact upon uirements of the State ental Planning Policy (Sydney later Catchment) 2011. s of the development yield and ot size, development of the land to satisfy both storm water
5.3 Farmland of State and Regional NA Significance on the NSW Far North Coast	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	
5.8 Second Sydney Airport: Badgerys Creek NA	
5.9 North West Rail Link Corridor Strategy NA	
6. Local Plan Making	

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0.4.4	1.55 (1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.
6.1 Approval and Referral Requirements	A PP that simply seeks to change the land zoning and as a consequence the minimum lot size applicable to the site, is not inconsistent with the Direction
6.2 Reserving Land for Public Purposes	NA NA
6.3 Site Specific Provisions	The PP does not propose site specific provisions. Although a different zoning and a different minimum lot size would apply to the land than currently applies, the requested range of minimum lot sizes between 450 square metres and 1000 square metres is common in planning instruments and already exists within the Wingecarribee Local Environmental Plan 2010. This is a planning control that could be utilised across the Shire on a range of other sites.
	Council can chose a range of lot sizes to suit any of the land use zones within the WLEP2010. The minimum 450sqm chosen for the site, which is within the R2 Low Density Residential zone, is considered to be suitable for the site and the locality. The larger 1000sqm may also be suitable in creating some variety in a future residential development. Future development proposals for subdivision can be assessed under the provisions of Section 79C of the EPA Act

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Section C - Environmental, Social & Economic Impacts

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the Planning Proposal?

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

With reference to the Council's vegetation mapping, the site is identified as containing Southern Highlands Shale Woodland along the eastern edge of the site. This is within the area to be retained as E3 Environmental Management.

Further, the majority of the site that is cleared grazing land, does not support natural habitat for native fauna.

There are no critical habitats, threatened species, populations or ecological communities that would be affected by the Planning Proposal.

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

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

The development of the site that would result from the Planning Proposal would be similar to development that has occurred directly opposite at Renwick. Although the Planning Proposal would allow a significantly increased number of lots to be created, the development type would be compatible with the capacity of the land and the development footprint would be restricted by exclusion from the more sensitive eastern portion of the site. Development management techniques would be brought to bear on the development as it proceeded.

If the Planning Proposal is supported and the site rezoned with a lower minimum lot size, then the lodgement of a Development Application for subdivision will be required to be assessed on its merits. Any potential environmental effects arising from a specific development proposal can be managed through that process. It is also possible, perhaps likely, that a positive Gateway determination could be made with instruction and/or requirement that the formal LEP amendment be only publically exhibited with the support of more detailed design and infrastructure assessments.

The range of issues to be managed under a rezoning and development scenario would include issues such as:

- stormwater flows on site, retention and treatment and connection with downstream systems
- traffic and access, assessing potential impact from a development at the increased dwelling numbers afforded by the Planning Proposal. The main desired travel routes and the impacts on environmental capacity of the road

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system and of particular intersections to maintain acceptable levels of service would be identified

- ecological issues with reference to the vegetation on site and the Council's vegetation mapping
- bushfire threat with assessment of future dwelling construction standards
- general utility services such as water and sewer to be assessed for their capacity
 to accommodate the proposed development under the increased demand
 scenario with a conclusion that there is no impediment to servicing the site
 subject to standard upgrading as identified and if required
- heritage assessment given the sites Schedule 5 listing and other adjoining items

In combination, all of the above reports will need to indicate that there are no environmental issues that arise as a result of the Planning Proposal that cannot be adequately managed. All of the above issues will also be able to be thoroughly assessed as part of the Development Application process.

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

This leaves Council with the strategic planning consideration of whether or not this Planning Proposal is supportive of the Council's stated aim of additional housing. Clearly the answer is yes, and in that respect, the Planning Proposal should be supported because it can achieve that goal efficiently and with no adverse impact upon the environment of the Shire, in particular no impact upon scenic rural views.

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

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

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

Such development will positively address the issue of affordability for a larger cross section of the market, which is a clear social benefit arising from the Planning Proposal. This is particularly important in the current housing market of high prices where it is critical that there be a spread of price points available.

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

Thirdly, the additional yield that can be achieved is a positive in terms of Council's stated aim of providing a significant proportion of housing growth with well located and non environmentally sensitive green field sites in order to take a balanced approach an not have to rely entirely upon infill sites that offer their own challenges.

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Section D - State and Commonwealth Interests

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

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

The site is in direct proximity to the residential development of Renwick. Water, sewer and power can all be provided and upon more detailed analysis the exact requirements for this will become known. It has frontage to Bong Bong Road and certain road upgrade work will be required.

It is acknowledged that further detailed studies will be required to justify the final determination and yield of any development. The Gateway process recognises this likelihood, including the need for agency consultation. If such studies concluded that there was inadequate public infrastructure and such infrastructure could not be provided, then the Gateway process would allow termination of the Proposal at that point.

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

11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

No other government authorities have yet been consulted. This role falls to Council in the first instance as part of the Gateway determination. It is unknown at this stage whether or not any other government authority will raise objection to the Planning Proposal as distinct from wishing to comment upon a particular Development Application. There does not appear to be any particular issues of such State significance to warrant outright objection from State agencies. The more likely outcome is the need to satisfy certain protocols and demonstrate compliance, or ability to comply, with standard requirements.

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PART 4 - MAPPING

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

Sheet LZN_007J will need to be amended by identifying the subject land as being primarily within the R2 Low Density Residential zone with the eastern portion being within the E3 Environmental Management zone, with a later consequential change to the Sheet LSZ_007J showing minimum lot sizes (sqm) of ranging between 450 and 1000, which can be identified by the appropriate colours and area notations.

No other WLEP2010 maps are required to be amended.

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PART 5 - COMMUNITY CONSULTATION

It is acknowledged that the Council will need to undertake Community engagement to provide the opportunity for adjoining property owners and the broader community to comment upon the Planning Proposal. The applicant is prepared to participate fully in any consultation program deemed necessary by Council in particular with those residing in proximity to the site on Bong Bong Road and within Renwick.

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PART 6 – TIMELINE

The proponent of the Planning Proposal acknowledges that the time line for a Planning Proposal can be difficult to predict and that some of the processing time is outside of Council's direct control.

This Planning Proposal has been put forward at this point as it is recognised that lead in times for planning proposals of this nature can be in the order of 5 years before new housing is 'on the ground'.

It is requested that the Planning Proposal be dealt with expeditiously to provide the required level of certainty for the property owners.

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REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



10.3 Planning Proposal to Rezone Land at 18-22 Parkes

Road, Moss Vale from IN2 Light Industrial to R3 Medium Density Residential and Land at 23 and 31 Garrett Street, Moss Vale from R2 Low Density Residential to R3

Medium Density Residential

Reference: PN1153100, PN1733790, PN569500, PN569900, 5901

Report Author: Senior Strategic Land Use Planner

Authoriser: Coordinator Strategic Land Use Planning

Link to Community

Strategic Plan: Identify and protect the unique characteristics of towns and

villages to retain a sense of place

PURPOSE

To consider a submission to amend Wingecarribee Local Environmental Plan (WLEP) 2010 to rezone land at 18-22 Parkes Road, Moss Vale and land at 23 and 31 Garrett Street, Moss Vale to R3 Medium Density Residential.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

RECOMMENDATION

- 1. <u>THAT</u> the Planning Proposal to rezone land at 18-22 Parkes Road, Moss Vale from IN2 Light Industrial to R3 Medium Density Residential and land at 23 and 31 Garrett Street, Moss Vale from R2 Low Density Residential to R3 Medium Density Residential NOT BE SUPPORTED.
- 2. <u>THAT</u> a Strategic Study of this Precinct (Garrett Street Parkes Road Lackey Road Moss Vale) be included in a future work program by strategic planning staff.

REPORT

BACKGROUND

A Planning Proposal was lodged with Council by Lee Environmental Planning requesting that Council consider an amendment to WLEP 2010 to rezone the following sites to R3 Medium Density Residential with a minimum lot size of 700m². The subject land comprises four adjoining properties:

- 18-20 Parkes Road Lots 1 and 2 DP627287
- 22 Parkes Road Lot 2 DP1049909
- 31 Garrett Street Lot 4 DP560140

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23 Garrett Street – Lot 2 DP38675

The proposals were assessed by Strategic Planning staff and discussed with Councillors at an Information Session on 14 March 2018.

REPORT

Proposal

The subject land is located in Moss Vale as indicated in **Figure 1** below. The four adjoining properties are indicated in **Figure 2** below.

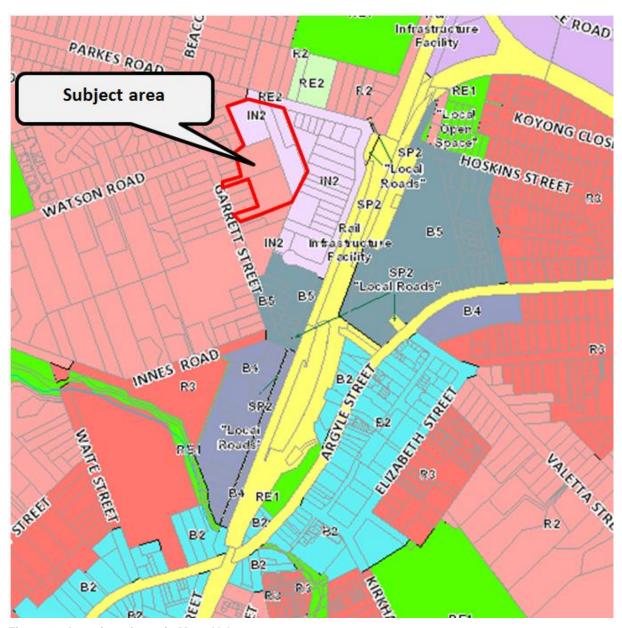


Figure 1 – Location of area in Moss Vale

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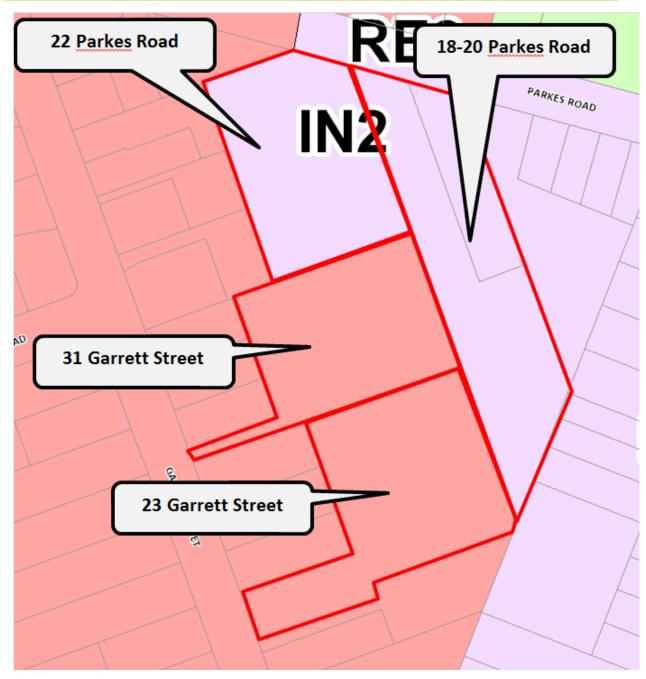


Figure 2 - Location of sites in subject area

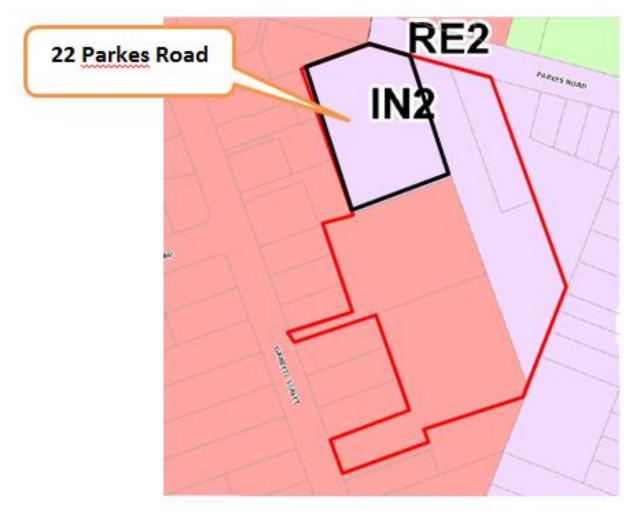
The Planning Proposal seeks to rezone all sites to R3 Medium Density Residential. The two Parkes Road sites are currently zoned IN2 Light Industrial. The two Garrett Street sites are currently zoned R2 Low Density Residential. Each site is discussed further below.

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22 Parkes Road Moss Vale



The site is zoned IN2 Light Industrial with an area of approximately 5,500m² and a frontage to Parkes Road of 25 metres. It has most recently been used as a landscape supply business trading as Highland Sand and Gravel.

It is noted that Council resolved on 10 May 2017 to support preparation of a Planning Proposal to rezone this lot to R2 Low Density Residential with a minimum lot size of 700m². That Planning Proposal is with the Department awaiting a Gateway Determination.

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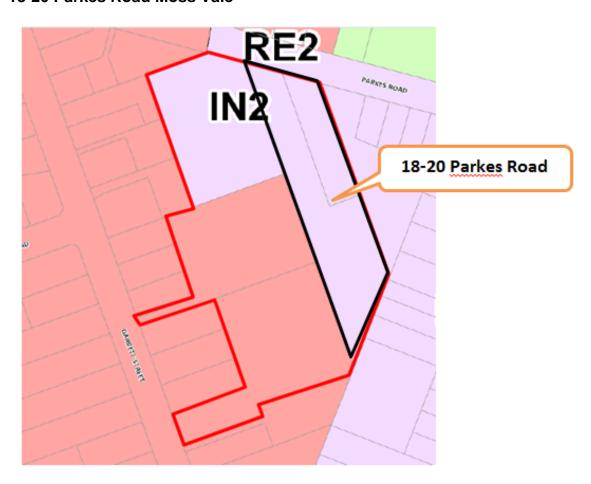
REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES





View from Parkes Road

18-20 Parkes Road Moss Vale



The site is zoned IN2 Light Industrial with an area of approximately 7,000m² and a frontage to Parkes Road of 50 metres. It has most recently been used as a landscape supply business trading as Highland Sand and Gravel. Number 18 comprises a modest dwelling house fronting, but set back from Parkes Road. Number 20 is largely vacant and used for industrial storage.

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REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES

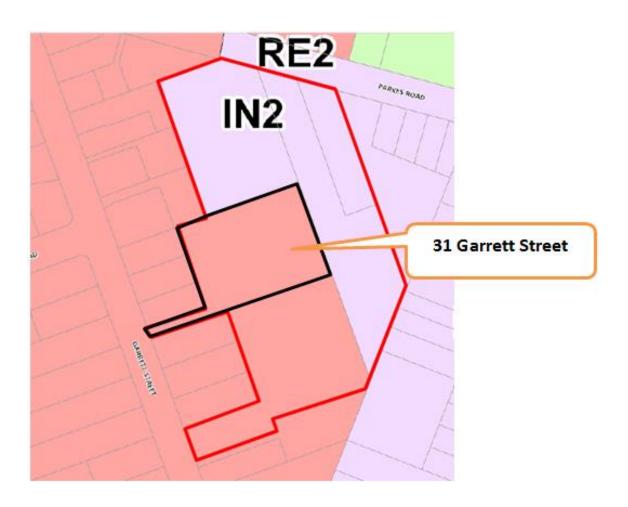


A Planning Proposal to rezone this land to R2 with a minimum lot size of 700m² was also submitted to Council, but has not yet been considered as this submission proposed a higher density land use.



View from Parkes Road

31 Garrett Street Moss Vale



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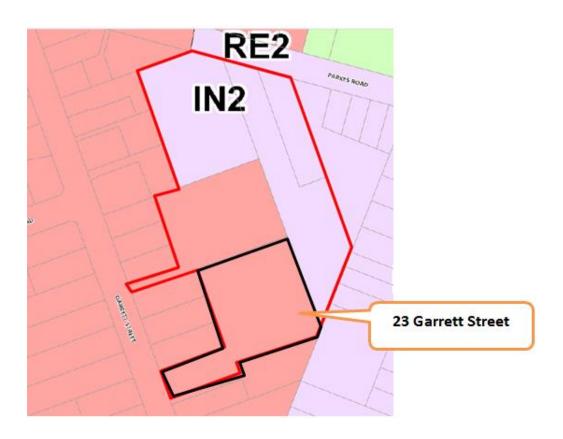
The site is zoned R2 Low Density Residential with an area of approximately 4,700m². There is a 6 metre wide access handle fronting Garrett Street.

The site is currently used as the Service and Spare Parts division of Allan Mackay Motors which is set back from the street and accessed down a driveway between two dwellings.



View from Garrett Street

23 Garrett Street Moss Vale



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The site is zoned R2 Low Density Residential with an area of approximately 5,200m². It has a 20 metre frontage to Garrett Street and contains a single dwelling house fronting Garrett Street with vacant land behind. The view of the property from the street is obscured by a hedge.



View from Garrett Street

Strategic Assessment

The sites are located within an area containing a mixture of dwelling houses and small scale local businesses suited to the IN2 Light Industrial zone.

The most significant business development in the vicinity is located around Farmers Place off Lackey Road where Harvey Norman is located.

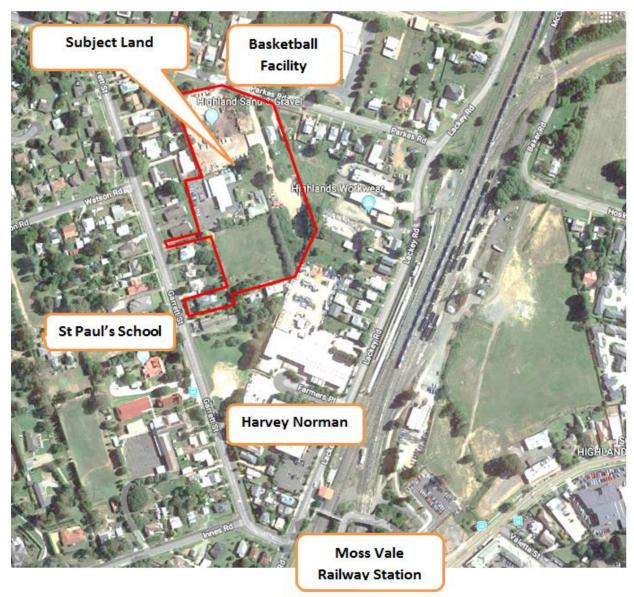
Other development includes St Paul's Primary School, located in Garrett Street as indicated below and the Moss Vale & District Basketball facility on Parkes Road.

Moss Vale railway station and the Moss Vale business area are within walking distance of the subject land.

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The key strategic question is whether Council wishes to retain this area for light industry or would prefer it to be redeveloped for medium density development. If the rezoning of these sites to R3 is supported, it can be expected that adjoining properties will also want to be rezoned. This expectation is reflected in the fact that the current proposal to rezone 22 Parkes Road from IN2 to R2 is included in this proposal to be rezoned to R3 and that a Planning Proposal to rezone 18-20 Parkes Road to R2 Low Density Residential with a minimum lot size of 700m² was superceded by this Planning Proposal before Council had an opportunity to consider it.

Council's decision to support the rezoning of 22 Parkes Road from IN2 Light Industry to R2 Low Density Residential was based primarily on the fact that the long time previous use of the site has ceased and the land lies more naturally within the adjacent R2 zone based on current lot boundaries.

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The Planning Proposal submitted to Council identifies the area as being 'in transition'. The Proposal notes that one land use, Allan Mackay Motors relies on existing use rights as the land use is prohibited in the R2 zone. While this may be the case, rezoning the land to R3 Medium Density Residential will not resolve that situation.

The Planning Proposal also argues that the proposed rezonings do not require any debate as to the suitability of retaining an industrial land use and zoning in this location. Council considers the suitability or otherwise of the land for ongoing industrial use to be central to any strategic decision to consider an alternative zone.

The Department of Planning and Environment would certainly expect Council to provide sufficient justification in order to support the rezoning of employment lands. Ministerial Direction 1 (Employment and Resources) under s.9.1 of the EP&A Act (formerly s.117) specifically requires Council to justify any proposal to rezone business or industrial zoned land.

From a strategic perspective the entire Garrett Street – Parkes Road – Lackey Road precinct (identified in **Figure 3** below) should be assessed as a whole in determining whether a residential or industrial use would be more appropriate.

It is therefore recommended that such strategic review be considered before any decision on future zoning of the subject land is taken.

The exception is the Planning Proposal to rezone land at 22 Parkes Road to R2 Low Density Residential which Council has already resolved to support. The merits of that rezoning remain.

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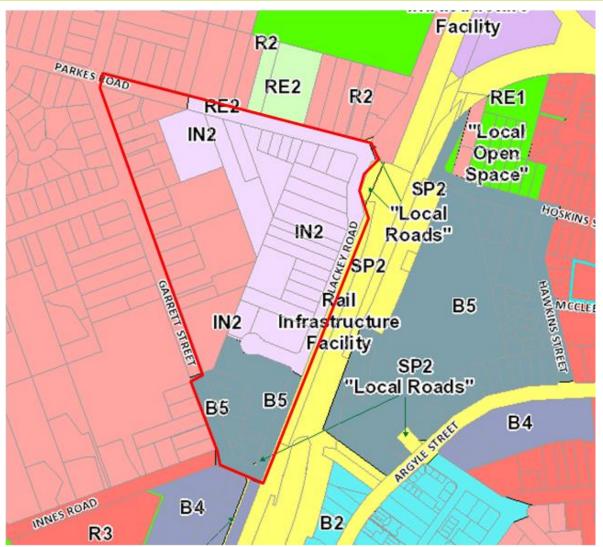


Figure 3 - Extent of Strategic Site

Recommendation

In view of the above assessment, it is recommended that the proposal ${\color{red} {\bf NOT~BE}}$ SUPPORTED.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

There are no implications for Council's Fit for the Future Improvement Plan resulting from this report.

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COMMUNICATION AND CONSULTATION

Community Engagement

No community engagement would occur if the recommendation to the report is supported. If the submission is supported by Council a Planning Proposal would be prepared and lodged with the Department of Planning & Environment for a Gateway Determination. Community consultation would then occur in accordance with the Gateway requirements.

Internal Communication and Consultation

Relevant internal consultation would occur in any future strategic reviews of the precinct.

External Communication and Consultation

No external consultation would occur if the recommendation to the report is supported. However, if the submission is supported by Council it would be externally referred to relevant agencies for comment as required by the Gateway Determination.

SUSTAINABILITY ASSESSMENT

Environment

If the recommendation to the report is supported there are no environmental issues. However, if Council supports the proposal, potential contamination of the land may need to be addressed due to previous land uses.

Social

There are no social issues in relation to this report.

Broader Economic Implications

There are no broader economic implications in relation to this report.

Culture

There are no cultural issues in relation to this report.

Governance

The submission has been considered in accordance with guidelines provided by the Department of Planning & Environment.

COUNCIL BUDGET IMPLICATIONS

There are no budget implications associated with this report.

RELATED COUNCIL POLICY

There are no other Council related policies.

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OPTIONS

The options available to Council are:

Option 1

Support the recommendation to this report to not rezone the land.

Option 2

Not support the recommendation to this report.

Option 1 is the recommended option to this report.

CONCLUSION

The Planning Proposal has been assessed and a recommendation made based on its content and intended outcomes. It is preferable from a strategic perspective that this application and any future similar applications be considered within the context of a comprehensive strategic review of the area.

ATTACHMENTS

1. Planning Proposal to rezone land at Parkes Road and Garrett Street Moss Vale



ATTACHMENT 1 Planning Proposal to rezone land at Parkes Road and Garrett Street Moss Vale

ATTACHMENT 1

Planning Proposal

Proponent Initiated

To amend Wingecarribee Local Environmental Plan 2010 to rezone land from IN2 Light Industrial and R2 Low Density Residential to R3 Medium Density Residential and introduce a minimum lot size to allow subdivision to a minimum of 700 square metres

Prepared & Submitted by: Lee Environmental Planning

On behalf of: the property owners of 18-20 Parkes Road, 22 Parkes Road, 31 Garrett Street and 23 Garrett Street, Moss Vale

Version 1 – For Council Assessment & Determination

December 2017



Civic Centre, Elizabeth St, Moss Vale, NSW 2577 PO Box 141, Moss Vale. ABN 49 546 344 35 T. (02) 4868 0888 E. wscmail@wsc.nsw.gov.a

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10.3 Planning Proposal to Rezone Land at 18-22 Parkes Road, Moss Vale from IN2 Light Industrial to R3 Medium Density Residential and Land at 23 and 31 Garrett Street, Moss Vale from R2 Low Density Residential to R3 Medium Density Residential



ATTACHMENT 1 Planning Proposal to rezone land at Parkes Road and Garrett Street Moss Vale

Planning Proposal – Parkes Road and Garrett Street, Moss Vale

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ATTACHMENTS WHICH FORM PART OF THIS PLANNING PROPOSAL

1	Planning Proposal to amend the Zoning Map and Minimum Lot Size Map for land at
	Parkes Road and Garrett Street, Moss Vale
2	Political Donations Declaration Form

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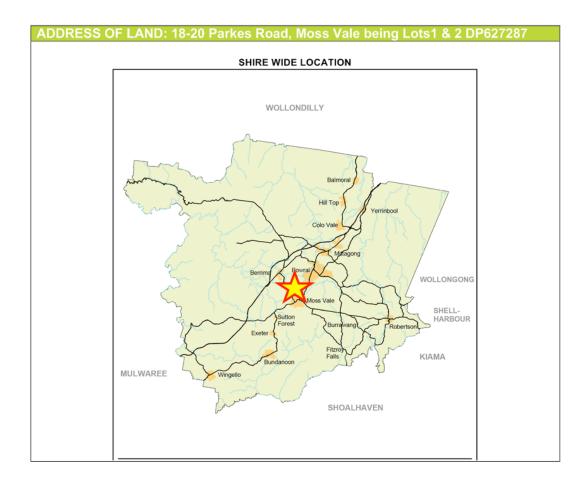
ATTACHMENT 1 Planning Proposal to rezone land at Parkes Road and Garrett Street Moss Vale

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LOCAL GOVERNMENT AREA: WINGECARRIBEE SHIRE COUNCIL



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ATTACHMENT 1 Planning Proposal to rezone land at Parkes Road and Garrett Street Moss Vale

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SITE LOCATION & DESCRIPTION

The subject site comprises four separate land holdings, legally described and identified as follows:

Lots 1 and 2 DP627287 – 18-20 Parkes Road, Moss Vale;

Lot 2 DP1049909 – 22 Parkes Road, Moss Vale;

Lot 4 DP560140 - 31 Garrett Street, Moss Vale: and

Lot 2 DP38675 - 23 Garrett Steet, Moss Vale

Together, the four properties form one contiguous parcel of land of approximately 2.4 hectares with frontage to both Parkes Road and Garrett Street.

Each of the parcels are described in the following paragraphs and appropriately identified on maps and photographs on the following pages of this report.

18-20 Parkes Road

Situated upon the land is an older single level weatherboard cottage and builders/plumbers yard. The site has a frontage to Parkes Road of 50 metres and is a long rectangular shape. It is not perpendicular to the street frontage so it has a width of 42 metres and a depth of approximately 133 metres along its eastern boundary and 205 metres on its western boundary. This gives a site area of approximately 7,135 square metres.

22 Parkes Road

Situated upon the land is the landscape supply business trading as Highland Sand and Gravel. This operation occupies the entire site area.

It has a frontage to Parkes Road of just 25 metres, however thre bulk of the site is rectangular in shape with a general width of approximately 60 metres and a depth of approximately 90 metres to give a site area of approximately 5,460 square metres.

Both of these sites are on the southern side of the street approximately 200 metres west from its intersection with Lackey Road and approximately 100 metres east from its intersection with Garrett Street/Beaconsfield Road. By car, it is approximately 1 kilometre from the Moss Vale town centre via Lackey Road onto Argyle Street. Pedestrians however can utilise the overbridge across the Southern Rail Line just 600 metres from the site.

The current zoning of both of these sites under Wingecarribee Local Environmental Plan 2010 is IN2 General Industrial. This is a reflection more of the historical land use pattern than it is a statement of intent for the future. The zoning is not considered to be appropriate for the current circumstance or the future potential of the land.

The locality has a mixed character, alternating between low density residential with many residential properties along Parkes Road and low scale industrial type undertakings on smaller lots, mainly restricted to along Lackey Road following the railway line. Diagonally opposite the site on the northern side of Parkes Road is the Moss Vale & District Basketball centre, a major recreational facility for the Shire.

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Due to the unusual shape and orientation of the land, it has a large number (nine) of common boundaries with properties of both residential and industrial type development.

The land immediately to the south west is already within the R2 Low Density Residential zone, with a minimum lot size of 700 square metres. The land opposite on the northern side of Parkes Road is likewise within the R2 Low Density Residential zone with a minimum lot size of 700 square metres. Further west, the land is within the R2 zone and developed with housing on small lots.

Only the land to the east is within the IN2 Light Industrial zone, however, the predominant land use of this land along the frontage of Parkes Road is also residential. Six of the adjoining property neighbours to the south east and south west, are already within the R2 Low Density zone.

Sites to the east along Parkes Road are within the IN2 Light Industrial zone, however, they are not utilised for industrial purposes. Immediately adjoining to the east is 14-16 Parkes Road which has a recently renovated residential dwelling fronting Parkes Road and a development approval for self storage units (15/0988) on the remainder of the land. East of that is a run of four residential dwellings towards Lackey Road. In terms of a residential/industrial zone interface, this arrangement would be suitable and manageable. The proposed self storage units could be considered to be a benign neighbour with little traffic generation, no noise impacts and no off site issues such as dust, fumes or vapours.

Both of the Parkes Road sites are the subject of recent Planning Proposals to rezone the land to residential. The property 22 Parkes Road has already been supported by Council for a R2 zoning and is proceeding to gateway approval, whereas the property at 18-20 Parkes Road is the subject of a Planning Proposal that has been lodged to change to a R2 zoning, but has not yet been considered by Council.

This latest Proposal for a R3 zoning involving adjoining land is clearly the preferred option for both of the Parkes Road sites. However if it is not supported, it is expected that the previous decision of Council in relation to 22 Parkes Road would be retained and joined by a positive outcome in relation to 18-20 Parkes Road for a R2 zoning.

23 Garrett Street

When viewed from the street, this site appears as a standard small lot residential parcel, with a single dwelling house situated upon it. This part of the site has a frontage to Garrett Street of approximately 20 metres and a depth of 50 metres, similar to the adjoining parcels. However, it opens out at the rear into a much larger square shaped vacant parcel of some 5200 square metres. Its north east boundary is common with 18-20 Parkes Road.

31 Garrett Street

This site has a narrow 6 metre wide access handle fronting Garrett Street leading to a large internal lot of rectangular shape with dimensions of approximately 80 metres x 60 metres to give an area of approximately 4,700 square metres. Upon the site is an existing motor vehicle service workshop and car parking area. Its northern boundary is common with 22 Parkes Road and its eastern boundary is common with 18-20 Parkes Road.

Both of these Garrett Street sites are within the R2 Low Density Residential zone. The land directly adjoining these two sites on both sides of Garrett Street is within the same R2 Low Density Residential zone. Diagonally opposite to the south west, is St Paul's Catholic Church and school.

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Overall site context

The locality is clearly in the transition area between residential and industrial. All four properties currently are poorly utilised and ill fitting to their site circumstances and capacity.

In the case of 23 Garrett Street, the motor vehicle workshop is a prohibited use within the residential zoning of the land and operates by virtue of the existing use rights provisions of the Environmental Planning and Assessment Act 1979. In the case of 22 Parkes Road (Highlands Sand and Gravel), this is not a form of development conducive to residential neighbours and Council has already determined that the existing industrial use would be better suited elsewhere and that the land be made available for residential development. If the submitted Planning Proposal for 18-20 Parkes Road were to run its course, it is fully expected that the same conclusion would be reached and it too would be supported for a residential zoning. This is important because the decision Council is being asked to make in relation to this Planning Proposal should be framed in the context of the sites suitability to change from low density residential development to medium density residential development – it should not be a debate about the suitability to retain industrial land in this location.

The locality is a good example of where infill development can be encouraged that would result in a more compatible land use arrangement than is currently occurring or could continue to occur under current planning controls. A change in planning controls can facilitate development of a type that can take advantage of proximity to services without adversely impacting upon adjoining properties or on any of the urban character of Moss Vale. In fact it would in all likelihood reduce the potential for land use conflict by removing those existing incompatible uses and allowing compatible residential uses. It would also help to reduce the pressure to expand the town boundaries into sensitive rural landscapes.

The site is just 600 metres walking distance from the Moss Vale town centre and provides an excellent opportunity for new housing to be located in close proximity to services. All of the potential advantages of the site in terms of additional housing relate as well to the other adjoining residential parcels fronting Parkes Road and Garrett Street. Council may wish to consider if a potential change in zoning could or should be expanded to include other properties.

Council's strategic planning role demands that the need to maintain the 'status quo' be distinguished from identifying and supporting genuine opportunities to be progressive in the longer term planning for the Shire's towns and villages. This is one such opportunity where the status quo will not serve the community with the best possible outcomes; outcomes that align with compatible land uses and supply of much needed housing diversity.

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Planning Proposal - Parkes Road and Garrett Street, Moss Vale

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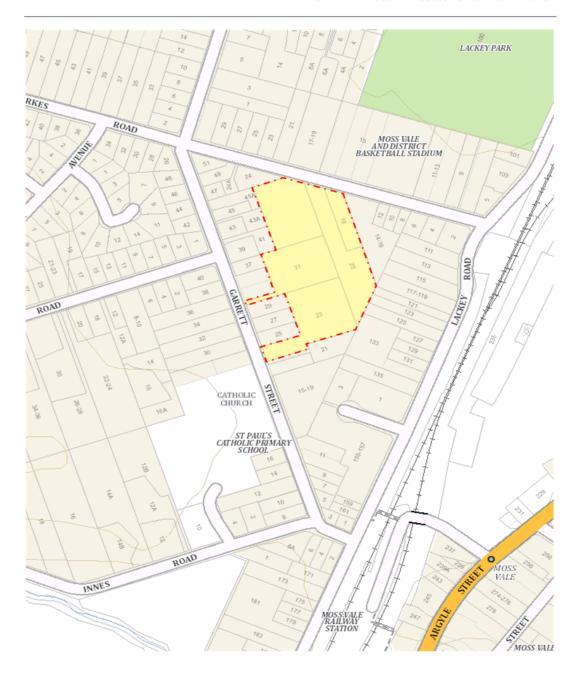


Figure 1: Site locality showing proximity to Moss Vale town centre, school, public recreation and surrounding residential development

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Figure 2: Aerial view of site showing relationship with adjoining land uses

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Figure 3: View of 18-20 Parkes Road



Figure 3: View of 22 Parkes Road



Figure 3: View of 23 Garrett Street

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Figure 3: View of entrance driveway to 31 Garrett Street



Figure 3: View of Garrett Street looking north from outside of St Pauls Catholic Church

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The subject land is within WLEP2010 map Land Zoning Map Sheets 007D and 007H. Only the two Garrett Street properties are currently identified on the Lot Size Maps because the Parkes Road properties are within the industrial zone and this land does not have a minimum lot size for subdivision development standard.

Land Zoning Map Lot Size Map Extract from WLEP2010 Land Zoning Map Extract from WLEP2010 Lot Size Map Sheet the land Sheet LZN 007D, showing LSZ 007D extending on Sheet 007H extending onto Sheet 007H, identifying both the IN2 zone for the Parkes Road properties Note that the industrial zone (the Parkes Road and the R2 Low Density Residential zone to properties uncoloured on the map) are not the north, south and west. Land to the east is currently subject to a minimum lot size for within the IN2 zone. subdivision under WLEP2010. The adjoining residential land is within the area identified as 700 square metres minimum. RE2

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PART 1: OBJECTIVES OR INTENDED OUTCOMES

The objectives of this Planning Proposal are as follows:

- · To provide for the future residential development of the land
- Provide for an appropriate density and diversity of housing through the use of the R3 Medium Density Residential zone
- Provide for the continued opportunity for subdivision of residential land at a density of a minimum 700 square metres per lot
- To provide the appropriate planning mechanism to give effect to the desired development outcomes

The intended statutory planning outcome would be that the land described in the Site Description and Location section of this Planning Proposal, is identified upon the appropriate Zoning Maps of Wingecarribee Local Environmental Plan 2010 as R3 Medium Density Residential and upon the appropriate Lot Size Maps of Wingecarribee Local Environmental Plan 2010 so that subdivision of the land is permissible to a minimum lot size of 700sqm.

The intended built form outcome would be, subject to the submission and assessment of Development Applications, the consolidation of the land into logical development parcels and the subsequent construction of residential development upon those lots of a form allowable under the R3 zoning. This process would involve the assessment of the existing land including the opportunities and constraints to create the most appropriate development outcomes. Standard subdivision and development for dwelling houses would remain as a development option. The final phase of development would involve the submission of Development Applications for the construction of the residential development.

Based upon the total site area of approximately 2.4 hectares, the site would afford a substantial number of individual lots at a minimum lot size of 700sqm. However, given the opportunities afforded by the R3 zoning, the more likely scenario would be an integrated medium density development at the Council's standard maximum Floor Space Ratio for R3 zoned land within the Moss Vale Town Development Control Plan, which ranges from 0.4:1 up to 0.6:1.

With the four properties being considered concurrently, there would be opportunity to consolidate and/or coordinate redevelopment options that would in all likelihood lead to more efficient and desirable development outcomes. This could extend to the preparation of a specific Precinct plan for inclusion into the Moss Vale Town DCP, including the nomination of the appropriate flor space ratio control. The rezoning is not contingent upon this occurring, however it is important to recognise the possibilities it presents.

The potential advantages of the site in terms of additional housing relate as well to the other adjoining residential parcels fronting Parkes Road and Garrett Street. Council may wish to consider if a potential change in zoning could or should be expanded to include other properties.

It is important from a strategic planning perspective that Council recognise such opportunities to maximise the potential of in fill development sites if they are to successfully give effect to the local planning strategy and evenly distribute the delivery of new housing across existing areas and new green field areas.

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PART 2 : EXPLANATION OF THE PROVISIONS

To achieve the intended outcomes of the Planning Proposal there is no need to amend the WLEP2010 instrument to achieve the intended outcomes of the Planning Proposal. The changes required are map related as described below.

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

Map to be amended	Detail of Amendment
Land Zoning Map Sheets LZN_007D and Sheet LZN_007H	Amend the WLEP 2010 maps so that the subject lands as described below, are within the R3 Medium Density Residential zone Lots 1 and 2 DP627287 – 18-20 Parkes Road, Moss Vale; Lot 2 DP1049909 – 22 Parkes Road, Moss Vale; Lot 4 DP560140 – 31 Garrett Street, Moss Vale: and Lot 2 DP38675 – 23 Garrett Steet, Moss Vale
Lot Size Map Sheets LSZ_007D and Sheet LSZ_007H	Amend the WLEP 2010 maps so that the subject lands as described below, are within the area identified as 700 square metre minimum lot size Lots 1 and 2 DP627287 – 18-20 Parkes Road, Moss Vale; Lot 2 DP1049909 – 22 Parkes Road, Moss Vale; Lot 4 DP560140 – 31 Garrett Street, Moss Vale: and Lot 2 DP38675 – 23 Garrett Steet, Moss Vale

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PART 3: JUSTIFICATION OF OBJECTIVES, OUTCOMES & PROCESS

Section A – Need for the Planning Proposa

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

The Planning Proposal is the logical progression from Council's resolution of 23 March 2016 in regard to the Wingecarribee Local Planning Strategy 2015-2031, because it presents an excellent opportunity for infill residential development.

The Local Planning Strategy recognises the need to provide more housing opportunities and to do so without compromising the inherent rural character of the Shire. The Planning Proposal will not impact upon the rural character of the Shire and is made on the basis of the need for Council to consistently review its position in relation to land availability from a long term strategic perspective.

The Local Planning Strategy needs to be given effect by subsequent planning decisions and this Planning Proposal that requests a rezoning of land, in part already zoned for residential purposes, is consistent with the Strategy and will therefore assist in achieving Council's long term planning objectives.

It is also directly relevant to the work and purpose of the Council's Demographics and Housing Advisory Committee that has a primary responsibility of ensuring the provision of residential zoned land to best meets the needs of the projected future population.

For Council to be successful in achieving its strategic aims for housing within the Shire that balances 'green field' growth opportunities and 'infill' development opportunities, there will be a need to recognise those infill opportunities, no matter how small, that can contribute without causing any disruption to existing neighbourhoods or without the need for major infrastructure expenditure. This is one such opportunity.

It is in this context that this Planning Proposal is put forward as a way to address a situation that is of high priority and of important consequence. Therefore while it could be argued that the Proposal is not strictly in accordance with the current Planning Strategy of Council because there is no specific resolution to rezone this land, it is clearly in accordance with the strategic necessity of Council.

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 the appropriate way to achieve the desired outcome. It is not possible to move directly to the Development Application phase to either subdivide all of the land into smaller allotments for future housing or develop the land for a different range of housing under the existing zonings that pertain to the land.

As stated earlier, the status quo is not always the option that should be pursued. Planning for the Shire demands dynamic decisions and the Planning Proposal process allows such decisions to be made and tested before ultimately being put into force.

It should be reasonably assumed that a Planning Proposal pathway will be accepted by Council as the appropriate means of achieving the intended outcomes. The current zoning of the land does

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not allow for either a reasonable redevelopment of the land that would be consistent with the character of the surrounding locality, which is predominately residential in nature, or for a broader range of housing types that the site location is demonstrably suited for. It is clear and already accepted by Council that the current industrial zoning for some of the site, is not appropriate.

Further industrial development in this locality would likely lead to potential conflict with residential amenity and would not be the highest and best use of the land. Ongoing non residential use of some of the land already zoned residential, is likewise a potential point of conflict. There is ample alternative industrial land available in locations that are better suited to take up the loss of this small amount of industrial land.

From a residential perspective, the limitations of the R2 Low Density zoning in this locality are not serving the Council's strategic planning imperatives.

Section B – Relationship to strategic planning framework

3. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including draft strategies)?

The Planning Proposal is consistent with the South East and Tablelands Regional Plan that has superseded the Sydney Canberra Corridor Regional Strategy 2006-31.

In broad terms, the Regional Plan, as did its predecessor, seeks to cater for continued growth within the region, without impacting adversely upon the character of the region. This Planning Proposal achieves this by providing an opportunity for residential development upon the land at a density of development achievable upon the subject land, with such development being consistent with the predominant residential character of the locality and within the capacity of the land to accommodate residential development.

Although the existing zoning of some of the land is an 'employment' zone, there is no shortage of alternative employment generating land in the Shire, with the Moss Vale Enterprise Corridor ready to provide multiple employment generating development options.

The strategies broad aim of protecting the sensitive elements of the natural environment is not endangered by this Planning Proposal.

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

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

Housing affordability is currently a major and serious issue of concern. There are various issues that play into housing affordability, however the supply of land and housing is critical in that equation. This locality can provide housing that would be well located, easily serviced and offer an affordable price point in the housing market.

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Direction 25 of the Strategy Focus is for housing growth in locations that maximise infrastructure and services in particular to achieve sustainable urban outcomes that do not undermine existing strategic and local centres. The sites proximity to the Moss Vale centre is ideal in the opportunity it provides to leverage off infrastructure and services already existing in this locality at a density of development that is commensurate with the sites capacity.

Direction 27 is to deliver more opportunities for affordable housing, which this Planning Proposal can achieve.

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

The Planning Proposal is consistent with the local planning strategy for Wingecarribee Shire.

The relevant local strategy is the recently adopted Wingecarribee Local Planning Strategy 2015 - 2031.

It is noted that Chapter 4 of the adopted Strategy was rejected by the Department of Planning with Council being advised that further work was required in terms of providing for additional housing/residential land opportunities.

The position taken by the Department simply reinforces this particular Planning Proposal and how it fits in with Council's needs.

Chapter 4 set out to deal with managing housing needs and it clearly identifies the ongoing pressure to ensure a supply of housing opportunities across the Shire for a range of different needs. The establishment of the Demographics and Housing Advisory Committee is part of this work.

This Planning Proposal is consistent with the Objective of Chapter 4 of the Strategy because it will eventually add to the available housing stock in a location that has access to essential services and has good proximity to community services such as schools, parks, shops.

The concept of 'infill' development, as described in the Local Strategy is supported by this Planning Proposal. It is dealing with land within existing zoned areas with good access to services, the development of which will not compromise the rural character of the Shire nor threaten sensitive rural landscapes. In this case it will result in a more compatible land use outcome than the present zoning.

The site is also comparable and in some ways superior to, other land that has been zoned as R3 Medium Density Residential. This is from the perspective of proximity to the town centre, readiness of existing housing stock to be redeveloped, sensitivity of the streetscapes and adjoining residential development and servicing. On any analysis of the criteria that makes an attractive medium density opportunity, the site is well placed, so although the Planning Proposal is not yet supported by a formal decision, it should be seen as consistent with overall strategy.

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

The Planning Proposal is not inconsistent with any State Planning Policy.

Due to the nature of previous land uses upon the site, it would be necessary to consider the requirements of *State Environmental Planning Policy No 55—Remediation of Land* before any final decision on rezoning was taken. The preparation of relevant contamination reports and if necessary remediation reports can be a condition of any gateway approval.

State Environmental Planning Policy	Relevance to Planning Proposal
No.1 Development Standards	No longer relevant due to Clause 4.6 of WLEP2010 being the mechanism for the consideration of any variations to development standards
No.14 Coastal Wetlands	Does not apply to the subject site
No.19 Bushland in Urban Areas	Does not apply to the subject site
No.21 Caravan Parks	Potentially applicable to future development at Development Application stage, however it is noted that caravan parks are not permissible in the proposed R3 Medium Density Residential zone
No.26 Littoral Rainforests	Does not apply to the subject site
No.30 Intensive Agriculture	Does not apply to the subject site
No.33 Hazardous and Offensive Development	Potentially applicable to future development at Development Application stage, however it is noted that industries of the type covered by the Policy are not permissible in the proposed R3 Medium Density Residential zone
No.36 Manufactured Home Estates	This Policy applies to land within Wingecarribee Shire. However it is noted that caravan parks are not permissible in the proposed R3 Medium Density Residential zone and therefore manufactured home estates will not be permissible
No.44 Koala Habitat Protection	This Policy applies to land within the Wingecarribee Shire. However the Policy requires Council to be satisfied of certain matters prior to issuing consent to

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	Development Applications, not Planning Proposals. Clause 16 does allow for the preparation of local environmental studies, which could be required as part of any Gateway determination. However, in this case, the subject land does not contain potential koala habitat and is not core koala habitat so the likely need for such a study is negligible.
No. 47 Moore Park Showground	Does not apply to the subject site
No.50 Canal Estate Development	Does not apply to the subject site
No.52 Farm Dams and Other Works in Land and Water Management Plan Areas	Does not apply to the subject site
No.55 Remediation of Land	This Policy applies to land within the Wingecarribee Shire. Clause 6 requires the planning authority to consider whether the land is contaminated and/or whether the land can be made suitable for purpose. The land is not within a class of land identified within Clause 6 subclause (4) however the industrial zoning and previous land use history on some of the land, suggests that land contamination may be present. Initial contamination assessments can be required either as part of a Gateway determination or as part of subsequent Development Applications. They are not required at this initial stage of consideration
No. 62 Sustainable Aquaculture	Not applicable to the form of development permissible within the proposed zones
No.64 Advertising and Signage	This policy applies to land within the Wingecarribee Shire. However, the provisions relate to the assessment of Development Applications and can be properly administered if relevant applications are made in the future.
No.65 Design Quality of Residential Apartment Development	This Policy applies to land within Wingecarribee Shire. It is noted that residential flat buildings, that are specifically covered by the policy, are permissible in the proposed R3 Medium Density Residential zone and therefore the Policy would be applicable to any relevant Development Application

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No.70 Affordable Housing (Revised	Does not apply to the subject site
Schemes) No.71 Coastal Protection	Does not apply to the subject site
Affordable Rental Housing 2009	This Policy applies to land within Wingecarribee Shire. It may have some applicability to land within the proposed R3 Medium Density Residential zone. The PP is not inconsistent with the Policy and any relevant Development Application lodged can be assessed against the Policy if that development seeks to rely upon the Policy. Development of the land within a R3 zone is not reliant upon the Policy
Building Sustainability Index: Basix 2004	Related to the development/building phase
Educational Establishments and Child Care Facilities 2017	This Policy applies to land within Wingecarribee Shire. However, the Policy is focused on the development application process. The proposed R3 Medium Density Residential zone is a prescribed zone for the purposes of schools and early childhood facilities under the Policy which will enable certain development to proceed, with or without consent.
Exempt and Complying Development Codes 2008	This Policy applies to land within Wingecarribee Shire and will be applicable in the usual way
Housing for Seniors or People with a Disability 2004	This Policy applies to land within Wingecarribee Shire. The PP is not inconsistent with the Policy. The R3 Medium Density zone would be considered as land zoned primarily for urban purposes and seniors housing will be permissible under the Policy, as it is under the WLEP2010.
Infrastructure 2007	This Policy applies to land within Wingecarribee Shire. However it is focused upon the development application phase. A subdivision of the land within the proposed R3 Medium Density zone would not be of a scale to trigger referral to the RMS as Traffic Generating Development under Clause 104 Schedule 3. A Gateway determination may require more detailed assessment as part of the formal exhibition process or the matter could be dealt with as part of the Development Application

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	process. The PP is not inconsistent with
	the Policy.
Integration and Repeals 2016	Does not apply to the subject site
Kosciuszko national Park - Alpine Resorts 2007	Does not apply to the subject site
Kurnell Peninsula 1989	Does not apply to the subject site
Mining, Petroleum Production and Extractive Industries 2007	This Policy applies to land within Wingecarribee Shire. However it does not contain provisions that require any specific provisions within PPs. The policy is focused on the Development Application phase
Miscellaneous Consent Provisions 2007	This Policy applies to land within Wingecarribee Shire however has no particular relevance to this PP
Penrith Lakes Scheme 1989	Does not apply to the subject site
Rural Lands 2008	This Policy applies to land within Wingecarribee Shire. The land is not State Significant agricultural land. The Policy is not relevant to this PP.
State and Regional Development 2011	This Policy applies to land within Wingecarribee Shire however the PP does not involve land or a scale of development that is relevant to the Policy
State Significant Precincts 2005	This Policy applies to land within Wingecarribee Shire however the PP does not involve land or a scale of development that is relevant to the Policy
Sydney Drinking Water Catchment 2011	The Wingecarribee Shire is within the area covered by the Policy. The key purpose of the Policy is to ensure water quality impacts are properly assessed as part of development proposals. Any Gateway determination could require further more detailed water quality assessment to be part of the formal exhibition process or such assessment could be held over until the development application phase. The PP is not inconsistent with the Policy and there is no reason to suspect that future residential development cannot satisfy the NorBE test under the Policy

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Sydney Region Growth Centres 2006	Does not apply to the subject site
Three Ports 2013	Does not apply to the subject site
Urban Renewal 2010	Does not apply to the subject site
Vegetation in Non-Rural Areas 2017	Does not apply to the subject site
Western Sydney Employment Area 2009	Does not apply to the subject site
Western Sydney Parklands	Does not apply to the subject site



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6. Is the Planning Proposal consistent with applicable Section 117 Directions?

The following table provides an assessment of the Directions issued by the Minister for Planning under section 117(2) of the *EP&A Act 1979*:

Direction	Assessment
1. Employment and Resources	
1.1 Business and Industrial Zones	The land will reduce the available land that is zoned as employment generating. However, the minor area involved (1.25 hectares) is not significant in any way and more than compensated for by the availability of land within the Moss Vale Enterprise Corridor. Council has already agreed that half of this land can be rezoned to R2 Low Density Residential. The loss of this industrial land is not critical to the overall employment generating opportunities within the Shire.
1.2 Rural Zones	NA
Mining, Petroleum Production and Extractive Industries	NA
1.4 Oyster Aquaculture	NA
1.5 Rural Lands	
2. Environment and Heritage	
2.1 Environment Protection Zones	The land is not within an environment protection zone. In any event, the proposed change of zone would not alter the requirement for any development proposal (future dwelling houses, medium density housing) to properly consider the appropriate range of environmental issues, in this case, stormwater quality. The PP is not inconsistent with the Direction.
2.2 Coastal Protection	NA
2.3 Heritage Conservation	The land is not within a conservation area under WLEP2010, nor in proximity to any individually listed heritage item with the exception of St Pauls Catholic Church. This item is sufficiently distant from the land to

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	be rezoned and the type of resultant development, residential, will not impact adversely upon the Church or detract from its heritage significance.
2.4 Recreation Vehicle Areas	NA
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	The PP is consistent with this Direction because it seeks to introduce additional residential land that has appropriate access to infrastructure and services and would minimise the impact upon the environment. The PP is not seeking to expand the urban fringe because it is taking advantage of a site within the developed urban area.
3.2 Caravan Parks and Manufactured Home Estates	NA
3.3 Home Occupations	NA
3.4 Integrating Land Use and Transport	The PP is consistent with this Direction because the site is within walking distance of public transport (600 metres) and the full range of services afforded by the Moss Vale town centre. The proposed R3 zoning maximises this opportunity and from that perspective the PP is completely aligned with the State Policy. It is better located than a significan t amount of the land already within the R3 Medium Density zone in Moss Vale
3.5 Development Near Licensed Aerodromes	NA
3.6 Shooting Ranges	NA
4. Hazard and Risk	
4.1 Acid Sulfate Soils	NA
4.2 Mine Subsidence and Unstable Land	NA
4.3 Flood Prone Land	The land is not identified flood prone land
4.4 Planning for Bushfire Protection	The subject land is not mapped as bushfire prone on Council's Bushfire Hazard Maps.

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Strategies NB: This Direction has been revised to include previous Directions 5.6 and 5.7. Plan (previously the Sydney — Canber therefore relevant. The PP is n inconsistent with the regional plan the seeks to achieve additional housing opportunities within the Wingecarribe Shire. 5.2 Sydney Drinking Water Catchments The proposed amendment to WLEP20 would still require any future development of the land to properly consider the requirements of the State Environment Planning Policy (Sydney Drinking Wate Catchment) 2011. Any development proposal would need demonstrate a neutral or beneficial effection on water quality as a result of the development. The land is within a developed urban are and does not represent a risk to water quality within the catchment. Resident development of the land represents a multower risk to water quality than doongoing industrial use. The PP is not inconsistent with the Direction 5.3 Farmland of State and Regional Significance on the NSW Far North Coast 5.4 Commercial and Retail Development along the Pacific Highway, North Coast 5.8 Second Sydney Airport: Badgerys Creek 5.9 North West Rail Link Corridor Strategy 3. Local Plan Making 6.1 Approval and Referral Requirements or the seeks to allow an agreed numb or type of dwelling houses or other forms residential development on designate.	5. Regional Planning	
would still require any future developmen of the land to properly consider the requirements of the State Environment Planning Policy (Sydney Drinking Wat Catchment) 2011. Any development proposal would need demonstrate a neutral or beneficial effe on water quality as a result of the development. The land is within a developed urban are and does not represent a risk to wat quality within the catchment. Resident development of the land represents a multower risk to water quality than do ongoing industrial use. The PP is not inconsistent with the Direction 5.3 Farmland of State and Regional Significance on the NSW Far North Coast 5.4 Commercial and Retail Development along the Pacific Highway, North Coast 5.8 Second Sydney Airport: Badgerys Creek 5.9 North West Rail Link Corridor Strategy 6.1 Approval and Referral Requirements A PP that seeks to allow an agreed numb or type of dwelling houses or other forms residential development on designate land parcels, is not inconsistent with the Direction.	Strategies NB: This Direction has been revised to	inconsistent with the regional plan that seeks to achieve additional housing opportunities within the Wingecarribee
Significance on the NSW Far North Coast 5.4 Commercial and Retail Development along the Pacific Highway, North Coast 5.8 Second Sydney Airport: Badgerys Creek 5.9 North West Rail Link Corridor Strategy 6. Local Plan Making 6.1 Approval and Referral Requirements A PP that seeks to allow an agreed numb or type of dwelling houses or other forms residential development on designate land parcels, is not inconsistent with the Direction.	5.2 Sydney Drinking Water Catchments	Any development proposal would need to demonstrate a neutral or beneficial effection water quality as a result of the development. The land is within a developed urban area and does not represent a risk to water quality within the catchment. Residential development of the land represents a much lower risk to water quality than does ongoing industrial use. The PP is not inconsistent with the
along the Pacific Highway, North Coast 5.8 Second Sydney Airport: Badgerys Creek 5.9 North West Rail Link Corridor Strategy 6. Local Plan Making 6.1 Approval and Referral Requirements A PP that seeks to allow an agreed numb or type of dwelling houses or other forms residential development on designate land parcels, is not inconsistent with the Direction.	Significance on the NSW Far North	NA
Creek 5.9 North West Rail Link Corridor Strategy 6. Local Plan Making 6.1 Approval and Referral Requirements A PP that seeks to allow an agreed numb or type of dwelling houses or other forms residential development on designate land parcels, is not inconsistent with the Direction.		NA
6. Local Plan Making 6.1 Approval and Referral Requirements A PP that seeks to allow an agreed numb or type of dwelling houses or other forms residential development on designate land parcels, is not inconsistent with the Direction.		NA
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6.1 Approval and Referral Requirements A PP that seeks to allow an agreed numb or type of dwelling houses or other forms residential development on designate land parcels, is not inconsistent with the Direction.	6. Local Plan Making	
6.2 Reserving Land for Public Purposes NA		land parcels, is not inconsistent with the
	6.2 Reserving Land for Public Purposes	NA

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	e PP does not propose to have any site ecific provisions
Spe	cilic provisions

Section C - Environmental, Social & Economic Impacts

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the Planning Proposal?

No. The land is not identified as containing any critical habitat or threatened species, populations or ecological communities or their habitats

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

There are no immediate environmental impacts arising from the Planning Proposal.

As a consequence of the PP, there will likely be a number of Development Applications for a range of residential development options that become available under the new R3 zoning and the corresponding subdivision standard. These Development Applications will provide the appropriate mechanism for the thorough assessment of any potential environmental impacts and these can be managed through the imposition of conditions of development consent as appropriate.

The Council may, but is not obliged to, put in place some specific provisions within the Moss Vale DCP to guide certain development outcomes. In this case, issues such as overall density (FSR), height of buildings and site access could be tailored for the circumstances of the land.

With or without more specific planning controls, there is no reason to suggest that the subject land is not capable of accommodating additional residential development.

The final number of lots and/or dwellings created will depend upon a proper assessment process, but given the large total site area and working with the standard floor space ratio available within a R3 Medium Density zone, it is likely that the site will accommodate a significant number of dwellings.

Whatever this final number, it will be an important contribution to the housing needs of the Shire at a time when Council has a significant challenge in identifying appropriate opportunities for such development.

Taking into account the pattern and usage of the four properties that make up this Planning Proposal, it is conceivable, perhaps even likely that future development could be coordinated between the property owners to achieve the optimum yield from the residential zoning. This would be a positive outcome but the Planning Proposal is not contingent upon this.

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

There are no particular social impacts arising from the Planning Proposal. It is a site specific issue, rather than one that may have broader implications throughout the community. It will eventually provide for additional dwellings, the occupants of which will then contribute to the Moss Vale local community and the Southern Highlands more generally. The change in zone allows a broader range of housing type and this should be seen as a positive way to respond to changing demographics and changing preferences. In this context, the Planning Proposal has a social dimension.

From an economic perspective, the PP will provide for the economic and best use of the land.

Section D – State and Commonwealth Interests

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

Appropriate and adequate public infrastructure can be made available to service the resultant development (power, water, sewer). The net increase in additional lots/dwellings will not place any unmanageable burden upon these services. The existing road network is capable of accommodating the minor traffic increase generated by the PP.

If additional infrastructure analysis was considered necessary, then this could be a condition of any Gateway approval, to be carried out prior to any formal change to the WLEP2010. Certainly any subsequent Development Applications would need to be justified and appropriate conditions of consent can be imposed at that time.

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PART 4 – MAPPING

The subject land is situated at the intersection of the LEP map tiles, and identified on two separate maps. The following maps require amendment as indicated below:

Map to be amended	Detail of Amendment
Land Zoning Map Sheets LZN_007D and LZN_007H	Amend the WLEP 2010 maps so that the subject lands as described below, are within the R3 Medium Density Residential zone Lots 1 and 2 DP627287 – 18-20 Parkes Road, Moss Vale; Lot 2 DP1049909 – 22 Parkes Road, Moss Vale; Lot 4 DP560140 – 31 Garrett Street, Moss Vale: and Lot 2 DP38675 – 23 Garrett Steet, Moss Vale
Lot Size Map Sheets LSZ_007D and LSZ_007H	Amend the WLEP 2010 maps so that the subject lands as described below, are within the area identified as 700 square metre minimum lot size Lots 1 and 2 DP627287 – 18-20 Parkes Road, Moss Vale; Lot 2 DP1049909 – 22 Parkes Road, Moss Vale; Lot 4 DP560140 – 31 Garrett Street, Moss Vale: and Lot 2 DP38675 – 23 Garrett Steet, Moss Vale

PART 5 – COMMUNITY CONSULTATION

Community consultation will occur as directed in the Gateway Determination and in accordance with the Department's Guide to preparing LEPPs. It is noted that Council normally provides at least 28 days of public exhibition which includes, as relevant, notification by letter/email to adjoining property owners and weekly advertising in the Southern Highland News for the duration of the exhibition period. Copies of the Planning Proposal and relevant documentation are provided on Council's website, at the Customer Service Counter at the Civic Centre and at all relevant libraries including Council's Rural Outreach & Delivery Service (ROADS) Mobile Library.

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PART 6 - TIMELINE

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

MILESTONE	INDICATIVE DATE
Gateway Determination	
Agency Consultation	
Public Exhibition	
Report to Council on exhibition of Planning Proposal.	
S.59 Documents to DP&E & PCO.	
Approximate completion date	

DELEGATIONS

TO BE COMPLETED BY COUNCIL SHOULD THE PLANNING PROPOSAL PROCEED.

END

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REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



10.4 Planning Proposal to Rezone Centennial Vineyard to SP3 Tourist

Reference: PN1702113, PN1702114, PN1702185, 5901

Report Author: Senior Strategic Land Use Planner

Authoriser: Link to Community **Coordinator Strategic Land Use Planning**

Link to Community Stratogic Plan:

Strategic Plan: Ensure tourism balances the economic benefits with impact

on environment and community

PURPOSE

To consider a submission to amend Wingecarribee Local Environmental Plan (WLEP) 2010 to rezone land at 254 Centennial Road Bowral from E3 Environmental Management to SP3 Tourist in order to expand existing tourist related activities.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

RECOMMENDATION

<u>THAT</u> the Planning Proposal to rezone land at 254 Centennial Road Bowral from E3 Environmental Management to SP3 Tourist <u>NOT BE SUPPORTED</u>.

REPORT

BACKGROUND

A Planning Proposal was lodged with Council by Lee Environmental Planning requesting that Council consider an amendment to WLEP 2010 to rezone the following lots comprising 254 Centennial Road Bowral. The property is known as Centennial Vineyard.

- Lot 1 DP126196
- Lot 1 DP435373
- Lot 1 DP79802
- Lots 1 and 5A DP16192

The proposal was assessed by Strategic Planning staff and discussed with Councillors at an Information Session on 14 March 2018.

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REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



REPORT

Proposal

The subject land covers an area of some 127 hectares and is located to the west of the Bowral township as indicated in **Figure 1** below.

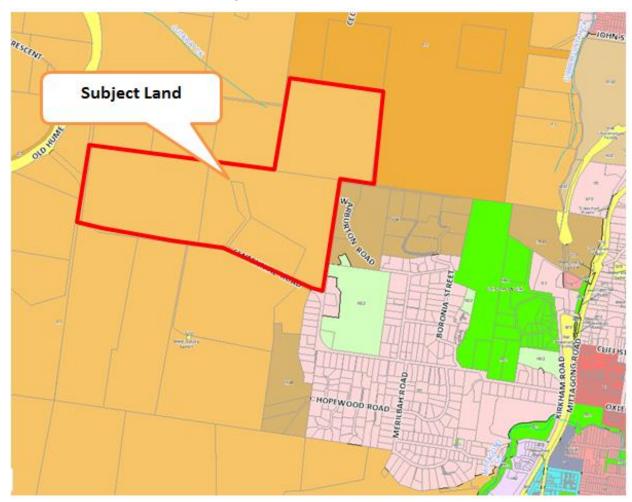


Figure 1

The land is zoned E3 Environmental Management and adjoins E2 Environmental Conservation zoned land to the north and north east (Gibbergunyah Reserve), RU4 Primary Production Small Lots zoned land (minimum lot size 2 ha) to the east and south east, with R5 Large Lot Residential zoned land (minimum lot size 4,000m²) further to the east.

The business entity Centennial Vineyards has been operating for over 20 years, incorporating extensive vineyards, winery, cellar door and restaurant as indicated in **Figure 2** below.

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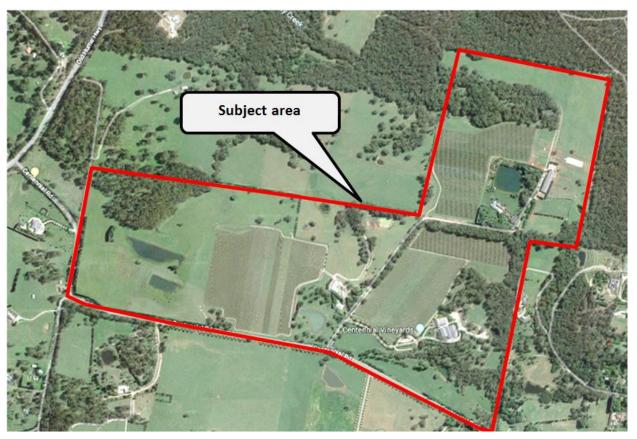


Figure 2

No immediate development intentions have been provided in the submission. The intent of the rezoning application is to provide for long term opportunities for tourist and visitor accommodation and 'function' facilities which are permitted with consent in the SP3 Tourist zone, but not in the E3 zone which currently applies to the land.

Strategic Assessment

The objectives of the SP3 Tourist zone are:

- to provide for a variety of tourist-oriented development and related uses, and
- to ensure that development is sympathetic with the rural setting and landscape features of the site and minimises impact on the scenic values of nearby development and land use activity.

There are currently seven (7) locations zoned SP3 Tourist across the Shire as indicated in **Figure 3** below. An eighth, Mt Ashby, located on Nowra Road to the east of Moss Vale is currently the subject of a Planning Proposal to rezone the site from RU2 Rural Landscape to SP3 Tourist.

All sites were assessed for rezoning to SP3 Tourist based on the following criteria which have now been incorporated into Wingecarribee Local Planning Strategy 2015-2031, adopted by Council on 23 March 2016:

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- 1) Covers an area of at least 20 Hectares
- 2) Has been operating as a tourist establishment for three (3) years
- 3) Is within 2km of residential development
- 4) Is adjacent to or near major access road
- 5) Has access to adequate water and sewerage infrastructure (not necessarily reticulated)
- 6) Is free of extensive Endangered Ecological Community (EEC)
- 7) Is free of significant bushfire or flood threat which cannot be addressed through design considerations
- 8) Is free of any other environmentally sensitive constraints.

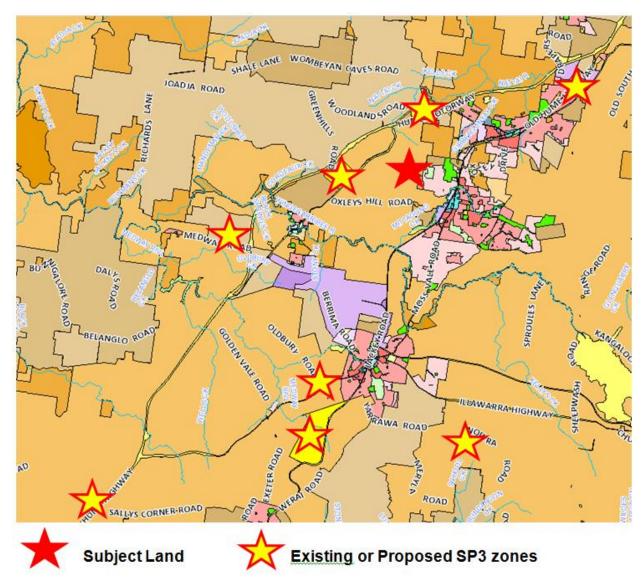


Figure 3

The subject land meets the criteria established by Council and included within the Local Planning Strategy. However, the reliance on these criteria alone creates a location of consideration which operates in response to a site specific rezoning request rather than a Council policy.

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The Wingecarribee Planning Strategy 2015-2031 recommends the development of a Rural Tourism Policy. This part of the Strategy has been endorsed by the Department of Planning and Environment.

Such a Policy requires consideration of potentially competing rural rights and perceived opportunities: the right to farm, the right to the peaceful enjoyment of one's rural property, the right to opportunities to develop rural based businesses. Potential land use conflicts associated with rural tourism need to be identified and addressed at a policy level.

It is preferable from a strategic perspective that this application and any future similar applications be considered within the context of a well formed Rural Tourism Policy and that until this policy is finalised, no applications be supported.

Recommendation

It is recommended that the proposal **NOT BE SUPPORTED**.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

There are no implications for Council's Fit for the Future Improvement Plan resulting from this report.

COMMUNICATION AND CONSULTATION

Community Engagement

No community engagement would occur if the recommendation to the report is supported. If the submission is supported by Council a Planning Proposal would be prepared and lodged with the Department of Planning & Environment for a Gateway Determination. Community consultation would then occur in accordance with the Gateway requirements.

Internal Communication and Consultation

No internal consultation was undertaken as part of the strategic assessment of the proposal.

External Communication and Consultation

No external consultation would occur if the recommendation to the report is supported. However, if the submission is supported by Council it would be externally referred to relevant agencies for comment as required by the Gateway Determination.

SUSTAINABILITY ASSESSMENT

Environment

If the recommendation to the report is supported there are no environmental issues. However, if Council supports the proposal, assessment of potential adverse environmental impacts from further tourism development of the site would be required.

Social

There are no social issues in relation to this report.

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Broader Economic Implications

There are no broader economic implications in relation to this report.

Culture

There are no cultural issues in relation to this report.

Governance

The submission has been considered in accordance with guidelines provided by the Department of Planning & Environment.

COUNCIL BUDGET IMPLICATIONS

There are no budget implications associated with this report.

RELATED COUNCIL POLICY

There are no other Council related policies.

OPTIONS

The options available to Council are:

Option 1

Support the recommendation to this report to not rezone the land.

Option 2

Not support the recommendation to this report.

Option 1 is the recommended option to this report.

CONCLUSION

The Planning Proposal has been assessed and a recommendation made based on the content and intended outcome of the proposal. It is preferable from a strategic perspective that this application and any future similar applications be considered within the context of a well formed Rural Tourism Policy.

ATTACHMENTS

1. Planning Proposal submission for Centennial Vineyard



ATTACHMENT 1 Office Use Only

Date Received

Receipt of Fees

Property Number

Planning Proposal Submission

Planning Proposal to rezone Centennial Vineyards to SP3 Tourist under Wingecarribee Local Environmental Plan 2010

Version 1 – For Council Assessment & Determination –

Date: February 2018

Submitted by: Lee Environmental Planning

Please deliver to Wingecarribee Shire Council:

- · By hand to Customer Service Centre, Elizabeth Street, Moss Vale NSW 2577,
- By mail to Po Box 141 Moss Vale NSW 2577,
- By email to <u>wscmail@wsc.nsw.gov.au</u>

For further information contact Council's Strategic Planning Branch on 02 4868 0888



www.wsc.nsw.go

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10.4 Planning Proposal to Rezone Centennial Vineyard to SP3 Tourist ATTACHMENT 1 Planning Proposal submission for Centennial Vineyard



PLANNING PROPOSAL TO rezoning of Centennial Vineyards, Bowral, to SP3 Tourist

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ATTACHMENTS WHICH FORM PART OF THIS PLANNING PROPOSAL

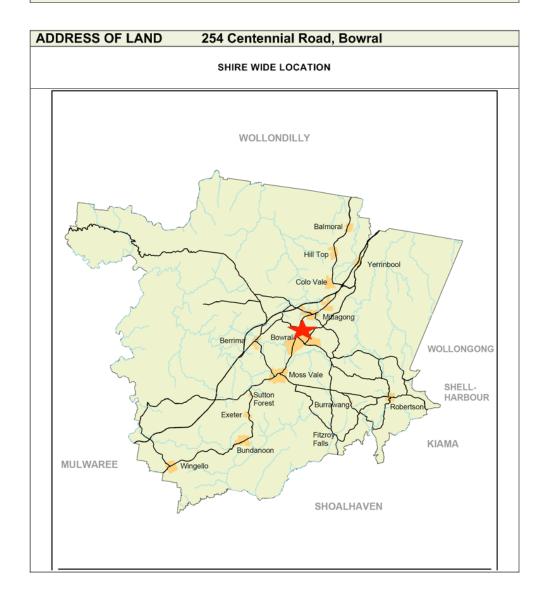
0	Planning Proposal to rezone Centennial Vineyards, Centennial Road, Bowral



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LOCAL GOVERNMENT AREA: WINGECARRIBEE SHIRE COUNCIL



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SITE LOCATION & DESCRIPTION

The site is legally described as follows:

Lot 1 DP 126196; Lot 1 DP 435373; Lot 1 DP79802; and Lots 1 and Lot 5A DP16192

It has an address of 254 Centennial Road, Bowral.

Collectively the site is known as Centennial Vineyards.

It is situated on Centennial Road, on the western extremity of Bowral, approximately 3 kilometres west of the town centre and approximately 1.5 kilometres east of Centennial Road's intersection with the Old Hume Highway.

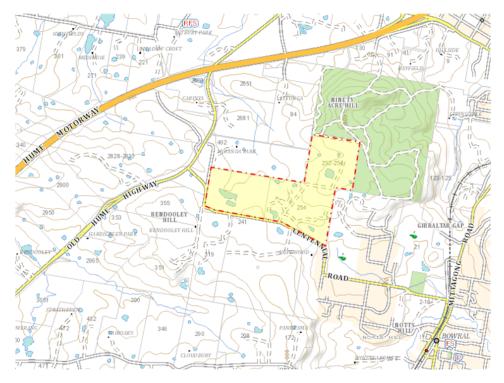


Figure 1: Locality plan (Source Googlemaps)

It is irregular in shape and has a frontage to Centennial Road of approximately It has a total site area of approximately 127 hectares (Refer to Figure 2).

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Figure 2: Site boundaries (Source: Sixmaps)

The winery, cellar door and restaurant are accessed off Centennial Road, up a long tree lined driveway with the buildings sitting behind a screen of native vegetation and a backdrop of vines.

The improvements upon the site are associated with the vineyards, winery, cellar door, restaurant, storage sheds and farm buildings and car park area.

The site has access to all utilities including gas, electricity, town water and sewer.

There is also a residential component with a primary dwelling house not visible from Centennial Road and discrete from the winery and cellar door, as well as a secondary dwelling that is utilised as a farm managers residence, located towards the main entrance just off Centennial Road.

There are large areas under vine amounting to approximately 30 hectares. A large proportion of these vines are visible from Centennial Road and contribute in a significant way to the visual character of the site. There are also large areas of remnant bushland amounting to approximately 20 hectares or just 15% of the site area, scattered across the site, the largest contiguous parcels being located at the northern and western ends of the site. There is a good scattering of native vegetation visible form Centennial Road and

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surrounding the complex of winery buildings, providing an attractive natural counter balance to the more formalized vineyard plantings.

The site has a long history of tourist related activity. Prior to the planting of the vineyard in 1998, the property was known as 'Maple Downs'. It had a trout 'fish out' dam and numerous other dams that were utilised for the propagation of trout. You could catch a trout and the restaurant on site would cook it for your meal.

There was a horse riding school and horse riding trails. There was a previous approval for small scale tourist cabins located within the area to the north east of the winery building where the outdoor concerts have more recently been held.

The winery is arguably the most well known and substantial within the Southern Highlands. The winery has been the recipient of a 5 Star rating within the 2018 edition of James Halliday Wine Companion. On this score it places Centennial Vineyards in the top 8% of wineries across Australia. The associated Centennial Restaurant, is rated within the top 3 outside of Sydney as a function venue.



Figure 3: View of main cluster of buildings on site

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Figure 4: View of main entrance to site off Centennial Road



Figure 5: View of main winery, cellar door and restaurant buildings with associated vines



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Figure 6: Extract from WLEP2010 Land Zoning Map Sheet LZN_007F, identifying the current zoning of the site as E3 Environmental Management and showing the context relative to the adjoining land to the east and south east that is within the R5 Large Lot Residential zone. Note also the two parcels of RE2 Private Recreation land. The larger parcel closest to Centennial Vineyards is Peppers Craigieburn, a long established tourist development of 100 years standing, while the smaller parcel further to the east and adjoining the golf course is the site of the Gibraltar Hotel, a major tourist accommodation and functions venue more recently established.



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PART 1: OBJECTIVES OR INTENDED OUTCOMES

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

- To change the zoning of the land in order to better reflect its current usage as a long established and approved winery, cellar door and restaurant with high tourist visitation
- To provide a zoning for the land that will better facilitate the long term usage of the land including the continuance of the winery, cellar door, restaurant and other associated tourist related activities
- To give effect to Councils stated strategic planning aims of building a strong local economy and planning for tourism
- Provide a planning regime whereby the land can be developed in an appropriate manner, subject to development approval, for tourist related activities including food and drink premises, functions and accommodation

The intended statutory planning outcome would be that the land described in the Site Description and Location section of this Planning Proposal, is identified upon the appropriate Zoning Maps of Wingecarribee Local Environmental Plan 2010 as SP3 Tourist.

In relation to the Minimum Lot Size Maps it is not intended that they be amended.

There would be no immediate change to the subject site. The existing uses would not change in purpose, scale or character.

Outcomes of any subsequent development proposals would be subject to the submission and assessment of Development Applications at the appropriate time. These would be assessed in the first instance for permissibility against the land use tables of the SP3 zone. Permissible land uses include tourist and visitor accommodation, food and drink premises (cafes, restaurants etc), functions and receptions and recreational facilities. Any such development proposals would then be assessed against the zone objectives and then against any relevant development controls Council has in place in the relevant Development Control Plans.

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PART 2: EXPLANATION OF THE PROVISIONS

The preferred amendment to the WLEP2010 as put forward in this Planning Proposal submission is to change the current zoning of the land from its current E3 Environmental Management zoning and include the subject land into the SP3 Tourist zone of Wingecarribee Local Environmental Plane 2010.

This is considered to be the most efficient way to give effect to the stated objectives and intended outcomes. The SP3 zone has been specifically designed and included into the suite of zoning options available under the Standard LEP template to serve the precise purpose as set out in the intended objectives and outcomes.

This will require an amendment to the Land Zoning maps of the WLEP2010. It is not intended that the Minimum Lot Size Maps be amended to change the minimum lot size for the subdivision of land. This matter can be the subject of future deliberation and determination at a later date. It is reasonable to assume that a 40 hectare minimum lot size that was pertinent to the E3 Environmental Management zone is not necessarily relevant to land within a tourist zone. At a later date and based upon more detailed information about potential development options that may arise under the proposed zoning, this issue can be further explored.

Map to be amended	Detail of Amendment
Land Zoning Map Sheet LZN_007F	Amend the WLEP2010 maps so that the subject lands as described below are within the SP3 Tourist zone: Lot 1 DP 126196; Lot 1 DP 435373; Lot 1 DP79802; Lots 1 and Lot 5A DP16192.

No amendment to the written provisions of the WLEP2010 is necessary.

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PART 3: JUSTIFICATION OF OBJECTIVES, OUTCOMES & PROCESS

Section A - Need for the Planning Proposal

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

The Planning Proposal is a logical progression from Council's adoption of the Local Planning Strategy 2015 -2031 (adopted 23 March 2016).

Chapter Five of the Strategy, Developing a Prosperous Wingecarribee is discussed more fully in Section B (4).

The Local Planning Strategy needs to be given effect by subsequent planning decisions and this Planning Proposal, that requests a rezoning of land that more closely aligns with its long term usage, is consistent with the Strategy and will therefore assist in achieving Council's long term planning objectives.

It is also directly relevant to the work and purpose of the Council's Economic Development and Tourism Advisory Committee that has a primary responsibility of encouraging the local economy and providing opportunity where possible, for the growth of tourist related business.

For Council to be successful in achieving its strategic aims for economic development and tourism within the Shire, there will be a need to recognise opportunities that can contribute to this goal. In this proposal, there is an ideal synergy in building upon a solid base of previous land use that is aligned with tourist visitation to the Shire. Sites that clearly align with the stated criteria of Council for suitable tourism localities need to be identified and encouraged. This is one such opportunity.

It is in this context that this Planning Proposal is put forward as a way to address a situation that is of high priority and of important consequence to the Shire.

It is considered that the Proposal is strictly in accordance with the current Planning Strategy of Council because it is clearly in accordance with the strategic necessity of Council and the site is consistent with the selection criteria Council has adopted on which to judge tourism development locations.

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

Chapter 5 of the Wingecarribee Local Planning Strategy 2015 -2031 dealt with Developing a Prosperous Wingecarribee.

Section 5.5 included some specific economic goals and strategies including the following:

Goal 5.2 The Southern Highlands is a recognised tourist destination throughout Australia Goal 5.3 Wingecarribee has agribusiness suited to our distinct climate and geography.

These goals recognised that tourism was already a major contributor to the employment opportunities within the Shire. It also recognised that the main transport linkages to Sydney, Canberra and Wollongong provided good access to these markets including for tourist related businesses. Close to 6 million people live within and surrounding these major centres, all within an easy 2 hours drive of the Southern Highlands.

Section 5.6 related to planning for tourism

According to the Strategic Plan, tourism in the Wingecarribee Shire is a major economic driver, contributing an estimated \$220 million in visitor expenditure per annum. This comes about from up to 1.2 million visitors staying 925,000 nights in the region. Tourism has the benefit of contributing to the local economy with a high multiplier effect. As the Strategy states

"Many businesses, including food and drink premises, accommodation premises and retail outlets, benefit from direct spending by consumers from outside the local community, considerably extending the business's potential 'reach'. Those businesses in turn reinvest in the local community through sourcing goods and services from the resident population."

Council has developed a set of criteria by which to judge prospective SP3 Tourist zone locations. This has been done primarily to ensure that tourism development does not adversely impact on the resident population or the natural environment. Appropriate locations are needed and the scale of development needs to be respectful of surrounding land uses and sensitive environmental issues.

Section 5.7 is specific to the SP3 Tourist zone and contains the criteria on which to assess potential tourism locations. These are set out below:

- 1) Covers an area of at least 20 hectares.
- 2) Continuously operating as a tourist establishment for at least three (3) years.
- 3) Within 2km of residential development.
- 4) Adjacent, or near to a major access road.

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- 5) Access to adequate water and sewer infrastructure.
- 6) Free of extensive areas of Ecologically Endangered Community (EEC) vegetation which might be impacted by the development proposal.
- 7) Free of other environmentally sensitive constraints as identified under WLEP 2010 which may be impacted by the development proposal.
- 8) Free of significant bushfire or flooding threat which cannot be adequately addressed through design considerations.

The subject site is compliant with these criteria to a very high degree. In fact the subject site would compare most favourably with all of the existing tourism zoned locations across the Shire when Council's criteria are used as the measuring mechanism. This is why a proposed change of the site zoning is considered to be appropriate.

The following comments are relevant to consider and demonstrate the sites compliance with the adopted criteria for judging potential tourist locations:

- 1. The site, at approximately 127 hectares, has an area well in excess of the minimum requirement of 20 hectares.
- Centennial Vineyards has been operating continuously as a vineyard, winery, cellar door and restaurant for in excess of twenty years. A range of ancillary tourist related uses have been hosted, such as outdoor concerts. It is the most recognisable and high profile winery within the Southern Highlands.
- 3. The site is within 2km of residential areas, being immediately adjacent to the R5 Large Lot Residential area of west Bowral. It is in fact the first non residential property along Centennial Road when heading west out of Bowral. It affords the perfect transition location into the rural areas further west.
- 4. The site has direct access onto Centennial Road, which is the link road to the Old Hume Highway just 1.5 kilometres to the west, which then allows access either south to Berrima and beyond to the Hume Highway or to the north towards Mittagong and back to Sydney, again via the Hume Highway. Also, Centennial Road is the major collector providing access back into the Shire's major town, Bowral, to the east just 2.5 kilometres away.
- 5. The site is connected to town water and sewer. The issue of adequacy of existing service provision or required upgrades to Council's water and sewer systems is something for proper consideration of any subsequent development proposals, with the scale of development dictated by the sites capacity to manage these issues. If Council deemed it necessary to provide more information prior to any particular development proposal, it could be made a requirement of the formal consultation and exhibition process after Council has supported the gateway approval. A general overview of service capacity could be prepared.
- 6. The site is free of any areas of Ecologically Endangered Community (EEC) vegetation that might be impacted by the development proposal. As stated earlier, the site has a significant coverage of native vegetation that currently complements the formal vineyard plantings and is a significant and important

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- component of the visual amenity of the locality. The site however also contains large areas of cleared pasture land. There is ample opportunity on the site to accommodate future development without the need to impact on any native vegetation areas.
- 7. In relation to Clause 7.4 Natural resources sensitivity biodiversity, the site is not affected. In relation to Clause 7.5 Natural resources sensitivity water, there is one Category 2 stream requiring clearance of 30 metres from development and two Category 3 streams requiring 10 metre clearances from development. This level of environmental sensitivity is not considered to be significant and is well within the ability of the development application process to manage. Overall, the site is not considered to be environmentally constrained to a degree that would preclude the proposed zoning change and it is not considered that any more detailed reports are necessary at this point in time.
- 8. The site is identified as being bushfire prone land on the Bushfire Prone Land maps of Council. As would be expected, these bushfire prone areas align with the areas that accommodate the native vegetation on the site. There are large areas of the site that are not within mapped bushfire prone areas. There is clearly ample unconstrained land and therefore opportunity for future development to be located clear of bushfire prone land is plentiful. Further, it will be readily achievable to demonstrate compliance with the requirements of *Planning for Bushfire Protection*. The site is not a known flood affected site.

Section 5.8 of the Strategy then goes on to suggest an amendment to the WLEP2010 that would provide a framework around which tourist related development proposals on land within the SP3 Tourism zone could be assessed. This approach would ensure that the appropriate levels of scrutiny are brought to bear upon tourist related development proposals at the Development Application stage. This is a logical approach and is supported. However, it is neither possible nor necessary at this point in time to consider this proposed WLEP2010 clause.

The alternative way to achieve the objectives and intended outcomes of the Planning Proposal is through the Development Application process. This pathway has been followed up to this point in time to secure the existing approvals for the winery, cellar door and restaurant. There have been limited development consents issued for the temporary use of the site for events (concerts). The mechanism for this, Clause 2.8 Temporary Use of Land under the WLEP2010, has its limitations and is not considered to be a viable planning pathway on which to make any long term planning or business decisions. Continuing reliance upon temporary consents is not considered to be appropriate or sustainable. Further, a considerable component of any tourism location must be the opportunity for a broader range of tourist and visitor accommodation over and above farm stay and bed and breakfast. Increased tourist accommodation opportunities cannot be achieved without a change in zoning.

The third alternative is for Council to expand the range of permissible land uses within the E3 Environmental Management zone to include a broader range of tourist related activities or uses. To be effective this would need to include at the least, function centres and a broader range of tourist accommodation types.

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However, the Strategic Plan states in Section 5.9 that 'Council does not support at this time the development of function centres or tourist and visitor accommodation in the environmental and rural zones. Any property wanting to undertake such development should request that Council consider rezoning the land to SP3 Tourist.'

Given the above, the submitted Planning Proposal that requests the Centennial Vineyards site be rezoned to SP3 Tourist, is clearly the best and most appropriate means of achieving both the owners and Council's strategic objectives and intended outcomes. Having said this however, no assumptions should be made as to any particular development outcomes arising from a change in the land use zoning. In the first instance, the tourist zone simply aligns more closely with the current use of the land than does the environmental management zone.

Section B - Relationship to strategic planning framework

3 Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including draft strategies)?

The Planning Proposal is consistent with the South East and Tablelands Regional Plan that has superseded the Sydney Canberra Corridor Regional Strategy 2006-31.

In broad terms, the Regional Plan, as did its predecessor, seeks to cater for continued growth within the region, without impacting adversely upon the character of the region.

This Planning Proposal achieves this by providing an opportunity for existing and potential tourism development upon the land that is ideally situated in accordance with Council's adopted assessment criteria. Any future development can maintain consistency with the predominant rural character of the locality and within the capacity of the land to accommodate tourism development.

Set out in Chapter 1 of the Regional Plan is Goal 1, being a connected and prosperous economy. Tourism is specifically identified as a priority growth area within the Region.

To give effect to the broader goal, Direction 9 of this Chapter is to grow tourism in the region. It follows that to do so, opportunities for tourist development are needed.

The previous Sydney - Canberra Corridor Regional Strategy contained background discussion on both Rural Lands (Section 4) and Economic Development and Employment Growth (Section 5). There were no specific recommendations or controls that related directly to planning for tourism although the Actions required of Council's have some relevance.

In relation to rural lands, the Corridor Strategy required local plans to protect and zone land of significant agricultural value, but also to manage those lands to accommodate economic outcomes. In this case, the existing agricultural use of the land (vineyards,

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grazing and agistment) can be retained and then complemented with the additional options that the SP3 tourist zone brings. This is not in conflict with either the current or previous State government Strategy.

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

The relevant local strategy is the recently adopted Wingecarribee Local Planning Strategy 2015 -2031.

It is considered that the Planning Proposal is consistent with the local planning strategy for Wingecarribee Shire.

As noted earlier, Council has given strong indications that it favours the rezoning process to create new SP3 Tourist locations rather than expanding the range of permissible land uses for sites that may wish to develop for purposes including function centres and other tourist related activities.

The Wingecarribee Local Planning Strategy identifies a set of criteria on which to base consideration of proposed SP3 Tourist zonings and these were discussed earlier.

The Centennial Vineyards site compares favourably against these criteria and against all other existing SP3 Tourism zones across the Shire when these criteria are considered.

The site is a well recognised location within the Shire being one of the largest and highest profile wineries in the Southern Highlands. Through the cellar door and the Centennial Restaurant it has a well deserved reputation as a place for tourists to visit while in the Southern Highlands. The previous use of the site as an outdoor concert venue introduced many thousands to the winery and the Southern Highlands more broadly. These permanent and temporary uses perfectly align with Council's strategic goal of boosting tourism across the Shire. As noted earlier, the site is also in close proximity to two other major tourist destinations of the Southern Highlands, being Peppers Craigieburn and the Gibraltar Hotel.



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

There are no applicable State Planning Policies that would be contravened by this Planning Proposal.

The Table below refers to all State policies and provides a comment as to the relevance they may have to this Planning Proposal.

State Environmental Planning Policy	Relevance to Planning Proposal
No.1 Development Standards	No longer relevant due to Clause 4.6 of WLEP2010 being the mechanism for the consideration of any variations to development standards. Not relevant at this stage of the planning process
No.14 Coastal Wetlands	Does not apply to the subject site
No.19 Bushland in Urban Areas	Does not apply to the subject site
No.21 Caravan Parks	Because caravan parks are permissible within the SP3 zone, this Policy could potentially be applicable to future development at Development Application stage.
No.26 Littoral Rainforests	Does not apply to the subject site
No.30 Intensive Agriculture	Does not apply to the subject site as piggeries and cattle feed lots are prohibited within the SP3 zone
No.33 Hazardous and Offensive Development	Potentially applicable to future development at Development Application stage, however it is noted that industries of the type covered by the Policy are not permissible in the proposed SP3 Tourism zone
No.36 Manufactured Home Estates	This Policy applies to land within Wingecarribee Shire and it is noted that caravan parks are permissible in the proposed SP3 Tourism zone. Potentially applicable to future development at Development Application stage although Schedule 2 of the Policy allows Council to exclude land within a water catchment.

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No.44 Koala Habitat Protection	This Policy applies to land within the Wingecarribee Shire. However the Policy requires Council to be satisfied of certain matters prior to issuing consent to Development Applications, not Planning Proposals. Clause 16 does allow for the preparation of local environmental studies, which could be required as part of any Gateway determination. In this case, if Council was on the view that further information was required to provide more certainty around potential koala habitat, it could be brought forward as part of the formal public exhibition process of an LEP amendment. It should be noted that the site is already developed for a range of uses and any future tourism development will require a Development Application that will need to address not only this Policy but all matters contained within Council's planning instrument including the proposed amendment to WLEP2010 that will provide a framework for consideration of DAs within the SP3 zone
No. 47 Moore Park Showground	Does not apply to the subject site
No.50 Canal Estate Development	Does not apply to the subject site
No.52 Farm Dams and Other Works in Land and Water Management Plan Areas	Does not apply to the subject site
No.55 Remediation of Land	This Policy applies to land within the Wingecarribee Shire. Clause 6 requires the planning authority to consider whether the land is contaminated and/or whether the land can be made suitable for purpose. Because of the agricultural use of the land, it may be necessary in future Development Application scenario's to more fully investigate potential site contamination. However at this stage the Planning Proposal will not change the current land uses. Initial contamination assessments can be required either as part of a Gateway determination or as part of subsequent Development Applications. They are not required at this initial stage of consideration
No. 62 Sustainable Aquaculture	Not applicable to the form of development permissible within the proposed zones

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No.64 Advertising and Signage	This policy applies to land within the Wingecarribee Shire. However, the provisions relate to the assessment of Development Applications and can be properly administered if relevant applications are made in the future.
No.65 Design Quality of Residential Apartment Development	This Policy applies to land within Wingecarribee Shire. It is noted that residential flat buildings, that are specifically covered by the policy, are not permissible in the proposed SP3 Tourism zone and therefore the Policy would not be applicable to any Development Application on the site
No.70 Affordable Housing (Revised Schemes)	Does not apply to the subject site
No.71 Coastal Protection	Does not apply to the subject site
Affordable Rental Housing 2009	This Policy applies to land within Wingecarribee Shire but not to the SP3 Tourism zone or the types of residential development that are permissible within the SP3 zone. The PP is not inconsistent with the Policy.
Building Sustainability Index: Basix 2004	Related to the development/building phase for Basix required development only
Educational Establishments and Child Care Facilities 2017	This Policy applies to land within Wingecarribee Shire. However, the Policy is focused on the development application process. It is not relevant to the SP3 Tourism zone.
Exempt and Complying Development Codes 2008	This Policy applies to land within Wingecarribee Shire and will be applicable in the usual way
Housing for Seniors or People with a Disability 2004	This Policy applies to land within Wingecarribee Shire. The SP3 Tourism zone does not permit seniors housing. The zone would not be considered as land zoned primarily for urban purposes and seniors housing would therefore remain prohibited under the State Policy. The site is not adjacent to land zoned primarily for urban purposes.

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Infrastructure 2007	This Policy applies to land within Wingecarribee Shire. However it is focused upon the development application phase. Development for tourism related development may be of a scale to trigger referral to the RMS as Traffic Generating Development under Clause 104 Schedule 3. This would be dealt with as part of the Development Application process. The PP is not inconsistent with the Policy.
Integration and Repeals 2016	Does not apply to the subject site
Kosciuszko national Park - Alpine Resorts 2007	Does not apply to the subject site
Kurnell Peninsula 1989	Does not apply to the subject site
Mining, Petroleum Production and Extractive Industries 2007	This Policy applies to land within Wingecarribee Shire. However it does not contain provisions that require any specific provisions within PPs. The policy is focused on the Development Application phase and unlikely to be of any consequence to this site
Miscellaneous Consent Provisions 2007	This Policy applies to land within Wingecarribee Shire however has no particular relevance to this PP
Penrith Lakes Scheme 1989	Does not apply to the subject site
Rural Lands 2008	This Policy applies to land within Wingecarribee Shire and to land within the E3 zone that is considered an environment protection zone. The Policy seeks to minimize rural land fragmentation. The land is not State Significant agricultural land. The Policy is not relevant to this PP.
State and Regional Development 2011	This Policy applies to land within Wingecarribee Shire however the PP does not involve any identified State significant land or development. If any future development was proposed of such a scale, then the relevance of the Policy will be assessed at that time
State Significant Precincts 2005	This Policy applies to land within Wingecarribee Shire however the PP does not involve land or development of a scale

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	that is relevant to the Policy
Sydney Drinking Water Catchment 2011	The Wingecarribee Shire is within the area covered by the Policy. The key purpose of the Policy is to ensure water quality impacts are properly assessed as part of development proposals. Any Gateway determination could require further more detailed water quality assessment to be part of the formal exhibition process or such assessment could be held over until the development application phase when it would be possible to assess and model the impacts of an actual development scheme. The PP is not inconsistent with the Policy and there is no reason to suspect that future development cannot satisfy the NorBE test under the Policy
Sydney Region Growth Centres 2006	Does not apply to the subject site
Three Ports 2013	Does not apply to the subject site
Urban Renewal 2010	Does not apply to the subject site
Vegetation in Non-Rural Areas 2017	Does not apply to the subject site
Western Sydney Employment Area 2009	Does not apply to the subject site
Western Sydney Parklands	Does not apply to the subject site

6. Is the Planning Proposal consistent with applicable Section 117 Directions?

Direction	Assessment
1. Employment and Resources	
1.1 Business and Industrial Zones	NA
1.2 Rural Zones	Although the current use of the site is a rural use (vineyards/grazing), the land is not within a rural zone. The E3 Environmental Management zone is an environment protection zone. Therefore the requirement within this Direction that rural land not be rezoned to a tourist zone, is not applicable

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1.3 Mining, Petroleum Production and Extractive Industries	NA
1.4 Oyster Aquaculture	NA
1.5 Rural Lands	This direction affects environment protection zones inclusive of E3 land. The Rural Planning Principles of SEPP Rural Lands are relevant. These Principles strive to ensure ongoing productive rural activities. The site of this PP is over 120 hectares and accommodates a well established agricultural use. The tourism zone will not directly impact the ongoing agricultural use — it will complement it. Through the DA process, the existing environmental and natural resources can be protected as necessary.
2. Environment and Heritage	
2.1 Environment Protection Zones	The land is currently within the E3 Environmental Management zone of WLEP2010. This Direction does not allow a PP to reduce environmental protection standards that apply to the land. There are no particular environmental protection standards within the WLEP2010 that apply to the E3 zone. The WLEP2010 has natural resources sensitivity mapping for biodiversity and water. The site is not unduly affected by either of these issues. See previous comments. The proposed change of zone would not alter the requirement for any development proposal to properly consider the environmental issues of water quality, native vegetation and bushfire hazard. The PP is not inconsistent with the Direction.
2.2 Coastal Protection	NA
2.3 Heritage Conservation	NA. The site is not considered to be heritage sensitive in any way. Future development can, if deemed necessary, be supported by appropriate heritage or archaeological studies
2.4 Recreation Vehicle Areas	NA

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. Housing, Infrastructure and Urban evelopment	
3.1 Residential Zones	NA
3.2 Caravan Parks and Manufactured Home Estates	Caravan parks are permissible within the proposed SP3 zone of the WLEP2010. The PP is therefore consistent with the Direction.
3.3 Home Occupations	NA
3.4 Integrating Land Use and Transport	This Direction seeks to promote public transport use. This Direction has limite applicability within the Shire as compared to the importance of this issue within higher density urban areas. Notwithstanding this the subject site for the PP is in close proximity to the main centre of Bowral and compares favourably with all other identified tourism zoned areas in the Shire.
3.5 Development Near Licensed Aerodromes	NA
3.6 Shooting Ranges	NA
Hazard and Risk 4.1 Acid Sulfate Soils	NA
4.2 Mine Subsidence and Unstable Land	NA NA
4.3 Flood Prone Land	
4.3 Flood Profie Land	NA – the site is not flood prone land
4.4 Planning for Bushfire Protection	The objective of this Direction is discourage incompatible land uses from bushfire hazard areas. The site has minimal affectation of bushfire risk having reference to the Council's Bushfire Production Land maps and the extent of existing development upon the site. The area of the site that is currently occupied and utilises as vineyards, winery cellar door and restaurant has already minimised the bushfire threat. Access to the site is direct onto Centennial Road with options to both the east or west if a path of evacuation was required. The PP does not at this stage contemplate any further building upon the site. If the PP was supported, Development Applications would be necessary demonstrate that any future development would be compliant with the requirement of Planning for Bushfire Protection guidelines. The PP is not inconsistent with the Direction.

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10.4 Planning Proposal to Rezone Centennial Vineyard to SP3 Tourist ATTACHMENT 1 Planning Proposal submission for Centennial Vineyard



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5. Regional Planning	
5.1 Implementation of Regional Strategies NB: This Direction has been revised to include previous Directions 5.6 and 5.7.	The Sydney – Canberra Corridor Regional Strategy is in place and therefore relevant. The PP is not inconsistent with the broad intent of the Regional Strategy as previously discussed
5.2 Sydney Drinking Water Catchments	The proposed change of zone would still require any future development of the land to properly consider the requirements of the State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011. Any development proposal would need to demonstrate a neutral or beneficial effect on water quality as a result of the development. The PP is not inconsistent with the Direction
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	NA
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	NA
5.8 Second Sydney Airport: Badgerys Creek	NA
5.9 North West Rail Link Corridor Strategy	NA
6. Local Plan Making	
6.1 Approval and Referral Requirements	A PP that simply seeks to change the land use zoning of a site from one category to another is not inconsistent with the Direction
6.2 Reserving Land for Public Purposes	NA
6.3 Site Specific Provisions	The PP does not propose to have any site specific provisions. Future development proposals can be assessed under the provisions of Section 79C of the EPA Act and of Council's proposed Clause to be inserted into WLEP2010 that is designed to provide assessment criteria for developments within the SP3 zone.



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Section C - Environmental, Social & Economic Impacts

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the Planning Proposal?

No. The land has not been identified as containing any critical habitat or threatened species populations or ecological communities. As noted earlier, the site is large enough to contain areas of formal vineyard plantings, native vegetation and more open grazing land. There are also the various groupings of winery buildings and farm buildings. Any future development proposals will need to take into account the standard range of planning and environmental issues, including potential habitat and ecological community issues. Any development proposal will be judged on how sensitive it is to these issues. There are ample opportunities on site for future development to be well clear of any identified ecological sensitivities.

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

There are no other likely environmental effects as a result of the Planning Proposal. The current uses being undertaken on the site have been assessed and found to be suitable for the site, with no adverse impacts, over a long period of time. If the Planning Proposal is supported and the site is rezoned to SP3 Tourist, any further development proposals in the future will require the lodgement of a Development Application, to be assessed on its merits.

Any potential environmental effects arising from a specific development proposal can be managed through that process. This would include updated or upgraded reports on the critical issues such as effluent disposal, acoustics, bushfire, traffic etc. Council has indicated its intent to introduce criteria into the WLEP2010 that will provide the framework for such assessment which will further ensure that only appropriate development proceeds.

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

There would be minimal social impacts associated with the Planning Proposal outside of the positives of increased local employment. It is therefore considered that the Planning Proposal will have positive economic impacts through the promotion of tourist related development. Tourism is clearly a major employer, both currently and with the potential to increase into the future. This is recognised within the State regional plan that promotes tourism development for the region.

A strong tourism base is essential for a strong local economy within the Shire, something that is recognised in the Wingecarribee Local Planning Strategy 2016 -2031 and is supported through the Council's own Economic Development and Tourism Advisory Committee.

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10.4 Planning Proposal to Rezone Centennial Vineyard to SP3 Tourist ATTACHMENT 1 Planning Proposal submission for Centennial Vineyard



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Section D - State and Commonwealth Interests

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

The site is accessed off Centennial Road which is a public road of suitable standard. Centennial Road links directly back to the main town of Bowral to the east and to the Old Hume Highway to the west.

As noted earlier, the site is serviced by water and sewer. The Planning Proposal will not change the current demands upon these services from the site. If future development is proposed, it will need to demonstrate the adequacy of services in the same way all development proposals do.

There are no other demands that would be placed upon public infrastructure as a direct result of the Planning Proposal.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

No other government authorities have yet been consulted. This role falls to Council in the first instance as part of the Gateway determination.

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10.4 Planning Proposal to Rezone Centennial Vineyard to SP3 Tourist ATTACHMENT 1 Planning Proposal submission for Centennial Vineyard



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PART 4 - MAPPING

The Planning Proposal will be given effect by a mapping change to the WLEP2010 zoning maps.

Sheet LZN_007F will need to be amended by identifying the subject land as SP3 Tourist rather than its current E3 Environmental Management zone.

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10.4 Planning Proposal to Rezone Centennial Vineyard to SP3 Tourist ATTACHMENT 1 Planning Proposal submission for Centennial Vineyard



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PART 5 – COMMUNITY CONSULTATION

It is acknowledged that the Council will need to undertake Community engagement to provide the opportunity for adjoining property owners and the broader community to comment upon the Planning Proposal. The applicant is prepared to participate fully in any consultation program deemed necessary by Council.

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10.4 Planning Proposal to Rezone Centennial Vineyard to SP3 Tourist ATTACHMENT 1 Planning Proposal submission for Centennial Vineyard



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PART 6 – TIMELINE

The proponent of the Planning Proposal acknowledges that the time line for a Planning Proposal can be difficult to predict and that some of the processing time is outside of Council's direct control.

This Planning Proposal has been put forward because it is consistent with the Council's strategic planning for the Shire.

The Planning Proposal will provide more security in long term decision making which is essential for all businesses. It is imperative that the Planning Proposal be dealt with expeditiously to provide the required level of certainty that a commercial operation requires.

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REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



10.5 Planning Proposal to Amend WLEP 2010 to Permit Development for the Purposes of Seniors Living at 6 Wiseman Road, Bowral

Reference: PN1701417, 5901

Report Author: Senior Strategic Land Use Planner

Authoriser: Coordinator Strategic Land Use Planning

Link to Community

Strategic Plan: Provide a mixture of housing types that allow residents to

meet their housing needs at different stages of their lives

and support affordable living

PURPOSE

To consider a submission to amend Schedule 1 of Wingecarribee Local Environmental Plan (WLEP) 2010 to enable a seniors living development at 6 Wiseman Road Bowral.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

RECOMMENDATION

THAT the Planning Proposal to amend Schedule 1 of Wingecarribee Local Environmental Plan (WLEP) 2010 to enable a seniors living development at 6 Wiseman Road, Bowral NOT BE SUPPORTED.

REPORT

BACKGROUND

A Planning Proposal was lodged with Council by Hogan Planning requesting that Council consider an amendment to Schedule 1 (Additional permitted uses) of WLEP 2010 to enable a seniors living development on Lot 4 DP 829578, 6 Wiseman Road Bowral.

The proposal was assessed by Strategic Planning staff and discussed with Councillors at an Information Session on 14 March 2018.

REPORT

Proposal

The subject land is located at 6 Wiseman Road Bowral south of the East Bowral residential precinct as indicated in **Figure 1** below. The site covers an area of approximately 4

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hectares. The land is zoned E3 Environmental Management with a minimum lot size of 40 hectares.

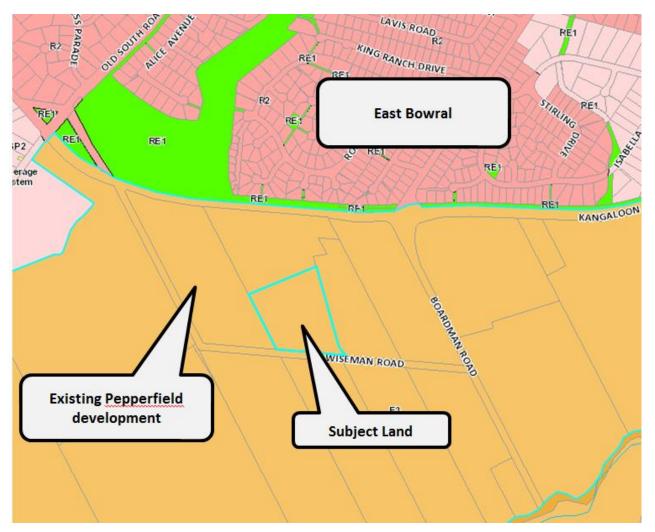


Figure 1

It is the intent of the Planning Proposal to seek to permit Seniors Living on the site which adjoins the Pepperfield Lifestyle Resort seniors living development on Lot 1000 DP 1117715 (Figure 2 below). It is further intended that both the subject land and the adjacent lot which contains the Pepperfield development be consolidated.

Strategic Assessment

The land adjoins the current 'Pepperfield Lifestyle Resort' (Seniors Housing) development as indicated in **Figure 2** below. It is noted that the Pepperfield development was not supported by Council and is the result of a Land and Environment Court determination.

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Figure 2

Access to the site is via Wiseman Road which runs off Boardman Road South from Kangaloon Road.

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It is noted that the northern portion of the site is flood prone land as indicated in **Figure 3** below.

It is further noted that there is no sewer infrastructure available to the site.

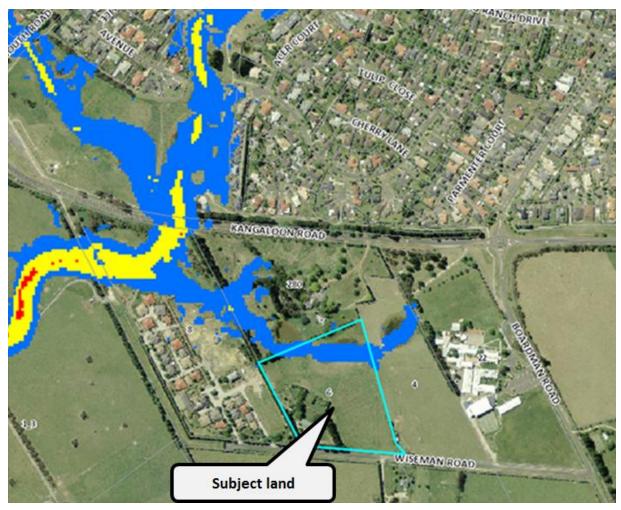


Figure 3

WLEP 2010 permits Seniors Housing within the R2 Low Density Residential and R3 Medium Density Residential zones where there is good access to facilities and services and where such housing can contribute to social mix.

It is noted that the Pepperfield development was not supported by Council and is the result of a Land and Environment Court determination. Major roads such as Kangaloon Road form significant barriers to mobility and can limit seniors to a reliance on their own car or some other form of private transport. There are no traffic lights or pedestrian crossing to facilitate movement across Kangaloon Road so public transport is not an option, or at least not in both directions.

Council did not approve the current Pepperfield development on which the current proposal now relies. Support for the current proposal could set a precedent for further applications resulting in an extensive seniors living enclave in a location where seniors housing is not permitted under WLEP2010.

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Recommendation

It is recommended that the proposal **NOT BE SUPPORTED**.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

There are no implications for Council's Fit for the Future Improvement Plan resulting from this report.

COMMUNICATION AND CONSULTATION

Community Engagement

No community engagement would occur if the recommendation to the report is supported. If the submission is supported by Council a Planning Proposal would be prepared and lodged with the Department of Planning & Environment for a Gateway Determination. Community consultation would then occur in accordance with the Gateway requirements.

Internal Communication and Consultation

No internal consultation was undertaken as part of the strategic assessment of the proposal.

External Communication and Consultation

No external consultation would occur if the recommendation is supported. Any submission to amend WLEP 2010 which is supported by Council would be externally referred to relevant agencies for comment as required by the Gateway Determination.

SUSTAINABILITY ASSESSMENT

Environment

If the recommendation to the report is supported there are no environmental issues. However, if Council supports the proposal, adverse environmental impacts from residential development of land which does not have sewer infrastructure could occur.

Social

If the recommendation to the report is supported there are no social issues. However, if Council supports the proposal, limited access to facilities and services may impact the wellbeing of future residents.

Broader Economic Implications

There are no broader economic implications in relation to this report.

Culture

There are no cultural issues in relation to this report.

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Governance

The submission has been considered in accordance with guidelines provided by the Department of Planning & Environment.

COUNCIL BUDGET IMPLICATIONS

There are no budget implications associated with this report.

RELATED COUNCIL POLICY

There are no other Council related policies.

OPTIONS

The options available to Council are:

Option 1

Support the recommendation to this report to not amend Schedule 1 of WLEP 2010 to enable seniors living on the site.

Option 2

Not support the recommendation to this report.

Option 1 is the recommended option to this report.

CONCLUSION

The Planning Proposal has been assessed and a recommendation made based on the content and intended outcome of the proposal. Council has consistently not supported the development of this location for senior living and Council continues to maintain that position.

ATTACHMENTS

1. Planning Proposal to permit Housing for Seniors at 6 Wiseman Road Bowral

Mark Pepping

Deputy General Manager Corporate, Strategy and Development Services

Friday 4 May 2018



ATTACHMENT 1

Planning Proposal

To amend Schedule 1 of the Wingecarribee Local Environmental Plan 2010 to permit the development of Lot 4 in DP 829578 at No. 6 Wiseman Road, Bowral for the purposes of Seniors Living.

Prepared for Wingecarribee Shire Council by:

Hogan Planning PO Box 2257, Bowral NSW 2576 darren@hoganplanning.com.au

On behalf of: Pepperfield Lifestyle Resort



Civic Centre, Elizabeth St, Moss Vale, NSW 2577. PO Box 141, Moss Vale. ABN 49 546 344 354 T. (02) 4868 0888 E. wscmail@wsc.nsw.gov.au

www.wsc.nsw.gov.au

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10.5 Planning Proposal to Amend WLEP 2010 to Permit Development for the Purposes of Seniors Living at 6 Wiseman Road, Bowral
 ATTACHMENT 1 Planning Proposal to permit Housing for Seniors at 6 Wiseman Road Bowral



Planning Proposal – To amend Wingecarribee Local Environmental Plan 2010 to permit the development of Lot 4 in DP 829578 at No. 6 Wiseman Road, Bowral for the purposes of Seniors Living.

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ATTACHMENTS WHICH FORM PART OF THIS PLANNING PROPOSAL

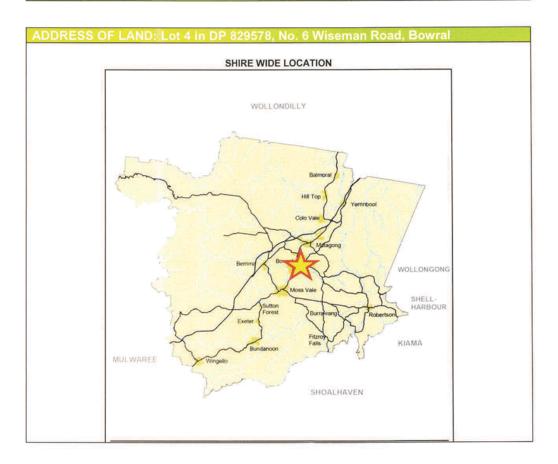
1	Hayes Environmental Consultant – Ecological Correspondence



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LOCAL GOVERNMENT AREA: WINGECARRIBEE SHIRE COUNCIL



SITE LOCATION & DESCRIPTION

The subject property is located at No. 6 Wiseman Road, Bowral and has the legal property description of Lot 4 in DP No. 829578. The site area is approximately 4.043 hectares. Adjacent is located the Pepperfield Lifestyle Resort seniors living development located at No. 8 Wiseman Road, Lot 1000 in DP 1117715 with a site area of approximately 8.51 hectares. Both properties are presently under the ownership of the Pepperfield Lifestyle Resort and it is proposed that they be consolidated into one new lot, with the objective being to enable the expansion of the Pepperfield seniors living development to encompass adjacent Lot 4 in DP No. 829578 that presently supports a single dwelling and associated landscape enhancements.

Prepared for Wingecarribee Shire Council by Hogan Planning January 2018

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10.5 Planning Proposal to Amend WLEP 2010 to Permit Development for the Purposes of Seniors Living at 6 Wiseman Road, Bowral
 ATTACHMENT 1 Planning Proposal to permit Housing for Seniors at 6 Wiseman Road Bowral



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The Local Government Area is Wingecarribee Shire and the Principle Planning Instrument is the Wingecarribee Local Environmental Plan 2010, under which Plan both lots are zoned E3 Environmental Management. Development for the purposes of seniors living is a prohibited land use within the E3 zone hence prompting the need for a Planning Proposal.

Permitted and prohibited land uses for the E3 zoning are identified within the WLEP 2010 Land Use Table in the following terms:

2 Permitted without consent

Environmental protection works Extensive agriculture; Home-based child care; Home occupations;

3 Permitted with consent

Agricultural produce industries; Airstrips; Aquaculture; Bed and breakfast accommodation; Cellar door premises; Community facilities; Dairies (pasture-based); Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Environmental facilities; Farm buildings; Farm stay accommodation; Flood mitigation works; Health consulting rooms; Helipads; Home businesses; Horticulture; Information and education facilities; Places of public worship; Recreation areas; Recreation facilities (outdoor); Roads; Roadside stalls; Secondary dwellings; Signage; Viticulture; Water storage facilities;

4 Prohibited

Industries; Multi dwelling housing; Residential flat buildings; Retail premises; **Seniors housing**; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3. (Bold added).

The existence of the Court approved and operational Pepperfield Lifestyle Resort seniors living development at No. 8 Wiseman Road overcomes the land use prohibition for that site. The adjacent No. 6 Wiseman Road (the subject site) is currently used for residential purposes and no approval for seniors living exists, thus the land use prohibition for seniors living has application.

Whilst a lot consolidation is proposed between the two adjacent sites, lot consolidation of its own is not sufficient planning justification to allow the expansion of the adjacent seniors living development into Lot 4 of DP 829578, thus triggering the need for the Planning Proposal. The Planning Proposal seeks to include seniors living as a permissible land use for that land that is currently encompassed by Lot 4 in DP No. 829578 at No. 6 Wiseman Road in Bowral. It is also envisaged that as a lot consolidation is proposed between both properties that inclusion of the site overall under Schedule 1 of the WLEP 2010 to permit seniors living would be most appropriate.



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It is an established fact that No. 8 Wiseman Road supports an operational seniors living development, being the Pepperfield Lifestyle Resort functioning as a Retirement Village in accordance with the *Retirement Villages Act 1999*. The property is situated adjacent to the southern fringe of the East Bowral residential precinct, which extends to the northwards of Kangaloon Road, as shown within the following aerial plan view of Image No. 1.



Image 1: Aerial plan view of the subject property No. 6 Wiseman Road, Bowral in relation to surrounding lands. Pepperfield Lifestyle Resort is located adjacent and to the west at No. 8 Wiseman Road. (Source: Six Maps).

A residential dwelling and associated mature landscaped gardens are located adjacent at No. 6 Wiseman Road. This dwelling, identified as 'Mon Monet' is setback at approximately 30m from Wiseman Road and is located within the south-western corner of the subject property. Within the north-eastern part of the site a sizable water storage dam is located whilst the remainder of the site is undeveloped and consists of open pasture.

Wiseman Road is a cul-de-sac road of approximately 670m in length that runs in an east to west direction that terminates at Boardman Road, which is located to the east of the subject site. Boardman Road in turn joins with Kangaloon Road, which runs parallel and to the north of the site. The Kangaloon / Boardman Road roundabout is located approximately 450m to the northwest of the Wiseman Road / Boardman Road intersection.

The entrances to No. 6 and No. 8 Wiseman Road are located adjacent and are found on the northern side of Wiseman Road. The properties are encountered after travelling approximately 500m westward from the intersection of Wiseman Road with Boardman Road.



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Image 2: Aerial plan view of the subject site 'Mon Monet' No. 6 Wiseman Road, Bowral with the Pepperfield seniors living development located adjacent to the west (Source: Six Maps).



Image 3: Cadastral view of the subject site 'Mon Monet' No. 6 Wiseman Road, Bowral showing relationship to Pepperfield Lifestyle Resort adjacent to the west (Source: Six Maps).

Prepared for Wingecarribee Shire Council by Hogan Planning January 2018

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Planning Proposal – To amend Wingecarribee Local Environmental Plan 2010 to permit the development of Lot 4 in DP 829578 at No. 6 Wiseman Road, Bowral for the purposes of Seniors Living.

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Basic details are as follows:

- The property 'Mon Monet' has the legal description of Lot 4 in Deposited Plan No. 829578 and has the street identity of No. 6 Wiseman Road in Bowral. The site maintains an area of approximately 4.034 hectares;
- Adjacent Pepperfield Lifestyle Resort at No. 8 Wiseman Road, Lot 1000 in DP 1117715 maintains a site area of approximately 8.51 hectares and is operated as a retirement village in accordance with the Retirement Villages Act 1999;
- Upon proposed lot consolidation the two adjacent lots will have a combined site area that would amount to a little over 12 hectares at 120,940m²;
- There are no identified easements within the site that would have a negative effect upon the proposed future development of the location for the purposes of Seniors Living;
- Wiseman Road is a cul-de-sac road that terminates at its easternmost extent where it provides a direct vehicular ingress and egress to the Pepperfield Lifestyle Resort Seniors Living development at No. 8 Wiseman Road. The subject property 'Mon Monet' at No. 6 Wiseman Road is located directly adjacent and to the east of the Pepperfield Lifestyle Resort entrance;
- No. 6 Wiseman Road is of an irregular trapezoid shape with a primary, southern property frontage to Wiseman Road measuring approximately 195m, a western side boundary measuring approximately 173m adjacent to the Pepperfield Lifestyle Resort, an eastern side boundary measuring approximately 269m and a northern (rear) property boundary measurement of approximately 205m;
- The site topography of No. 6 Wiseman Road is described as a moderately undulating landscape that becomes relatively level within the southern, Wiseman Road part of the site;
- A water storage dam is located within the north-eastern quadrant of No. 6 Wiseman Road. A creek line that has been artificially modified by channelling crosses the site from west to east within this lower northern part of the site;
- A single storey dwelling of brick and metal roof construction is located within the southwestern quadrant of No. 6 Wiseman Road. The dwelling has a direct vehicular access to Wiseman Road and is screened from view from the street by mature evergreen hedges. Established landscaped gardens are located about the curtilage of the dwelling and screen the building from the street and the surrounding landscape;
- The predominant vegetation within No. 6 Wiseman Road is comprised of tree and shrub species that are of exotic origin, with tree species principally consisting of evergreen species, mostly conifers. A windbreak / privacy screen of conifer trees is

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10.5 Planning Proposal to Amend WLEP 2010 to Permit Development for the Purposes of Seniors Living at 6 Wiseman Road, Bowral
 ATTACHMENT 1 Planning Proposal to permit Housing for Seniors at 6 Wiseman Road Bowral



Planning Proposal – To amend Wingecarribee Local Environmental Plan 2010 to permit the development of Lot 4 in DP 829578 at No. 6 Wiseman Road, Bowral for the purposes of Seniors Living.

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- situated to the Wiseman Road site frontage and further along the length of the western property boundary line;
- Located to the north of No. 6 Wiseman Road is a residential dwelling that is likewise surrounded by substantial landscaping, including mature hedging situated within open pastureland. This property, identified as 280 Kangaloon Road, Bowral at Lot 320 in DP 1104244 derives vehicular access from Kangaloon Road;
- The Southern Highlands Christian School is located one property removed to the east and at approximately 130m distant from No. 6 Wiseman Road;
- Opposite and to the south of No. 6 Wiseman Road is located open pasture land that is utilised for the purposes of animal grazing;
- The Pepperfield Lifestyle Resort seniors living development at No. 8 Wiseman Road is found adjacent to the western property boundary of No. 6 Wiseman Road;
- Nos. 6 and 8 Wiseman Road both have access to town water and to Council's sewer infrastructure. Electricity and telecommunications facilities are available;
- The northern part of Lot 4 in DP 829578 is partially flood affected however the southern portion, which contains the existing dwelling and landscape surrounds is flood free (Wingecarribee Flood Study Final Report January 2014). It is proposed that should the Planning Proposal be supported that only the flood free part of the site be developed for the purposes of seniors living.



PART 1: OBJECTIVES OR INTENDED OUTCOMES

The subject site No. 6 Wiseman Road at Lot 4 in DP 829578 is zoned E3 Environmental Management under the *Wingecarribee Local Environmental Plan 2010* wherein seniors living development is a prohibited land use. It is proposed that the subject lot be consolidated, in being a process that does not require Council consent, with that of the adjacent seniors living development at Lot 1000 in DP 1117715. Lot consolidation of its own however does not constitute sufficient planning grounds to overcome the land zoning prohibition for seniors living that applies to Lot 4 in DP 829578.

Given the prohibition under the Local Planning Instrument and as development for the purposes of Seniors Living is not elsewhere enabled under the SEPP (Housing for seniors and people with a disability) 2004, a Planning Proposal is the only option available to have the permissibility prohibition reviewed.

The intended outcome of the Planning Proposal is to obtain Council support for an amendment to the WLEP 2010 to make permissible a senior living development of Lot 4 in DP 829578 following consolidation with adjacent Lot 1000 in DP 1117715. The proposed mechanism to achieve the outcome is via inclusion within Schedule 1 of the WLEP 2010 for use of the combined site area of Lot 4 in DP 829578 and Lot 1000 in DP 1117715 for the purposes of seniors living.

Whilst it is not strictly necessary for existing Lot 1000 in DP 1117715 to be included within Schedule 1 of the WLEP 2010, inclusion may be considered desirable from a planning perspective as the adjacent lots are proposed to be consolidated into one new lot of approximately 12 hectares, over which combined area further development for the purposes of seniors living is proposed subject to the lodgement of a future DA.

PART 2: EXPLANATION OF THE PROVISIONS

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

Inclusion of Lot 4 in DP 829578 at No. 6 Wiseman Road and Lot 1000 in DP 1117715 at No. 8 Wiseman Road, Bowral within Schedule 1 of the WLEP 2010 to permit the use of the combined land area for the purposes of seniors living.

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

Instrument or Map Affected	Detail of Amendment
WLEP 2010 Schedule 1	Use of the combined land area of Lot 4 in DP 829578 and adjacent Lot 1000 in DP 1117715 for the purposes of seniors living.



Planning Proposal – To amend Wingecarribee Local Environmental Plan 2010 to permit the development of Lot 4 in DP 829578 at No. 6 Wiseman Road, Bowral for the purposes of Seniors Living.

Version 1 for Council Assessment & Determination

PART 3: JUSTIFICATION OF OBJECTIVES, OUTCOMES & PROCESS

Section A - Need for the Planning Proposal

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

The Planning Proposal application has not come about through any strategic study or report commissioned by either the applicant, Council or the State Government.

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

The submission of a Planning Proposal is the only viable option available to the applicant to enable consideration of a seniors living development of the subject property Lot 4 in DP 829578 at No. 6 Wiseman Road. An application for a Site Compatibility Certificate is not an option as has been confirmed by both Council and the Dept. of Planning and Environment as the site is identified under Schedule 1 of the SEPP 'Housing for Seniors and People with a Disability' 2004 as 'Environmentally Sensitive Land' (Water Catchment Area). No further mechanism exists under the SEPP to permit consideration for seniors living development at Lot 4 in DP 829578 other than that of a Planning Proposal.

Section B - Relationship to strategic planning framework

3. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including draft strategies)?

The South East and Regional Tablelands Strategy 2031 has application to the subject site and to the Planning Proposal. The Strategy recently replaces the prior Sydney Canberra Corridor Regional Strategy 2031. The proposed development is considered as consistent with the strategy 2031 in that it promotes economic growth through the stimulus of additional housing choice within the Wingecarribee region to meet current and future demand.

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

The Local Planning Strategy 2015 – 2031 has direct application to the Planning Proposal. Specifically, Chapter 2 'Managing our Natural Environment' details Council's objectives for development specific to lands zoned E3 Environmental Management. The table that is an accompaniment to Chapter 2.1 of the Strategy identifies 99,967 hectares of land within Wingecarribee Shire as zoned E3. A stated objective for the E3 zone within this table is expressed within the following terms:

'To minimise the proliferation of buildings and other structures in these sensitive landscape areas.'



Planning Proposal – To amend Wingecarribee Local Environmental Plan 2010 to permit the development of Lot 4 in DP 829578 at No. 6 Wiseman Road, Bowral for the purposes of Seniors Living.

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The proposal to include the subject site Lot 4 in DP 829578 as part of the adjacent existing seniors living development at Lot 1000 in DP 1117715 would see the site developed at a more intensive level than that envisaged by the land use zoning and be in apparent contradiction with the above stated objective as expressed within the Local Planning Strategy 2015 – 2031.

Chapter 2 further emphasises a need to protect and enhance natural environmental attributes within the environmental zones, including flora and fauna protection and water quality management.

Given the apparent inconsistencies between the proposed development of Lot 4 in DP 829578 for the purposes of seniors living and the objectives of the Strategy, the following justifications are offered in support of the Planning Proposal:

Adjacent property to the west at Lot 1000 in DP 1117715 is currently operating as a retirement village where environmental considerations, including the maintenance and protection of water quality are successfully managed. This adjacent site contains high quality landscaping that makes a positive environmental contribution and further visually softens the built form of the retirement village development when viewed from both within and outside of the developed area. It is proposed that Lot 4 in DP 829578 be consolidated with this neighbouring development and be subject to the same high quality built form and landscaping treatment.

No significant flora or fauna are identified with the subject site that would require especial consideration in the development of the site however given the E3 zoning of the location the services of a suitably qualified ecological consultant were engaged to consider the site in terms of environmental sensitivities and to provide a professional opinion. The ensuing ecological consultant letter dated 16 October 2017 prepared by Hayes Environmental is included as 'Attachment 1' to the Planning Proposal. In summary the specialist consultant concludes:

'I understand that the land is zoned E3 Environmental Management. I do not believe that the land has been assigned to this zone on the basis of ecological features that require protection. It is probable that the zoning protects the visual character and amenity of the semi-rural landscape, rather than any ecological value.'

From this conclusion it becomes clear that the zoning has most likely been applied with the objective of protecting the visual characteristics of the local environment as opposed to the protection of any intrinsic environmental qualities directly attributable to the site. It is further noted that the subject site is not mapped by Council under any LEP Biodiversity Mapping Layer as environmentally sensitive land. It is considered to be a reasonable conclusion that should Council have considered the site to have any especial environmental significance, that this significance would be identified by the site being mapped as 'Environmentally Sensitive Land' within the WLEP 2010 Biodiversity Maps.

It is offered that the development of the site for the purposes of seniors living can result in a high quality visual result by marrying appropriate low scale architecture with significant landscaping embellishments to result in an improved environmental outcome. Water quality outcomes can be dealt with adequately and to the satisfaction of WaterNSW as has been achieved with the neighbouring Pepperfield Lifestyle Resort seniors living development and thereby result in a positive environmental outcome that is in principle consistent with the Strategy 2031.



Planning Proposal – To amend Wingecarribee Local Environmental Plan 2010 to permit the development of Lot 4 in DP 829578 at No. 6 Wiseman Road, Bowral for the purposes of Seniors Living.

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

SEPP	Relevance to Planning Proposal
No.1 Development Standards	Not relevant – replaced by Clause 4.6 of WLEP2010 as the mechanism for any variation to development standards.
No.14 Coastal Wetlands	Not relevant – There are no Coastal Wetlands within the Shire.
No.19 Bushland in Urban Areas	Not relevant – SEPP does not apply to Wingecarribee Shire.
No.21 Caravan Parks	Not relevant – None of the Planning Proposals intends to result in development of a Caravan Park.
No.26 Littoral Rainforests	Not relevant – SEPP does not apply to Wingecarribee Shire.
No.30 Intensive Agriculture	Not relevant – None of the Planning Proposals intends to result in Intensive Agriculture.
No.33 Hazardous and Offensive Development	Not relevant – None of the Planning Proposals intends to result in Hazardous or Offensive development.
No.36 Manufactured Home Estates	Not relevant – None of the Planning Proposals intends to result in development of a Manufactured Home Estate.
No.44 Koala Habitat Protection	The Planning Proposal is consistent with the aims of the SEPP which applies to land within Wingecarribee Shire. The subject property is not identified by Council as a known koala habitat and does not support native vegetation that could support a viable koala population.
No. 47 Moore Park Showground	Not relevant – SEPP does not apply to Wingecarribee Shire.
No.50 Canal Estate Development	Not relevant – None of the Planning Proposals intends to result in Canal Estate development.
No.52 Farm Dams and Other Works in Land and Water Management Plan Areas	Not relevant – SEPP does not apply to Wingecarribee Shire.
No.55 Remediation of Land	The Planning Proposal is consistent with the provisions of the SEPP which applies to land within Wingecarribee Shire. The subject property does not currently support or has been identified with a past land use that could be considered as a potentially land contaminating activity and no trigger exists that would warrant an investigation of the site in terms of potential land contamination.
No. 62 Sustainable Aquaculture	Not relevant – None of the Planning Proposals intends to result in Sustainable Aquaculture development.
No.64 Advertising and Signage	The SEPP applies to land within Wingecarribee Shire. The Planning Proposal does not include an application for consideration of any advertising signage in association with the proposal for development of the subject site.



Planning Proposal – To amend Wingecarribee Local Environmental Plan 2010 to permit the development of Lot 4 in DP 829578 at No. 6 Wiseman Road, Bowral for the purposes of Seniors Living.

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No.65 Design Quality of Residential Apartment Development	The SEPP applies to land within Wingecarribee Shire however the scope of the Planning Proposal does not have relevance in terms of the SEPP controls.
No.70 Affordable Housing (Revised Schemes)	Not relevant – SEPP does not apply to Wingecarribee Shire.
No.71 Coastal Protection	Not relevant – SEPP does not apply to Wingecarribee Shire.
Affordable Rental Housing 2009	The SEPP applies to land within Wingecarribee Shire however the scope of the Planning Proposal does not have relevance in terms of the SEPP controls.
Building Sustainability Index: Basix 2004	The SEPP applies to land within Wingecarribee Shire however the scope of the Planning Proposal does not have relevance in terms of the SEPP controls.
Educational Establishments and Child Care Facilities 2017	The SEPP applies to land within Wingecarribee Shire The proposed development does not include either are educational establishment or a child care facility and therefore the SEPP does not have relevance in this particular circumstance.
Exempt and Complying Development Codes 2008	The SEPP applies to land within Wingecarribee Shire The proposal for development of the subject site for the purposes of seniors living is not a form of development that may be considered as either exempt or complying.
Housing for Seniors or People with a Disability 2004	The SEPP applies to land within Wingecarribee Shire however does not have application to the subject site in the absence of support for the Planning Proposal. It has been established by the Department of Planning and Environment that at the time of preparation of the Planning Proposal that Schedule 1 of the SEPP precludes consideration for a Site Compatibility Certificate application.
Infrastructure 2007	The SEPP applies to land within Wingecarribee Shire however the scope of the Planning Proposal does not have relevance in terms of the SEPP controls.
Integration and Repeals 2016	Not relevant – SEPP does not apply to Wingecarribee Shire.
Kosciuszko national Park - Alpine Resorts 2007	Not relevant – SEPP does not apply to Wingecarribee Shire.
Kurnell Peninsula 1989	Not relevant – SEPP does not apply to Wingecarribee Shire.
Mining, Petroleum Production and Extractive Industries 2007	The Planning Proposal is consistent with the SEPP which applies to land within Wingecarribee Shire. The subject property is not mapped or otherwise identified in association with any State Significant mineral resource.



Planning Proposal – To amend Wingecarribee Local Environmental Plan 2010 to permit the development of Lot 4 in DP 829578 at No. 6 Wiseman Road, Bowral for the purposes of Seniors Living.

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Miscellaneous Consent Provisions 2007	The SEPP applies to land within Wingecarribee Shire however the scope of the Planning Proposal does not have relevance in terms of the SEPP controls.	
Penrith Lakes Scheme 1989	Not relevant – SEPP does not apply to Wingecarribee Shire.	
Rural Lands 2008	The SEPP applies to land within Wingecarribee Shire and the Planning Proposal does not present any direct conflicts with the aims of the SEPP which are stated under Part 1 Clause 2 as:	
	Aims of Policy The aims of this Policy are as follows: to facilitate the orderly and economic use and development of rural lands for rural and related purposes, to identify the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State, to implement measures designed to reduce land use conflicts, to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations, to amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.	
	The subject site comprises an area of approximately 4.043 hectares and no State significant viable agricultural land would be sterilised should the site be developed for the purposes of seniors living. The proposal represents an orderly and economic use of the land although conflicts with the rural and related land use purposes. Justification for favourable consideration is contained within Section B Part 4 of the Planning Proposal.	
State and Regional Development 2011	The SEPP applies to land within Wingecarribee Shire however the scope of the Planning Proposal does not have relevance in terms of the SEPP controls.	
State Significant Precincts 2005	The SEPP applies to land within Wingecarribee Shire however the scope of the Planning Proposal does not have relevance in terms of the SEPP controls.	
Sydney Drinking Water Catchment 2011	The SEPP applies to land within Wingecarribee Shire. The proposal to develop the subject site for the purposes of seniors living would trigger the need to firstly obtain	



Planning Proposal – To amend Wingecarribee Local Environmental Plan 2010 to permit the development of Lot 4 in DP 829578 at No. 6 Wiseman Road, Bowral for the purposes of Seniors Living.

Version 1 for Council Assessment & Determination

	the concurrence of Water NSW. It is assumed that the Planning Proposal will be referred to Water NSW for comment as part of Council's preliminary assessment of the Planning Proposal application.	
Sydney Region Growth Centres 2006	Not relevant – SEPP does not apply to Wingecarribee Shire.	
Three Ports 2013	Not relevant – SEPP does not apply to Wingecarribee Shire.	
Urban Renewal 2010	The SEPP applies to land within Wingecarribee Shire however the scope of the Planning Proposal does not have relevance in terms of the SEPP controls.	
Vegetation in Non-Rural Areas 2017	Not relevant – SEPP does not apply to Wingecarribee Shire.	
Western Sydney Employment Area 2009	Not relevant – SEPP does not apply to Wingecarribee Shire.	
Western Sydney Parklands	Not relevant – SEPP does not apply to Wingecarribee Shire.	

6. Is the Planning Proposal consistent with applicable Section 117 Directions?

1.1	ction 1. Employment and Resources Business and Industrial Zones	N/A.
1.2	Rural Zones	Applies.
1.3	Mining, Petroleum Production and Extractive Industries	N/A
1.4	Oyster Aquaculture	
1.5	Rural Lands	N/A. Applies.
	essment: development of the site for the purposes of a retirement vil	
oppo	ortunities both during the construction phase and on-going i	
and	grounds and in the provision of aged care.	
	ction 2. Environment and Heritage	- W
2.1	Environment Protection Zones	Applies.
2.2	Coastal Protection	N/A.
2.3	Heritage Conservation	N/A.
2.4	Recreation Vehicle Areas	N/A.
	essment: proposed development would conflict with the stated of	piectives for the Environment
	ection zone however justifications in support of a favour	
	ided for under Section B Part 4 of the Planning Proposal.	Table consideration have bee
prov	ided for drider Section B 1 art 4 of the 1 familing 1 toposal.	
Dire	ction 3. Housing, Infrastructure and Urban Developme	nt
3.1	Residential Zones	N/A.
	Caravan Parks and Manufactured Home Estates	N/A.
3.2		
3.2	Home Occupations	N/A.
1	Home Occupations Integrating Land Use and Transport	N/A. N/A.



Planning Proposal – To amend Wingecarribee Local Environmental Plan 2010 to permit the development of Lot 4 in DP 829578 at No. 6 Wiseman Road, Bowral for the purposes of Seniors Living.

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Dire	ction 4. Hazard and Risk	
4.1	Acid Sulfate Soils	N/A.
4.2	Mine Subsidence and Unstable Land	N/A.
4.3	Flood Prone Land	Applies.
4.4	Planning for Bushfire Protection	N/A.
drair such asse	nage line and dam is not proposed to be development to be confined to the so essment report is to be provided at DA	This northern portion of the site, which includes a e developed for the purposes of seniors living, with outhern, flood free portion of the site. A flood risk stage should the Planning Proposal be supported
subject drain such asset and Dire Asset The	nage line and dam is not proposed to be development to be confined to the so assment report is to be provided at DA the LEP Amendment made. ction 5. Sydney Drinking Water Catclessment: concurrence of WaterNSW is required.	e developed for the purposes of seniors living, with buthern, flood free portion of the site. A flood risk stage should the Planning Proposal be supported hments It is assumed that the Planning Proposal will be
subject drain such asset and Dire Asset The refer Plan	rage line and dam is not proposed to be development to be confined to the so assment report is to be provided at DA the LEP Amendment made. ction 5. Sydney Drinking Water Catclessment: concurrence of WaterNSW is required to Water NSW for comment as ning Proposal application.	e developed for the purposes of seniors living, with buthern, flood free portion of the site. A flood risk stage should the Planning Proposal be supported
subject drain such asse and Dire Asse The refer Plan	rage line and dam is not proposed to be development to be confined to the so assment report is to be provided at DA the LEP Amendment made. ction 5. Sydney Drinking Water Catclessment: concurrence of WaterNSW is required to Water NSW for comment as ning Proposal application. ction 6. Local Plan Making	e developed for the purposes of seniors living, with buthern, flood free portion of the site. A flood risk stage should the Planning Proposal be supported hments It is assumed that the Planning Proposal will be part of Council's preliminary assessment of the
subject drain such asset and Dire Asset The refer Plan	rage line and dam is not proposed to be development to be confined to the so assment report is to be provided at DA the LEP Amendment made. ction 5. Sydney Drinking Water Catclessment: concurrence of WaterNSW is required to Water NSW for comment as ning Proposal application.	e developed for the purposes of seniors living, with buthern, flood free portion of the site. A flood risk stage should the Planning Proposal be supported hments It is assumed that the Planning Proposal will be

Section C - Environmental, Social & Economic Impacts

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the Planning Proposal?

The subject site is zoned E3 Environmental Management under the WLEP 2010 and the adjacent Seniors Living development Pepperfield Lifestyle Resort at Lot 1000 in DP 1117715 is similarly zoned E3 Environmental Management. A suitably qualified ecological consultant has been engaged to consider the site in terms of environmental sensitivities and to provide a professional opinion. The ensuing ecological statement prepared by Hayes Environmental is included as 'Attachment 1' to this supporting documentation. In summary the specialist consultant concludes 'that the zoning protects the visual character and amenity of the semi-rural landscape, rather than any ecological value.'

From this conclusion it considered likely that the zoning has been applied with the aim of protecting the visual characteristics of the local environment as opposed to the protection of any intrinsic environmental qualities directly attributable to the site.

Prepared for Wingecarribee Shire Council by Hogan Planning January 2018



Planning Proposal – To amend Wingecarribee Local Environmental Plan 2010 to permit the development of Lot 4 in DP 829578 at No. 6 Wiseman Road, Bowral for the purposes of Seniors Living.

Version 1 for Council Assessment & Determination

The subject site is not mapped by Council under any LEP Biodiversity Mapping Layer as environmentally sensitive land. Should Council have considered the site to have any especial environmental significance, it is considered most probable that this significance would be identified by the site being mapped as 'Environmentally Sensitive Land' within the WLEP 2010 Biodiversity Maps.

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

Potential additional environmental impacts are largely confined to the potential impacts upon water quality. It is proposed that as water quality impacts are successfully being managed within the adjacent seniors living development at Lot 1000 in DP 1117715 that the management of water quality in a comparable development of Lot 4 in DP 829578 can similarly achieve compliance with the SEPP Sydney Drinking Water Catchment (2011). A full and thorough investigation to achieve a neutral or beneficial impact upon water quality (NorBE) would be undertaken at DA stage for the assessment of WaterNSW.

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

The likely social impacts are positive, with the proposed development of the site for the purposes of seniors living providing accommodation and facilities to meet current and projected demand for aged care within the Southern Highlands. Similarly, the positive economic stimulus that aged care provision provides within the community is well established, both for the construction phase of development and ensuing aged care and the ongoing maintenance of facilities and landscaped surrounds.

Section D - State and Commonwealth Interests

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

The subject site has access to the following services and infrastructure:

- Reticulated Town Water;
- Electricity supply;
- Sewer connection is available;
- Telecommunications services.

The subject site will have the same access to services and facilities as are available to the adjacent Lot 1000 in DP 1117715 at the approved and operational Pepperfield Lifestyle Resort seniors living development. The proximity of the subject site to the adjacent Pepperfield Lifestyle Resort Seniors Living development has ensured that access to services and facilities is available.

Prepared for Wingecarribee Shire Council by Hogan Planning January 2018



Planning Proposal – To amend Wingecarribee Local Environmental Plan 2010 to permit the development of Lot 4 in DP 829578 at No. 6 Wiseman Road, Bowral for the purposes of Seniors Living.

Version 1 for Council Assessment & Determination

PART 4 - MAPPING

The following maps require amendment as indicated below:

Map to be amended	Detail of Amendment	
N/A	N/A	

PART 5 - COMMUNITY CONSULTATION

Community consultation will occur as directed in the Gateway Determination and in accordance with the Department's Guide to preparing LEPs. It is noted that Council normally provides at least 28 days of public exhibition which includes, as relevant, notification by letter/email to adjoining property owners and weekly advertising in the Southern Highland News for the duration of the exhibition period. Copies of the Planning Proposal and relevant documentation are provided on Council's website, at the Customer Service Counter at the Civic Centre and at all relevant libraries including Council's Rural Outreach & Delivery Service (ROADS) Mobile Library.

Prior to community consultation any referrals required by the Gateway Determination will be done. This will include referral to Water NSW.

PART 6 - TIMELINE

It is anticipated that the Planning Proposal will progress in accordance with the following key timeline milestones. Should Council resolve to proceed with the Planning Proposal, the following indicative timeline will be completed by Council.

MILESTONE	INDICATIVE DATE
Gateway Determination	
Agency Consultation	
Public Exhibition	
Report to Council on exhibition of Planning Proposal.	
S.59 Documents to DP&E & PCO.	10 A
Approximate completion date	

DELEGATIONS

TO BE COMPLETED BY COUNCIL SHOULD THE PLANNING PROPOSAL PROCEED.

Wednesday 9 May 2018

10.5 Planning Proposal to Amend WLEP 2010 to Permit Development for the Purposes of Seniors Living at 6 Wiseman Road, Bowral

ATTACHMENT 1 Planning Proposal to permit Housing for Seniors at 6 Wiseman Road Bowral



Planning Proposal – To amend Wingecarribee Local Environmental Plan 2010 to permit the development of Lot 4 in DP 829578 at No. 6 Wiseman Road, Bowral for the purposes of Seniors Living.

Version 1 for Council Assessment & Determination

Attachment 1: Hayes Environmental Correspondence

Attachment 2: Masterplan for Consolidated Lot





16th October 2017

PEPPERFIELD LIFESTYLE RESORT PO Box 1280 BOWRAL NSW 2576

Att: Steve McGrath

Dear Steve,

RE: 6 Wiseman Road, Bowral

I have conducted a desktop investigation of the subject land, including review of:

- * Aerial photography of the land and surrounding areas;
- Local area vegetation community mapping by Wingecarribee Shire Council (2010);
- Biodiversity Values Map (prepared for the now commenced Biodiversity Conservation Act 2016);

The land has not been mapped by Council as containing native vegetation, nor has it been identified as an area of biodiversity value as defined under the Biodiversity Conservation Act 2016.

Aerial photography shows that the land (orange boundary on photo below) is open grassland, with formal landscaping appearing to consist predominantly (if not entirely) of exotic trees and shrubs. A highly modified creekline runs across the northern corner of the site. The creek has been channelled and dammed, with a formal managed edge to both the creek and the dam.



14 Wingecarribee Street, Bowral 2576

Suite 7 Corbett Plaza

PO Box 2257, Bowral 2576 Mob 0412 600 173

Email rhogan@hayesenv.com.au



Surrounding lands have been similarly cleared of natural features. Lands to the south are rural. Pepperfield Lifestyle Resort is situated to the west, Southern Highlands Christian School to the east, and the suburb of East Bowral a short distance to the north.

I understand that the land is zoned E3 Environmental Management. I do not believe that the land has been assigned to this zone on the basis of ecological features that require protection. It is probable that the zoning protects the visual character and amenity of the semi-rural landscape, rather than any ecological value.

Areas of ecological value requiring protection are usually zoned E2 Environmental Conservation.

Please do not hesitate to contact me with any queries.

Regards,



Rebecca Hogan BSc (environmental biology) MEngMngt MECA (NSW) Principal, Hayes Environmental



10.5 Planning Proposal to Amend WLEP 2010 to Permit Development for the Purposes of Seniors Living at 6 Wiseman Road, Bowral ATTACHMENT 1 Planning Proposal to permit Housing for Seniors at 6 Wiseman Road Bowral





Wednesday 09 May 2018

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



12 OPERATIONS FINANCE AND RISK

12.1 Drinking Water Quality Policy Review

Reference: 7741

Report Author: Operations Technical Officer - Quality and Projects

Authoriser: Manager Water & Sewer

Link to Community

Strategic Plan: Manage and plan for future water, sewer and stormwater

infrastructure needs

PURPOSE

This report requests the approval of the revised Drinking Water Quality Policy (Policy). The Policy is an essential document of Wingecarribee Shire Council's Drinking Water Management System (DWMS). The DWMS is a regulatory document that has been developed in conjunction with the Australian Drinking Water Guidelines (ADWG) Framework and NSW Ministry of Health - Public Health Unit.

RECOMMENDATION

THAT Council adopt the revised Drinking Water Quality Policy.

REPORT

BACKGROUND

The NSW *Public Health Act 2010* and *Public Health Regulation 2012* require suppliers of drinking water to develop and adhere to a "quality assurance program", which is better known as a Drinking Water Management System (DWMS) from September 2014.

Council's DWMS was developed in 2014 and undergoes regular reviews as part of Council's commitment to continual improvement of its services and products. The DWMS contains relevant policies, procedures and other supporting information for the safe supply of drinking water to residents and businesses of the Shire through our Water Treatment Plants (WTP) and distribution network.

The NSW Ministry of Health has developed and published the NSW Guidelines for Drinking Water Management Systems (Guidelines) to assist in the implementation of a DWMS. The DWMS must address the twelve (12) elements set out in the Framework for the Management of Drinking Water Quality. Element 1 in the Guidelines requires that a Drinking Water Quality Policy be developed and reviewed along with any other regulatory and formal requirements.

Wednesday 09 May 2018

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



REPORT

A key element of the DWMS is to have in place a Drinking Water Quality Policy that demonstrates Councils commitment to providing safe drinking water to the community. By adopting the attached Drinking Water Quality Policy, Council can demonstrate its regulatory commitment to the DWMS at an organisation level.

The Drinking Water Quality Policy contains a summary of how Council will specifically address the elements listed in the framework for drinking water suppliers. In particular the Policy requires Council to provide a clean, safe and reliable water supply which is essential to the health and wellbeing of residents and visitors to the Wingecarribee Shire.

In March 2018 a review of the Policy was undertaken, and minor amendments were made to update the Policy according to Council's vision and values statement. The changes include:

- The addition of Council's Treated Water Extraction Policy to the list of relevant policies.
- A more succinct description of Council's reporting obligations of water quality issues to the community and regulatory authorities.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

There will be no impact on Council's Fit for the Future Improvement Plan.

COMMUNICATION AND CONSULTATION

Community Engagement

The Drinking Water Quality Policy was developed in accordance with the NSW legislative requirements and guidelines. The current review of the Policy was of a minor nature, and community consultation was not deemed necessary.

Internal Communication and Consultation

The Drinking Water Quality Policy was developed in consultation with Council staff including the Manager of Water and Sewer, Water Coordinator, Coordinator Environment and Sustainability, and Operations Technical Officer. Relevant staff will be informed upon Council approving the Policy.

External Communication and Consultation

This Policy was developed in accordance with the NSW Ministry of Health. The changes to the Policy do not impact on external stakeholders.

SUSTAINABILITY ASSESSMENT

Environment

There are no environmental issues in relation to this report.

Wednesday 09 May 2018

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



Social

Council can demonstrate its ongoing commitment to the provision of the safe supply of drinking water to the community. Council has adopted the recommended industry standard for using a risk based management approach for the delivery of this product and service to the community.

Broader Economic Implications

There are no broader economic implications in relation to this report.

Culture

There are no cultural issues in relation to this report.

Governance

Council is responsible for the safe supply of drinking water to the community; as such it is required to adhere to a quality assurance program in agreement with NSW Ministry of Health. The endorsement of this Drinking Water Quality Policy by Council will satisfy the legislative requirements and provide a positive direction for the DWMS as it is a key element of the quality assurance program.

COUNCIL BUDGET IMPLICATIONS

There are no direct budget implications related to the adoption of this Policy.

RELATED COUNCIL POLICY

Treated Water Extraction Policy.

OPTIONS

The options available to Council are:

Option 1

Council adopts the Drinking Water Quality Policy as presented in this report.

Option 2

Council makes amendments to the Drinking Water Quality Policy prior to subsequent adoption by Council.

Option 1 is the recommended option to this report.

CONCLUSION

The Drinking Water Quality Policy has been developed to demonstrate Council's commitment to the supply safe drinking water to the community through its treatment plants and distribution network. The policy has been developed to support Council's DWMS in line with legislative requirements. The review of the Policy was of a minor nature, and public exhibition was not deemed necessary.

Wednesday 09 May 2018

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



ATTACHMENTS

1. Drinking Water Quality Policy



Drinking Water Quality Policy

ATTACHMENT 1

PLACES

MANAGE AND PLAN FOR THE FUTURE WATER, SEWER AND STORM WATER INFRASTRUCTDURE NEEDS 3.4.2

7741

Adoption Date: Council Reference: Policy Owner: Next review date: File Reference:

Related Policies/Legislation:

(Governance to insert) (Governance to insert) Manager Water and Sewer. February 2020

- Public Health Act 2010 No 127 (Current version for 4 July 2014)
- Public Health Regulation 2012 (No. 313 of 2012)
- The Framework for Management of Drinking Water Quality (updated 2013) as set out in the Australian Drinking Water Guidelines published by the National Health and Medical Research Council
- Water Management Act 2000
- Treated Water Extraction Policy (MN296/16)

Superseded Policy/GM Practice Note:

Nil

OBJECTIVES

The objectives of this policy are:

- to confirm Council's commitment to the supply of safe drinking water to the community
- o to support the WSC Drinking Water Management System (DWMS)

POLICY STATEMENT

Policy Overview

A clean, safe and reliable water supply is essential to the health and wellbeing of residents and visitors to our shire.



www.wsc.nsw.gov.

Wingecarribee Shire Council – (Drinking Water Quality Policy)
Adoption Date: (Governance to insert)
Policy Owner:

Page 1 of 4



Drinking Water Quality Policy

Wingecarribee Shire Council is committed to the effective and professional management of its drinking water supply systems and will take all reasonable steps to ensure the reliable supply of safe, high-quality drinking water.

Council will achieve this by implementing processes and procedures that address the twelve (12) elements of the Framework for the Management of Drinking Water Quality, as published in the National Health and Medical Research Council's Australian Drinking Water Guidelines; and any other obligations required by legislation and regulations.

Policy in Detail

To achieve our obligations, Council in partnership with relevant stakeholders and agencies will:

- maintain and regularly review the multi-barrier health approach for drinking water supply to ensure the consistent delivery of a safe, reliable, high quality product
- use a risk based systems management approach where by potential threats to drinking water quality are identified, managed and minimised
- systematically monitor the quality of water in our operational and distribution networks and maintain effective reporting systems to provide timely and relevant information that promotes confidence in our water supply
- maintain and regularly review appropriate contingency plans, incident reporting and response capabilities; and ensure relevant staff are trained in incident response protocols
- maintain two way communication avenues with the community to keep consumers informed of drinking water management matters
- maintain an active and informed participation in relevant consultative processes with industry, professional associations, government departments and agencies, particularly NSW Health and Water NSW.
- identify staff training needs and deliver this training to ensure the ongoing professional development and knowledge of current industry practices
- participate as required in the development of industry regulations and guidelines, relevant to the supply of healthy drinking water and the broader water cycle
- develop and maintain documented procedures for all aspects of drinking water quality supply and management, including maintaining timely records to be used to identify short and long term trends
- implement a document control system to ensure current versions of procedure documentation are always in use and ensure staff are trained in the requirements of the procedures
- establish accountable and effective processes for regular internal and external auditing of all necessary aspects of our water supply operations
- ensure senior management periodically review, and report to the executive, the
 effectiveness of the Drinking Water Management System (DWMS) and evaluate the
 need for change in consultation with our stakeholders and in relation to:



www.wsc.nsw.gov.a

Wingecarribee Shire Council – (Drinking Water Quality Policy)
Adoption Date: (Governance to insert)

Policy Owner: Page 2 of 4



Drinking Water Quality Policy

- changing industry standards,
- o improved technologies, and
- changed operational and reporting requirements in the governing regulations and legislation
- observed short and long term trends in drinking water quality and the supply system.
- Aim to achieve and communicate the objective of this policy and drinking water quality issues to all staff and the community.
- Report on our water quality to consumers, regulatory authorities and stakeholders as required.

SCOPE

This Policy applies to Wingecarribee Shire Council staff, contractors, partnering organisations and anyone else involved in the delivery of drinking water to the Wingecarribee Shire.

DEFINITIONS

DWMS - Drinking Water Management System ADWG Australian Drinking Water Guidelines

RESPONSIBILITIES

Responsibilities for implementing this policy are shared between Councillors, Executive and staff, as follows:

Position	Responsibility
Mayor	To lead Councillors in their understanding of, and compliance with, this Policy
Executive and Managers	To lead relevant staff (either directly or through delegated authority) in their understanding of, and compliance with, this Policy.
	To approve resources to develop, implement and review this Policy.
Manager Water and Sewer	To implement the policy by directing the relevant staff. To lead staff in their understanding of, and compliance with, this Policy
Deputy General Manager of Operations, Finance & Risk	To ensure (directly or through delegation) the distribution and communication of the Policy to relevant persons. To ensure (directly or through delegation) the approved Policy is available in hard copy and electronically on Council's website.



www.wsc.nsw.gov.

Wingecarribee Shire Council – (Drinking Water Quality Policy)
Adoption Date: (Governance to insert)

Policy Owner: Page 3 of 4



Drinking Water Quality Policy

PERFORMANCE MEASURES

- Customer Satisfaction
- Compliance with Australian Drinking Water Guidelines
- Delivery of operational procedures to mitigate business risk

BREACHES OF THE POLICY

- The quality of the Shire's drinking water may be compromised
- Customer dissatisfaction
- Council may be exposed to litigation

APPROVED BY:

WINGECARRIBEE SHIRE COUNCIL

8 April 2015, MN 162/15

ATTACHMENTS

Approved By:

WINGECARRIBEE SHIRE COUNCIL



www.wsc.nsw.gov.a

Wingecarribee Shire Council – (Drinking Water Quality Policy)
Adoption Date: (Governance to insert)
Policy Owner:
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REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



12.2 Tender - Bridges Condition Assessment

Reference: 6330/17.5

Report Author: Asset Engineer (Roads)

Authoriser: Coordinator Assets - Roads and Water

Link to Community

Strategic Plan: Work in partnership to ensure a safe road network

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Bridge Condition Assessment.

RECOMMENDATION

 THAT in relation to the report concerning Tender – Bridges Condition Assessment - Council adopts the recommendations contained within the Closed Council report – Item 22.1.

OR

2. <u>THAT</u> the report concerning Tender – Bridges Condition Assessment - be considered in Closed Council – Item 22.1.

Note: In accordance with Council's Code of Meeting Practice, immediately after a motion to close part of a meeting to the public has been moved and seconded, debate on the motion should be suspended to allow the public to make representations to Council as to why the item should not be considered in Closed Council.

REPORT

BACKGROUND

In February 2017, Wingecarribee Shire Council received Restart NSW (Fixing Country Roads Program) Funding for a Bridge Assessment Project estimated at \$416,000.

Wingecarribee Shire Council sought suitably qualified and experienced consultants to submit tenders to conduct condition assessments and load testing on various Council road bridges to provide information to Council for the development of a priority work program for renewal and upgrade of Council's bridge assets.

On Wednesday 14 February 2018, Council endorsed the recommendation that Council accept the tender from Opus International Consultants at a Lump Sum of \$238,590.90 to undertake the specific works.

Opus International Consultants (Australia) Pty Ltd was subsequently bought out by WSP Global Inc during this time. WSP Global Inc failed to honour the terms and conditions included in the original scope and fee proposal, and declined the contract.

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REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



REPORT

Council has sought tenders for suitable and qualified contractors to provide a lump sum tender for the scope of works. The full scope of works was detailed in the tender documents.

In accordance with the *Local Government (General) Regulation 2005* part 7, section 163(1), Council is required to invite tenders where estimated expenditure is greater than \$150,000 (GST inclusive).

This report presents the assessment and recommendation relating to the advertised tender.

<u>ADVERTISING</u>

The tender advertising period was from the 12 September 2017 to 10 October 2017 (28 days).

The tender was advertised as follows:

Newspaper / Website	Date Advertised
Newspaper – Sydney Morning Herald	12/09/2017
Newspaper – Southern Highlands News	13/09/2017
Council's Website	For the duration of the advertising period
Council's eTendering Website	For the duration of the advertising period

TENDERS RECEIVED

A total of six (6) tender submissions were received:

Company Name	Location	Postcode
Australian Road Research Board	Ultimo	2007
MU Group Consulting	Surry Hills	2010
Northrop Engineering Pty Ltd	Wollongong	2500
Opus International Consultants (Australia) Pty Ltd	Chatswood	2067
Pitt and Sherry (Operations) Pty Ltd	Chatswood	2067
SEC Consulting	Wyee	2259

LATE TENDERS

A total of two (2) tender submissions were received late (therefore non-conforming):

Company Name	Location	Postcode
Cardno Limited	Wollongong	2500
SMEC Operations Pty Limited	North Sydney	2060

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REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



TENDER EVALUATION

A Procurement Evaluation Plan was developed which outlined the pre-determined selection criteria, the criteria weightings, and members of the tender evaluation panel.

Each submission was evaluated against the specified criteria by the tender evaluation panel with a scoring system based from 0 to 10 and weighted according to the pre-determined criteria.

SELECTION CRITERIA

The pre-determined criteria used to evaluate the tender were as follows:

Mandatory Criteria:

Criteria		
Compliance with the Schedule of Statement of Compliance		
Compliance with the Schedule of Statement of Conflict of Interest and Fair Dealings		
Compliance with the Schedule of Insurance Certificates, including:		
Public Liability Insurance \$20 million		
Professional Indemnity Insurance \$5 million,		
Comprehensive Motor Vehicle Insurance;		
Workers Compensation Insurance OR [Self Employed] Personal Accident and Illness Insurance or Personal Income Protection,		
Acknowledgement of the Contractual Requirements for providing a Bank Guarantee.		

Tenderers were required to meet the mandatory criteria to be eligible to be shortlisted and progress any further in the evaluation process.

Non-Cost Selection Criteria & Weighting:

Non-Cost Selection Criteria		
Criteria	Weighting	
Demonstrated Experience and Past performance	15%	
Key Personal qualifications and experience	15%	
Methodology and Equipment and understanding of the deliverables	15 %	
Quality Assurance systems	5%	
Work Health and Safety, Environment & Sustainability	5%	
Local purchase preference	5%	
Total	60%	

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REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



Summary of Selection Criteria & Weighting:

Selection Criteria	
Criteria	Weighting
Total Non-Cost Criteria	60%
Total Cost Criteria	40%
Total	100%

NON-COMPLIANT TENDERS

Upon evaluation a total of three (3) tender submissions were determined to be non-compliant:

Company Name	Reason for Non- Compliance
Australian Road Research Board	Mandatory Items
Northrop Engineering Pty Ltd	Mandatory Items
SEC Consulting	Mandatory Items

IMPACT ON FIT FOR THE FUTURE PROPOSAL OUTCOME

The project is funded entirely by the Restart NSW (Fixing Country Roads Program) and therefore has no impact on Council's Operational Budget.

CONSULTATION

Community Engagement

Tenders are part of a commercial arrangement and therefore no community engagement is required.

Internal Consultation

Extensive consultation has taken place between Council's procurement area and assets. This consultation included scope, technical requirements and evaluation methodologies.

External Consultation

NSW Restart have been communicated with throughout the tendering process via monthly progress updates.

SUSTAINABILITY ASSESSMENT

Environment

There are no environmental issues in relation to this report.

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REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



Social

There are no social issues in relation to this report.

Broader Economic Implications

There are no broader economic implications in relation to this report.

Culture

There are no cultural issues in relation to this report.

Governance

This tender has been conducted in accordance with Part 7 of the Local Government (General) Regulation 2005.

COUNCIL BUDGET IMPLICATIONS

There are no implications on Council's Operational Plan as the project is entirely funded by the Restart NSW (Fixing Country Roads Program) Funding Deed.

RELATED COUNCIL POLICY

Council's Procurement Guidelines have been used to inform the tender process.

CONCLUSION

The tender evaluation summary and recommendation are documented in the report to Council's Closed Committee.

ATTACHMENTS

There are no attachments to this report.

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REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



12.3 Tender for Bundanoon WTP and Wingecarribee WTP Clear Water Tank Baffles - Design Fabrication & Site Installation

Reference: 6330/18.2

Report Author: Senior Project Manager

Authoriser: Manager Projects and Contracts

Link to Community

Strategic Plan: Effective and efficient Council service delivery is provided

within a framework that puts the customer first

PURPOSE

The purpose of this report is to present to Council the evaluation of the Request for Tender for the Design, Supply and Installation of the Bundanoon and Wingecarribee Water Treatment Plants (WTP's) Clear Water Tank Baffles project.

RECOMMENDATION

1. <u>THAT</u> in relation to the report concerning Tender for the Design, Supply and Installation of the Bundanoon WTP and Wingecarribee WTP Clear Water Tank Baffles project - Council adopts the recommendations contained within the Closed Council report – Item 22.2.

OR

2. <u>THAT</u> the report concerning Tender for the Design, Supply and Installation of the Bundanoon WTP and Wingecarribee WTP Clear Water Tank Baffles project – be considered in Closed Council – Item 22.2.

Note: In accordance with Council's Code of Meeting Practice, immediately after a motion to close part of a meeting to the public has been moved and seconded, debate on the motion should be suspended to allow the public to make representations to Council as to why the item should not be considered in Closed Council.

REPORT

BACKGROUND

A need has been identified, to modify the existing potable water flow patterns and chlorine concentrations, within the tanks of these WTP's in order to achieve better water quality. This will require full scale design, manufacture and installation of these baffles. This project deals with the need for installation of additional baffles in the water tanks for both Wingecarribee and Bundanoon water treatment plants (WTP's).

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REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



REPORT

Council has sought tenders from suitable and qualified contractors to provide a lump sum tender for the scope of works. The full scope of works was detailed in both the design drawings and the tender documents.

In accordance with the *Local Government (General) Regulation 2005* part 7, section 163(1), Council is required to invite tenders where estimated expenditure is greater than \$150,000 (GST inclusive).

ADVERTISING

The tender advertising period was from 6 February 2018 to 27 February 2018 (21 days). The tender was advertised as follows:

Newspaper / Website	Date Advertised
Newspaper – Sydney Morning Herald	Tue 6 Feb 2018
Newspaper – Southern Highlands News	Wed 7 Feb 2018
Council's Website	For the duration of the advertising period
Council's e - Tendering Website	For the duration of the advertising period

TENDERS RECEIVED

No tender submissions were received.

TENDER EVALUATION

A Procurement Evaluation Plan was developed which outlined the pre-determined selection criteria, the criteria weightings, and listed the members of the tender evaluation panel.

Since no tender submission was received, there was no need for a tender evaluation to be conducted.

SELECTION CRITERIA

The pre-determined criteria used to evaluate the tenders were as follows:

Mandatory Criteria:

Criteria	
Public Liability - \$20 million	
Workers Compensation OR [Self Employed] Personal Accident and Illnes	SS
Insurance or Personal Income Protection	

Tenderers were required to meet the mandatory criteria to be eligible to be shortlisted and progress any further in the evaluation process.

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REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



Non-Cost Selection Criteria & Weighting:

Criteria	Weighting
Capability	10%
Experience - Relevant	10%
Service & Support	10%
Fit for Purpose	5%
Work Health and Safety	20%
WTP Underwater Inspection	10%
Total	65%

Summary of Selection Criteria & Weighting:

Selection Criteria	
Criteria	Weighting
Total Non-Cost Criteria	65%
Total Cost Criteria	35%
Total	100%

NON-COMPLIANT TENDERS

There were no non-compliant tender submissions, as there were no tender submissions received for evaluation.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

Not applicable.

CONSULTATION

Community Engagement

Tenders are part of a commercial arrangement and therefore no community engagement is required.

Internal Consultation

Extensive consultation has taken place between Council's procurement area and operational areas. This consultation included scope, technical requirements and evaluation methodologies.

External Consultation

Tenders are part of a commercial arrangement and therefore no external consultation is required.

SUSTAINABILITY ASSESSMENT

Environment

There are no environmental issues in relation to this report.

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REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



Social

There are no social issues in relation to this report.

• Broader Economic Implications

There are no broader economic implications in relation to this report.

Culture

There are no cultural issues in relation to this report.

Governance

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

Council's 2017/18 Capital Expenditure Budget includes an allocation of \$500,000 for the completion of this project.

RELATED COUNCIL POLICY

Council's Procurement Guidelines have been used to inform the tender process.

CONCLUSION

The tender recommendation is documented in the report to Council's Closed Committee.

ATTACHMENTS

There are no attachments to this report.

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REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



12.4 Tender for the Nattai Ponds Floodplain Risk
Management Study and Plan and Review of Whites
Creek Floodplain Risk Management Study and Plan

Reference: 6330/18.7, 6330/18.8

Report Author: Floodplain and Stormwater Engineer
Authoriser: Coordinator Assets - Roads and Water

Link to Community

Strategic Plan: Manage and plan for future water, sewer and stormwater

infrastructure needs

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Nattai Ponds Floodplain Risk Management Study and Plan, Review of Whites Creek Floodplain Risk Management Study and Plan.

RECOMMENDATION

1. <u>THAT</u> in relation to the report concerning Nattai Ponds Floodplain Risk Management Study and Plan, Review of Whites Creek Floodplain Risk Management Study and Plan - Council adopts the recommendations contained within the Closed Council report – Item 22.3.

OR

2. <u>THAT</u> the report concerning Tender for Nattai Ponds Floodplain Risk Management Study and Plan, Review of Whites Creek Floodplain Risk Management Study and Plan - be considered in Closed Council – Item 22.3.

Note: In accordance with Council's Code of Meeting Practice, immediately after a motion to close part of a meeting to the public has been moved and seconded, debate on the motion should be suspended to allow the public to make representations to Council as to why the item should not be considered in Closed Council.

REPORT

BACKGROUND

At the Council Meeting on 12 October 2016, Council adopted the Nattai Ponds Flood Study and recommended that Council proceed to the floodplain risk management study and plan for the Nattai Ponds Catchment. Council received a grant offer of \$60,000 to undertake the Nattai Ponds Floodplain Risk Management Study and Plan (FRMSP).

The Whites Creek Flood Study and risk management study and plan were prepared in 2008 and 2012 respectively.

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REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



The management of flooding on Argyle Street is very important. With the advice from Office of Environment and Heritage (OEH) Council applied for a grant for the Review of Whites Creek Floodplain Risk Management Study and Plan.

Council secured a grant of \$100,000 for the Review of Whites Creek Floodplain Risk Management Study and Plan under the NSW government's Floodplain Management Program. The grant offer has been made on 2:1 (Government: Council) basis. Council will match the one-third contribution from its budget and necessary allocations have already been made.

Council has accepted the grant offer and signed the contracts with the OEH. To implement these projects Council invited tenders for consultancy services in accordance with standard briefs developed by the OEH.

REPORT

Council has sought tenders for suitable and qualified consultants to provide a lump sum tender for the consultancy services for the Nattai Ponds Floodplain Risk Management Study and Plan and Review of Whites Creek Floodplain Risk Management Study and Plan. The full scope of works was detailed in the consultancy briefs and tender documents. A total of six (6) proposals were received. The prices were quoted separately for individual projects and also for the two projects as a combined package.

In accordance with the *Local Government (General) Regulation 2005* part 7, section 163(1), Council is required to invite tenders where estimated expenditure is greater than \$150,000 (GST inclusive).

This report presents the assessment relating to the advertised tender.

ADVERTISING

The tender advertising period was from the 13 March 2018 to 10 April 2018 (29 days).

The tender was advertised as follows:

Newspaper / Website	Date Advertised
Newspaper – Sydney Morning Herald	13 March 2018
Newspaper – Southern Highlands News	14 March 2018
Newspaper – Southern Highland News	21 March 2018
Council's Website	For the duration of the advertising period
Council's e-Tendering Website	For the duration of the advertising period

TENDERS RECEIVED

A total of six (6) tender submissions were received:

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REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



Company Name	Location	Postcode
Calibre Consulting (ACT) Pty Ltd	Canberra	2601
Cardno (NSW/ACT) Pty Ltd	Sydney	2605
Catchment Simulation Solutions Pty Ltd	Sydney	2000
GHD Pty Ltd	Sydney	2000
Umwelt (Australia) Pty Ltd	Teralba	2284
WMA Water Pty Ltd	Sydney	2000

LATE TENDERS

No late tender submissions were received.

TENDER EVALUATION

A Procurement Evaluation Plan was developed which outlined the pre-determined selection criteria, the criteria weightings, and members of the tender evaluation panel.

Each submission was evaluated against the specified criteria by the tender evaluation panel with a scoring system based from 0 to 10 and weighted according to the pre-determined criteria.

SELECTION CRITERIA

The pre-determined criteria used to evaluate the tender were as follows:

Mandatory Criteria:

Criteria
Public Liability - \$20 million
Workers Compensation OR [Self Employed] Personal Accident and Illness Insurance or Personal Income Protection

Tenderers were required to meet the mandatory criteria to be eligible to be shortlisted and progress any further in the evaluation process.

Non-Cost Selection Criteria & Weighting:

Criteria	Weighting
Methodology, ability and knowledge	15%
Demonstrated understanding of Commonwealth, State and local government issues including legal implications	10%
Proposed consultation plan	10%
Resources, expertise of the team, past experience	20%

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REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



Proposed budget, resource allocation, hourly rates	10%
Total	65%

Summary of Selection Criteria & Weighting:

Selection Criteria					
Criteria	Weighting				
Total Non-Cost Criteria	65%				
Total Cost Criteria	35%				
Total	100%				

NON-COMPLIANT TENDERS

Upon evaluation no tender submissions were determined to be non-compliant.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

Funding for the Nattai Ponds Floodplain Risk Management Study and Plan, Review of the Whites Creek Risk Management Study and Plan has been included in Council's adopted Capital Works Program.

Consideration was given to the impact of this project on Council's Improvement Plan at the time of adopting Council's Operational Plan and Budget.

CONSULTATION

Community Engagement

Tenders are part of a commercial arrangement and therefore no community engagement is required.

Internal Consultation

Council's Finance branch has been consulted.

External Consultation

Office of Environment and Heritage has been consulted.

SUSTAINABILITY ASSESSMENT

Environment

There are no environmental issues in relation to this report.

Social

There are no social issues in relation to this report.

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REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



Broader Economic Implications

There are no broader economic implications in relation to this report.

Culture

There are no cultural issues in relation to this report.

Governance

This tender has been conducted in accordance with Part 7 of the Local Government (General) Regulation 2005.

COUNCIL BUDGET IMPLICATIONS

Council's Operational Plan 2017/2019 includes an allocation of \$40,000 for this project which constitutes Council's one-third contribution.

RELATED COUNCIL POLICY

Council's Procurement Guidelines have been used to inform the tender process.

CONCLUSION

The tender evaluation summary and recommendation are documented in the report to Council's Closed Committee.

ATTACHMENTS

There are no attachments to this report.

Barry W Paull

Deputy General Manager Operations, Finance and Risk

Friday 4 May 2018

Wednesday 09 May 2018

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



13 CORPORATE STRATEGY AND DEVELOPMENT SERVICES

13.1 Development Applications Determined from 24 March 2018 to 20 April 2018

Reference: 5302

Report Author: Team Leader Business Support

Authoriser: Group Manager Planning, Development and Regulatory

Services

Link to Community

Strategic Plan: Provide a mixture of housing types that allow residents to

meet their housing needs at different stages of their lives

and support affordable living

PURPOSE

The purpose of this report is to update Councillors on Development Applications Determined for the period 24 March 2018 to 20 April 2018.

RECOMMENDATION

<u>THAT</u> the information relating to the lists of Development Applications Determined for the period 24 March 2018 to 20 April 2018 be received and noted.

APPROVED APPLICATIONS BY DATE RANGE Date range: 24 March 2018 to 20 April 2018

	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
1	17/1802	16A Wingecarribee Street Berrima NSW 2577 Lot 132 DP 1225258	A Pellegrino	New Dwelling	20/12/2017	77	20	97	28/03/2018
2	17/1815	42 Oldbury Street Berrima NSW 2577 Lot 4 DP 1213372	JD Laufer, RJ Robertson	New Dwelling	21/12/2017	8	96	104	05/04/2018
3	15/1184.04	25 Ascot Road Bowral NSW 2576 Lot 12 DP 13755	Galet Pty Ltd	Section 96 Modification (Proposed modification to approved 4 unit multi dwelling development, including extension of front deck for House 1, changes to windows and increase roof height by 75mm.)	29/01/2018	0	72	72	10/04/2018

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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
4	17/1174	Bowral Memorial Hall 16-24 Bendooley Street Bowral NSW 2576 Lot 1 DP 1003910	Wingecarribee Shire Council	Commercial Alterations & Additions (Bowral Memorial Hall)	25/08/2017	0	215	215	28/03/2018
5	17/1306	67 Bendooley Street Bowral NSW 2576 Lot 2 DP 313891	JAE Kropf	Residential Alterations and Additions	18/09/2017	70	132	202	10/04/2018
6	17/1615	11 Caroline Avenue Bowral NSW 2576 Lot 124 DP 1231974	ML Barham	New Dwelling	15/11/2017	35	103	138	03/04/2018
7	17/1770	4 Caroline Avenue Bowral NSW 2576 Lot 108 DP 1231974	BJ Thomson, SJ Tilocca	New Dwelling	15/12/2017	0	115	115	10/04/2018
8	17/1781	68 Sir James Fairfax Circuit Bowral NSW 2576 Lot 318 DP 1234848	TM Wegmuller, KM Wegmuller	New Dwelling	18/12/2017	0	100	100	29/03/2018
9	18/0014	20 Ayrshire Parade Bowral NSW 2576 Lot 331 DP 1234848	ML Tanner	New Dwelling	09/01/2018	0	76	76	26/03/2018
10	18/0093	15 Rose Street Bowral NSW 2576 Lot A DP 338185	FE Hegarty	Residential Alterations and Additions	31/01/2018	0	56	56	29/03/2018
11	18/0098	58 Shepherd Street Bowral NSW 2576 Lot 201 DP 595798	CM Grenlell	Demolition of existing dwelling	05/02/2018	0	57	57	04/04/2018
12	18/0240	15 Gordon Road Bowral NSW 2576 Lot D DP 27445	Bathampton Homes Pty Limited	New Dwelling	08/03/2018	0	39	39	16/04/2018
13	18/0047	29 Biggera Street Braemar NSW 2575 Lot 20 Sec 1 DP 792	D Samphier, ML Hardy	Residential Alterations and Additions (Detached garage and studio)	17/01/2018	0	68	68	27/03/2018
14	14/0706.03	"Bannockburn" 190 Shangri-La Road Bundanoon NSW 2578 Lots 1 & 3 DP 775373 EP 362445 EP 43347	LAJ Hughes, M Hughes, DJ Thomas	Section 96 Modification (reduce size of primary dwelling and farmstay dwelling)	17/01/2018	0	71	71	29/03/2018
15	17/1537	1 Ellsmore Road Bundanoon NSW 2578 Lot 11 DP 556018	JN Basson, LA McDonald	Change of Use (Conversion of residence to dental surgery)	31/10/2017	126	21	147	29/03/2018
16	18/0022	Aged Care Facility 18 Hill Street Bundanoon NSW 2578 Lot 31 DP 1015355	Warrigal Care	Subdivision (2 Lots)	12/01/2018	85	13	98	20/04/2018

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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
17	18/0116	12A Birch Park Road Bundanoon NSW 2578 Lot 1 DP 1027061	MK Van Twest	New Dwelling	08/02/2018	0	60	60	09/04/2018
18	18/0124	188 Erith Street Bundanoon NSW 2578 Lot 3 DP 1190548	JA Armida	New Dwelling	08/02/2018	0	60	60	09/04/2018
19	18/0174	4 Brigadoon Drive Bundanoon NSW 2578 Lot 3 DP 1084987	GA Cruise, D Cruise	Residential Alterations and Additions (Garage)	22/02/2018	0	34	34	28/03/2018
20	18/0174.03	4 Brigadoon Drive Bundanoon NSW 2578 Lot 3 DP 1084987	GA Cruise, D Cruise	Section 96 Modification (change to orientation of shed)	09/04/2018	0	9	9	18/04/2018
21	18/0233	10 Larkin Close Bundanoon NSW 2578 Lot 35 DP 1102297	DW Meek, EA Meek	Residential Alterations and Additions (Shed)	07/03/2018	0	43	43	19/04/2018
22	17/1373	5 Holly Road Burradoo NSW 2576 Lot 20 DP 1203033	PM Prothero, DI Prothero	New Dwelling, Workshop & Studio	29/09/2017	86	108	194	12/04/2018
23	17/1787	2 Tirrikee Lane Burradoo NSW 2576 Lot 5 DP 1220165	MR Ayling, PJZ Fischer	New Dwelling	19/12/2017	0	112	112	11/04/2018
24	17/1813	26A Yean Street Burradoo NSW 2576 Lot 2 DP 1239500	AC Bell, JA Bell	New Dwelling	21/12/2017	0	118	118	19/04/2018
25	18/0049	132 Osborne Road Burradoo NSW 2576 Lot 4 DP 39383	ML Tessarolo, DD Di Bitetto	New Dwelling	18/01/2018	0	70	70	29/03/2018
26	18/0081	5A Eridge Park Road Burradoo NSW 2576 Lot 2 DP 1214696	VM Aspinall, A Koop	Dual Occupancy (detached)	29/01/2018	0	80	80	20/04/2018
27	18/0227	"Heathfield" 39 Eridge Park Road Burradoo NSW 2576 Lot 6 DP 258453	DG King, TV King	Residential Alterations and Additions (Carport)	06/03/2018	0	35	35	11/04/2018
28	17/0857.04	53-55 Hoddle Street Burrawang NSW 2577 Lot 11 Sec 2 DP 2660 Lot 12 Sec 2 DP 2660	DR Jordan, EJ Breden	S96 Modification - Residential Alterations and Additions	17/04/2018	0	2	2	20/04/2018
29	17/1281	3 Hoddle Street Burrawang NSW 2577 Lot 3 DP 612987	PJ Cox, TG Arpadi	Residential Alterations and Additions	14/09/2017	90	120	210	13/04/2018

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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
30	17/0685	299 Sallys Corner Road Exeter NSW 2579 Lot 21 DP 1015687	Letmar Investments Pty Limited	Change of Use (use existing cottage as a secondary dwelling)	29/05/2017	257	57	314	09/04/2018
31	17/1632	572 Ellsmore Road Exeter NSW 2579 Lot 12 DP 1233979	JR Dykes, KVA Dykes	New Dwelling	17/11/2017	0	138	138	05/04/2018
32	17/1663	572 Ellsmore Road Exeter NSW 2579 Lot 12 DP 1233979	JR Dykes, KVA Dykes	Swimming Pool	23/11/2017	0	132	132	05/04/2018
33	17/1763	"Dalrossie" 365 Old Argyle Road Exeter NSW 2579 Lot 6 DP 11198	DP Brown	New Dwelling	14/12/2017	0	101	101	26/03/2018
34	17/0163	372 Soapy Flat Road High Range NSW 2575 Lot 121 DP 751275	HJ Berry, WG Incoll	New Dwelling	14/02/2017	272	146	418	09/04/2018
35	18/0150	"Wombaroo" 162 Black Spring Road High Range NSW 2575 Lot 1 DP 1158096	The Outdoor Education Group	Temporary Use of Land (Rowany Medieval Festival, 18th to 22nd April 2018)	15/02/2018	0	55	55	12/04/2018
36	18/0212	131 Soapy Flat Road High Range NSW 2575 Lot 2 DP 808196	LP Marshall, DL Hailstones	Demolition of existing dwelling	01/03/2018	0	40	40	10/04/2018
37	17/0618	6 Madeline Street Hill Top NSW 2575 Lots 6-8 Sec 24 DP 1262	AG Whitehouse	New Dwelling	17/05/2017	278	35	313	27/03/2018
38	17/1677	52 Mylora Street Hill Top NSW 2575 Lot 710 DP 1082941	L Thorne	Residential Alterations and Additions (Storage shed)	28/11/2017	0	139	139	16/04/2018
39	18/0053	14 Cumberteen Street Hill Top NSW 2575 Lot 146 DP 1240307	ZP Szablan, AE Szablan	Residential Alterations and Additions (Retaining wall)	19/01/2018	0	83	83	13/04/2018
40	18/0179	11 Pirrillie Street Hill Top NSW 2575 Lot 80 DP 1145180	MG Arnold, DJ East	Residential Alterations and Additions (Shed)	22/02/2018	0	31	31	26/03/2018
41	17/1778	1307 Joadja Road Joadja NSW 2575 Lot 12 DP 739765	L Lewis, DS Lewis	Residential Alterations and Additions	18/12/2017	0	114	114	11/04/2018
42	17/1714	"Boyton Lea" 308 Joadja Road Mandemar NSW 2575 Lot 3 DP 239049	SC Nash, HEC Nash	Dual Occupancy (detached)	05/12/2017	13	98	112	27/03/2018

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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
43	18/0241	500 Medway Road Medway NSW 2577 Lot 12 Sec 1 DP 758665	DA Morgan, S Morgan	Residential Alterations and Additions (Shed)	08/03/2018	0	40	40	17/04/2018
44	14/0411.05	68 Southey Street Mittagong NSW 2575 Lot E DP 23958	JE Vainsaar	Section 96 Modification (Convert file store to home office)	16/02/2018	0	65	65	05/04/2018
45	17/1377	46 Oxley Drive Mittagong NSW 2575 Lot 21 DP 838000	Willawong Pty Limited	Subdivision (2 Lots) and 2 x Dual Occupancy (attached)	03/10/2017	179	8	187	09/04/2018
46	18/0023	3 Rainbow Road Mittagong NSW 2575 Lot 142 DP 531051	RG Giddings	Residential Alterations and Additions	12/01/2018	0	83	83	05/04/2018
47	15/0146.01	Police Station & Res 67 Elizabeth Street Moss Vale NSW 2577 Lot 1 DP 198566	NSW Police Department	Section 96 Modification (deletion of S94A contributions and the addition of a substation with a new wall and signage)	10/08/2016	0	607	607	18/04/2018 (JRPP)
48	17/0589.04	11 Napper Close Moss Vale NSW 2577 Lot 42 DP 1144867	A Torrisi	S96 Modification Residential Alterations and Additions	21/03/2018	0	19	19	10/04/2018
49	17/0811.04	22 Yarrawa Street Moss Vale NSW 2577 Lot 3 DP 37492	AHF Booth, L Booth	S96 Modification Residential Alterations and Additions	20/02/2018	0	35	35	27/03/2018
50	17/0814.03	68 Watson Road Moss Vale NSW 2577 Lot 2 DP 1055416	PJ Zantis, J Zantis	Section 96 Modification (enable additional tree removal)	15/03/2018	0	20	20	04/04/2018
51	17/1616	60 Throsby Street Moss Vale NSW 2577 Lot 4 DP 8915 Lot 5 DP 8915	MA Pilgrim, IA Pilgrim	Residential Alterations and Additions	15/11/2017	0	131	131	26/03/2018
52	17/1636	8 Windsor Crescent Moss Vale NSW 2577 Lot 123 DP 1056257	RA Demenezes, CJ Demenezes	New Dwelling	17/11/2017	62	87	149	17/04/2018
53	17/1803	69 Farnborough Drive Moss Vale NSW 2577 Lot 1 DP 1042522 Lot 2 DP 1042522 Lot 1 DP 821778	RL Penn, HJ Penn	Residential Alterations and Additions	20/12/2017	97	25	123	26/03/2018

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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
54	17/1828	6 Watkins Drive Moss Vale NSW 2577 Lot 14 DP 263854	JC De Zoete, MA Maldonado, SE Maldonado	Residential Alterations and Additions	22/12/2017	54	67	121	27/03/2018
55	18/0084	17 Old Dairy Close Moss Vale NSW 2577 Lot 2 DP 1053325	Sitecat Pty Limited	Micro Craft Spirits Distillery	29/01/2018	22	58	80	20/04/2018
56	18/0186	45 Dengate Crescent Moss Vale NSW 2577 Lot 20 DP 252203	JH Bell, NM Bell	New Dwelling	23/02/2018	0	39	39	04/04/2018
57	18/0193	45 Dengate Crescent Moss Vale NSW 2577 Lot 20 DP 252203	JH Bell, NM Bell	Demolish existing dwelling	26/02/2018	0	39	39	06/04/2018
58	18/0260	17 Old Dairy Close Moss Vale NSW 2577 Lot 2 DP 1053325	Sitecat Pty Limited	Commercial (Retail, Office and Storage)	12/03/2018	19	16	36	17/04/2018
59	18/0266	12 Berrima Road Moss Vale NSW 2577 Lot 10 DP 1178993	S D Kearney Nominees Pty Ltd, JM Lawson, AJ Lawson	Subdivision (Strata)	13/03/2018	26	3	29	12/04/2018
60	10/0962.02	8 East Street Moss Vale NSW 2577 Lot C DP 156743	S King	Section 96 Modification (change of use of garage from residential storage to studio)	11/10/2017	0	182	182	28/03/2018
61	18/0209	106 McGuinness Drive Mount Murray NSW 2577 Lot 5 DP 215550	PF Peacock	Residential Alterations and Additions	28/02/2018	0	33	33	03/04/2018
62	18/0103	52 Charlotte Street Robertson NSW 2577 Lot 8 DP 702184	DJ Gair, JB Gair	Residential Alterations and Additions	05/02/2018	45	15	60	06/04/2018
63	18/0175	"Robertson Park" 635 Belmore Falls Road Robertson NSW 2577 Lot 2 DP 731833	National Email Directory Pty Ltd	Residential Alterations and Additions (Rural shed)	22/02/2018	0	40	40	03/04/2018
64	17/1823	430 Wattle Ridge Road Wattle Ridge NSW 2575 Lot 100 DP 1088254	Minister Administering The Sporting Venues Management Act 2002	Recreation Facility (Outdoor – Remediation, stormwater works and stop butt rectification works at the 800 m shooting range)	22/12/2017	0	109	109	10/04/2018

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REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
65	17/1143	65-67 Bowral Street Welby NSW 2575 Lot 4 Sec 12 DP 759070	MJ MacDonald	Subdivision (2 Lots)	21/08/2017	148	85	233	12/04/2018
66	17/1547	Drapers Road Willow Vale NSW 2575 Lots 4-18 Sec 1 DP2687	Paloma Blanca Pastoral Pty Ltd, Willow Properties Pty Limited	Subdivision (Boundary Adjustment & Lot Consolidation)	01/11/2017	145	22	168	19/04/2018
67	18/0218	18 Badgery Street Willow Vale NSW 2575 Lot 15 Sec 11 DP 792	AL Murton, LCM Meeks	Residential Alterations and Additions (Shed)	02/03/2018	0	41	41	13/04/2018
68	18/0177	SRA Cottage No 2 3 Sydney Street Wingello NSW 2579 Lot 2 DP 867647	RS Linger, CM Linger	Residential Alterations and Additions	22/02/2018	0	45	45	09/04/2018
69	18/0289	"Forest Hill" 1392 Highland Way Wingello NSW 2579 Lot 1 DP 838894	RA Doonan	Residential Alterations and Additions (Shed)	16/03/2018	0	34	34	20/04/2018
70	18/0343	626 Old Hume Highway Yerrinbool NSW 2575 Lot 4 DP 790769	PJ Thiessen, BC Thiessen, RN McKinley, CM McKinley	Swimming Pool	27/03/2018	0	17	17	13/04/2018

ATTACHMENTS

There are no attachments to this report.

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REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



13.2 Development Applications Received from 24 March 2018 to 20 April 2018

Reference: 5302

Report Author: Team Leader Business Support

Authoriser: Group Manager Planning, Development and Regulatory

Services

Link to Community

Strategic Plan: Effective and efficient Council service delivery is provided

within a framework that puts the customer first

PURPOSE

The purpose of this report is to update Councillors and Development Applications Received in the period of 24 March 2018 to 20 April 2018.

RECOMMENDATION

<u>THAT</u> the information relating to Development Applications Received from 24 March 2018 to 20 April 2018 be received and noted.

RECEIVED APPLICATIONS BY DATE RANGE Date range: 24 March 2018 to 20 April 2018

	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
1	18/0363	1147 Old Hume Highway Alpine NSW 2575 Lot 2 DP 837127	PJ Clarke	Residential Alterations and Additions (Swimming pool and landscaping)	29/03/2018		#PENDING		
2	11/0364.04	550 Oxleys Hill Road Berrima NSW 2577 Lot 3 DP 262907	J Saeck, Georgton Pty Ltd	Section 82A Review (Retain existing cottage as secondary dwelling)	06/04/2018		#PENDING		
3	17/1235.02	40 Park Road Bowral NSW 2576 Lot 4 DP 25888	Lucky Wombat Pty Ltd	Section 82A Review (3x multi-unit development)	06/04/2018		#PENDING		✓
4	18/0342	71 Sir James Fairfax Circuit Bowral NSW 2576 Lot 308 DP 1234848	BM Cleary, RK Cleary	New Dwelling	27/03/2018		#PENDING		
5	18/0372	6-8 Oxleys Hill Road Bowral NSW 2576 Lot 7 DP 39236	EB Ellis	Industrial Alterations and Additions (Construction of Open Metal Roof Structure)	04/04/2018		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
6	18/0385	8 Sir James Fairfax Circuit Bowral NSW 2576 Lot 203 DP 1239600	PG Moore, EM Moore	New Dwelling	06/04/2018		#PENDING		
7	18/0404	8 Earl Street Bowral NSW 2576 Lot 2 DP 1018204	TN McGrath, J D'Sylva	Residential Alterations and Additions	11/04/2018		#PENDING		
8	18/0413	14 Thompson Street Bowral NSW 2576 Lot 7 DP 24267	AM Brady, CD Forrester	Residential Alterations and Additions	13/04/2018		#PENDING		
9	18/0415	153 Merrigang Street Bowral NSW 2576 Lot 8 DP 1240587	TA Schymitzek, BL Schymitzek	New Dwelling	13/04/2018		#PENDING		
10	18/0419	3 Shepherd Street Bowral NSW 2576 Lot 2 DP 506164	JD Humble, EJ Humble	Dual Occupancy (Detached)	16/04/2018		#PENDING		
11	18/0422	1 Mansfield Road Bowral NSW 2576 Lot 1 DP 740799	AS Springett, YL Springett	Alterations and Additions to stable building	16/04/2018		#PENDING		
12	18/0434	19 Funston Street Bowral NSW 2576 Lot 2 DP 1140855	TGO Pty Ltd	Boarding House	18/04/2018		#PENDING		√
13	18/0437	27A Centennial Road Bowral NSW 2576 Lot 2 DP 1029289	JH Griffiths, PJ Griffiths	Residential Alterations and Additions (Carport)	19/04/2018		#PENDING		
14	18/0443	23 Loftus Street Bowral NSW 2576 Lot 3 Sec 3 DP 976973	Dirty Janes Property Pty Ltd	Commercial Premises (Warehouse)	19/04/2018		#PENDING		
15	18/0445	6 Lomandra Lane Braemar NSW 2575 Lot 130 DP 1204085	SM Binns, CD Binns	Residential Alterations and Additions	19/04/2018		#PENDING		
16	16/1263.02	115-129 Railway Avenue Bundanoon NSW 2578 Lot 28 DP 1065076	Gastoff Pty Ltd	Section 96 Modification (increase number of approved Lots in Subdivision from 7 to 8 Lots)	17/04/2018		#PENDING		~
17	18/0174.03	4 Brigadoon Drive Bundanoon NSW 2578 Lot 3 DP 1084987	GA Cruise, D Cruise	Section 96 Modification (change to orientation of shed)	09/04/2018		#APPROVED	18/04/2018	
18	18/0396	28 Brigadoon Drive Bundanoon NSW 2578 Lot 30 DP 1048841	CA Phillips	Residential Alterations and Additions	10/04/2018		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
19	18/0449	40-44 Hill Street Bundanoon NSW 2578 Lot 1 Sec 4 DP 1510 Lot 2 Sec 4 DP 1510	AR Peacock, HD Peacock	Subdivision (3 Lots)	19/04/2018		#PENDING		
20	17/0801.03	"Eridge Park" - Road Reserve 576 Moss Vale Road Burradoo NSW 2576 Lot 5 DP 1087928	Wingecarribee Shire Council	Section 96 Modification Temporary Use of Land (Bowral Classic Cycling event)	11/04/2018		#PENDING		
21	17/1440.05	107 Burradoo Road Burradoo NSW 2576 Lot 22 DP 883565	JF Wallman, MJ Mulvihill	Section 96 Modification (Relocate New Dwelling)	06/04/2018		#PENDING		
22	18/0354	7 Holly Road Burradoo NSW 2576 Lot 2 DP 776178	ML King	Residential Alterations and Additions	29/03/2018		#APPROVED	17/04/2018	
23	18/0405	6 Sutherland Park Drive Burradoo NSW 2576 Lot 16 DP 1220167	RJ Morgan	Residential Alterations and Additions	11/04/2018		#PENDING		
24	18/0446	14-16 Elizabeth Street Burradoo NSW 2576 Lot 15 DP 2846	KR Tregenza	Subdivision (2 Lot)	19/04/2018		#PENDING		
25	06/1305.08	"Chamae" 27 Links Road Burradoo NSW 2576	MA Gleeson- White	Section 96 Modification (Replace tree species within landscaping plan)	04/04/2018		#PENDING		
26	17/0857.04	53-55 Hoddle Street Burrawang NSW 2577 Lot 11 Sec 2 DP 2660 Lot 12 Sec 2 DP 2660	DR Jordan, EJ Breden	Section 96 Modification (change family room floor construction from slab to bearers & joists)	17/04/2018		#PENDING		
27	18/0401	2-4 Barrett Street Burrawang NSW 2577 Lot 40 DP 1143000	AP Campbell, JM Campbell	Residential Alterations and Additions	10/04/2018		#PENDING		
28	18/0429	67 Hoddle Street Burrawang NSW 2577 Lot 3 DP 1205025	NL O'Connor, DJ O'Connor	Residential Alterations and Additions	18/04/2018		#PENDING		
29	18/0344	2341 Tugalong Road Canyonleigh NSW 2577 Lot 6 DP 707845	RE Jamieson, FE Jamieson	Swimming Pool	27/03/2018		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
30	18/0351	2331 Canyonleigh Road Canyonleigh NSW 2577 Lot 5 DP 1188556	GR Thurston	Alterations and Additions (Rural Shed)	28/03/2018		#PENDING		
31	18/0359	630 Tugalong Road Canyonleigh NSW 2577 Lot 13 DP 622684	Highland Olive Groves Pty Ltd	Commercial Premises - New Winery	29/03/2018		#PENDING		*
32	18/0374	Old Coowong Road (Priv.) Canyonleigh NSW 2577 Lot 20 DP 1152535	ST O'Brien, SL O'Brien	New Dwelling	05/04/2018		#PENDING		
33	18/0349	28 Azalea Street Colo Vale NSW 2575 Lot 6 DP 1239087	HJ Fouche, R Fouche	New Dwelling	28/03/2018		#PENDING		
34	18/0426	1-9 Church Avenue Colo Vale NSW 2575 Lot 2 DP 1010179	S Perinich, M Perinich	New Farm Building	17/04/2018		#PENDING		
35	18/0400	"Ben Bullen" 1760 Tourist Road East Kangaloon NSW 2576 Lot 4 DP 1012603	JC Henning, SL Mihell	Residential Alterations and Additions	10/04/2018		#PENDING		
36	15/0874.02	34 Bundanoon Road Exeter NSW 2579 Lot 5 Sec 10 DP 3373 Lot 28 Sec 10 DP 3373 Lot 6 DP 1017039	JAW Flett	New Dwelling	11/04/2018		#PENDING		
37	17/0832.03	57 Middle Road Exeter NSW 2579 Lot 1 DP 1084219	RA Berry, JC Berry	Section 96 Modification (Additional Shed)	04/04/2018		#PENDING		
38	18/0362	104 Old Argyle Road Exeter NSW 2579 Lot 2 DP 711999	SR Walker, J Walker	Dual Occupancy (detached)	29/03/2018		#PENDING		
39	18/0412	81 Devon Road Exeter NSW 2579 Lot 69 DP 243731	WW Morgan, M Morgan	Residential Alterations and Additions (Shed)	13/04/2018		#PENDING		
40	18/0420	650 Sallys Corner Road Exeter NSW 2579 Lot 6 DP 1179540	Sally's Corner Pty Ltd	Residential Alterations and Additions	16/04/2018		#PENDING		
41	18/0424	Middle Road Exeter NSW 2579 Lot 4 Sec 6 DP 3373	JC Hines, LA Hines	New Dwelling	17/04/2018		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
42	17/1739.03	9 George Emery Lane Glenquarry NSW 2576 Lot 6 DP 633513	Leaver Estates Pty limited	Section 96 Modification (Addition of basement & new entry/portico)	09/04/2018		#PENDING		
43	18/0432	591 Kangaloon Road Glenquarry NSW 2576 Lot 47 DP 1056092	Leylandagreen Pty Limited	Secondary Dwelling and Shed	18/04/2018		#PENDING		
44	18/0366	1775 Wombeyan Caves Road High Range NSW 2575 Lot 1 DP1210240	JW Danaher	Subdivision (3 lots)	03/04/2018		#PENDING		
45	18/0380	3 Dominica Place Hill Top NSW 2575 Lot 7 DP 857632	S Harrison, BM Harrison	Residential Alterations and Additions (Swimming pool)	06/04/2018		#PENDING		
46	18/0382	1036 Meryla Road Meryla NSW 2577 Lot 100 DP 792840	MJ Gorman, JL Gorman	Farm Building	06/04/2018		#PENDING		
47	17/0367.04	"Arabel" 475 Old South Road Mittagong NSW 2575 Lot 1 DP 751282 Lot 2 DP 707944	VE Abel, JL Abel	Section 96 Modification (Relocate Stables)	18/04/2018		#PENDING		
48	18/0337	7 Acacia Street Mittagong NSW 2575 Lot 17 DP 15496	GW Small, SL Sampson	New Dwelling	26/03/2018		#PENDING		
49	18/0341	654 Range Road Mittagong NSW 2575 Lot 3 DP 1236691	AT Semple, J M Semple- Nolan	New Dwelling	27/03/2018		#PENDING		
50	18/0365	"Aranda Park" 294 Diamond Fields Road Mittagong NSW 2575 Lot 1 DP 575272	Tiwhaite Pty Limited	Residential Alterations & Additions (Tennis court and swimming pool)	03/04/2018		#PENDING		
51	18/0381	RSL Club 148-150 Old Hume Highway Mittagong NSW 2575 Lot 1 DP 1086496 Lot 2 DP 1086496	Mittagong RSL Club	Commercial Alterations and Additions to Mittagong RSL Club	06/04/2018		#PENDING		✓
52	18/0403	34-36 Bong Bong Road Mittagong NSW 2575 Lot 3 DP 565895	LG Ferreira	Subdivision (5 lots) & Boundary Adjustment	10/04/2018		#PENDING		√

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
53	18/0433	"Arabel" 475 Old South Road Mittagong NSW 2575 Lot 1 DP 751282 Lot 2 DP 707944	VE Abel, JL Abel	Residential Alterations and Additions (Pool and Pond)	18/04/2018		#PENDING		
54	18/0444	17 Oxley Drive Mittagong NSW 2575 Lot 2 DP 567515	AC Ghassibe, C Ghassibe	4 x Multi Dwelling Housing & Strata Subdivision (5 Lots)	19/04/2018		#PENDING		
55	15/0269.04	591 Argyle Street Moss Vale NSW 2577 Lot 8 DP 1128462	V Corp Constructions Pty Limited	Section 96 Modification (Cluster Houses - 3 Unit Multi Dwelling Development)	29/03/2018		#PENDING		
56	17/0562.06	30 Kings Road Moss Vale NSW 2577 Lot 11 DP 1222061	K Regan, JA Regan	Section 96 Modification (alteration to piers & addition of fireplace in alfresco area)	17/04/2018		#PENDING		
57	18/0018.03	8 Baker Road Moss Vale NSW 2577 Lot 1 DP 1234706	DJ Sidebottom	S96 Modification New Dwelling (extend bed 1 and move house to comply with setback)	17/04/2018		#PENDING		
58	18/0391	13 Kings Road Moss Vale NSW 2577 Lot 3 DP 418115	CA Shields	Residential Alterations and Additions	09/04/2018		#PENDING		
59	18/0418	2 Vale Road Moss Vale NSW 2577 Lot 2 DP 1237886	A & H Carr Holdings Pty Ltd	New warehouse & continued occupation of existing buildings	16/04/2018		#PENDING		√
60	18/0378	Mackellar Circuit Renwick NSW 2575 Lot 900 DP 1210273	Minister for Community Services & Assistant Minister for Health	Subdivision (4 lots)	05/04/2018		#PENDING		✓
62	18/0379	Renwick Drive Renwick NSW 2575 Lot 902 DP 1210273	Minister for Community Services & Assistant Minister for Health	Subdivision (15 lots)	05/04/2018		#PENDING		~
62	18/0388	96 North Street Robertson NSW 2577 Lot 16 DP 258509	KI Larsen, A Joshi	Residential Alterations and Additions (Studio)	09/04/2018		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
63	18/0421	79-81 Illawarra Highway Robertson NSW 2577 Lot 5 Sec 13 DP 758882	Akisss Property Pty Ltd	Commercial Premises (boutique bakery for production of wedding cakes in vacant shop)	16/04/2018		#PENDING		
64	18/0423	22 Caalong Street Robertson NSW 2577 Lot 1 DP 128039	TE Moran	Subdivision (2 Lots)	17/04/2018		#PENDING		
65	18/0438	67-69 Hoddle Street Robertson NSW 2577 Lot 2 Sec 13 DP 758882	M Williams, GA Williams	Café, Bar & 6 x one bedroom tourist cabins	19/04/2018		#PENDING		✓
66	18/0397	12324 Hume Highway Sutton Forest NSW 2577 Lot 1 DP 124496 Lots 1-2 DP 124497 Lots 1-2 DP 124498 Lot 2 DP 213223 Lots 10-11 DP 262736 Lot 23 DP 262737	Fenugreek Investments Pty Ltd	Fence and business identification signs	10/04/2018		#PENDING		
67	07/0949.03	7312 Illawarra Highway Sutton Forest NSW 2577 Lot 8 DP 32 Lot 9 DP 32	AB Stephen, JE Stephen	Section 96 Modification (alter window and door material)	16/04/2018		#PENDING		
68	13/0955.01	"The Quarry" 383 Oldbury Road Sutton Forest NSW 2577 Lot 1 DP 245007 Lot 2 DP 206439 Lot 1 DP 782293	PL Vanderschaar, MH Vanderschaar	Section 96 Modification (alter time limit of consent)	05/04/2018		#PENDING		√
69	17/1467.04	183 Wildes Meadow Road Wildes Meadow NSW 2577 Lot 1 DP 875773	BJ Dolphin, LG Dolphin	Section 96 Modification (divide proposed garage into two spaces, remove double doors from workshop & replace with a window)	04/04/2018		#PENDING		
70	18/0402	540 Myra Vale Road Wildes Meadow NSW 2577 Lot 11 DP 751262	JL Muir, PM Muir	Residential Alterations and Additions to existing dwelling	10/04/2018		#PENDING		
71	18/0427	50 Blencowes Lane Wildes Meadow NSW 2577 Lot 4 DP 560298	J Gilvarry, JZ Gilvarry	Secondary Dwelling	17/04/2018		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
72	18/0347	16 Gascoigne Street Willow Vale NSW 2575 Lot 3 Sec 16 DP 792	JE Hall, TJ Turner	Residential Alterations and Additions (Garage and shed)	27/03/2018		#PENDING		
73	18/0361	21 Starlight Avenue Wingello NSW 2579 Lot 4 DP 858873	WA Schembri, JM Schembri	Residential Alterations and Additions (Shed)	29/03/2018		#PENDING		
74	18/0435	2680 Old Hume Highway Woodlands NSW 2575 Lot 10 DP 776861	VJ Scanlan, DD Scanlan	Retain existing cottage as secondary dwelling	18/04/2018		#PENDING		
75	18/0343	626 Old Hume Highway Yerrinbool NSW 2575 Lot 4 DP 790769	PJ Thiessen, BC Thiessen, RN McKinley, CM McKinley	Swimming Pool	27/03/2018		#APPROVED	13/04/2018	
76	18/0407	63 Western Road Yerrinbool NSW 2575 Lot 5 DP 773665	CD Marshall, AK Marshall	Residential Alterations and Additions (Shed)	11/04/2018		#PENDING		
77	18/0458	45 Sir James Fairfax Circuit Bowral NSW 2576 Lot 235 DP 1239600	WD Thomas, L McGookin	New Dwelling	20/04/2018		#PENDING		
78	18/0452	1212 Tugalong Road Canyonleigh NSW 2577 Lot 1 DP 1224057	M Franze, C Franze	Section 83B Staged Development Building Envelope.	20/04/2018		#PENDING		
79	17/1064.02	"Apolima" 30-44 Middle Road Exeter NSW 2579 Lot 1 DP 379482 Lot 5 DP 59288 Lot 1 DP 931391	J Gallop	Section 96 Modification (Relocate main bathroom, add bed 3 ensuite, incorporate dining area within family room)	20/04/2018		#PENDING		
80	05/1160.01	"The Hill" Middle Road Exeter NSW 2579 Lot 2 DP 818087 PO 173827	A Mylonas	Section 96 Modification Modify DA to two staged development	20/04/2018		#PENDING		
81	18/0453	"Boscobel Stud" Exeter Road Sutton Forest NSW 2577 Lot 1 DP63523 & Lots 1-19 Sec 8 DP758938 & Lots 1-2 Sec 9 DP 758938 & Lot 1 DP1094302 & Lot 1 DP1142493	MJ Josephson	Subdivision (boundary adjustment)	20/04/2018		#PENDING		

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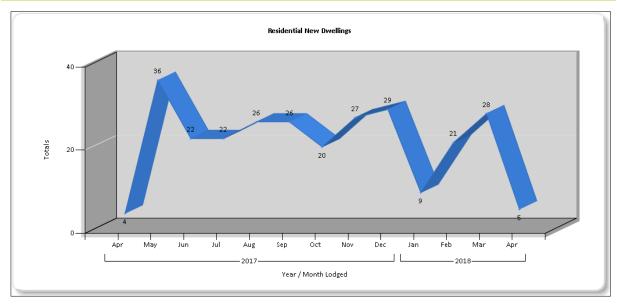


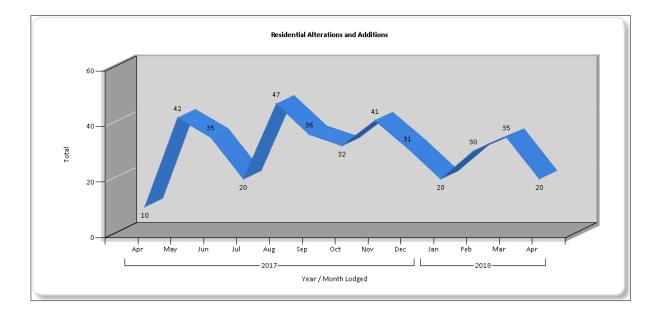
	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
82	16/0372.01	33 Willow Street Willow Vale NSW 2575 Lot 1 DP 624516	VP Bradman	Section 96 Modification Modify conditions relating to storm water easements and vehicle access	20/04/2018		#PENDING		

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REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES







ATTACHMENTS

There are no attachments to this report.

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REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



13.3 Water and Sewer Development Servicing Plans

Reference: 7729/1

Report Author: Coordinator Strategic Land Use Planning

Authoriser: Group Manager Planning, Development and Regulatory

Services

Link to Community

Strategic Plan: Manage and plan for future water, sewer and stormwater

infrastructure needs

PURPOSE

The purpose of this report is to seek confirmation from Council that the moratorium approved by Council on 28 March 2018 for the payment of the Water and Sewer Development Servicing Plan (DSP) contributions for applications approved prior to 15 September 2017 also apply to any payments of contributions made between 15 September 2017 and 6 April 2018 being the commencement of the 6 week moratorium period for those applications determined prior to 15 September 2017.

RECOMMENDATION

- 1. THAT Council retrospectively apply the moratorium approved for Water Supply and Sewerage Development Servicing Plan (DSP) charges, as per Council resolution MN 114/18 of 28 March 2018, to also include all applications approved prior to 15 September 2017, where DSP charges were paid to Council between 15 September 2017 and 6 April 2018.
- 2. <u>THAT</u> where DSP charges have been paid in accordance with the 2017 DSPs in the period from 15 September 2017 to 6 April 2018 for existing and operational development consents approved prior to 15 September 2017, Council apply the DSP charges in accordance with recommendation 1 above and issue the appropriate refund.

REPORT

BACKGROUND

On 26 July 2017, Council adopted a new Development Servicing Plan (DSP) for Water and Sewerage following public consultation which occurred from mid-May to mid-June 2017. In adopting the new DSP, Council also resolved to repeal the former DSPs which commenced on 1 January 2007.

The new DSP was made effective on 15 September 2017.

Following the commencement of the new DSP rates for water and sewerage, Council received a number of complaints from consent holders in relation to the increased developer charges. The matter was reported to Council's Ordinary Meeting of 13 December 2017 and it was resolved:

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REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



<u>THAT</u> Council prepare and publicly exhibit an amendment to the new Section 64 Development Servicing Plans for Water and Sewerage adopted by Council in July 2017 and effective as at 15 September 2017 (DSP) to include a provision to the following effect:

This Plan does not apply to development which is the subject of a development consent granted by the Council prior to 15 September 2017, provided that an application is made to the Council under section 305 of the Water Management Act 2000 for a certificate of compliance for the development up to three (3) months after the adoption of the amendment to the DSP.

The draft Amendment to the Water and Sewerage DSP was publicly exhibited from 17 January to 15 February 2018 (inclusive).

The matter was initially reported back to Council on 14 March 2018 recommending that the Moratorium period be adopted. However, Council resolved that the Moratorium not be introduced. Subsequently, a Notice of Motion was considered by Council on 28 March 2018 where the following resolution was passed:

1. <u>THAT</u> Council adopt the amendment to the Water and Sewerage Development Servicing Plans with revised wording as follows:

For development consents (including complying development certificates) granted by the Council or a Private Certifier prior to 15 September 2017 and where an application is made to the Council under section 305 of the Water Management Act 2000 for a certificate of compliance for the development prior to close of business (4.30pm) on Friday, 18 May 2018, the following developer charges apply:

- Water Supply Developer Charge \$6,736.74 per ET
- Sewerage Developer Charge \$8,574.04 per ET

Where an application for a certificate of compliance is made after Friday, 18 May 2018, the development will be subject to the rates as adopted by the revised Development Servicing Plan that came into effect on 15 September 2017.

- 2. <u>THAT</u> the six (6) weeks moratorium period commence on Friday, 6 April 2018 and conclude at close of business (4.30 pm) on Friday, 18 May 2018.
- 3. <u>THAT</u> Council writes to all affected owners/applicants with existing development consents approved between 15 September 2012 and 15 September 2017 to notify them of Council's resolution.
- 4. <u>THAT</u> Council publicly notify the moratorium period in the local and Sydney media, signage at Council facilities, Council publications such as Wingecarribee Today and on Council's website.
- 5. <u>THAT</u> at the end of the moratorium period a report be provided to Council on the lost revenue for the Water and Sewerage Development Servicing Plans reductions.

REPORT

It has come to staff's attention that the resolution as adopted by Council on 28 March 2018 did not account for the payment of contributions between the date the new DSP charges under the 2017 DSP came in and the commencement of the Moratorium period. It is noted

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that the report considered by Council on 14 March 2018 did state the intention that the payment of old rates would be retrospectively applied to also consents where the holder of the consent had made payment of the DSP contributions under the new 2017 DSP rates. A number of these occurred during the intervening period due to the conditions of consent that contributions are required to be paid prior to the approval of a Construction Certificate or a Subdivision Certificate.

By Council adopting the recommendation of the report, it will provide certainty to staff that legally Council can arrange for a partial refund of the DSP contributions for those consents approved prior to 15 September 2017 and where the contributions as paid were against the amounts as per the 2017 DSP levies as opposed to the adopted rates for the period of the 6 week moratorium. It is noted that Council needs to adopt such a position prior to the conclusion of the Moratorium period which is 18 May 2018.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

Not applicable

COMMUNICATION AND CONSULTATION

Community Engagement

Detailed in the Council report of 14 March 2018.

Internal Communication and Consultation

Internal consultation occurred with Council's Planning, Development and Regulatory Services and Finance Branches.

External Communication and Consultation

Detailed in the Council report of 14 March 2018.

SUSTAINABILITY ASSESSMENT

Environment

There are no environmental issues in relation to this report.

Social

There are no social issues in relation to this report.

• Broader Economic Implications

There are no broader economic implications in relation to this report.

Culture

There are no cultural issues in relation to this report.

Governance

Council is bound by legislation in regard to the preparation of Development Servicing Plan and the levying of contributions under those plans as well as Council Policies.

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COUNCIL BUDGET IMPLICATIONS

Detailed in the Council report of 14 March 2018.

RELATED COUNCIL POLICY

- Wingecarribee Shire Council Assessment Policy for Section 94/94A Developer Contributions and Section 64 Development Servicing Plans
- Wingecarribee Shire Council Development Servicing Plan for Water Supply and Sewerage 2017

OPTIONS

The options available to Council are:

Option 1

That Council adopts the recommendation.

Option 2

That Council does not adopt the recommendation.

Option 1 is the recommended option to this report.

CONCLUSION

This report recommends that Council confirm that the DSP contribution rates approved for the 6 week moratorium period applying to consents issued prior to 15 September 2017 and which have not been paid also be applied to those consents determined prior to 15 September 2017 and where the contributions have been paid as per the rates introduced under the 2017 DSP. This would result in a partial refund of contributions the difference being the amount as paid post 15 September 2017 and the rates as resolved by Council on 28 March 2018.

ATTACHMENTS

There are no attachments to this report.

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REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



13.4 Planning Proposal to Amend Certain Clauses in WLEP 2010

Reference: 5901

Report Author: Senior Strategic Land Use Planner

Authoriser: Coordinator Strategic Land Use Planning

Link to Community

Strategic Plan: Identify and protect the unique characteristics of towns and

villages to retain a sense of place

PURPOSE

The purpose of this report is to seek a resolution of Council to amend draft clauses 4.1A and 4.1AA in Wingecarribee Local Environmental Plan (WLEP) 2010 to remove any inconsistencies with a recent amendment to Clause 4.1 of the Standard Instrument.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

RECOMMENDATION

<u>THAT</u> a Planning Proposal be prepared under s.3.33 of the *Environmental Planning & Assessment Act 1979* to amend draft clauses 4.1A and 4.1AA to the WLEP 2010 as set out in this report.

REPORT

BACKGROUND

At its Ordinary Meeting of 14 December 2016 Council resolved to proceed with certain amendments to *Wingecarribee Local Environmental Plan 2010* (WLEP 2010). These amendments included the insertion of two new clauses into WLEP 2010, clause 4.1A and 4.1AA as follows:

- 4.1A Minimum subdivision lot size for strata plan schemes in certain rural and residential zones
- (1) The objective of this clause is to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.
- (2) This clause applies to land in the following zones that is used, or is proposed to be used, for residential accommodation or tourist and visitor accommodation:
- (a) Zone RU1 Primary Production,

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- (b) Zone RU2 Rural Landscape,
- (c) Zone RU4 Primary Production Small Lots,
- (d) Zone R5 Large Lot Residential.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies for a strata plan scheme (other than any lot comprising common property within the meaning of the Strata Schemes (Freehold Development) Act 1973 or Strata Schemes (Leasehold Development) Act 1986) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

Note. Part 6 of <u>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</u> provides that strata subdivision of a building in certain circumstances is specified complying development.

• 4.1AA Minimum subdivision lot size for community title schemes

- (1) The objective of this clause is as follows:
 - (a) to ensure that land to which this clause applies is not fragmented by subdivision that would create additional dwelling entitlements.
- (2) This clause applies to a subdivision (being a subdivision that requires development consent) under the Community Land Development Act 1989 of land in any of the following zones:
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU2 Rural Landscape,
 - (c) Zone RU4 Primary Production Small Lots,
 - (d) Zone R5 Large Lot Residential.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the Community Land Development Act 1989) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

A Gateway Determination was issued on 9 May 2017 and the Planning Proposal was exhibited from 8 November to 5 December 2017. At its Ordinary Meeting of 13 December 2017, Council resolved, *inter alia*:

1. <u>THAT</u> Council resolve to proceed with the making of the amendments to WLEP 2010 contained within the Planning Proposal as exhibited.

Draft clauses 4.1A and 4.1AA as exhibited are currently with the Parliamentary Counsel's Office (PCO) for finalisation.

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REPORT

On 20 April 2018, Clause 4.1 of the Standard Instrument was amended. This amendment automatically amends WLEP 2010 which is based on the Standard Instrument.

Prior to the amendment clause 4.1 read as follows:

4.1 Minimum subdivision lot size

- (1) The objectives of this clause are as follows:
 - (a) to identify minimum lot sizes,
 - (b) to ensure that the subdivision of land to create new lots is compatible with the character of the surrounding land and does not compromise existing development or amenity.
- (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.

The amendment applies to subclause (4) which now states:

- (4) This clause does not apply in relation to the subdivision of any land:
 - (a) by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or
 - (b) by any kind of subdivision under the Community Land Development Act 1989.

This amendment makes it unambiguously clear that the minimum lot size standard does <u>not</u> apply to a subdivision created by the registration of a strata plan or community plan.

As a consequence of this amendment, the draft clauses 4.1A and 4.1AA which Council has resolved to include in WLEP 2010, and which are currently with PCO for finalisation, need to be amended to ensure that the current development standards in WLEP 2010 prevail.

The resulting proposed draft clauses are as follows with proposed amendments highlighted.

• 4.1A Minimum subdivision lot size for strata plan schemes in certain rural and residential zones

- (1) The objective of this clause is to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.
- (2) This clause applies to land in the following zones that is used, or is proposed to be used, for residential accommodation or tourist and visitor accommodation:

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- (a) Zone RU1 Primary Production,
- (b) Zone RU2 Rural Landscape,
- (c) Zone RU4 Primary Production Small Lots,
- (d) Zone E3 Environmental Management,
- (e) Zone E4 Environmental Living,
- (f) Zone R5 Large Lot Residential.

but does not apply to a subdivision by the registration of a community plan.

- (3) The size of any lot resulting from a subdivision of land to which this clause applies for a strata plan scheme (other than any lot comprising common property within the meaning of the Strata Schemes (Freehold Development) Act 1973 or Strata Schemes (Leasehold Development) Act 1986) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) This clause applies despite clause 4.1.

Note. Part 6 of <u>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</u> provides that strata subdivision of a building in certain circumstances is specified complying development.

• 4.1AA Minimum subdivision lot size for community title schemes

- (1) The objective of this clause is as follows:
 - (a) to ensure that land to which this clause applies is not fragmented by subdivision that would create additional dwelling entitlements.
- (2) This clause applies to a subdivision (being a subdivision that requires development consent) under the Community Land Development Act 1989 of land in any of the following zones:
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU2 Rural Landscape,
 - (c) Zone RU4 Primary Production Small Lots,
 - (d) Zone E3 Environmental Management,
 - (e) Zone E4 Environmental Living,
 - (f) Zone R5 Large Lot Residential.

but does not apply to a subdivision by the registration of a strata plan.

- (3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the Community Land Development Act 1989) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) This clause applies despite clause 4.1.

The effect of these amendments will be to ensure that draft clause 4.1A and 4.1AA will serve to maintain the current development standards for the nominated zones.

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REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

There are no implications for Council's Fit for the Future Improvement Plan resulting from this report.

COMMUNICATION AND CONSULTATION

Community Engagement

Should Council resolve to proceed with these amendments a new Planning Proposal will be prepared and a Gateway Determination will be sought from the Department of Planning and Environment. The Gateway Determination will stipulate the extent of community consultation. It is anticipated that a 28 day exhibition period would be nominated.

Internal Communication and Consultation

The draft clauses have been referred to Council's General Counsel for comment.

External Communication and Consultation

External referrals would occur as required by the Gateway Determination and would require consultation with Water NSW as a minimum. Referral to Water NSW is a Ministerial requirement under s 9.1 of *EP&A Act 1979*.

SUSTAINABILITY ASSESSMENT

Environment

The proposed amendments will ensure that the current development standards prevail in the environmentally sensitive zones.

Social

There are no social issues in relation to this report.

• Broader Economic Implications

There are no broader economic implications in relation to this report.

Culture

There are no cultural issues in relation to this report.

Governance

The proposed amendments will ensure that the current development standards in WLEP 2010 are maintained.

COUNCIL BUDGET IMPLICATIONS

There are no budget implications.

RELATED COUNCIL POLICY

There are no other Council related policies.

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REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



OPTIONS

The options available to Council are:

Option 1

Proceed with the proposed amendments

Option 2

Not proceed with the proposed amendments

Option 1 is the recommended option to this report.

CONCLUSION

The Wingecarribee Local Environmental Plan 2010 is the principal statutory document governing development within the Shire. The proposed amendments will maintain the current development standards within WLEP 2010.

ATTACHMENTS

There are no attachments to this report.

Mark Pepping

Deputy General Manager Corporate, Strategy and Development Services

Friday 4 May 2018

Wednesday 09 May 2018 NOTICES OF MOTION



COUNCIL MATTERS

20 NOTICES OF MOTION

20.1 Notice of Motion 12/2018 - Superfluous Council Owned Land

Reference: 100/4

Report Author: Administration Officer

Authoriser: Acting Group Manager Corporate and Community

Link to Community

Strategic Plan: An enhanced culture of positive leadership, accountability

and ethical governance that guides well informed decisions

to advance agreed community priorities

PURPOSE

Councillor Duncan Gair has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 9 May 2018:

- 1. <u>THAT</u> Council conduct an Information Session for Councillors to review all of Council's land that may be superfluous to its needs with a view to selling such identified land ('the identified land').
- 2. <u>THAT</u> the funds from the sale of the identified land be used to pay down the loan on the Moss Vale War Memorial Aquatic Centre.

RECOMMENDATION

Submitted for determination.

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20.2 Notice of Motion 13/2018 - Station Street Upgrade

Reference: 100/4, 7457

Report Author: Administration Officer

Authoriser: Acting Group Manager Corporate and Community

Link to Community

Strategic Plan: An enhanced culture of positive leadership, accountability

and ethical governance that guides well informed decisions

to advance agreed community priorities

PURPOSE

Councillor Ian Scandrett has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 9 May 2018:

- 1. <u>THAT</u> Council commission an urgent update of the Bowral Town Centre Distributor Road Economic Analysis dated 24/9/2013 to reflect the various changes to the project and including the saving in operating costs on a new road system compared with the operating cost on the present road system.
- 2. <u>THAT</u> Council confirm within 7 days the actual number and location of "all-day parking spaces" that are to be removed in the Bowral Station carparks, and on Station Street with a list and "before" and "after" street plans.
- 3. <u>THAT</u> Council then promptly commission a survey of rail commuters at Bowral Station to ascertain views on the above prospective loss of parking spaces in the Station carparks and on Station Street.
- 4. THAT Council promptly mark for at least 2 weeks by the use of a pink ribbon around them, those trees on, and in the Station Street Upgrade Project precinct that are to be:
 - a. removed

And that a yellow ribbon or tape be placed around those trees on, or in the Station Street Upgrade Project precinct that are to be:

- b. impacted
- c. potentially impacted
- d. potentially adversely affected.
- 5. <u>THAT</u> an updated schedule and street plan of above trees, and proposed new trees be published at the same time including displaying variously along the "Upgrade Route".
- 6. <u>THAT</u> the environmental assessment which is required under the Environmental Planning and Assessment Act be placed on exhibition prior to finalising the design of the Station Street Upgrade and that the timeline for such assessment be publicised within 7 days.

Wednesday 09 May 2018

NOTICES OF MOTION



- 7. THAT the approval from the Roads and Maritime Services for the design and operation of the Roundabout at the Northern End of the Station Street Upgrade be detailed to Councillors and the Public within 7 days.
- 8. <u>THAT</u> Council promptly demonstrate the approval of Transport for NSW of the offset rail commuter parking as required by the Funding Deed.
- 9. <u>THAT</u> Council provide a report to the next Council meeting detailing what discussions have been had with Government for Stage 2 funding and what applications have been made.

RECOMMENDATION

Submitted for determination.

Preamble

Since publicly consulting a budget of \$9.5m for the Station Street upgrade project last year Council has now proposed a budget of over \$15m, and has withdrawn original grant application elements worth some est. \$1.6m including the new pedestrian bridge; angled parking; footpath, as well as cost shifting some \$432k to the Kirkham Road project. Accordingly, the EA must be updated.

On the continuing discrepancy in actual figures of the loss of all day car-parks the public seek precise confirmation of the actual numbers.

I seek the same clarification on the various statements by Council & the Public regarding the loss of trees, I seek definitive numbers and identification so that the public can visit the site and judge for themselves.

[Where a surveyors ribbon around a tree is not practical in No 4 above, then a full sized tree stake should be used for that ribbon and placed clearly adjoining that tree].

Wednesday 9 May 2018
CLOSED COUNCIL



22. CLOSED COUNCIL

MOVING INTO CLOSED SESSION

Section 10A of the *Local Government Act 1993*, empowers Council and Committees of which all the members are Councillors to close a part of a meeting in certain circumstances in accordance with the requirements of the Act, and relevant Regulations and Guidelines.

Subject to the provisions of Section 10 of the Act, so much of a meeting may be closed as comprises certain information as outlined in Section 10A(2).

However, the Act also contains the following provisions qualifying the use of Section 10A(2).

Section 10B

- [Time spent closed to be minimised] A meeting is not to remain closed during the discussion of anything referred to in section 10A(2):
 - a. Except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
 - b. If the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret-unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.
- 2. [Qualification of 10A(2)(g)] A meeting is not to be closed during the receipt and consideration of information or advice referred to in section 10A(2)(g) unless the advice concerns legal matters that:
 - a. are substantial issues relating to a matter in which the council or committee is involved, and
 - b. are clearly identified in the advice, and
 - d. are fully discussed in that advice.
- 3. [Qualification of 10A(3)] If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in section 10A(3)), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting (other than consideration of whether the matter concerned is a matter referred to in section 10A(2)).
- 4. [Irrelevant matters] For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
 - a. a person may misinterpret or misunderstand the discussion, or
 - b. the discussion of the matter may:
 - (i) cause embarrassment to the council or committee concerned, or to Councillors or to employees of the council, or
 - (ii) cause a loss of confidence in the council or committee.

Attention is also drawn to provisions contained in Part 7 of Council's Code of Meeting Practice.

Director General's Guidelines

The Director General of the Department of Local Government has issued guidelines concerning the use of Section 10 of the Act. A copy of the Director General's guidelines has been sent to all Councillors. Section 10B(5) of the Act requires that council have regard to these guidelines when considering resolving into Closed Session.

Wednesday 9 May 2018
CLOSED COUNCIL



RECOMMENDATION

- 1. <u>THAT</u> Council moves into Closed Council in accordance with the requirements of Section 10A(2) of the *Local Government Act 1993* as addressed below to consider the following reports that are confidential for the reasons specified below:
 - 22.1 Tender Bridges Condition Assessment

Relevant Legal Provisions

This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)d(i) as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

Brief description

The purpose of this report is to present the evaluation of the Request for Tender for the Bridge Condition Assessment.

22.2 Tender for Bundanoon WTP and Wingecarribee WTP Clear Water Tank Baffles - Design Fabrication & Site Installation

Relevant Legal Provisions

This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)d(i) as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

Brief description

The purpose of this report is to present to Council the evaluation of the Request for Tender for the Design, Supply and Installation of the Bundanoon and Wingecarribee Water Treatment Plants (WTP's) Clear Water Tank Baffles project.

22.3 Tender for the Nattai Ponds Floodplain Risk Management Study and Plan and Review of Whites Creek Floodplain Risk Management Study and Plan

Relevant Legal Provisions

This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)d(i) as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

Wednesday 9 May 2018 CLOSED COUNCIL



Brief description

The purpose of this report is to present the evaluation of the Request for Tender for the Nattai Ponds Floodplain Risk Management Study and Plan and Review of Whites Creek Floodplain Risk Management Study and Plan.

2. <u>THAT</u> the minutes of the Closed Council part of the meeting (being the Council's resolution) be made public.

Ann Prendergast **General Manager**

Friday 4 May 2018