

AGENDA

of the
Local Planning Panel
held in
Council Chambers,
Wingecarribee Shire Council Civic Centre,
68 Elizabeth Street, Moss Vale
on

Wednesday 22 May 2024

The meeting will commence at **2:00 pm**

**AGENDA OF THE LOCAL PLANNING PANEL
WEDNESDAY 22 MAY 2024**

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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

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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 Draft Medium Density Study

Report Author: Strategic Land Use Planner

Authoriser: Deniz Kilic

PURPOSE

The purpose of this report is to present the outcomes of the public exhibition of the Draft Medium Density Study and seek the adoption of the revised Draft Medium Density Study and endorsement of the Post-Exhibition Report.

OFFICER'S RECOMMENDATION

THAT:

- 1. The revised Draft Medium Density Study be adopted.**
- 2. The Post-Exhibition Report be endorsed.**
- 3. Council write to all persons who made a submission through the public exhibition period and advise them of the resolution.**

BACKGROUND

Following the approval of grant funding from the then NSW Department of Planning – Project Delivery Unit, Council commenced a review of existing Medium Density Residential Development Controls in June 2022. The review aligns with Council's transition to a better place-based planning framework and additionally responds to key priority actions identified within the adopted Wingecarribee Local Strategic Planning Statement (Planning Priority 4.1 (xi)) and Local Housing Strategy (Planning Priority 1).

The Draft Medium Density Study (Draft Study) reviewed the existing medium density development controls that apply to land zoned R3 Medium Density, being land situated in Mittagong, Bowral, Moss Vale and Bundanoon and proposes a suite of new development controls which will inform a new Medium Density Development Control Plan (DCP) chapter. The purpose of the review is to ensure that when future medium density development occurs that it respects local character, supports good design outcomes and is in keeping with the community's expectations.

Initial community and industry engagement informed the development of the Draft Study, which was presented to the Ordinary Meeting of Council 15 February 2023 and placed on public exhibition for a period of four (4) weeks.

At the Ordinary Meeting of Council 15 February 2023, a Planning Proposal was also presented with the Draft Study which recommended the amendment of the Wingecarribee Local Environmental Plan 2010 (WLEP 2010) to include of height of buildings, floor space ratios and incentive clauses and maps. The resolution of Council is referenced below.

THAT:

1. *The attached draft Medium Density Residential Development Controls be supported for public exhibition and as part of the public exhibition information sessions held for residents and practitioners.*
2. *The attached Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 to reflect recommendations from the Study and advice from the Wingecarribee Local Planning Panel with regard to Height of Buildings, Floor Space Ratio and Incentive clauses and maps be supported for submission 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.*
3. *Council give consideration to establishing a Local Design Review Panel in accordance with the NSW Local Government Design Review Panel Manual and report the matter back to Council in due course.*

The resolution stated that the Planning Proposal reflect the recommendations from the Study and advice of the Planning Panel and progress to Gateway Determination. However, as the Draft Study is yet to be adopted by Council and its intent is to inform a new Medium Density Development Control Plan (DCP) chapter, it is recommended that the Planning Proposal form part of a separate body of strategic work that will ensue following the adoption of the Draft Study and be presented back to Council at a later date.

REPORT

Introduction

The Wingecarribee Local Housing Strategy (LHS) identifies that there is a significant demand for smaller housing typologies in the Shire, due to the shift in our demographics, namely our aging population, changing household structures, shrinking household sizes and increase in lone person households. However, there is an apparent disconnect between the housing needs of the Shire and the type of housing currently being provided. The LHS, therefore, plans for the long-term housing needs of the Shire by setting a target of a 50/50 split of infill and greenfield development to meet our housing needs.

The review of the existing Medium Density Controls aligns with priority actions identified within the adopted Wingecarribee Local Strategic Planning Statement (LSPS) and Local Housing Strategy (LHS).

Studio GL, who are a specialised urban design consultancy, were engaged to undertake the review of the medium density controls that apply to existing R3 zoned land, being land situated in Mittagong, Bowral, Moss Vale and Bundanoon. The Draft Medium Density Study (Draft Study) was developed in consultation with the community and industry representatives, and feedback directly informed the development of the recommended development controls.

The Draft Study was presented to the Ordinary Meeting of Council 15 February 2023 and was subsequently placed on public exhibition for a period of four (4) weeks from Wednesday, 01 March to Friday, 31 March 2023. During this time, targeted community and industry consultation session was held, and several submissions were received. The outcomes of the public exhibition period are detailed in **Attachment 2** of this report.


The feedback that was attained during the public exhibition period has informed the revision of the Draft Study and this has been provided as **Attachment 1** of the report.

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More information regarding the exhibition period has been provided in the ‘Community Consultation’ section of the report. In addition, an overview of amendments made to the Draft Study following the review of feedback received during the exhibition period, is detailed below in the ‘Summary of Amendments’.

Summary of Amendments

Following the review of submissions that were made during the public exhibition period of the Draft Study, several amendments were completed, and a summary of the key revisions have been provided below.

Section of Draft Study	Amendment Overview
Local Character	<p>The recommendations of the Draft Study were informed by the analysis of the local character of Mittagong, Bowral, Moss Vale and Bundanoon. The spatial analysis comprised of an assessment of the underlying landform, urban structure and buildings.</p> <p>While heritage items and heritage conservation areas were identified and referenced through the text in the Draft Study, the local character spatial maps did not highlight these areas. Therefore, the maps have since been updated to reflect this (p. 15, 23, 31 and 39).</p>
Local Character – Bundanoon	<p>Feedback from the community and industry indicated that there were a number of community facilities that were not included in the local character assessment of Bundanoon, and this has since been updated (p. 36).</p>
General Recommendations – Bowral	<p>The exhibited Draft Study recommended the increase of the FSR of land zoned R3 Medium Density north of the Mittagong Rivulet from 0.5:1 to 0.6:1. Post public exhibition, this recommendation has since been amended and the existing FSR of 0.5:1, is proposed to be retained in order to limit the impact of views to Mount Gibraltar (p.49).</p>  <p>The map displays a study area boundary in black. Three sub-zones are highlighted: Sub-zone A- 0.4:1 in light blue, Sub-zone- 0.5:1 in medium blue, and Sub-zone- 0.6:1 in light green. The map includes street names: Mittagong Road, Clarke Street, Deasy Drive, and Bowral Street.</p>
Landscaped Open Space	<p>During the panel discussion engagement session, the community and industry raised concerns that landscaping should not be solely restricted to native species, as they do not always support the best outcome. The recommended control has since been</p>

	amended and proposes that ' <i>Landscaped areas, tree planting and deep soil zones should be provided in all setbacks, with a focus in the front and rear setbacks</i> ' (p.70). At the stage of developing the new Medium Density DCP chapter, Council officers will additionally refer to the Street Tree Master Plan and consult with the Shire Presentation Team.
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A more detailed overview of the outcomes of the exhibition period and the amendments that have been implemented in the Draft Study are available in the Post-Exhibition Report (**Attachment 2**).

COMMUNITY CONSULTATION

Development of the Draft Medium Density Study

Spatial analysis of the study area was conducted and entailed the review of urban design qualities, such as the street and block structure, built form patterns, street proportions (width and height), heritage character, built form age and use, and the topography, landform and intersection density. The outcomes of the spatial analysis exercise are referenced in Chapter Two of the Draft Study, which forms **Attachment 1** of this report.

An engagement session was held on 21 June 2022 and encouraged the community and industry to identify place-based ideas and concerns around medium density development. Approximately fifty attendees participated in the workshop and the feedback supported the review of the existing medium density development controls for Bowral, Mittagong, Moss Vale and Bundanoon. A detailed summary of the outcomes of the engagement session is included in Appendix B - Stakeholder Engagement of the Draft Study, which forms **Attachment 1** of this report.

Public Exhibition

The Draft Medium Density Study was placed on public exhibition for a period of four (4) weeks from 01 March to 31 March 2023. During the public exhibition period, the Draft Study was available to be viewed via the 'Document Library' on Your Say Wingecarribee and a hard copy was available at Customer Service at Council's Civic Centre, Moss Vale. In addition, a community and industry consultation session was organised on 16 March 2023 and five (5) formal submissions were received during the public exhibition period. Community and industry representatives were additionally encouraged to enter their feedback via the online submission entry form which was available on the Your Say Wingecarribee project page and six (6) submissions were received.

As an overview, a summary of the key discussion topics raised as part of the public exhibition period included, but were not limited to:

- Encouraging the use of high-quality materials.
- Built form outcomes that are reflective of local character.
- Deep soil planting controls and open space requirements.
- Setbacks, building height and solar access controls.
- Supporting active transport.

All feedback received during the public exhibition period has directly informed the post-exhibition review of the Draft Study. A more detailed overview of the engagement opportunities mentioned above, and the outcomes of the consultation session is provided in the Post-Exhibition Report, which forms **Attachment 2** of this report.

SUSTAINABILITY ASSESSMENT

- **Environment**

The Draft Study recommends a number of sustainability driven controls to ensure the long-term sustainability of medium density development in our three main towns and Bundanoon, such as the requirement for infrastructure to support the installation of electric vehicle charging points and the promotion of using external materials that are non-reflective and are of a light colour in order to minimise reflection and heat retention.

- **Social**

The Draft Study recommends development controls that seek to ensure that the medium density provides a greater mix of housing typologies thereby meeting the social needs of the 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**

This report has been prepared to seek the advice of the Local Planning Panel. A report will later be presented to Council to seek the adoption of the Draft Study and the endorsement of the Post-Exhibition Report.

COUNCIL BUDGET IMPLICATIONS

The Draft Study has been developed from grant funding from the then NSW Department of Planning – Project Delivery Unit, therefore there are no budget implications.

RELATED COUNCIL POLICY

The Draft Study has been prepared in response to priority actions identified in the Wingecarribee Local Strategic Planning Statement (LSPS) and Local Housing Strategy, specifically:

LSPS:

- Planning Priority 4.1 (xi) - Introduce new development controls that ensure medium density development is in keeping with the desired future character of our towns and villages. (H).

LHS:

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

CONCLUSION

The Draft Study was supported by spatial analysis and informed by feedback received from Council staff, the community and industry representatives. The proposed medium density development controls in the Draft Study expand upon existing controls and additionally recommend the inclusion of new controls, such as development controls relating to site amalgamation, street presentation, landscaped open space, materials and colours and setbacks. The objective of proposing a new set of development controls that apply to existing R3 Medium Density zoned land, is to ensure that when medium density development occurs that it respects local character, supports good design outcomes and is in keeping with the community's expectations.

The purpose of this report is, therefore, to seek the adoption of the Draft Medium Density Study and the endorsement of the Post-Exhibition Report, which will inform the development of a new Medium Density DCP chapter.

ATTACHMENTS

1. Draft Medium Density Study [5.1.1 - 118 pages]
2. Draft Medium Density Study - Post Exhibition Report [5.1.2 - 15 pages]

5.2 Southern Highlands Innovation Park - Progress Update

Report Author: Senior Strategic Planner

Authoriser: Deniz Kilic

PURPOSE

The purpose of this report is to provide Council with an update on the ongoing Southern Highlands Innovation Park Master Plan and Governance Strategy project and provide a timeline for completion of the project.

OFFICER'S RECOMMENDATION

THAT the Local Planning Panel note the progress of the Southern Highlands Innovation Park Master Plan, Governance Strategy and the Strategic Positioning Paper.

BACKGROUND

The Southern Highlands Innovation Park (SHIP) is a regionally significant employment precinct comprising some 1,023 hectares of industrial zoned land between Moss Vale and New Berrima. The SHIP (formerly known as the Moss Vale Enterprise Corridor) was initially identified as an employment precinct under the 1989 Wingecarribee LEP, however, due to a number of factors, including the lack of a clear Vision and strategic direction for the Precinct, the land has remained largely undeveloped. Recent developments have been largely piecemeal and concerning a proposed State Significant Development is fundamentally compromising the emerging Masterplan and more appropriate market-driven innovation land uses.

Council completed the first phase of a draft Master Planning process for the SHIP in 2021, which included a contextual and constraints analysis, a high-level land use and competitor analysis and feasibility model and developed an emerging Vision and high-level Structure Plan for the precinct.

The first phase of the Master Planning process highlights the significant potential of the SHIP as the largest employment precinct in the State outside of the Western Sydney Aerotropolis. However, it also highlights significant challenges in the provision of key enabling infrastructure (roads, sewer

water, electricity and data bandwidth) to unlock the potential of this regionally significant employment precinct.

REPORT

The SHIP Precinct is strategically located to Sydney, Canberra, Wollongong and the new Western Sydney Airport and Aerotropolis. This Precinct provides a unique opportunity to attract sustainable and innovative industries and become a major employer and economic driver for the Shire and the broader region. The map below shows the boundaries of the SHIP area, in red. The SHIP is anticipated to provide local knowledge-based jobs for the next 20 years, with a potential of attracting a university campus or a co-located research and incubation facility in the Highlands.

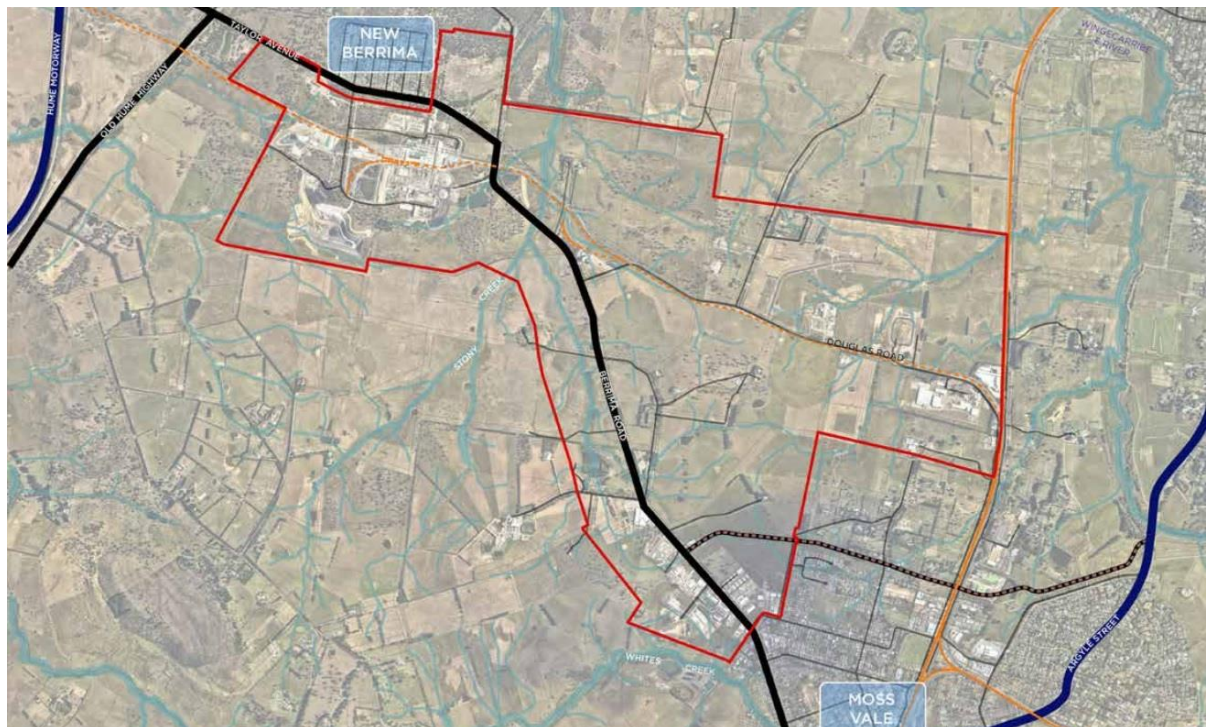


Figure 1 – Southern Highlands Innovation Park

Council secured \$270,000 in grant funding under the NSW Government’s Business Case and Strategy Development Fund, from Regional NSW to complete Phase 2 of the Master Planning process, and at the Ordinary Council Meeting of 19 July 2023, Council appointed Architectus, a nationally recognised Urban Design firm, to develop a detailed Master Plan. Subconsultants Astrolabe Group are delivering the Governance Strategy for the Precinct and SGS Economics & Planning delivered the Strategic Positioning Paper to form the evidence base.

A Master Plan and Governance Strategy for the SHIP is critical to establish a clear Vision and ensure that future development is reflective of the unique Southern Highlands context and in keeping with the broader strategic framework including the Local Strategic Planning Statement. The Master Plan will identify suitable industry precincts within the SHIP area, to avoid any land use conflict with Moss Vale and encourage a range of employment-generating uses, that are sensitive to the surrounding rural landscapes within reason for an innovation park.

The draft Master Plan identifies four Precincts within the SHIP, with various potential land uses in each Precinct. These precincts are based on the Urban Design Principles, access connectivity, existing uses within the SHIP and the proximity to Moss Vale centre. These precincts leverage our regional economic advantages identified in the Strategic Positioning Paper. The below image (figure 2) shows the location of the four proposed precincts, which the SHIP.

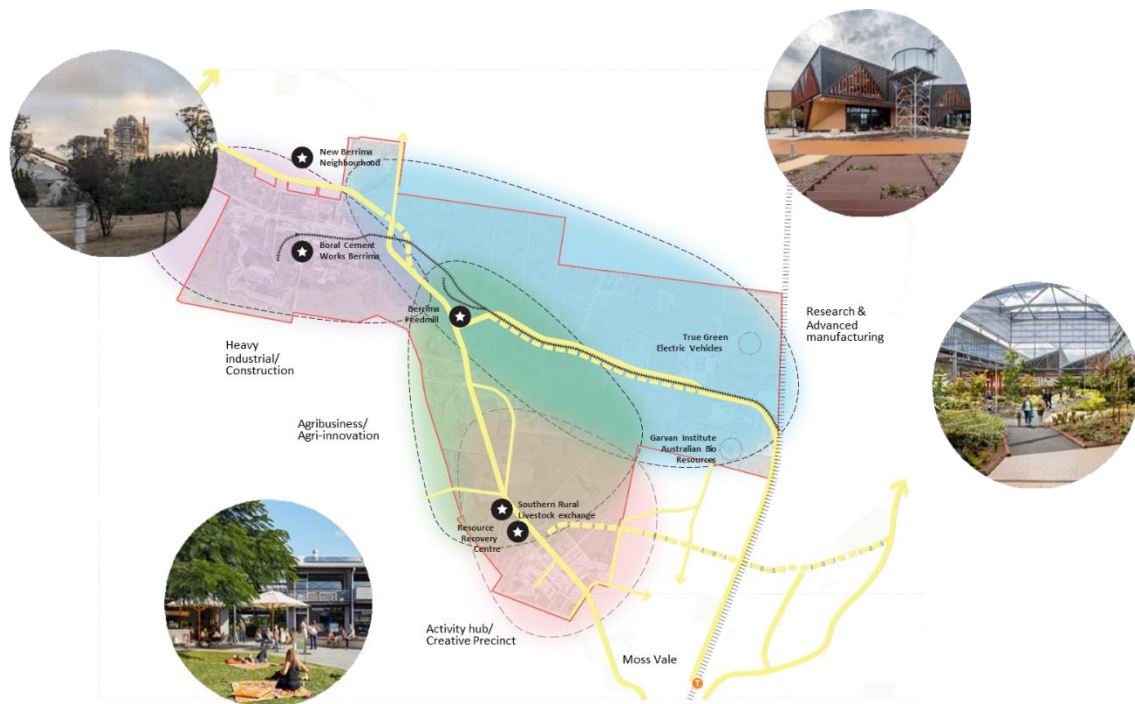


Figure 2 – Proposed Precincts within the Southern Highlands Innovation Park

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Council is a relatively minor landowner within the SHIP precinct, with the Resource Recovery Centre, new Animal Shelter, the cemetery and the Livestock Exchange. There are potential opportunities to co-locate Council facilities within the SHIP to better utilise land holdings across the Shire. The remainder of the land is privately owned, with scattered industrial and other low order landuses. Council has consulted with the landowners and existing tenants at various stages of the project, including a workshop and one-on-one meetings. However, the emerging draft Master Plan is agnostic to specific land ownership patterns to maintain impartiality and the free market reality of changing land ownership over the implementation stages of the Master Plan.

Council has conducted community and landowner consultations through online surveys on our Participate Wingecarribee platform and face-to-face consultations from February to April 2024, where the consultants presented the opportunities and challenges, environmental constraints, and market opportunities that the area will bring to the Shire and regionally. The community and landowners were also presented with a draft vision, aspirational and desired character imagery, the Urban Design Principles and four key emerging land use precincts within the SHIP. Council also presented the project, key findings and emerging precincts to the Urban Development Institute of Australia (UDIA) on 3 May 2024.

The presentation for the various public forums forms **ATTACHMENT 1** of this report. This information is also publicly available through the project page on Participate Wingecarribee. The feedback received from the community so far will be included in the draft Master Plan and Governance Strategy, which is planned to be part of public exhibition in June 2024.

The project plan for the SHIP Master Plan & Governance Strategy is shown in the following diagram.

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Southern Highlands Innovation Park Revised Project program 07/03/24		Week ending	1-Mar	8-Mar	15-Mar	22-Mar	29-Mar	5-Apr	12-Apr	19-Apr	26-Apr	3-May	10-May	17-May	24-May	31-May	7-Jun	14-Jun	21-Jun	28-Jun
Item	by	Due date																		
Project Plan	Architectus, input from SGS and Astrolabe	4-Aug																		
Site Visit	Architectus, Astrolabe, (SGS optional)	11-Aug																		
Community and Stakeholder engagement plan	Astrolabe, input from Architectus and SGS	25-Aug																		
Governance Strategy Background Information Review	Astrolabe	29-Sep																		
Strategic Positioning, including market sounding	SGS	29-Sep																		
Master plan background review	Architectus	3-Nov																		
Landowner and Stakeholder consultation workshop	Architectus, Astrolabe, SGS	2-Feb																		
Stakeholder engagement outcomes report	Astrolabe, input from Architectus	9-Feb																		
Preparation for community engagement workshop	Architectus/Council	5-Apr																		
Community engagement workshop	Architectus/Council	12-Apr																		
Updated stakeholder engagement outcomes report	Architectus/Astrolabe	19-Apr																		
School holidays																				
Draft Master Plan	Architectus	10-May																		
Draft Governance Strategy	Astrolabe	10-May																		
Public Exhibition	Council	14-Jun																		
Final Master Plan	Architectus	28-Jun																		
Final Governance Strategy	Astrolabe	28-Jun																		

Figure 3 – SHIP Master Plan & Governance Strategy Project Plan

COMMUNICATION AND CONSULTATION

Community Engagement

Council has conducted various types of consultations with the community, including online survey, receiving feedback from our Community Reference Panels in two stages of the project and having community consultation session outside of working hours, to facilitate for the working population in the Shire. Council has also been consulting with the landowners and tenants, at various stages of the project.

Further Community Consultation will be done as part of the public exhibition, which is planned in June 2024.

Internal Communication and Consultation

Regular updates regarding projects around the area, like the Moss Vale By-pass and the Berrima Road Deviation, are being provided internally, as they are part of the enabling infrastructure for the SHIP.

A project workshop for internal staff will be organised, by the project team and will include representatives from various sections of Council, including but not limited to:

- Strategic Outcomes
- Assets
- Community Development
- Environment and Sustainability
- Property Services

External Communication and Consultation

The consultant team and Council's Strategic Outcomes team have been liaising with the Department of Regional NSW and other State agencies. The Strategic Outcomes team is also engaging in early consultation with energy providers and NBN to gauge capacity enhancements.

CONSULTATION

Public Exhibition

Public Exhibition forms the next phase of the project. The Draft Master Plan and Governance Strategy is anticipated to be exhibited in June 2024, for a period of six (6) weeks. During the Exhibition, the draft Master Plan and Governance Strategy will be available to view on the Project Page, and physical copies available in the Civic Centre and all Council Libraries. Submissions are welcome through the Project page, email or written to Council.

Council will hold drop-in sessions during the exhibition period, giving the community a chance to ask questions, gain clarification and provide feedback in person. All the feedback received during the public exhibition period will be reported back to the Local Planning Panel and Council, in the form of a post-exhibition report.

SUSTAINABILITY ASSESSMENT

- **Environment**

The landscape within the SHIP is undulating. The Master Plan will be respecting and make provisions to protect the existing ridge lines, mature vegetation and riparian corridors. The draft Master Plan will address environmental concerns within the area.

- **Social**

There is an opportunity to provide for social and public infrastructure through the SHIP Master Plan. There is an opportunity to cater to the lack of higher education within the Shire, by bring in education uses within the SHIP. These initiatives have a greater social benefit for the community.

- **Broader Economic Implications**

The Southern Highlands Innovation Park (SHIP) is a regionally significant employment generating precinct. Planning for this precinct will generate compounding economic benefits for the Shire and the broader region, by providing an opportunity to work and live within the Shire.

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

The broader governance approach for the SHIP is explained in a draft Governance Strategy that will be reported in June 2024.

The governance Strategy sets out the governance framework for the Southern Highlands Innovation Park (SHIP), informing how the stakeholders should be organised, guiding the implementation of the master plan.

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The draft Governance Strategy will also be reported to ARIC. Validation workshops are booked with Council and State stakeholders to ensure Council and State agency alignment prior to formal public exhibition.

Once the draft Master Plan and Governance Strategy is finalised, a report will be presented to the Local Planning Panel and Council, to seek endorsement for the draft Master Plan and Governance Strategy to be placed on Public Exhibition. Further, a post-exhibition report will also be presented to the Local Planning Panel and Council, to report the feedback received during the exhibition period, any changes made to the draft strategy and seek adoption of the SHIP Master Plan and Governance Strategy.

Once adopted, the draft Master Plan and Governance Strategy provide a long-term strategic framework and development guide in the Southern Highlands Innovation Park.

COUNCIL BUDGET IMPLICATIONS

Council received a sum of \$270,000 in grant funding under the NSW Government's Business Case and Strategy Development Fund, from the Department of Regional NSW. The project is funded within that amount and there are no additional budget implications for Council. Consultant management and coordination has been absorbed by the Strategic Outcomes team.

RELATED COUNCIL POLICY

The Southern Highlands Innovation Park project is being undertaken as a business case, and responds to the priority actions identified in the Local Strategic Planning Statement, as listed below:

- Planning Priority 3.1 (iv): Ensure our planning framework facilitates new and innovative business opportunities.
- Planning Priority 3.1 (v): Promote the Southern Highlands as a place to work, live and visit, to increase the working population and encourage new business to the Shire.
- Planning Priority 3.1 (vii) Work with the State and Federal Government to secure funding for key enabling infrastructure to unlock the development potential of the Moss Vale Enterprise Corridor.
- Planning Priority 3.2 (ii) Improve collaboration between Council and the business industry to support economic development within our Shire.

CONCLUSION

The SHIP project is progressing toward a public exhibition grade Master Plan and Governance Strategy and supported by the strategic Positioning Paper, together forming the Business Case for the innovation park. It is important for Council to continue to engage State agencies, landholders, potential investors and utility providers to steer the SHIP and ensure it is anchored by land uses that are consistent with the emerging vision and strategic direction.

ATTACHMENTS

1. 240410 SHIP Council Report - project update [5.2.1 - 43 pages]

5.3 Bowral South New Living Area - Project Update

Report Author: Senior Strategic Planner

Authoriser: Deniz Kilic

PURPOSE

The purpose of this report is to provide Local Planning Panel with an update on the ongoing Bowral South New Living Area Master Plan and Servicing Strategy project, provide a project timeline and next steps.

OFFICER'S RECOMMENDATION

THAT the Local Planning Panel note the progress of Bowral South New Living Area Master Plan and Servicing Strategy project.

BACKGROUND

The Wingecarribee Local Housing Strategy (LHS) and the Local Strategic Planning Statement (LSPS) were adopted by Council at its Ordinary Meeting of 14 July 2021. The LSPS and LHS form a long-term planning framework, guiding growth across our Shire. The Bowral South New Living Area (NLA) is one of the six (6) new living areas, identified in the LHS and is the first one to be master planned to accommodate new homes, public open spaces and a small village centre at the south-east of Bowral.

The Local Housing Strategy commits Council to undertake several key planning processes prior to the land being rezoned, to ensure that new development areas are well-planned and designed and supported by essential infrastructure. Further, the Strategy requires Master Plans to be prepared for each of the New Living Areas prior to rezoning, to deliver positive design outcomes and provide greater certainty to the community, landholders and Council.

The project also provides an opportunity to make provisions for a diversity in housing typology within the new living areas, that caters to the needs of our community at different stages of life. The housing shortage across the State and across our rural Shire requires careful long-term strategic planning, well-considered design and community consensus for moving forward.

REPORT

The Bowral South NLA is located to the south of Bowral Township and is bounded by Kangaloon Road to the north, Eridge Park Road to the west, the Wingecarribee River to the south and the Bong Bong Racecourse to the east, with Wingecarribee River being the long-term town boundary. The map below shows the boundaries of the Bowral South NLA.



Figure 1 Bowral South New Living Area Boundary

Council secured a sum of \$250,000 in a grant funding under the Regional Housing Strategic Planning Fund – Round 1, from the Department of Planning and Environment (the Department), to complete the Master Plan and Servicing Strategy for the Bowral South New Living Area. The grant funding was provided to conduct the required studies and prepare a master plan for the area prior to any rezoning, to expedite the release of the New Living Area and ensure that the new development is well planned and supported by essential infrastructure.

In May 2023, after a comprehensive procurement process, Council engaged external consultants, Maker ENG to prepare the Master Plan and Servicing Strategy for the Bowral South New Living Area. Given the large area of the site, there is an opportunity to incorporate a small village centre within the new living area, which will support the day to day needs of the emerging local community within the NLA, as well as the existing broader East Bowral community and parts of Burradoo. Hence, Council also appointed two separate consultants to undertake an analysis of the economic needs and viability of a village centre, to be developed within the Bowral South NLA. The analysis also provided recommendations for floor space requirements and the location of the centre, within the Bowral South NLA.

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The Master Plan being prepared for the Bowral South NLA, will form the basis of site-specific Development Control Plan, to ensure that new development is in keeping with the community's expectations and respects local character. The Servicing Strategy will identify the infrastructure requirements to support the New Living Area, infrastructure costs required with appropriate, best practice and practical infrastructure provisions, to ensure equitable development and overall community benefit. The Master Plan also explores the opportunity to contribute positively to the amenity and liveability of Bowral and achieve one of Council's long-term aims of providing a cycleway and public open space along the Wingecarribee River to connect with the existing cycleway networks in Bowral.

The Bowral South NLA is privately owned, with multiple landowners. Council has consulted with the landowners at various stages of the project, however, being agnostic to land ownership boundaries within the NLA, when preparing the draft master plan.

Council conducted two Community Design workshops in November and December 2023, which were attended by 25 members of the community, who represent a spectrum of community, individual resident and group interests. The aim of the two sessions was to workshop the Urban Design Principles with the community and take their valued input to inform the draft master plan. Further community consultation was undertaken through community forums (cumulatively with over 200 attendees), community group meetings and community engagement sessions, in March and April 2024. The presentation presented at the various public forums, along with the draft emerging Master Plan, forms **ATTACHMENT 1** of this report.

Initially, it was anticipated that the project would require 12 months. As this project is partially funded by the Department, Council is obligated to follow the project deadlines, as per the grant funding. It was initially anticipated that the project will be completed by February 2024. However, due to the delays in procurement and commencing the project, an extension was granted to complete the project by June 2024. Further, the economic analysis, engineering studies and upfront community engagement were brought forward and conducted at an early stage to inform the master plan, which took longer than anticipated and further extended the timeline. In order to meet the grant funding timelines, a variation to the scope of the project is being considered by the Department, to reduce the scope, to prepare a public exhibition grade draft Master Plan and Servicing Strategy package, by the end of June 2024.

Below is a diagram showing the timeline of the project.

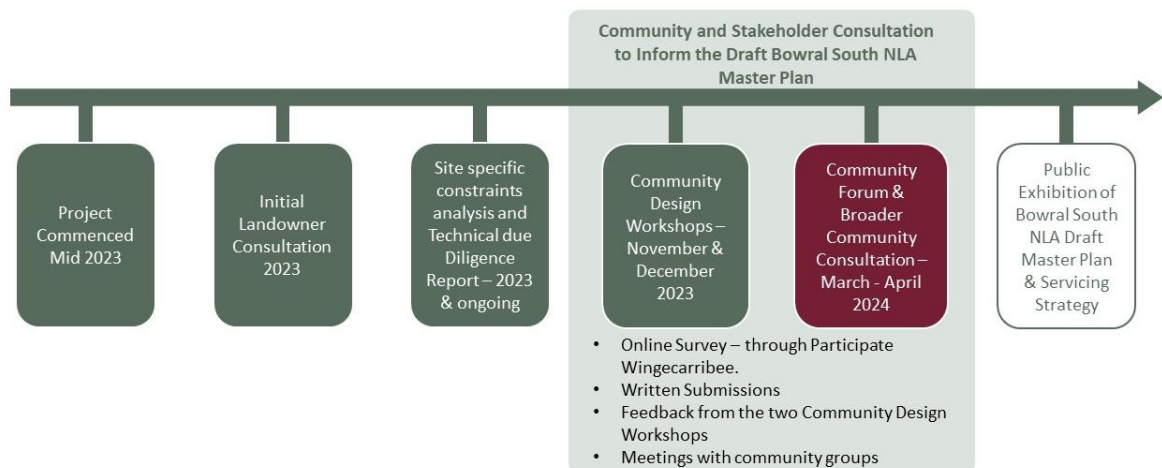


Figure 2 Bowral South New Living Area Project Timeline

COMMUNICATION AND CONSULTATION

Community Engagement

Council has conducted various types of consultations with the community, to build the draft Master Plan for Bowral South NLA, at various stages of the project. There were two Community Design Workshops conducted in November and December 2023, which was attended by a large spectrum of community representatives. Further community consultation was undertaken through community forums, community group meetings and community engagement sessions, during March and April 2024.

As the development area is privately owned in its entirety, landowner consultation is mandatory, and Council has consulted with the landowners at various stages of the project.

Internal Communication and Consultation

An internal Project Control Group (PCG) is established to facilitate the preparation of the Master Plan and Servicing Strategy of the New Living Area. The PCG provides input at different stages of the project. The PCG have provided feedback on the environmental studies completed to date. This working group includes Council staff from various sections of Council, including but not limited to:

- Strategic Outcomes
- Assets and Infrastructure
- Environment and Sustainability
- Development Assessment

External Communication and Consultation

Council has been liaising with the Department, Water NSW and other State agencies, throughout the development of the Master Plan. Given the scale of the site, the Servicing Strategy will incorporate feedback received from State Government authorities including but not limited to, Department of Health, Transport for NSW, Department of Education etc., as well as infrastructure services provided by NBN and Endeavour Energy.

Public Exhibition

Public Exhibition forms the next phase of the project. Once the Draft Master Plan and Servicing Strategy is finalised, it will be placed on Public Exhibition, for a period of six (6) weeks. During the Exhibition, the draft Master Plan and Governance Strategy will be available to view on the Project Page, and physical copies will be made available in the Civic Centre and all Council Libraries. Submissions are welcome through the Project page, email or posted to Council.

Council will hold drop-in sessions during the exhibition period, giving the community a chance to ask questions, gain clarification and provide feedback in person. All the feedback received during the public exhibition period will be reported back to the Local Planning Panel and Council, in the form of a post-exhibition report.

SUSTAINABILITY ASSESSMENT

- **Environment**

The Bowral South NLA Master Plan and Servicing strategy includes due diligence reports as part of the project, which include environmental studies for the area. The due diligence studies include, but are not limited to:

- Ecological Constraints and Opportunities
- Strategic Heritage Assessment
- Sustainability Strategy

- **Social**

There is an opportunity to provide for social and public infrastructure through a holistic Master Plan for Bowral South NLA. Opening up the river front for public recreation, providing for community sports facilities, as part of open spaces within the area.

- **Broader Economic Implications**

Given the large area of the site, there is an opportunity to incorporate a small village centre within the new living area, which will support the day to day needs of the local community, as well as the broader East Bowral area and strengthen the economy of the area. This opportunity has been explored in the draft Master Plan.

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

Once the draft Master Plan and Governance Strategy is finalised, a report will be presented to the Local Planning Panel and Council, to seek endorsement for the draft Master Plan and Servicing Strategy to be placed on Public Exhibition. A post-exhibition report will also be presented to the Local Planning Panel and Council, to report the feedback received during the exhibition period, any changes made to the draft strategy and to seek adoption of the Bowral South NLA Master Plan and Servicing Strategy.

Once adopted, Council will start the next phase of strategic work, being the preparation of a Contributions Plan and a site-specific Development Control Plan, prior to preparing a Planning Proposal for rezoning the Bowral South NLA for residential purpose, to ensure equitable development and overall community benefit.

COUNCIL BUDGET IMPLICATIONS

Council received a sum of \$250,000 in grant funding from the Department of Planning. Council committed to add another \$100,000 towards the preparation of the Master Plan and Servicing Strategy of the Bowral South NLA. This was allocated in the previous financial and hence there are no budget implications in this financial year.

RELATED COUNCIL POLICY

The Bowral South New Living Area, is one of the six (6) new living areas, identified in the Local Housing Strategy (LHS). The Master Plan and Servicing Strategy is being prepared in response to the specific priority actions in the LSPS and the LHS, as listed below:

Local Strategic Planning Statement actions:

- Planning Priority 4.3 (iii): Achieve a mix of housing types and lot sizes in new living areas to ensure that new development meets the needs of our community.
- Planning Priority 4.3 (viii): Develop master plans for our new living areas, prior to rezoning, to provide for well planned, highly liveable communities into the future
- Planning Priority 4.3 (ix): Develop infrastructure plans and servicing strategies for new living areas prior to rezoning
- Planning Priority 5.2 (ii) - Develop infrastructure plans and servicing strategies for new living areas prior to rezoning.

Local Housing Strategy Planning Priority:

Planning Priority 3: Provide for well planned new release areas to meet the long-term housing needs of the community and ensure that our growing communities are supported by essential infrastructure.

CONCLUSION

The Bowral South New Living Area (NLA) is one of the six (6) new living areas, identified in the LHS and is the first one to be master planned for residential growth. It is also one of the first master plans of such type, initiated by Wingecarribee Shire Council, supporting Council's transition to a better place-based planning framework.

The Bowral South NLA, can accommodate 2000+ dwellings, housing a population upwards of approximately 5000 people, addressing the housing shortage across the State and across our Shire, while also providing for a diversity of housing, that caters to the needs of our community at different stages of their life. The Master Plan also aims to provide community benefit by opening up the Wingecarribee River front and have a connected cycling network around our towns.

The Master Plan will form the basis of site-specific Development Control Plan, to ensure that new development is in keeping with the community's expectations and respects local character. The Servicing Strategy will highlight the infrastructure costs required to provide the new residential area with appropriate, best practice and practical infrastructure provisions, to ensure equitable development and overall community benefit.

The feedback received from the community will be included in the draft Master Plan and Servicing Strategy. The draft package is aimed to be on public exhibition later this year.

ATTACHMENTS

1. BSNLA progress report attachment [5.3.1 - 48 pages]

5.4 Wingecarribee Integrated Transport Strategy Draft for Public Exhibition

Report Author: Coordinator Strategic Policy

Authoriser: Deniz Kilic

PURPOSE

The purpose of this report is to seek endorsement for the public exhibition of the draft Wingecarribee Integrated Transport Strategy.

OFFICER'S RECOMMENDATION

THAT the draft Wingecarribee Integrated Transport Strategy and the draft Wingecarribee Car Parking Occupancy Study be endorsed for public exhibition for a period of 28 days and that it be reported back to Council at the completion of the exhibition period.

REPORT

In mid-2023 Council engaged the Institute for Sensible Transport to undertake the Wingecarribee Integrated Transport Strategy (WITS). Such a strategy is intended to provide a long term (usually 20 year) blueprint to guide transport policy and investment decisions, providing a consistent approach to achieving change that aligns with wider strategic objectives. It also acts as an advocacy platform to attract investment in the transport network.

The **guiding principles** of the Strategy were identified as:

- **Safety** – The strategy is guided by the Towards Zero goal of eliminating all fatalities and serious injuries on our roads by 2050.
- **Sustainability** – Transport is the second largest source of climate change emissions. Road building also consumes finite resources and space.
- **Connectivity** – An integrated and connected transport system allows all our residents to get where they want in a timely manner.
- **Accessibility** – Goods and services are accessible to all residents, of all ages and abilities.
- **Health and wellbeing** – Transport systems should support and enhance the health and wellbeing of all members of our community.
- **Vibrancy** – Transport should support the vibrancy and sense of place in townships of Wingecarribee.
- **Thriving Economy** – Transport should enhance economic potential, including the night-time economy and by supporting tourism.

The major challenges identified about our Shire through the Strategy were:

- Poor pedestrian amenity and safety
- Barriers to safe cycling and use of mobility aids
- Poor public transport
- Lack of activated green and public spaces in town centres
- Car parking
- Heavy traffic in town centres
- Legibility of wayfinding

A draft Strategy has been provided by the consultants and forms **Attachment 1** to this report.

As part of the Wingecarribee Integrated Transport Strategy, the consultant also undertook a Car Parking Occupancy Study in March 2024. This study forms **Attachment 2** to this report. This study reviewed car parking occupancy at various times within the CBD areas of Bowral, Mittagong and Moss Vale based on high resolution aerial imagery provided on Nearmap.

This study provided an important knowledge base related to car parking occupancy and was used to inform effective techniques to better manage car parking in our town centres. Some of the objectives of managing car parking were identified to be:

- More efficient use of available parking spaces throughout the day
- Balance competing uses for car parking spaces – residential, commercial, retail, visitors
- Managing community expectations about car parking
- Wayfinding and parking occupancy signage
- Augmentation of existing parking spaces as town centre master plans are implemented into action over the next years.
- Potential revenue sources

A key conclusion was that, although car parking occupancy can vary considerably across the three town centres and over the weekly cycle, generally the measured vacancy rates were higher than might be perceived to be the case. Potential strategies to assist both residents and visitors to make better, more efficient use of available car parking have been considered in the draft Wingecarribee Integrated Transport Strategy.

CONSULTATION

Community Engagement

Community consultation and surveys have already occurred to inform the draft strategy and further consultation will be undertaken to confirm the final strategy.

Internal Communication and Consultation

Consultation with all relevant teams within Council has been undertaken in the preparation of the draft strategy.

External Communication and Consultation

Extensive community and stakeholder engagement has been undertaken in the development of the draft strategy.

SUSTAINABILITY ASSESSMENT

• Environment

The Wingecarribee Integrated Transport Strategy has a focus on sustainability with transport being identified as the second largest source of climate change emissions. It is also recognised that road building consumes finite resources and space.

• Social

The Integrated Transport Strategy will provide the strategic framework to deliver a transport network that is safer, healthier, more connected, sustainable, and more inclusive, providing significant social benefits for the local community.

- **Broader Economic Implications**

The Integrated Transport Strategy will provide a prioritised program of infrastructure works and will allow Council to make informed investment decisions based on an adopted strategy of the Council.

- **Culture**

Not applicable in the context of this report.

- **Governance**

The Integrated Transport Strategy will provide an evidence-based process for identifying transport infrastructure needs in the Shire. Once adopted, the Strategy will provide the long-term strategic framework to inform Council's Long-Term Financial Plan and Operations Plans. The Integrated Transport Strategy will provide an evidence-based approach to the review of Council's development contribution plans which apply under s7.11 (contributions towards provision or improvement of amenities or services) and under s7.12 (fixed development consent levies) of the Environmental Planning & Assessment Act 1979.

COUNCIL BUDGET IMPLICATIONS

The development of the Integrated Transport Strategy is being funded through the existing Council budget. The Integrated Transport Strategy will provide an evidence-based approach to the review of Council's development contribution plans with anticipated increases in funds available for Council works through these plans.

RELATED COUNCIL POLICY

Not applicable in the context of this report.

CONCLUSION

Council remains committed to refocusing on the future and better planning for the needs of the community, and the Integrated Transport Strategy will provide an important evidence based strategic framework for transport-related decision-making and advocacy by Council in order to improve local transport planning and service provision throughout the Shire.

ATTACHMENTS

1. Draft Wingecarribee Integrated Strategy 2024.04.29 [5.4.1 - 56 pages]
2. Wingecarribee Car Parking Occupancy Study [5.4.2 - 13 pages]

6 DEVELOPMENT APPLICATIONS

6.1 24/0144 - S8.2 Review of DA21/1043 for Community Title Residential Subdivision - 1 & 7 Reg Grundy Drive, Bundanoon

Report Author: Acting Coordinator Development Assessment Planner,
Andre Vernez

Authoriser: Manager Development Assessment, Jon Shillito

PURPOSE

The purpose of this report is to present Section 8.2 Review Application No. 24/0144 for the Panel's consideration and recommends confirmation of the determination of Development Application No. 21/1043 by REFUSAL.

Applicant	RG Capital (Australia) Pty Limited C/- CDS
Landowner	RG Capital (Australia) Pty Limited
Zoning	R2 Low Density Residential
Date DA Refused	28 June 2023
Date S8.2 Lodged	22 August 2023
Proposed Development	Community Title Residential Subdivision
Estimated Cost of Development	\$1,760,000
Notification Period	2 November 2023 to 4 December 2023
Number of Submissions	15 in objection
Political Donations	None declared
Reason for Referral to Panel	Review of Determination of DA 21/1043 that was determined by the Panel

OFFICER'S RECOMMENDATION

- 1. THAT the Local Planning Panel refuse Section 8.2 Review Application No. 24/0144 for a review of determination of Development Application No. 21/1043 for the Community Title subdivision comprising 22 residential lots and one community lot and carrying out of works for the purpose of roads, at 1 and 7 Reg Grundy Drive, Bundanoon, subject to the reasons for refusal detailed in Attachment 1 of this report.**
- 2. THAT Council advise those who made written submissions of the Panel's decision.**

EXECUTIVE SUMMARY

1. Executive summary

This section 8.2 application involves a request for the Wingecarribee Local Planning Panel to review its decision to refuse Development Application No. 21/1043 (being refused on 28 June 2023), which proposed a Community Title Residential Subdivision comprising 22 residential lots and one community lot, and carrying out of works for the purpose of roads.

It is noted that in accordance with the provisions of section 8.10(1) under the *Environmental Planning and Assessment Act 1979* (EP&A Act), an appeal by an applicant may be made only within six (6) months after the date the decision appealed against is notified.

The Council was to assess the s8.2 Review before 28 December 2023 if no appeal was made. The applicant filed a Class 1 appeal in the Land and Environment Court on 24 October 2023 in accordance with section 8.10 of the EP&A Act. Noting the provisions of section 8.3(2)(a) of the EP&A Act, the Panel's decision is still open to be reviewed.

The application focuses on reconfirming the suitability of the proposed development in relation to the issues of bush fire protection and native vegetation protection that were evidently of concern to the Panel.

The application seeks to rely upon the information initially submitted with the Development Application with amendments to the design as follows:

1. The width of the road reserve along the frontage to proposed Lot 11, has been reduced to 15m, with a carriageway width of 8m, to allow for extra depth for Lot 11.
2. Identification of a building envelope on Lot 11 having regard to bushfire asset protection zones (APZ) from the boundary with the adjoining Bundanoon Oval and Jordans Crossing public reserve.

The following documents were submitted to support the Section 8.2 Review:

- Amended Plan of Proposed Subdivision prepared by Mepstead & Associates
- Stormwater drainage, soil and water site management and concept sewer plans prepared by CDS
- Additional Bushfire Assessment Report prepared by Harris Environmental Consulting
- Vegetation Management Plan prepared by Narla Environmental

It is recommended that the Section 8.2 Review application be refused for the reasons outlined in Attachment 1 of this report.

Key issues include the following:

- Insufficient information in relation to bush fire noting the NSW Rural Fire Service advice dated 12 December 2023.
- Insufficient information in relation to ecology noting Council's Ecologist advice dated 28 November 2023.
- Engineering in relation to the reduced road width and the non-compliance with road design standards and potential uncertainty regarding traffic loading.

2. Site Description and Locality.

- The subject site is legally described as Lots 11 and 18 DP 1219744 and known as 1 and 7 Reg Grundy Drive, Bundanoon.
- The subject site is vacant with an area of approximately 10.3ha.
- The subject site comprises cleared pastures and scattered mature native trees. The northeastern portion of the site is occupied by denser native vegetation communities including Southern Highlands shale woodland, an endangered ecological community.
- The subject site contains a Category 3 unnamed watercourse along the southern boundary. This watercourse includes an old farm dam.
- The subject site is zoned R2 Low Density Residential.
- The subject site is identified as bush fire prone land.
- The subject site has frontage to Reg Grundy Drive.
- The subject site is serviced by reticulated sewer and water.
- The subject site adjoins land zoned R2 Low Density Residential, R5 Large Lot Residential (to the northwest) and RE1 Public Recreation (to the west).



Figure 1: Aerial Image



Figure 2: Locality Map

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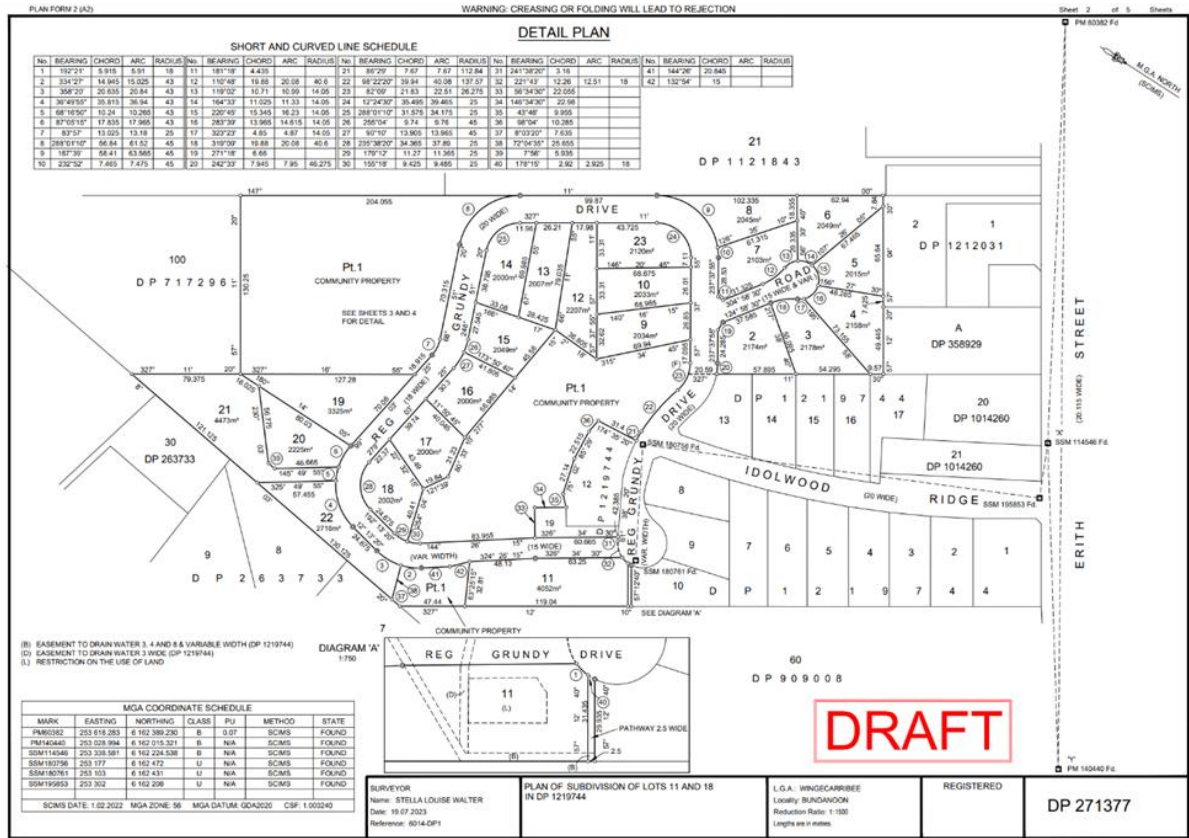


Figure 3: Subdivision Plan

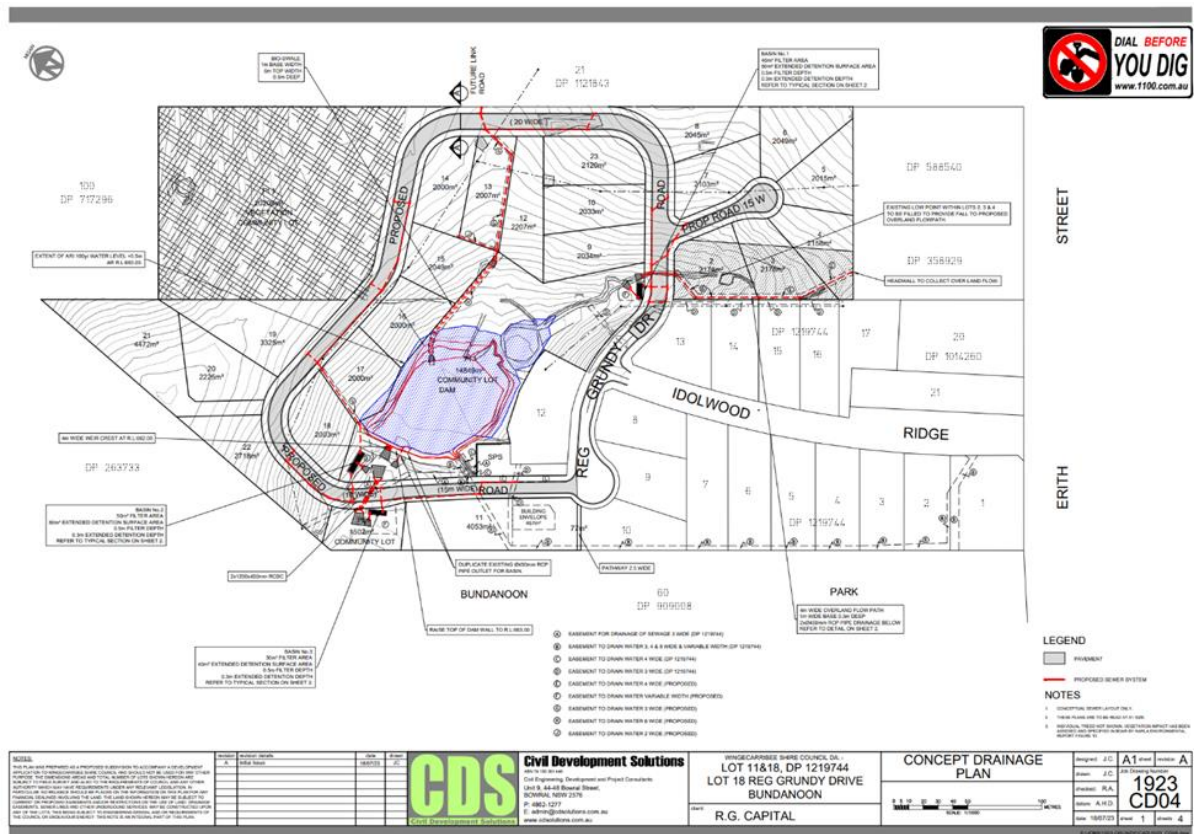


Figure 4: Concept Drainage Plan

3. Background

This section 8.2 application involves a request for the Wingecarribee Local Planning Panel to review its decision to refuse Development Application No. 21/1043 (being refused on 28 June 2023), which proposed a Community Title Residential Subdivision comprising 22 residential lots and one community lot, and carrying out of works for the purpose of roads.

A section 8.2 application allows an applicant to request a consent authority to review a determination or decision made by them.

In accordance with the provisions of section 8.2(1)(a) under the *Environmental Planning and Assessment Act 1979* (EP&A Act), the determination of an application for development consent by a local planning panel is subject to review.

The review of a determination or decision made by a local planning panel is also to be conducted by the panel as per section 8.3(5) under the EP&A Act.

After conducting its review, the consent authority (in this instance the local planning panel) may confirm or change the determination or decision.

It is noted that in accordance with the provisions of section 8.10(1) under the EP&A Act, an appeal by an applicant may be made only within six (6) months after the date the decision appealed against is notified.

The Council was to assess the s8.2 Review before 28 December 2023 if no appeal was made. The applicant filed a Class 1 appeal in the Land and Environment Court on 24 October 2023 in

accordance with section 8.10 of the EP&A Act. Noting the provisions of section 8.3(2)(a) of the EP&A Act, the Panel's decision is still open to be reviewed.

Following termination of a s34 conciliation conference, the proceedings are listed for hearing on 9 to 11 October 2024. It is noted the documentation submitted with this application is not the same documentation being relied on as part of the LEC appeal.

4. S.8.2 Review of Refusal of Determination Application No. 21/1043.

The applicant has provided the following response to support their request for review of the refusal and reasons for the refusal as follows. An assessment against each is provided below:

1. The site has a number of constraints including bushfire, threatened species, endangered ecological communities, biodiversity, water management and drainage.

Applicant Response:

'Rather than a reason for refusal, this is a statement of the circumstances of the site. These circumstances and constraints have been acknowledged by all parties, including the applicant, throughout the lengthy assessment process.

The thoroughness of the assessment process is testament to the fact that these constraints have been considered. The submission of the information in support of this review application confirms that these constraints have been properly considered.'

Council Comment:

In relation to bush fire, the NSW Rural Fire Service reviewed the information submitted with this application and advised the following:

- In order to proceed, an updated Bush Fire Assessment Report, will need to be provided, for further assessment of the proposal and which identifies the extent to which, the proposed development, conforms with or deviates from the relevant provisions of Planning for Bush Fire Protection 2019, and it will need to address the following assessment concerns, and those as raised by a local resident, in his formal submission and queries;
- Clearly define the full extent (site area) of the unmanaged bushfire hazard vegetation located on the sites south western site boundary (within the Council's Bundanoon Oval Reserve), confirming the extent and scope of any Plans of Management, as well as any ongoing Council revegetation activities, which could possibly impact on proposed Lots 11 ability to accommodate a future dwelling to BAL 29;
- Investigate whether there has been any further increase in the extent, formation and classification of the vegetated area, located on the south western site boundary and whether the reforestation of this land also within the drainage reserve, might also impact on the ability of the surrounding lots (i.e. Lots 2, 9, 10, 12, 13, 15, 16, 17 and 18) to accommodate building envelopes to BAL 29, through the need for greater increased separation distances, any managed APZs in relation to any revegetation activities associated with the Vegetation Management Plan of the Community areas;
- Illustrate, if required, that the surrounding proposed lots (i.e. Lots 2, 9, 10, 12, 13, 15, 16, 17 and 18), ability to accommodate future dwellings to BAL 29, through any possible revegetation of the land towards the south west within Bundanoon Oval, through any possible connectivity, via the proposed drainage reserve, back through to the Community Title Land with the existing Dam;

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- Investigate the impact of the proposed Vegetation Management Plan (VMP) and or any re-forestation and its possible impact to the existing lots in Stage One of the subdivision such as Nos 5 and 6 Reg Grundy Drive and No 12 Idolwood Ridge;
- Confirm that the proposed perimeter road and bridge, can carry NSW RFS tanker loads; and,
- Responses to all these issues, should be identified and addressed individually and updated in their Bushfire Hazard Assessment, as well as any modifications to the proposed subdivision plan if required.

In relation to ecology, Council's Ecologist has noted the following in relation to this application:

- No new Koala Assessment Report has been provided. The report for the original development has a different site footprint and will require revision.
- The Biodiversity Development Assessment Report (BDAR), Arboricultural Impact Assessment (AIA) and VMP reports have a consistent site footprint and impact area.

A review of the submitted BDAR provides the following comments:

- Version 5 appears to use the legacy PCTs, **evidence and/or discussion relating to why legacy PCTs have been used is required**. The *revised Plant Community Types in eastern NSW coastal and tableland regions (East Coast PCTs)* were released in June 2022 with all proposals that commence a BAM-Calculator assessment after 14 April 2023 required to apply the revised PCTs and associated data to their assessments. Reference to transitional arrangements can be found here at the following website [New vegetation integrity benchmarks and plant community types | NSW Environment and Heritage](#)
- **SAll entity assessment may require revision** post confirmation of the PCT classification.
- The **VI score has changed between Version 4 and Version 5** of the reports despite there being no new surveys conducted. Justification for this change is required.
- Scope of proposed works have changed and the BDAR does not adequately address those changes. The **BDAR does not include sufficient consideration of the proposed importation of fill to the southeastern section of the site**. The direct and indirect impacts of the proposed fill and associated changes to topography should be included and must include any potential offsite impacts.
- **The BDAR underestimates the potential impacts**. The following impacts have not been considered:
 - o APZ's,
 - o driveways/access
 - o deterioration of disjointed patches of vegetation proposed for retention outside the conservation zones, e.g. roadside verges and private lot building setbacks
 - o buffers to the TEC MNES present. Buffers must be considered and assessed consistent with the Approved Conservation Advice

Council's Ecologist advised that in order to further assess the adequacy of the impact assessment, it is recommended the applicant:

- Supply a revised Koala Assessment Report and/or justification for relying on the previous report.
- Clarify PCT classification, SAll entity detail and the difference in VI score between Versions 4 and 5 of the BDAR.

- Assess the direct and indirect impacts of the proposed importation of fill to the southeastern section of the site.
- Assess the viability and the impact to the vegetation proposed for retention outside of the community lots e.g. within private property front setbacks, drainage easements and road side verges.
- In accordance with Part 7 of the Biodiversity Conservation Regulation 2017, specifically clause 7.1(3), “If proposed development is or involves the subdivision of land, the subdivision is taken to involve the clearing of native vegetation that, in the opinion of the relevant consent authority or other planning approval body, is required or likely to be required for the purposes for which the land is to be subdivided.” Clearing includes, but is not limited to, building envelopes, bushfire asset protection zones, access roads (including extension, turnaround bays and road widening etc.), services (e.g., electricity connection), wastewater treatment areas, ancillary buildings, and new boundary fence lines.

Accordingly, given the above bush fire and ecology issues raised, this reason for the refusal of the application is still relevant.

2. The proposed development is also complex in that the lot layout and future management needs to be considered in light of these constraints.

Applicant Response:

‘Refer to the comments in relation to Reason 1 above.

It is also relevant to reconfirm that the Development Application is supported by a Community Lot Management Statement, which is appropriate for a community title subdivision.

Importantly, a Vegetation Management Plan (VMP), prepared by Narla Environmental, has also been prepared. This VMP forms part of the submission in support of the review application.

The VMP acknowledges the scope of the works that are involved in delivering the proposed subdivision. This includes works involving building envelopes, sewerage and drainage systems, driveways, fencing and Asset Protection Zones (APZs)

In direct response to this reason for refusal, the VMP will focus on the protection and rehabilitation of the two ‘community lots’ as well as guide the associated APZs. Six (6) management zones across the site have been identified and associated management recommendations have been outlined.

The VMP includes a comprehensive table of ongoing management actions in a format that identifies objectives, key performance indicators (KPIs), how KPIs will be measured, the time within which KPIs are to be met and additional actions if KPIs are not met.

The VMP includes a comprehensive work schedule, with timing and costings This will ensure that all those associated with the community title subdivision have a solid base of information of ongoing management responsibilities.’

Council Comment:

Given bush fire and ecology concerns as identified in the above reason for refusal have not been resolved, the proposed development has not adequately been considered in light of these constraints.

Further to this, there is engineering concern relating to the reduction in road reserve width along proposed Lot 11, which has decreased from 18m to 15m. This can be seen from the below figure.

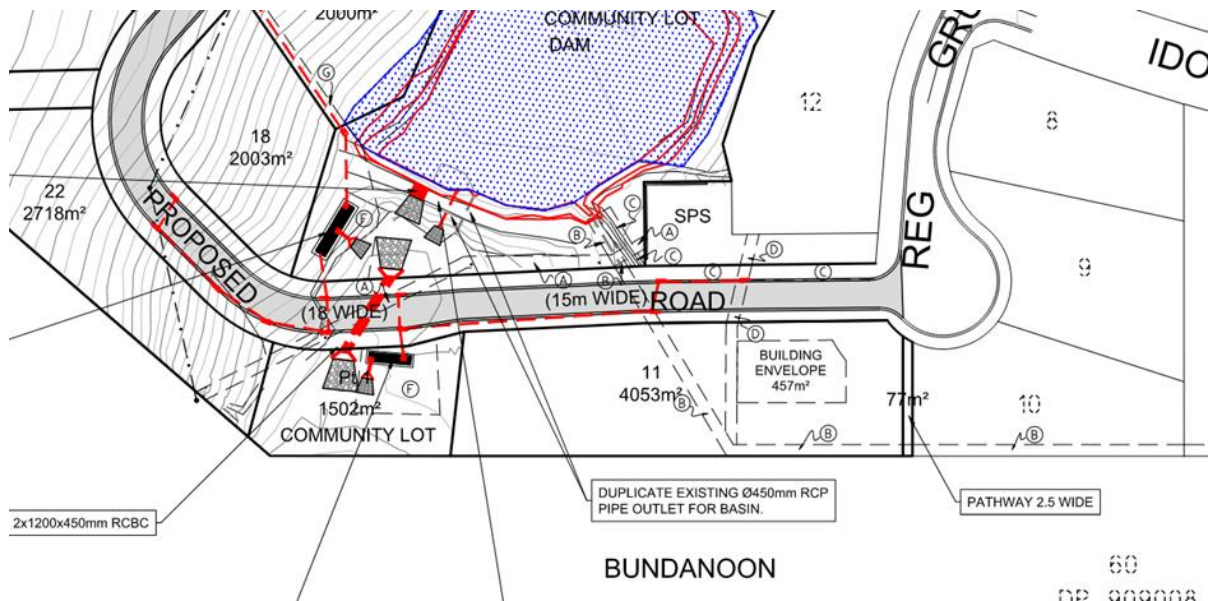


Figure 5: Excerpt from Concept Drainage Plan

The reason for the width reduction request from the applicant is:

- *To minimise the potential impacts that may arise from the development on the native vegetation on the adjoining Bundanoon Reserve to the southwest of the development site. The applicant has stated this in their Statement of Support (page 6).*
- *The road is expected to have less traffic demand. The Statement of Support by Civil Design Solutions states that majority of residents would turn right and use the eastern portion of Reg Grundy Drive to access their lots, instead of accessing via the section where the road width is reduced.'*

The road width reduction request is not supported by Council's Development Engineer. The reduced width of carriageway width (8.2m) and the road reserve (15m) does not comply with SD101 Typical Urban Road Cross Section requirements for Local Road. SD101 requires a 9m wide carriageway width within an 18m road reserve.

Considering that Reg Grundy Drive is proposed as a loop road to accommodate the traffic demands of the 22-lot subdivision, there is no assurance that this portion will experience reduced traffic loading, contrary to what the applicant has claimed.

This reason for the refusal of the application is still relevant.

3. The application and supporting documentation fail to reconcile the impacts arising from each constraint and in those circumstances the panel cannot be confident that the development can be carried out in a manner that has acceptable environmental impacts and complies with the relevant planning controls.

Applicant Response:

'All of the information submitted in support of the review application has the objective of reconciling any outstanding concerns.'

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In relation to ongoing management of native vegetation, refer to the comments in relation to Reason 2 and the preparation and importance of the VMP.

That VMP has been prepared with reference to the bushfire hazard assessment reporting that has been prepared by Harris Environmental Consulting as well as the civil engineering design work undertaken by Civil Development Solutions.

In support of the review application, updated stormwater drainage, soil and water site management and concept sewer plans have been prepared by Civil Development Solutions.

The Minutes of the Panel meeting of 28 June 2023 stated in part that...The panel also notes the applicant and its consultants were unable to satisfactorily respond to issues raised by objectors in the public meeting

In direct response to this, a letter of explanation of civil engineering issues has been prepared by Civil Development Solutions that addresses concerns that were raised by objectors at the Local Planning Panel meeting.

In relation to bushfire hazard and its relationship with protection of native vegetation, additional analysis has been undertaken by Harris Environmental Consulting.

Throughout the assessment process, how the proposed subdivision responded to the requirements of Planning for Bushfire Protection 2019 was an important and critical matter. The assessment report presented to the Panel meeting of 28 June 2023 was clear in confirming that the proposed development was compliant and that the required General Terms of Approval from the Rural Fire Service had been issued.

However, there was some concern raised at the Panel meeting, by objectors, in relation to the potential impacts that may arise from the development on the native vegetation on the adjoining Bundanoon Reserve to the south west of the development site. This vegetation is identified upon the Biodiversity Values Maps and contains Southern Highlands Shale Woodland which is an endangered ecological community.

These concerns relate directly to proposed Lot 11 in the subdivision. Lot 11 shares a common boundary with the Reserve.

Although this part of the development site is outside of the area mapped as bushfire prone land, as noted, the Reserve does contain native vegetation and the relevant Council Plan of Management for the Reserve does seek to conserve and restore this native vegetation. This raises the possibility of this vegetation being a potential bushfire threat to Lot 11.

Therefore Harris Environmental Consulting has reviewed the bushfire threat and provided appropriate recommendations that would ensure suitable residential development on proposed Lot 11. This includes an assessment of the required Asset Protection Zones (APZ) and the necessary Bushfire Attack Level (BAL) construction rating.

In combination, the required APZ and BAL rating for construction within the proposed building envelope for Lot 11, will ensure safe residential development but importantly, no impacts upon the native vegetation on the Bundanoon Oval Reserve.

In this regard it is noted that the amended plan of proposed subdivision provides a slightly reduced width for the loop road as it passes by Lot 11. For a length of approximately 110 metres the road reserve will be 15 metres.

This has allowed some additional depth for Lot 11 that in turn allows a more suitable building envelope that can ensure satisfaction of the recommendations in the Harris bushfire report.

It should also be noted that the pavement width within this narrowed section of road reserve will still be maintained at 8m as required by RFS.'

Council Comment:

Given the earlier reasons for refusal have not been resolved, the application and supporting documentation fail to reconcile the impacts arising from bush fire and ecological constraints and in those circumstances it would be difficult to recommend to the panel that they can be confident that the development can be carried out in a manner that has acceptable environmental impact and complies with the relevant controls.

This reason for the refusal of the application is still relevant.

4. Approval of the application is not in the public interest.

Applicant Response:

'It would not be possible for Council to continue to argue that the proposed development is contrary to the public interest if the first three reasons for refusal are put aside.

In this case, the public interest could extend to the following:

- whether or not the proposed development is permissible development;*
- whether or not the proposed development is compliant with all relevant development standards;*
- whether or not the development has addressed all relevant environmental legislation and requirements;*
- whether or not the proposed development is consistent with the broad strategic planning objectives of Council as enunciated through the Local Strategic Planning Statement and the Local Housing Strategy;*

On all of the above questions, an affirmative answer can be given.

On that basis, it is not reasonable to claim that the proposed development is contrary to the public interest.'

Council Comment:

Given the earlier reasons for refusal have not been resolved, the proposed development would not be in the public interest and this reason for the refusal of the application is still relevant.

It is noted, the DA was previously assessed under s4.15 of the EP&A Act and found to generally comply with the relevant provisions of WLEP 2010 and Bundanoon Township Development Control Plan.

In refusing the DA, the panel noted that the application was deferred in December 2022 to enable the applicant to address deficiencies in the application, including the conflict between bushfire management and vegetation management and these deficiencies have not been sufficiently addressed. The panel also noted the applicant and its consultants were unable to satisfactorily respond to issues raised by objectors in the public meeting.

The extent of amendments made to the application as originally assessed does not require a full re-assessment of the proposal under s.4.15. The assessment of the original proposal has been reviewed and considered to have adequately assessed the proposal against the relevant legislative requirements.

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It is also noted that in accordance with the provisions of section 8.3(3) of the EP&A Act, the amended development is able to be reviewed as substantially the same development.

5. Notification

Notification was undertaken for the Section 8.2 Review of Determination in accordance with Council's Community Engagement Strategy and in the same manner as the original development application was notified.

The notification period was from 2 November 2023 to 4 December 2023.

15 public submissions were received in objection to the application, including the following concerns:

Issue	Comment
<p>Insufficient consideration of flora and fauna.</p> <p>The proposal does not align with the objectives outlined in the Bundanoon Township DCP for the Blue Gum RD Precinct. The existing legislation is not sufficiently considered in relation to the DA's treatment of flora, fauna, and waterways. The submitted Narla assessment lacks identification of current wildlife and specific testing procedures for them. The Southern Highlands Shale Woodlands, protected by state legislation, are endangered trees, and the proposed suggestion of purchasing carbon credits in lieu of their removal is non-existent.</p>	<p>Ecology concerns have been identified by Council's Ecologist and have not been resolved.</p>
<p>Impact on riparian land.</p> <p>The proposed works are planned to be carried out in a Riparian Zone. To construct or develop within a Riparian area, a Controlled Activity Approval is required under the <i>Water Management Act 2000</i>, no exemptions.</p> <p>Despite the Planning Panel's rejection, the current iteration of this DA fails to adequately address the critical issue of replacing waterways with concrete pipes and pebbles.</p> <p>The Consent Authority has the responsibility to determine what development may occur in a waterway. The applicant's intention to fill the first 100m of the water way and to pipe the waterflow is counter to the intention of the relevant sections in the Bundanoon Township DCP and the Wingecarribee LEP.</p>	<p>A referral was issued to the Department of Planning and Environment-Water (DPE Water) as part of this review. DPE Water confirmed in advice dated 8 December 2023 that it considers that, for the purposes of the <i>Water Management Act 2000</i> (WM Act), a controlled activity approval is not required for the proposed works and no further assessment by this agency is necessary.</p> <p>The proposed works are not located on waterfront land as defined by the WM Act. The mapped drainage line within proximity to the proposed works is not considered to be waterfront land as it does not exhibit bed, banks and/or fluvial geomorphic features.</p>
<p>Concerns in relation to VMP.</p> <p>The proposal submitted for review includes</p>	<p>Ecology concerns have been identified by Council's Ecologist and have not been resolved.</p>

<p>changes to the original DA and inclusion of a Vegetation Management Plan (VMP) for ongoing management of Community Title for part of the overall subdivision.</p> <p>It is understood that responsibility to monitor / ensure compliance of the VMP by residents falls to Council and its officers. This is objected to, given the likely additional and ongoing demand on Council resources.</p> <p>There is further objection to the VMP as it would seem likely that it will become a point of conflict between neighbours within the subdivision. This is unsatisfactory and does little to contribute to protection of significant areas within the overall proposed development nor to fostering community awareness and support for protecting species and habitat.</p> <p>Given the outlined limitations, the VMP is inadequate to ensure the long-term preservation of significant habitat for species currently reliant on existing habitat within the area that would be included as Community Title.</p>	
<p>Increased bush fire threat.</p> <p>If the development application is approved, the drainage reserve in the centre of the proposed development will be revegetated to a full forest as per the Vegetation Management Plan (VMP). This will mean the bush fire threat posed by the drainage reserve to existing dwellings in Stage One of the development will be significantly increased.</p> <p>The Planning for Bushfire Protection Guidelines require infill developments to consider both the current and future bushfire threat posed by the development. The Bushfire Hazard Assessment (BHA) submitted as part of this DA does not consider the future threat. Instead, the applicant's consultant with a full knowledge of the implications of the VMP revegetation, comments only on the existing threat and passes on the responsibility for assessing future threat to the Consent Authority once the block has been purchased and a DA for a dwelling is being processed.</p> <p>Advice received from the NSW RFS is that if a Consent Authority accepts a BHA that avoids the future threat and approve the DA, it will be responsible for having created building entitlements that cannot be revoked without compensating the owner when subsequent BHA's conclude the future fire threat renders</p>	<p>Bush fire concerns have been identified by the NSW Rural Fire Service in relation to the proposed development and have not been resolved.</p>

<p>the entitlement unachievable. It seems unacceptable that a Consent Authority would take that risk rather than demand the applicant provide all the information necessary to make an informed decision.</p> <p>It is unacceptable for the applicant to insist Council inform its decision with a knowingly incomplete assessment of the future fire risk. It is not unreasonable for Council to insist the applicant provides the 'full story' about the fire risk assessment. It is reasonable for Council to make its own enquiries of the NSW RFS in relation to the liabilities that may/will arise for Council should it knowingly accept a BHA deficient by way of not assessing future risk and rely on the same for approval of this DA.</p>	
<p>Inappropriate setbacks and building envelope design on Lot 11.</p> <p>A viable building envelope for Lot 11 depends on all three of the following Consent Authority requirements being met at the same time:</p> <ul style="list-style-type: none"> - The combination of the asset protection zone (APZ) setback, corner block street setbacks and the setback from the proposed road on the eastern boundary can allow a building envelope width DCP compliant and acceptable to the Consent Authority, - Approved noncompliance with the relevant DCPs requirement for corner allotments of 1,500 sqm (and more) to have a 15m setback from both street frontages, and - Approved noncompliance with Wingecarribee Shire Council Engineering standards for the roadway adjoining the eastern frontage of the lot. 	<p>As already identified, bush fire, ecological and engineering concerns have been raised in relation to the proposed development. Resolution of these is fundamental to a viable building envelope being able to be established on Lot 11.</p> <p>These issues have not been resolved.</p>
<p>The Lot 11 corner setback requirement.</p> <p>The combined APZ / s88b easement setbacks requirements and the 15-18m wide roadway total 38m to 41m leaving just 10-13m for a setback from the road and a building envelope. It is for this reason that the applicant seeks to reduce the DCP requirement for a corner block 15m setback to both road frontages to a 5m setback from the road on the eastern frontage which due to its length is the 'front' of the block.</p>	<p>As already identified, bush fire, ecological and engineering concerns have been raised in relation to the proposed development. Resolution of these is fundamental to a viable building envelope being able to be established on Lot 11.</p> <p>These issues have not been resolved.</p>
<p>The Lot 11 APZ.</p>	<p>As already identified, bush fire concerns have been raised in relation to the proposed</p>

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<p>The NSW RFS Planning for Bushfire Protection Guidelines (the Guidelines) stipulate at Table A1.12.2 that the APZ for a < 1ha remnant (aka rainforest) on a slope of >5 - <10 degree is 18m. Pg 18 of the applicant's Bushfire Hazard Assessment (the BHA) confirms Lot 11 has a slope of >5 - <10 degrees but mistakenly allocates a 14m setback. Accordingly, the objection will use the Guidelines mandated 18m setback.</p> <p>Pg 27 of the Guidelines describe an APZ as a defensible space where <i>'vegetation.... should be kept to an absolute minimum and the area should be free from combustible items and obstructions.'</i></p> <p>On the western boundary of the Lot and adjoining the most likely fire threat is a 5m wide s88B easement. The easement is for stormwater and sewage associated with Stage 1 of the development.</p> <p>A condition of the easement is that it was to be revegetated with tree and shrub species similar to what is on the Oval side of the fence. A further condition is that the vegetation on the s88b was to be maintained and to date Council has refused requests from residents 'upstream' of Lot 11 to remove or trim the s88b easement vegetation.</p> <p>As it is and will remain vegetated, the s88B easement is not a defensible space and cannot form part of the APZ. The net effect of the s88b easement vegetation is the 18m APZ setback starts 5m inside Lot 11's boundary i.e. the eastern limit of the APZ is effectively 23m from the western boundary.</p> <p><i>Note: The applicant's BHA bases the 18m APZ requirement on an assessment of the area of the regenerating forest portion of Bundanoon Oval being < 1 ha in size with fire runs of less than 50m and is therefore a 'remnant'. This objector claims the regenerating portion is >1.2 ha with fire runs up to 100m thus requiring at least a 36m APZm setback. The objector has lodged a request with the RFS to determine which of the two claimed area sizes is to be applied for DA 24/0144 and a reply is anticipated by Feb 2024. If the objector is vindicated there will be no possibility of establishing both an APZ and a building envelop on Lot 11.</i></p>	<p>development and have not been resolved.</p>
<p>The Lot 11 roadway.</p>	<p>As already identified, engineering concerns</p>

<p>The applicant seeks to vary the road width of Reg Grundy Drive from 18m down to 15m where it passes the lot. The proposed 15m road does not comply with the tabulated data for the minimum acceptable design requirements found on Plan SD101 – Wingecarribee Shire Council Urban Road cross sections. The proposed road services more than the maximum number of lots allowed for a 15m wide Access Road Type C and is too narrow to comply as an Access Road Type A or B. or as a Local Road.</p> <p>The applicant has not provided a Traffic Impact Assessment (TIA) as required to do so by the Plan SD 101 (Notes). This is a key requirement given the ring road (which already has four road width variations over its 700m length) was for safe access for RFS vehicles. Given an unusual number of road widths over the short distance, the missing TIA, the noncompliance with Council's engineering standards, the complete lack of road and bridge construction and gradient details, the RFS safety requirements and the number of lots to be served, the applicant has not made the case for the road width to be narrowed at Lot 11.</p>	<p>have been raised in relation to the proposed development and have not been resolved.</p>
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6. Conclusion

Having regard to the section 8.2 Review of Determination, the proposal as refused under Development Application No. 21/1043 remains relevant. Accordingly, per section 8.4 of the EP&A Act, after conducting the review of the determination, it is recommended that the local planning panel confirm the determination of refusal.

ATTACHMENTS

1. Attachment 1 - Notice of Determination - DA 21-1043 [6.1.1 - 2 pages]
2. Attachment 2 - Applicant Response - Reasons for Refusal [6.1.2 - 8 pages]
3. Attachment 3 - Applicant Supporting Letter [6.1.3 - 2 pages]
4. Attachment 4 - Clarification Letter [6.1.4 - 5 pages]
5. Attachment 5 - Statement of Environmental Effects [6.1.5 - 16 pages]
6. Attachment 6 - Subdivision Plans [6.1.6 - 5 pages]
7. Attachment 7 - Engineering Plans [6.1.7 - 4 pages]
8. Attachment 8 - Addendum Bushfire Hazard Assessment Report [6.1.8 - 29 pages]
9. Attachment 9 - Biodiversity Development Assessment Report [6.1.9 - 85 pages]
10. Attachment 10 - Vegetation Management Plan [6.1.10 - 18 pages]
11. Attachment 11 - Koala Assessment Report [6.1.11 - 30 pages]
12. Attachment 12 - Arboriculture Impact Assessment Report [6.1.12 - 59 pages]
13. Attachment 13 - Community Management Statement [6.1.13 - 14 pages]
14. Attachment 14 - NSW Rural Fire Service Referral Response - Additional Information Request [6.1.14 - 2 pages]
15. Attachment 15 - Water NSW Referral Response - Concurrence [6.1.15 - 6 pages]

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16. Attachment 16 - NSW Department of Planning and Environment— Water Referral Response [6.1.16 - 1 page]
17. Attachment 17 - Ecologist Referral Response - Additional Information Request [6.1.17 - 4 pages]
18. Attachment 18 - Development Engineer Referral Response - Additional Information Request [6.1.18 - 2 pages]

**6.2 DA24/0869 Alterations and Additions to Existing Dwelling, Lot 229
DP 258240, 4 Roe Street, Moss Vale**

Report Author: Consultant Planner, Hugh Halliwell
Authoriser: Manager Development Assessment & Regulation,
Jon Shillito

PURPOSE

The purpose of this report is to consider Development Application 24/0869 for alterations and additions to an existing dwelling at Lot 229 DP 258240, 4 Roe Street, Moss Vale, for the Panel's consideration and recommends determination by **APPROVAL**, subject to conditions.

Applicant	Natalie Grace Vernez
Landowner	AP Vernez & NG Vernez
Zoning	R2 Low Density Residential
Date Lodged	24 January 2024
Estimated Cost of Development	\$100,000
Notification Period	2 February 2024 to 19 February 2024
Number of Submissions	Nil
Political Donations	None declared
Reason for Referral to Panel	Conflict of interest under Schedule 1 of Local Planning Panels Direction – Council Staff Member

OFFICER'S RECOMMENDATION

THAT the Local Planning Panel determines development application 24/0869 for alterations and additions to an existing dwelling at 4 Roe Street, Moss Vale by APPROVAL, subject to the conditions outlined in Attachment 1 to this report.

EXECUTIVE SUMMARY

1. Executive summary

Development application (DA) No 24/0869 seeks development consent for alterations and additions to a dwelling house at 4 Roe Street, Moss Vale (**the site**). Specifically, the proposal involves:

- Enclosing the existing attached carport for use as a multi-purpose space (living area/storage);
- converting an existing window to a doorway to provide access into the new multi-purpose space from the dwelling;
- removal of an internal wall in the kitchen and replacement with an island bench;
- removal of a window adjacent to the existing deck; and
- construction of a roof over the existing rear deck.

The DA was not required to be referred to any of Council's internal referral bodies. The DA was not referred to any external agencies.

The DA has also been notified to neighbours from 2 February 2024 to 19 February 2024 and advertised in accordance with Council's Community Participation Plan, and zero (0) submissions were received.

The proposal has been assessed using the heads of consideration listed in Section 4.15(1) of the Environmental Planning & Assessment Act 1979 and is considered satisfactory, therefore recommended for approval pursuant to conditions outlined in **Attachment 1** of this report.

This DA is referred to the Local Planning Panel due to the landowner being a member of council staff who is principally involved in the exercise of Council's functions under the EP&A Act 1979

2. Site Description and Locality.

The site is legally known as Lot 229 DP 258240, 4 Roe Street, Moss Vale and is located off the cul-de-sac at the end of Roe Street, Moss Vale, approximately 2km from the town centre.

The site is irregular in shape, has an area of approximately 783sqm and has a frontage of approximately 12.5m frontage to Roe Street. The land slopes gently to the rear of the site.

The site contains a single-storey dwelling house with brick façade and tile roof existing attached carport. Access to the site is via a driveway off Roe Street.

The surrounding context is low density residential in nature. Adjoining development comprises single-storey dwelling houses.

The aerial and locality map below provides a visual description of the site and surrounds.

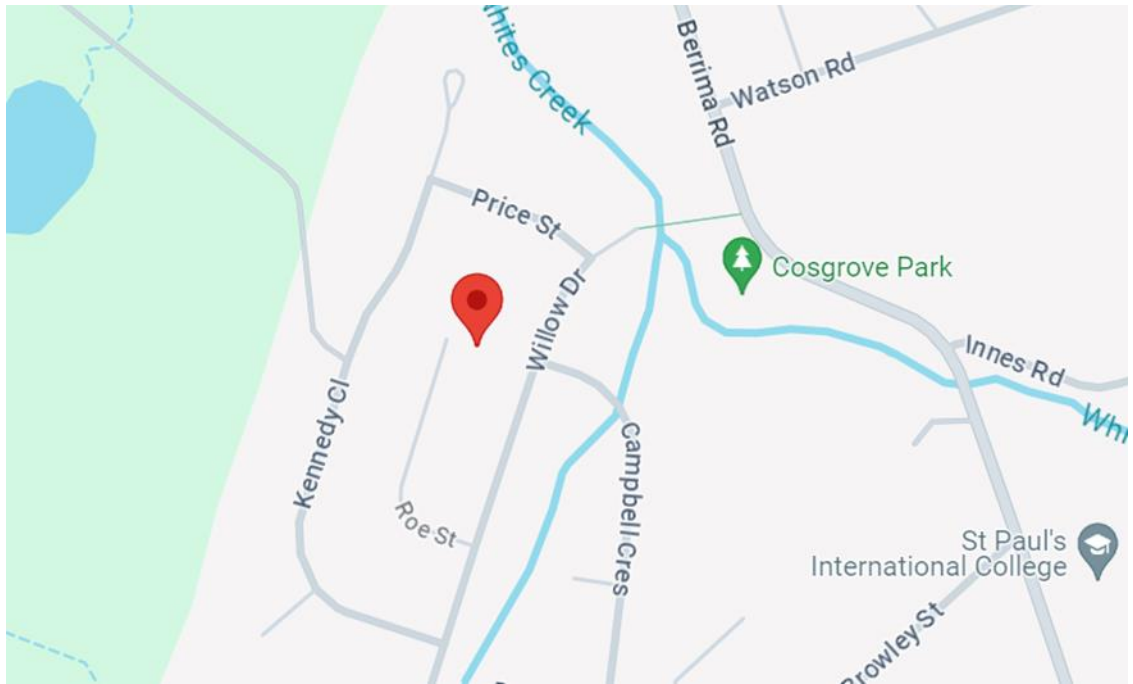


Figure 1: Locality Plan (Source: Google Maps).



Figure 2: Aerial Map (Source: Metro Map).

3. Proposed Development

On 24 January 2024, a development application was lodged by Natalie Grace Vernez, which seeks consent for alterations and additions to the existing dwelling.

Specifically, the application proposes to:

- enclose the existing attached carport for use as a multi-purpose space (living area/storage);
- convert an existing window to a doorway to provide access into the new multi-purpose space from the dwelling;
- remove an internal wall in the kitchen and replace with an island bench;
- remove window adjacent to the existing deck; and
- install a roof over the existing rear deck.

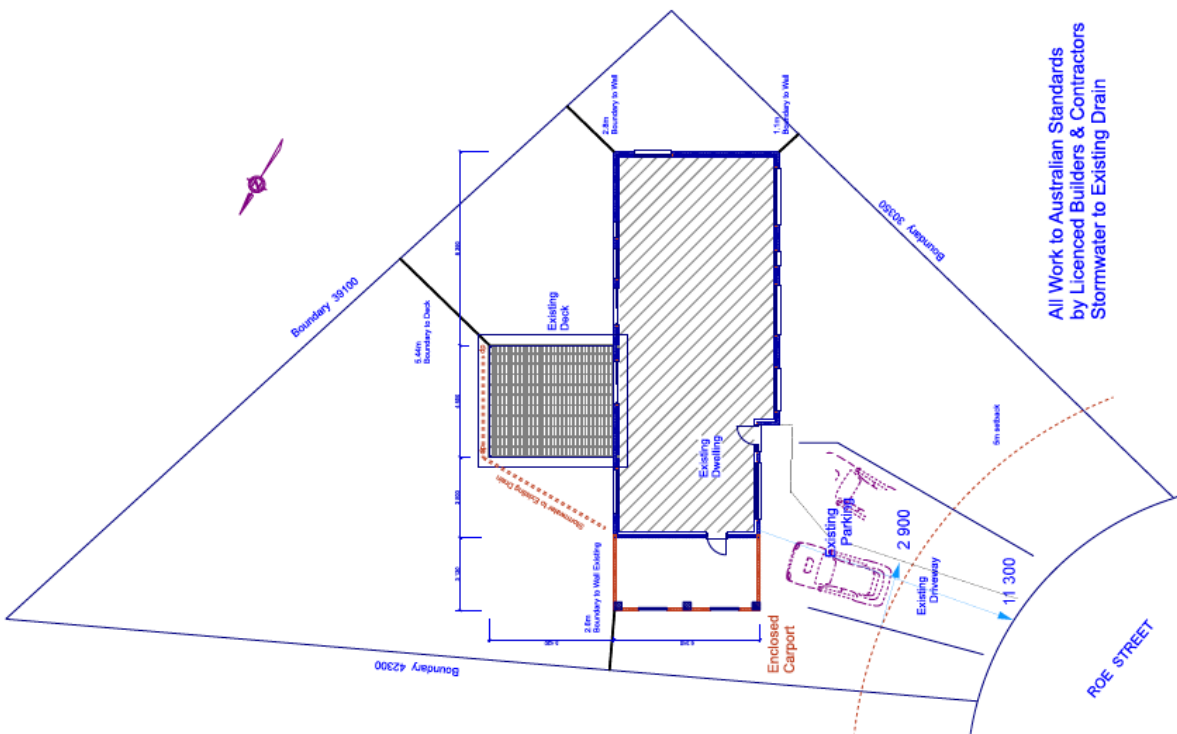


Figure 2: Site Plan (Source: RaP Drawing)

4. Notification

The owners of adjoining and affected neighbouring properties were notified of the proposed development in accordance with Council's Community Participation Plan. The notification period was from 2 February 2024 to 19 February 2024. **Zero (0) submissions** were received from the notification/advertising process.

5. Relevant Environmental Planning Instruments

5.1 State Environmental Planning Policies

5.1.1 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4

Section 4.6 of this SEPP requires the consent authority to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land, and to be satisfied that the land is suitable for the proposed use.

The site contains an existing dwelling house and is in an established residential area. Council is not aware of any contaminating activities carried out on the site. Council is satisfied that the land is not a site of possible contamination, and therefore no further assessment of contamination is required.

5.1.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021

The site is within the Sydney Drinking Water Catchment, and therefore Chapter 6 of this SEPP is applicable to the assessment of the application. The application is a Module 1 development for the purposes of the Neutral or Beneficial Effect on Water Quality Assessment Guideline, and therefore Council has delegated authority to determine water quality.

The NorBE assessment concludes that the development can achieve a Neutral or Beneficial Effect on water quality and is therefore satisfactory in terms of Chapter 6 of the SEPP.

5.2 Wingecarribee Local Environmental Plan 2010 (WLEP 2010)

Zoning:

The site is zoned R2 Low Density Residential, and in this zone the proposed dwelling house use is permitted with development consent. The objectives of the zone are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposal is largely consistent with the aims and objectives of the zone, which will be demonstrated and discussed throughout this report.

Principal Development Standards and Other Provisions:

The following principal development standards and other provisions in WLEP 2010 are also relevant to the proposal:

Clause	Control	Proposal	Complies?
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Clause	Control	Proposal	Complies?
2.3 Zone Objectives & Land Use Table	R2 Low Density Residential	The proposed alterations and additions are for the purposes of a <i>dwelling house</i> , which is a land use permitted with consent in the R2 zone. The proposal is consistent with the aims and objectives of this zone, which has been demonstrated and discussed throughout this report.	Yes
4.3 Height of Buildings	The building height does not exceed the maximum height identified on the HOB Map, where applicable. No height of buildings has been adopted for the subject site under the LEP.	N/A	N/A
4.4 Floor space Ratio	Floor Space Ratio in accordance with the adopted FSR map, where applicable. No floor space ratio has been adopted for the subject site under the LEP.	N/A	N/A
5.10 Heritage Conservation	Heritage assessment requirements, including development located within heritage conservation areas, archaeological sites and aboriginal places of heritage significance.	The subject site is not listed as a heritage item or located within a heritage conservation area.	N/A
5.12 Flood Planning	The site not is a flood planning area	N/A	N/A
7.1 Development on existing lots in R2, R3 & R5 Zones	Comply with minimum lot size map.	The subject land was created before the commencement of this plan on which the erection of a dwelling house was permissible The remains suitable for the existing dwelling and proposed development.	N/A
7.3 Earthworks	Development standards for earthworks.	The proposal does not include earthworks or other notable ground disturbance. The plans show the new	Yes

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Clause	Control	Proposal	Complies?
		walls for the infilled garage being built on top of the existing garage footings. Nonetheless, standard erosion control measures will be conditioned to ensure building materials do not leave the site. Subject to careful siteworks including the provision of sediment control measures and connection to the existing drainage system, the proposal is expected to have no detrimental impacts on drainage patterns in the locality.	

6. Development Control Plans and Policies

Moss Vale Development Control Plan

The development is subject to the Moss Vale DCP. An assessment of the proposal against the relevant sections of the DCP can be found below. In summary, it has been found that the proposal is generally consistent with relevant objectives and controls.

Clause	Control	Proposal	Complies?
Part A – All Land			
Section 3 – Biodiversity			
A3.2 Flora & Fauna Assessment	Retain and protect native species, endangered ecological communities, threatened species, koalas, and protect wildlife corridors.	No removal of native vegetation is proposed.	Yes
Section 5 – Flood Liable Land			
A5.3 Flood Liable Land	Development on mapped flood affected land referred to Council's Development Engineer for review and recommendations.	Not identified as being a flood affected allotment.	N/A
Section 7 – Subdivision, Demolition, Siting & Design			
A7.4 Cut & Fill	Cut and fill is consistent with LEP & stepping of development to accommodate contours of site.	No cut or fill proposed.	Yes
A7.8 Principles on	New development is to be compatible with the existing streetscape in terms of	The subject property does not contain any listed heritage items and is not located within	N/A

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Clause	Control	Proposal	Complies?
Part A – All Land			
Minimum Acceptable Heritage Design	materials, textures and colours. Modern materials can be used in a traditional streetscape provided their proportions and details are harmonious within the surrounding development.	a heritage conservation area.	
A7.9 Alterations to Items of Heritage	Compliant with Clause 5.10 of the WLEP 2010.	The subject property does not contain any listed heritage items and is not located within a heritage conservation area.	N/A
A7.10 Development within the Vicinity of Heritage Items	Adequately set back to ensure Heritage Item is not dominated by new development. Compatible with architectural elements of nearby heritage item. Compatible with the average height, bulk and scale of buildings located on adjoining or nearby land.	The subject property does not contain any listed heritage items and is not located within a heritage conservation area.	N/A
Section 9 – Construction Standards & Procedures			
A9.2 Sites Requiring Geotechnical Reports	Geotechnical report required for sites identified or potentially subject to geotechnical constraints, including land subject to instability, filling, or with a slope greater than 18 degrees.	The site is relatively level, and the proposal is unlikely to be affected by site instability or land movement.	N/A
A9.3 Building close to Sewer Mains & Easements	Development is clear of the sewer zone of influence. Minimum clearance of 1.2m from any manhole.	The proposal is sufficiently clear of any sewer main.	Yes
A9.4 Building over 2+ Allotments	Building work is proposed over two or more allotments, Council may require the consolidation of these lots.	The proposal involves one allotment only.	N/A
A9.8 Stormwater Disposal	Connection to inter-allotment drainage line, kerb and guttering, road table drain or Council's stormwater mains. <u>Onsite Disposal:</u> <4,000m ² require hydraulic consultant's report for onsite disposal. >4,000m ² onsite trenches permitted.	Roof water from the new deck roof to connect to the existing inter-allotment drainage system at the rear of the site. Review of the DP and 88B confirms location of the inter-allotment drainage easement at the rear of the site. The BASIX certificate does not require a rainwater tank.	Yes
A9.12 Waste Management & Disposal	A Waste Management Plan is required for all demolition works and /or construction works (with a value greater than \$50,000).	The application did not include a waste management plan despite the works being valued over \$50,000. This is considered acceptable in this case given the limited demolition and overall minor nature of the works. Standard	Yes

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Clause	Control	Proposal	Complies?
Part A – All Land			
		site/waste management conditions to be applied.	
A9.15 Re-Sited Buildings	Photos of building and Stat Dec stating the authenticity of photographs. Certification from engineer regarding structural stability of building. Termite Certificate.	No re-sited building is proposed.	N/A
Section 12 – Development Near Rail Corridors & Busy Roads			
12.1 Development Adjacent to a Rail Corridor	“Development near Rail Corridors and Busy Roads – Interim Guideline” (Development within 70 metres of railway line).	The site is not within close proximity to an active rail corridor; no acoustic report is required.	N/A
Part C – All Land			
Section 1 – Introduction			
C1.4 Height of Buildings	Single Storey – 6 metres	No change to height of garage. New deck roof is below the max height of the existing single storey dwelling.	Yes
	Two Storey – 9 metres	Not applicable.	N/A
C1.5 Building Materials	Materials and colours should be sympathetic with other dwellings within the vicinity. The use of zincalume is not permitted, and galvanised steel may only be used with specific Council consent.	The brick for the infilled garage walls is to match the existing dwelling. Standard condition to be applied requiring the deck roof to be a natural earthy colour tone.	Yes
Section 2 – Low Density Housing			
C2.4 Development Density & Scale	Height, scale and appearance compatible with character of any existing buildings on the site.	Alterations and additions maintain the single storey scale and low density character of the existing dwelling.	Yes
	Less than 2,000m ² – 65% 2,000m ² - 4000m ² – 50% Over 4000m ² – 25%	Not applicable to development. The development does not alter the footprint of the existing dwelling, which is well below 65% of the site area. More than 35% landscaped area is maintained.	N/A
2.5 Dwelling	New dwellings shall be orientated to ensure that key living areas and 50% of	No new dwelling proposed.	N/A

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Clause	Control	Proposal	Complies?
Part A – All Land			
Orientation	the primary private open space of that dwelling receive a minimum of 3 hours of direct sunlight on June 21 st .		
	The design the main living areas shall open directly on to private open space to permit adequate sunlight and natural light into the dwelling.	Proposal does not affect the dwelling's main living area.	N/A
2.6 Front Setbacks	Consistent with dwellings setbacks immediately adjacent to the site and to those in the immediate vicinity / average range of neighbouring setbacks achieved by development.	The infill of the carport continues the line of the existing front setback and does not encroach any further towards the street.	Yes
	New Development Areas Less than 900 m ² – 4.5m 900 m ² – 1,500m ² – 6.5m Over 1,500m ² - 15m	Site not located in new development area.	N/A
2.7 Side Setbacks	Side setbacks generally consistent with those of immediately adjacent existing development.	The infill of the carport continues the side setback line of the existing carport, which is approximately 2.6m from the side boundary. This is consistent with adjacent development.	Yes
	Less than 900 m ² – 0.9m 900 m ² – 1,500m ² -1.5m Over 1,500m ² - 2.5m	Not applicable.	Yes
2.8 Rear Setback	Rear setbacks of new development will be generally consistent with those of existing adjacent development.	Not applicable. The proposal does not alter the existing dwelling's rear setback. The roof is located over an existing deck.	N/A
	Less than 900 m ² – 3m 900 m ² – 1,500m ² - 5m Over 1,500m ² - 10m	Not applicable.	Yes
	On corner allotments, the side setback may be used instead of the rear setback	Not applicable.	N/A
C2.9 Building Height	Maximum height of a dwelling house shall not exceed two (2) storeys	Proposal does not alter the existing single storey dwelling height.	Yes
	Heritage Conversation Area maximum one (1) storey with rooms in roof permitted (attic style) (1 ½ Storey)	Development not located within heritage conservation area.	N/A

**AGENDA OF THE LOCAL PLANNING PANEL
WEDNESDAY 22 MAY 2024**

Clause	Control	Proposal	Complies?
Part A – All Land			
C2.12 Garaging & Driveways	In established residential areas, the location of new garages should reflect the current street pattern.	Not applicable to development	N/A
	The height of the garage shall not exceed the height of the principal dwelling.	Not applicable to development.	Yes
	Where garages form part of the dwelling frontage, they shall not exceed 40% of the front façade, with a maximum width of 6m.	Not applicable to development.	Yes
	Double garages are permitted on lots with a min. width of 12.5m	Not applicable to development.	N/A
	Triple fronted garages are not permitted where directly fronting the street.	Not applicable to development.	N/A
	The garage shall be set back from the front façade and designed so that the dwelling entry and façade are the dominant building features.	No garage proposed.	N/A
	New dwellings shall provide a minimum of 2 car spaces located behind the building line.	<p>This control technically does not apply given the proposal is not for a new dwelling, but the objectives of the control are relevant and have been considered.</p> <p>The proposed infill of the garage will result in parking in the front setback area. This is considered acceptable in this case for the following reasons:</p> <ul style="list-style-type: none"> The parking in the front setback area is open. There is no new garage or carport structure in the front setback that would dominate the streetscape. The site is not visually prominent given its cul-de-sac location and relatively narrow frontage. Any potential streetscape impacts associated with the front setback parking would be minor in this context. The site will continue to accommodate 2 	Yes

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Clause	Control	Proposal	Complies?
Part A – All Land			
		parked vehicles. The vehicles can park in a tandem arrangement along the driveway or potentially side-by-side where the driveway widens.	
	Driveways are to be located a minimum of three 3m metres from the nearest street tree.	Not applicable to development.	N/A
	Driveways are to be located a minimum of 1m from any side boundary	Not applicable to development.	N/A
C2.13 Landscaped Open Space	Less than 2,000m ² – 35% 2,000m ² - 4000m ² - 50% Over 4000m ² - 25%	Not applicable to development. The development does not alter the site's landscaped area.	N/A
	The open space provision shall provide at least 1 consolidated area with minimum dimensions of 6 metres in width and depth.	Not applicable to development.	N/A

7. Referrals

No internal or external referrals were required to be made as part of the assessment process.

8. Environmental Assessment

The site has been inspected and the application has been assessed having regard to Section 4.15 of the *Environmental Planning and Assessment Act, 1979*, as amended.

Section 4.15 'Matters for Consideration	Comments
Section 4.15 (1)(a)(i) – Provision of any environmental planning instrument	See discussion above
Section 4.15 (1)(a)(ii) – Provision of any draft environmental planning instrument.	There are no Draft Environmental Planning Instruments relevant to the subject proposal.
Section 4.15 (1)(a)(iii) – Provisions of any development control plan	The proposal to satisfy the objectives and controls of the Moss Vale DCP. See table above and comments above.
Section 4.15 (1)(a)(iiia) – Provision of any Planning Agreement or draft Planning Agreement.	Not Applicable. No contributions are applicable to the proposed development.

**AGENDA OF THE LOCAL PLANNING PANEL
WEDNESDAY 22 MAY 2024**

Section 4.15 'Matters for Consideration	Comments
Section 4.15 (1)(a)(iv) – Provisions of the Regulations.	The relevant clauses of the Regulations have been satisfied.
Section 4.15 (1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.	<p>The environmental impacts of the proposed development on the natural and built environment have been addressed in this report.</p> <p>The proposal will not result in detrimental social or economic impacts on the locality.</p>
Section 4.15 (1)(c) – The suitability of the site for the development.	<p>The proposed development does fit in the locality given the minor nature of the alterations and additions. There are no constraints posed by adjacent developments that would prohibit this proposal. There are adequate utilities and services available to the proposed development where necessary. The air quality and microclimate are appropriate for the development; there are no hazardous land uses or activities nearby; and ambient noise levels are suitable for the development.</p> <p>The site is not subject to natural hazards including flooding, slip, mass movement or bushfires. The soil characteristics are appropriate for the development, and there are no critical habitats or threatened species, populations, ecological communities or habitats on the site. The development will not affect any future agricultural production, and there are no known mineral or extractive resources on the site.</p>
Section 4.15 (1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation.	No submissions were received during the public notification period.
Section 4.15 (1)(e) – The public interest.	The proposal seeks consent for the purposes of alteration and additions to an existing dwelling house. The nature of the works are considered minor and accordingly the proposal is within the public interest.

9. Conclusion

The proposed development has been assessed using the heads of consideration listed in Section 4.15(1) of the Environmental Planning & Assessment Act 1979 and is satisfactory.

The proposal is for alterations and additions to an existing dwelling house. The proposed works are found to be compatible with the site and low-density character of the area. It is considered that this report adequately addresses the impacts of the development in terms of context and setting, parking, suitability of the site, flora and fauna, and the other areas identified above.

The development application has been assessed in accordance with the matters for consideration under section 4.15 of the *Environmental Planning & Assessment Act 1979*, and all relevant environmental planning instruments and Council policies, and is considered to comply with all relevant items. It is recommended that the development application be approved, subject to appropriate standard conditions and those otherwise identified in the assessment.

The development is satisfactory in light of the above discussed reasons and is recommended for approval, subject to the conditions in **Attachment 1** of this report

ATTACHMENTS

1. Attachment 1- Draft Conditions of Consent [**6.2.1** - 10 pages]
 2. Attachment 2 - Architectural Plans - 4 Roe Street Moss Vale PA N-401352 [**6.2.2** - 3 pages]
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7 MEETING CLOSURE
