

# AGENDA

of the  
**Local Planning Panel**  
held in  
**Electronically** via  
**ZOOM**  
on

**Wednesday 25 January 2023**

The meeting will commence at **9:00 am**

Table Of Contents

<b>1 OPENING OF THE MEETING .....</b>	<b>5</b>
<b>2 ACKNOWLEDGEMENT OF COUNTRY .....</b>	<b>5</b>
<b>3 APOLOGIES.....</b>	<b>5</b>
<b>4 DECLARATIONS OF INTEREST.....</b>	<b>5</b>
<b>5 PLANNING PROPOSALS.....</b>	<b>6</b>
5.1 Review Of Medium Density Residential Development Controls.....	6
<b>6 DEVELOPMENT APPLICATIONS .....</b>	<b>12</b>
Nil	
<b>7 MEETING CLOSURE .....</b>	<b>12</b>

## **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

### **OUR VISION**

**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'*

**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'*

### **OUR VALUES**

Integrity, trust and respect

Responsibility and accountability

Communication and teamwork

Service quality

### **Recording and Webcasting of Local Planning Panel Meetings**

This meeting is being recorded and webcast via Council's website and a person's image and/or voice may be publicly broadcast. Attendance at the meeting is to be taken as consent by a person to their image and/or voice being webcast. Any part of the meeting that is held in closed session will not be webcast.

Council requests that everyone in attendance is respectful and uses appropriate language. All speakers should refrain from making any defamatory, discriminatory or offensive comments or releasing any personal information about another individual without their consent. Council accepts no liability for any damage that may result from defamatory, discriminatory or offensive comments made by persons attending meetings – all liability will rest with the individual who made the comments.

Individuals acting in a disorderly manner can be asked by the Chairperson to leave the meeting under the Council's Code of Meeting Practice.

The recording will be available for viewing on the internet for 12 months and retained as a Council record. The recording is subject to copyright.

The meeting must not be recorded by others.

Please ensure that all electronic devices including mobile phones are switched to silent.

**The Council Chamber has 24 Hour Video Surveillance.**

## **1 OPENING OF THE MEETING**

The Chairperson opened the meeting and welcomed members of the public and the press.

## **2 ACKNOWLEDGEMENT OF COUNTRY**

The Chairperson acknowledged country:

“Wingecarribee Shire Council acknowledge the Gundungurra and Tharawal people as the traditional custodians of this land we now call the Wingecarribee Shire. I pay my respect to Elders both past, present and emerging. I would also like to extend that respect to all Aboriginal and Torres Strait Islanders present here today.”

## **3 APOLOGIES**

Nil at time of print.

## **4 DECLARATIONS OF INTEREST**

The provisions of Chapter 14 of the Local Government Act 1993 regulate the way in which 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 meeting.

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.

## 5 PLANNING PROPOSALS

### 5.1 Review of Medium Density Residential Development Controls

**Report Author:** Strategic Land Use Planner

**Authoriser:** Executive Manager Strategic Outcomes

#### PURPOSE

The purpose of this report is to seek endorsement of draft Medium Density Residential development control provisions to proceed to public exhibition.

The draft provisions recommend including Height of Buildings and Floor Space Ratio maps for the R3 Medium Density Residential zone within WLEP 2010, therefore a Planning Proposal to this effect has been drafted. It is noted that the Planning Proposal also amends clauses 4.3 (Height of Buildings) and 4.4 (Floor Space Ratio) to update their intent.

<b>Applicant / Proponent</b>	Wingecarribee Shire Council
<b>Owner</b>	N/A
<b>Consultants</b>	Studio GL – Diana Griffith, Director Urban Design
<b>Notification</b>	N/A
<b>Number Advised</b>	N/A
<b>Number of Submissions</b>	N/A
<b>Current Zoning</b>	R3 Medium Density Residential
<b>Proposed Amendment/s</b> LEP	Proposed amendment to WLEP 2010 with regard to Height of Buildings and Floor Space Ratio clauses and maps.
<b>Political Donations</b>	Nil
<b>Recommendation</b>	THAT: <ol style="list-style-type: none"><li>1. The Draft Medium Density Development Controls be endorsed for public exhibition.</li><li>2. The Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 with regard to Height of Buildings and Floor Space Ratio clauses and maps be supported and submitted for a Gateway Determination in accordance with <i>s.3.34 of the Environmental Planning &amp; Assessment Act 1979</i> and progressed in accordance with the Gateway Determination.</li></ol>

---

**OFFICER'S RECOMMENDATION**

**THAT:**

1. The Draft Medium Density Development Controls be endorsed for public exhibition.
2. The Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 with regard to Height of Buildings and Floor Space Ratio clauses and maps be supported and submitted for a Gateway Determination in accordance with *s.3.34 of the Environmental Planning & Assessment Act 1979* and progressed in accordance with the Gateway Determination.

---

**REPORT**

Following the approval of grant funding from the NSW Department of Planning - Project Delivery Unit, Council commenced the review of the current Medium Density Residential Development Controls in June 2022. The review aligns with the priorities identified in the Local Housing Strategy, as it is intended to encourage a greater diversity of housing types and ensure that our medium density residential development controls respect local character, support good design outcomes and are in keeping with the community's expectations. The project is limited to existing areas zoned for medium density development, being land zoned R3 Medium Density Residential in Mittagong, Bowral, Moss Vale and Bundanoon. It is noted that the review does not apply to other villages within the Shire as there is no R3 zoned land in those localities. Nor does the review consider any land zoned R2 Low Density Residential.

Studio GL were engaged to undertake this review. The consultants visited each of the four towns and villages to conduct initial site analyses with Council representatives. Two consultation sessions were additionally held on the 21 June 2022, the first being an engagement session with Council staff, including representatives from the Development Assessment and Strategic Outcomes teams. The second session included a workshop with both community and industry representatives. These sessions informed the identification of local character, key constraints, concerns and opportunities. The Draft Medium Density Development Controls report, included in **Attachment 1**, provides a Stakeholder Engagement Overview and details the outcomes of the consultation sessions and how they have informed the draft controls.

It is recommended that the Draft Medium Density Development Controls be endorsed to be placed on public exhibition. A community engagement plan is being developed to ensure that the draft report would be broadly communicated as effectively as possible.

**PLANNING PROPOSAL**

In conjunction to the Draft Medium Density Development Controls, a Planning Proposal (**Attachment 2**) has also been prepared which supports a key recommendation of the draft Medium Density Controls report that recommended Height of Buildings (HOB) and Floor Space Ratio (FSR) controls for each R3 zoned area be mapped in Wingecarribee Local Environmental Plan (WLEP) 2010. Revised HOB and FSR clauses (4.3 and 4.4 respectively) of WLEP 2010 have also been amended to reflect the broader context within which they would apply if the HOB and FSR maps were amended as recommended.

The current clause 4.3 Height of Buildings is:

#### **4.3 Height of buildings**

*(1) The objectives of this clause are as follows—*

- (a) to identify maximum heights of buildings,*
- (b) to ensure that the heights of buildings are compatible with the character of the existing development within the surrounding area.*

*(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*

The proposed amended clause 4.3 Height of Buildings clause is:

#### **4.3 Height of buildings**

*(1) The objectives of this clause are as follows—*

- (a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of a locality,*
- (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,*
- (c) to ensure that the height of buildings on or in the vicinity of a heritage item or within a heritage conservation area respect heritage significance.*

*(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*

Because clause 4.3 would apply to both business and medium density residential zoned land, the proposed new clause is considered to provide a stronger context for the mapped standards.

Similarly, the current clause 4.4 Floor Space Ratio is:

#### **4.4 Floor space ratio**

*(1) The objectives of this clause are as follows—*

- (a) to identify maximum floor space ratios in major centres,*
- (b) to ensure that floor space ratios provide development opportunities that are compatible with building heights,*
- (c) to encourage development in locations readily accessible to public transport and services that will provide increased employment opportunities.*

*(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.*

The proposed amended clause 4.4 Floor Space Ratio is:

#### **4.4 Floor space ratio**

*(1) The objectives of this clause are as follows—*

*(a) to ensure that floor space ratios provide development opportunities that are compatible with building heights,*

*(b) to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of a locality.*

*(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.*

As with clause 4.3, because clause 4.4 would also apply to both business and medium density residential zoned land, the proposed new clause is considered to provide a stronger context for these mapped standards.

It is noted that both the HOB (Height of Buildings) maps and FSR (Floor Space Ratio) maps would be amended to include all land zoned R3 Medium Density Residential. These draft amendments would support the draft provisions for medium density residential development. Therefore, it is recommended that both the draft Medium Density Controls report and the Planning Proposal be exhibited concurrently. However, it is noted that, should changes to any HOB or FSR controls result from the public exhibition, these amendments can be attended to prior to finalisation of both the draft medium density controls and the associated LEP amendments.

---

## **STRATEGIC ASSESSMENT**

### ***Strategic Merit***

The Wingecarribee Local Housing Strategy (LHS) was adopted in July 2021 and provides a long-term planning framework to meet the housing needs of the community. Our ageing population, changing household structure, shrinking household sizes and increase in one person households highlights the need for a greater mix of housing types.

The review of the existing medium density residential development controls is therefore one of a number of actions Council is taking to implement the Wingecarribee LHS to ensure that our housing supply continues to meet the needs of our community both now and into the future.

The attached Planning Proposal further references how it is consistent with the South East & Tablelands Regional Plan as well as the Wingecarribee Local Strategic Planning Statement 2040 and the Wingecarribee Community Strategic Plan.

### ***Site Specific Considerations***

The individual HOB and FSR standards for each zoned area were developed through a review of each locality which included assessment of location, amenity, character and heritage considerations. This involved mapping the built form and natural landscape characteristics of each town together with reviewing the existing planning controls and the quality of the resulting development outcomes. This contextual analysis provided insights into the current local character of each town and highlighted the strengths and limitations of the current medium density controls. The mapping of HOB and FSR standards within WLEP 2010 would reinforce this analysis and the resulting recommendations.

The proposed amendments would apply to all R3 Medium Density Residential zoned land within the townships of Mittagong, Bowral, Moss Vale and Bundanoon. It is noted that there is no R3 zoned land within any village, nor is any proposed.

Amendments to clauses 4.3 and 4.4 of WLEP 2010, which describe the objectives of the mapped HOB and FSR standards, are also included in the Planning Proposal, extending the current application of both the clauses and maps beyond the Business zones to include R3 Medium Density Residential zone.

---

## **CONSULTATION**

### ***Public Exhibition***

Community consultation with regard to the draft medium density controls would be undertaken in accordance with a community engagement plan. The Planning Proposal will also be included with the exhibition material for completeness.

---

## **SUSTAINABILITY ASSESSMENT**

- **Environment**

The provisions of the draft controls seek to ensure that new medium density residential development provides more functional landscaped areas which offer greater benefit to both the population and the broader environment.

- **Social**

The provisions of the draft controls seek to ensure that new medium density residential development provides a broader mix of housing thereby meeting the needs of a broader 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**

Both the draft development controls and the Planning Proposal would be processed in accordance with all relevant legislation and departmental guidelines.

---

## **RELATIONSHIP TO CORPORATE PLANS**

No other Corporate Plans are affected by the Planning Proposal.

---

## **COUNCIL BUDGET IMPLICATIONS**

There are no budget implications associated with the Planning Proposal.

---

**RELATED COUNCIL POLICY**

No other Council Policies are affected by the Planning Proposal.

---

**CONCLUSION**

The review of medium density residential development controls will contribute significantly to supporting good design outcomes that are in keeping with the community's expectations while optimising the development potential of the R3 Medium Density Residential zoned land within each of the four towns. The accompanying Planning Proposal to amend WLEP 2010 with regard to Height of Buildings and Floor Space Ratio clauses and maps would support to the draft DCP provisions.

---

**ATTACHMENTS**

1. Attachment 1 - Wingecarribee Draft Medium Density Controls January 23 [5.1.1 - 118 pages]
2. Attachment 2 - Planning Proposal - Medium Density Controls ( Version 1) [5.1.2 - 19 pages]

**6 DEVELOPMENT APPLICATIONS**

Nil

**7 MEETING CLOSURE**