

From: Michael Brown [REDACTED]
Sent: Monday, February 19, 2024 3:44 PM
To: Lisa Miscamble <Lisa.Miscamble@wsc.nsw.gov.au>
Cc: [REDACTED]
[REDACTED]

Subject: Proposed inclusion on Local Housing Strategy - Wattle Street COLO VALE

Dear General Manager, please find attached a letter on behalf of landowners that Mr Viv May (Administrator) requested that we write to yourself to attach to the documentation to be considered at the Council meeting of 21 February 2024 regarding properties at Wattle Street COLO VALE. It would therefore be appreciated if this could be tabled at the meeting.

Should you have any queries, please do not hesitate to contact our office.

Regards,

Michael Brown
Managing Director



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The General Manager
Wingecarribee Shire Council
PO Box 141
MOSS VALE NSW 2577

Our Reference 2021/0210
Date: 19 February 2024
Your Reference:

Dear Lisa,

Re: Proposed Rezoning of Land at Wattle Street COLO VALE for residential and support infrastructure purposes

We represent the owners of land in Wattle Street COLO VALE. It is with a sense of extreme disappointment that we write to you as a group of property owners known as the Wattle Street Colo Vale Owners Group.

We mistakenly thought that we had been working collaboratively with Council since late 2021 with the formative stages of rezoning their combined properties of some 12ha for low density residential purposes. This was after a previous Council staff recommendation to the Independent Advisory Planning Assessment Panel (the Panel) was 'overturned by the Panel. The Panel recommended that the site had potential merit for 'infill' residential development.

The Council, subsequently at its Ordinary Meeting of 14 July 2021 resolved to adopt the Panel recommendation and resolved accordingly.

In the intervening period, the group worked with the guidance of this firm and Graham Pascoe and Council's Strategic Planning Manager Mr Michael Park on the clear understanding that the path forward rested initially in being included as an addendum to the Local Housing Strategy (LHS), via a satisfactory Scoping Proposal.

A Scoping Proposal that was comprehensive, without being exhaustive was lodged with Council in the spirit of the Scoping Proposal pathway. Some areas of clarification were addressed by furnishing more strategic documentation and arrived at which we believe to reaffirm site specific and strategic merit outcomes and arrived at what we believed to be a firm site specific and strategic merit outcome.

Council's report response dated 11-11-2022 confirmed "endorsement of the site for infill development " this was based off the Scoping Proposal report.

In meeting 17-01-2023 Michael Park emails pre meeting to confirm that he has “spoken to the GM about the matter, and gave her our suggested way forward which she is supportive of”.

It was discussed in this meeting that the site would be added as an addendum to the LHS approximately late March early April 2023. There were no conditions attached. In the interim we would start the process with the relevant authorities. The minutes of this meeting (not from Micheal Park) came back different. We questioned the difference of recollection but did not, and still have not received a response.

We question how two (2) different planners with exactly the same information can be so far apart in there opinion or suggested way forward. We understand that the Planning Panel can only judge on the information they have put before them. If Michael Park had of written the recommendation to the Panel it would have been different.

There have unfortunately been instances on the subject ‘journey’ where inaccurate meeting outcomes have been recorded and not corrected.

Additionally, I a procedural context, we draw to your attention to the concerns detailed in **Attachment B**.

It was not until we accessed the Council Briefing Report to the Wingecarribee Local Planning Panel meeting of 24 January 2024 that we understood Council’s staff continued opposition to the Proposal and the nature and extent of such opposition, together with the level of commitment to the Wensleydale site as a new living area for Colo Vale.

We hold firmly to the belief that the Wattle Street site offers a unique opportunity as an infill site immediately proximate to the Colo Vale Public School (not an ad hoc speculative spot rezoning). Furthermore, we believe that it demonstrates both site specific and strategic merit in offering a ready housing opportunity, upon completion of the Mittagong Sewerage Treatment Plant upgrade (refer to **Attachment A** response to Council staff counter view).

The three matters of concern raised in the Briefing Report in respect of bushfire hazard management, proposed vegetation removal/offsetting and end state stormwater management are all capable of ready redress.

And to this end we offered the Local Planning Panel an opportunity to defer consideration of our proposal pending submission of a revised (more refined) community supported place-based Masterplan Vision, as a catalyst for addition of the site as an addendum to the Local Housing Strategy (LHS).

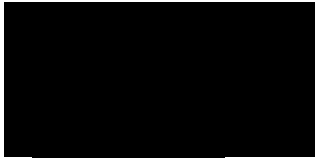
Indeed, the Council concept of a holistic and Strategic Place Plan for Colo Vale is supported and would most likely afford the Wattle Street prospects potentially in the refined form mentioned above. In such context, it would be noted that the former Council instructed that Wensleydale be removed from the LHS and the Local Strategic Planning Statement as being incompatible with future growth aspirations of the Colo Vale community.

We accordingly petition Council to defer consideration of our Scoping Proposal and reinforce commitment to an 'unblinkered' holistic and strategic place planning community exercise for Colo Vale that further explores opportunities for nuanced strategic infill residential development including the subject land, as part of the potential outcome and likewise the opportunities and appropriateness for Masterplanned greenfield developments.

To proceed with the Local Planning panel recommendation and the continued staff promotion of Wensleydale would, with respect, make a mockery of any genuine commitment to the foreshadowed 'holistic and strategic Place Plan for Colo Vale'.

We look forward to an objective decision by the Council Administrator in the light of the foregoing and your commitment to steering a truly community inspired Place Planning exercise for Colo Vale.

Sincerely yours,



MICHAEL J BROWN
DIRECTOR
MICHAEL BROWN PLANNING STRATEGIES PTY LTD

Attachment A
Counter Response to Council Staff - Non-Support of the Wattle
Street Scoping Proposal (as summarised in the Council Agenda
to the Ordinary Meeting of 21 February 2024 and Officers
Recommendation)

1. **The Panel recommends that the Scoping Proposal to include land at 62-64, 66-68, 70-72, 74-76, 78-82 and 99-103 Wattle Street Colo Vale NOT BE SUPPORTED and the subject land NOT BE CONSIDERED FURTHER for inclusion in the Wingecarribee Local Housing Strategy.**
2. **The Panel recommends that the Strategic Outcomes Team develop a wholistic and strategic Place Plan for Colo Vale following the success of the award-winning Robertson Place Plan and planned Bundanoon Place Plan in the Strategic Outcomes work program for 2024/2025.**
3. **The Panel recommends Council maintains its support for the Wensleydale site as the proposed New Living Area for Colo Vale and the focus for future urban growth in the Colo Vale village.**

This recommendation is challenged as the Scoping Proposal includes comprehensive, without necessarily being exhaustive, supporting documentation. Further, given Council's commitment to preparing a holistic and Strategic Place Plan for Colo Vale and the owners preparedness to review their proposal in such context it belies natural justice that Council staff and the Wingecarribee Local Planning Panel 'rule a line through' the Proposal to **NOT BE CONSIDERED FURTHER.**

Commitment to a holistic place based strategic plan approach (as supported by the Proponent) if it is truly open-ended and with a genuine commitment to community engagement cannot occur with a predetermined 'disqualification' of Wattle Street from consideration and 'unbridled support for the Wensleydale site.

- The proposal fundamentally lacks a strategic approach and undermines the strong position resolved by Council to ensure orderly and equitable development outcomes governed by the adopted Wingecarribee Local Housing Strategy.
- The proposal is regarded as an undesirable spot rezoning request to expand the village footprint at the western fringe of Colo Vale village.
- The proposal undermines Council's preference for strategically identified and master planned New Living Areas and infill sites, where infrastructure issues can be resolved cohesively, development sequencing is equitable and follows a place-based approach.
- The nexus between necessary vegetation clearing to manage bushfire risk and protection of high environmental value (HEV) lands by has not been clearly established and may be irreconcilable.
- There is no capacity in the Mittagong Sewer Treatment Plant (STP) to receive the proposed site's effluent until at least 2028.
- Planned upgrades to the Mittagong STP will prioritise strategically identified sites in the interest of well-sequenced and equitable development outcomes.
- There are no legal stormwater discharge points at or near the subject land.
- The proposal cannot deliver infill housing in the short-term, due to the abovementioned fundamental planning and engineering constraints.

1. The Proposal to the contrary is considered to demonstrate a strategic approach to housing provision in the Northern Villages of the Shire. If this was not potentially so, the Independent Advisory Planning Assessment Panel (IAPAP) in July 2021 would not have nominated it for further investigation.

The site is strategically located adjacent to the Colo Vale Public School, has been described as a candidate infill site (not a random, speculative spot rezoning) and can be serviced in a timely manner should the rezoning process commence now.

Indeed, its release can be considered to be orderly given the relevant lead times and not incompatible with the Southern and Tablelands Strategic Plan when ultimately finalised.

The concept of equity in development outcomes and Council's expectation in this regard has not been comprehensively documented and is a questionably governed by the Wingecarribee Local Housing Strategy (LHS).

2. This statement is challenged given the previous nomination by the IAPAP as a candidate infill site, as referenced in the response to the first dot point above and its highlighted strategic setting.
3. Council has never come to terms with the fact that the site is potentially a strategically infill site even their 14 July 2021 Ordinary Council resolution appears to have a tokenistic response to IAPAP recommendation that acknowledged it is a candidate infill site.

There is no doubt that the requisite infrastructure can be planned and delivered cohesively as is evidenced by the planning and budgeting for the 2028 Mittagong Sewerage Treatment Plant upgrade. Equitable access to infrastructure is a matter for Council and service providers to pursue in a non-discriminatory manner.

The Place-based planning philosophy has only been recently highlighted by Council and is acknowledged as a catalyst for a potential review of the Wattle Street Masterplan. This offer of a place focused review, as mentioned previously, was clearly put to the Local Planning Panel Meeting of 24 January 2024 and remains very much a live offer to Council.

Accordingly, in this context and Council's repeated commitment to a holistic and strategic place plan for Colo Vale is supported and a decision in respect of the Wattle Street Scoping Proposal deferred rather than grandly dismissed.

4. A more nuanced revised Wattle Street Masterplan offers opportunities beyond significant reliance on 'vegetation offsetting'. Council's concern with the potential nexus between bushfire management and vegetation clearing is clearly acknowledged and capable of being addressed through the aforementioned masterplan review process.

5. The subject timing is noted and accepted. It should not, however, curtail the planning process, with the capacity allocation a key consideration in the foreshadowed place planning process.
6. Strategic sites should clearly be the product of the place planning process and not preconceived commitments as appears to potentially be the case with Council's inequitable consistent support of the Wensleydale site.
7. There are legal discharge points for all but one sub-precinct. These legal discharge points have recently been communicated to Council.

The final sub-precinct is a matter that can be resolved. Importantly, this is a matter that needs to be addressed at the Planning Proposal Request stage and not the Scoping Proposal stage. The Scoping Proposal stage is merely to point out what needs to be addressed at the Planning Proposal stage. In this particular case, the Scoping Proposal was merely to include the subject site into the LHS as a potential infill site.

In this regard Council needs to be fully cognizant of the interpretation of legal discharge point as established by the Courts.

8. This is a subjective statement with no solid foundation. There is a clear lack of understanding if it is considered that the planning system and service providers can deliver a new urban development module in under 4 years. planning and engineering issues of a minimum of 4 years will confront any site in Colo Vale that require rezoning. To claim otherwise is clearly erroneous. Only appropriately zoned and serviced land can deliver land and housing in a lesser time frame.

This seems to be a somewhat circular justification, as the primary constraints appear to derive from actions of the Council itself, not external factors.

Again, a reference to "well-sequenced and equitable development outcomes" **when one single** supported site means there is no "sequence" nor "equitably" in the development that council officers are supporting for the Village or any of the Northern Villages really.

The Council Officer's Recommendation is profoundly one that is of 'Preference' and again this statement talks of an equitable approach but quite falsely conveys the impression that there is a queue/sequence of development that is to be equitably done, when in fact there is only one site that they support in the Northern Villages apparently. Permitting one single site - Wensleydale - does not constitute "equitable development sequencing".

Council are under obligation 'to take periodic reviews every 4 years in line with Community Strategic Plan process to ensure strategies continue to meet the needs of the community'.

We are not the 'Fringe' of the community, but by in fact by some definition actually the centre of the community.

The proposal **does not expand the village** footprint as all subject sites are currently residentially occupied, the proposal is to infill density within the existing footprint.

The proposal also does not create an isolated spot of rezoned land but extends the same zoning from immediately adjacent land on Wattle St. Ironically Wensleydale would also then perhaps could be considered a spot rezone, but instead on the Eastern Fringe of Colo Vale.

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

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