

AGENDA

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

Friday 28 June 2024

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

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1 OPENING OF THE MEETING

The Chairperson will open the meeting and welcome members of the public and the press.

2 ACKNOWLEDGEMENT OF COUNTRY

The Chairperson will acknowledge 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 Bowral South New Living Area

Report Author: Senior Strategic Planner

Authoriser: Executive Manager Strategic Outcomes

PURPOSE

The purpose of this report is to provide a briefing, seek advice and commence Public Exhibition of the Draft Bowral South New Living Area Master Plan and Servicing Strategy, and all supporting documentation, to undergo Public Exhibition for a period of eight (8) weeks.

OFFICER'S RECOMMENDATION

THAT:

- 1. The Draft Bowral South New Living Area Master Plan and Servicing Strategy package proceed to Public Exhibition for a period of eight (8) weeks.**
- 2. All supporting due diligence and technical reports also be placed on Public Exhibition for a period of eight (8) weeks.**
- 3. A further briefing report be provided, and advice sought from the newly appointed Local Planning Panel from July 2024.**
- 4. The Draft Bowral South New Living Area Master Plan and Servicing Strategy be reported to the Panel and then Council at the conclusion of the public exhibition period, outlining a summary of the outcomes of the public exhibition and any changes made to the draft Master Plan and Servicing Strategy.**

REPORT

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 residential growth across our Shire; and sets a target of a 50/50 split between infill and greenfield or New Living Area development to meet the housing needs of our community. The Bowral South New Living Area (NLA) is one of the six (6) new living areas, identified in the adopted LHS, as a residential development precinct.

At the Ordinary Council Meeting of 16 March 2022, Council approved a works program of key strategic planning projects to implement the priority actions outlined in the Wingecarribee Local Strategic Planning Statement (LSPS) and Local Housing Strategy (LHS). These two strategies and the approved strategic works program commit Council to undertake several key planning processes prior to any land being rezoned for residential purposes, to ensure that new residential developments are well-planned, well-designed and supported by essential infrastructure. The LHS also requires Master Plans and Servicing Strategies to be prepared for each of the New Living Areas

prior to rezoning, to deliver good design outcomes and provide greater certainty to the community, landholders, investors and Council.

Planning for the New Living Area also provides an opportunity to make provisions for diversity in housing typology, 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 broad community consensus for moving forward.

Council secured a sum of \$250,000 in a grant funding under the Regional Housing Strategic Planning Fund – Round 1, from the then NSW Department of Planning and Environment (now Department of Planning, Housing and Infrastructure), to complete the Master Plan and Servicing Strategy for the Bowral South New Living Area.

At the 15 May 2024 Ordinary Meeting of Council and 22 May 2024 Local Planning Panel meeting, a report was presented to provide an update on the progress of the Bowral South New Living Area Master Plan and Servicing Strategy. Following a site visit and briefing of the Panel by Council professional staff on the progress update report, the Panel provided the following advice:

The Panel noted the progress of the Bowral South New Living Area Master Plan and Servicing Strategy project and commended the use of Tradition Neighbourhood Design principles in the Masterplan. The Panel provided the following advice:

- 1. Council should liaise early with the Department of Planning, Housing and Infrastructure regarding their policy requirements for development proposed to be located between the Flood Planning Level and the PMF.***
- 2. That Council adopt a Design with Country philosophy in the Masterplanning process to ensure that Aboriginal culture is respected and celebrated as part of the future South Bowral community.***

Staff response:

1. Council is currently liaising directly with Water NSW, the NSW Department of Climate Change, Energy, the Environment and Water, and the NSW Department of Planning, Housing and Infrastructure, for matters relating to technical and environmental concerns including flooding and ecological impacts. The proposed Draft Master Plan is sympathetic to flood planning and Water Sensitive Urban Design (WSUD) solutions have been proposed in the Draft Master Plan. Consultation with relevant State Agencies will continue, including technical considerations, through to the finalisation of the project. Any necessary additional studies relating to flood planning will be undertaken prior to preparation and lodgement of a draft Planning Proposal in accordance with statutory requirements of the NSW Department of Planning, Housing and Infrastructure.
2. The due diligence studies undertaken during the preparation of the Draft Master Plan and Servicing Strategy have identified one (1) Scar Tree within the site. The area where the Scar Tree is located has also been identified as being 'High Ecological Value' and is being proposed to become public open space, to respond to both the cultural and ecological value of that area. The Bowral South NLA is an opportunity to bring areas of high cultural and

ecological value from private ownership into public ownership to better protect these areas, and recognise the First Nations heritage and ecological values of the area. Council is also currently in the process of consulting with the Illawarra Local Aboriginal Land Council (ILALC) and local First Nations communities to better understand how the Draft Master Plan can ensure connection with country, in a way that is respectful and culturally responsive.

Introduction

The Bowral South NLA is the first out of the six (6) new living areas, identified in the LHS, to be master planned to accommodate new homes, public open spaces and a small village centre. It is going to be Bowral’s growth front for the next 20-30 years. The Master Plan and Servicing Strategy aligns with the priority actions identified in the LSPS and LHS, as specified in the ‘Related Council Policy’ section, further in this report.

The Bowral South NLA is located to the south-east 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

At the Ordinary Council Meeting of 19 April 2023, after a comprehensive procurement process, Council engaged Maker ENG and their associated sub-consultants, to prepare the Draft Master Plan and Servicing Strategy for the Bowral South New Living. Council has been working with Maker ENG, to develop a Master Plan and Servicing Strategy for Bowral South New Living Area and a draft has been developed in collaboration with the community, key stakeholders and government agencies through an extensive consultation process.

Given the large area of the site, an opportunity to incorporate a small village centre within the new living area, has been identified, which will support the day to day needs of the emerging local community within the NLA, as well as the existing residents in broader East Bowral and parts of Burradoo. Hence, Council also appointed a separate consultant to undertake a Retail Needs

Assessment (**Attachment 11**), to understand the economic needs and viability of a village centre within the Bowral South NLA.

The Bowral South NLA is bounded by the Wingecarribee River to the south. Hence, the Master Plan additionally explores the opportunity to bring the riverfront into public ownership, contributing positively to the amenity and liveability of Bowral and the broader Shire. This further supports 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 East Bowral to the Bowral Town Centre and other parts of the Shire; and consider linking Bong Bong Common and Cecil Hoskins Nature Reserve to Bowral South NLA, though an active transport route.

The project aims to provide a holistic, strategic and coordinated approach to residential development and infrastructure delivery across the site and ensure that new development contributes equitably to the infrastructure upgrades that are required, within and around the NLA, to support the new residential development. The Master Plan and Servicing Strategy will promote best practice in relation to good design outcomes and sustainability and support a highly liveable New Living Area.

The Framework

Bowral South New Living Area (NLA) is one of the six (6) new living areas, identified in the adopted LHS, as greenfield residential development. The project aims to holistically plan for the NLA, to promote best practice in relation to design, sustainability and infrastructure provisions. The NLA additionally aims to deliver a diverse mix of housing sizes and typologies to meet the changing needs of the local community. To achieve these, the following strategies have been prepared:

1. **Draft Master Plan**, which will directly inform a site-specific Development Control Plan (DCP); and
2. **Draft Servicing Strategy**, which will directly inform a Contributions Plan for the New Living Area.

The Draft Master Plan and Servicing Strategy Report is provided as **Attachment 1** to this report. Once finalised and adopted, the Master Plan and Servicing Strategy, along with supporting studies, reports and plans, will ultimately support the rezoning of the subject land. Once the Draft Master Plan and Servicing Strategy are adopted, a separate body of work will be undertaken, to prepare a site-specific Development Control Plan (DCP) and a development specific Contributions Plan, prior to any land being rezoned. Following the completion of the Master Plan, Servicing Strategy, Contributions Plan and site-specific DCP, and any additional studies, a Planning proposal will be prepared to appropriately rezone the land for residential, commercial and public recreation (open space) purposes.

Development of the Master Plan

The Local Housing Strategy commits Council to develop a Master Plan and Servicing Strategy for each of the New Living Areas, prior to the consideration of land rezoning. The initial development of a Master Plan for the Bowral South NLA, commenced with a site visit by Council staff and the consultants, in June 2023. The site visit was followed by individual meetings with all the landowners, as the NLA is entirely under private ownership. Given the congested nature of the existing Bowral Town Centre (Bong Bong Street), and a missed opportunity in East Bowral, the Master Plan further explores a new village centre, one which complements the existing Bowral Town Centre, rather than setting up competition to the same.

The initial phase of preparing the Draft Bowral South NLA Master Plan, included an analysis of all the known environmental constraints and preparing due diligence reports required for a master planning exercise. The due diligence reports undertaken for the development of the Draft Master Plan, are listed below. The Draft Master Plan has been informed by the recommendations provided in the due diligence reports. The draft due diligence reports listed below are provided as **Attachments 5-8** to this report.

1. Ecological Constraints and Opportunities
2. Strategic Heritage Assessment
3. Sustainability Strategy

In addition to the above-mentioned studies, Council's Wingecarribee River Flood Study, adopted in February 2022, additionally informed the Draft Master Plan for Bowral South NLA. Further studies have also been conducted that inform the Draft Master Plan and the Servicing Strategy, which are detailed out in the following '**Servicing Strategy**' section of this report.

Following the completion of the constraints analysis, a set of thirteen (13) Urban Design Principles (**Attachment 4**) were developed, by the Urban Designer. These Urban Design principles aim for a sustainable, social neighbourhood; and highlight specific principles for the Village Centre. The application of these key urban design principles assisted in planning for the Bowral South NLA, with the intention to develop a master plan which displays best practice sustainable, mixed-use and compact residential development.

The Draft Master Plan was developed through a collaborative process with the community and key stakeholders to ensure that the Master Plan is supported by the community. In order for the community to contribute their ideas and feedback, three (3) Community Design Workshops were conducted, at different stages of the project. To make it convenient for all members of the community to attend these workshops, they were held on the weekends. The workshops were designed to have continuity, by having the same group of people attend these workshops, and provide feedback on the progress of the project, based on the discussions in the previous workshop.

The first Community Design Workshop was held on 11 November 2023. The purpose of the first workshop was to discuss the Urban Design Principles with the participants and encourage them to provide feedback on four (4) different themes, to inform the Master Plan. These themes are list below:

- Connections and access,
- Green Spaces and Corridors,
- Village Centre; and
- Residential Densities and dwelling types.

A combination of the feedback received during the first workshop, outcomes of the constraints analysis and implementation the Urban Design Principles, resulted in three (3) Draft Land Use Plan options for the NLA. The main distinction between the three (3) land use options, was the location of the Village Centre. The below image shows the three options, prepared following the first Community Design Workshop.



Figure 2 – Three Draft Land Use Options

The second Community Design Workshop was held on 09 December 2023, which was attended by the same participants as in the first workshop. The three (3) Draft Land Use Options were presented to the participants, along with a summary of feedback captured from the first workshop and a description of how the feedback was applied to develop the three (3) land use options. The land use options were then analysed, and the participants were asked to provide a score against the four (4) themes discussed in the first workshop. The Draft Land Use Option 1 scored the highest amongst all four (4) themes, collectively. However, the participants requested additional information regarding the economically derived size of the Village Centre and mix of uses in the village centre. A detailed summary of the first two Community Design Workshops is provided as **Attachment 3** to this report.

Reflecting on the feedback received during the workshops and listening to the community, URBIS, a nationally recognised consultancy, was engaged by Council, to prepare a Retail Needs Assessment, to provide an evidence base for the location, size and land use mix of the Village Centre. The Retail Needs Assessment is provided as **Attachment 11** to this report. The assessment recommended the Village Centre to be located at the corner of Kangaloon Road and Eridge Park Road, to capture passing trade through these two main roads, consistent with Land Use Option 1 and community feedback. The assessment also provided recommendations for different commercial land uses, as supporting uses and their floor space requirements, within the Village Centre.

Based on the Retail Needs Assessment, feedback received from Community Design Workshops and outcomes of the due diligence reports, a Draft Urban Design Master Plan for the Bowral South NLA was prepared. Below are some of the drivers and benefits of the Draft Master Plan:

- Opening up the Wingecarribee River as public open space for recreational purposes and environmental conservation for native flora and fauna.
- Large public open spaces along the riparian corridors and linear parks along the main transport links, providing for new community recreational facilities and parks.
- The Village Centre is located at the corner of Kangaloon Road and Eridge Park Road, to capture passing trade, be more visible and accessible to residents in East Bowral and parts of Burradoo.
- Accommodate medium density residential closer to the village centre and open spaces , so most future residents can walk to shops, and have easier access to amenities and open spaces.
- Diverse housing types for the various needs of our aging and growing community.

The below image shows the Draft Urban Design Master Plan.

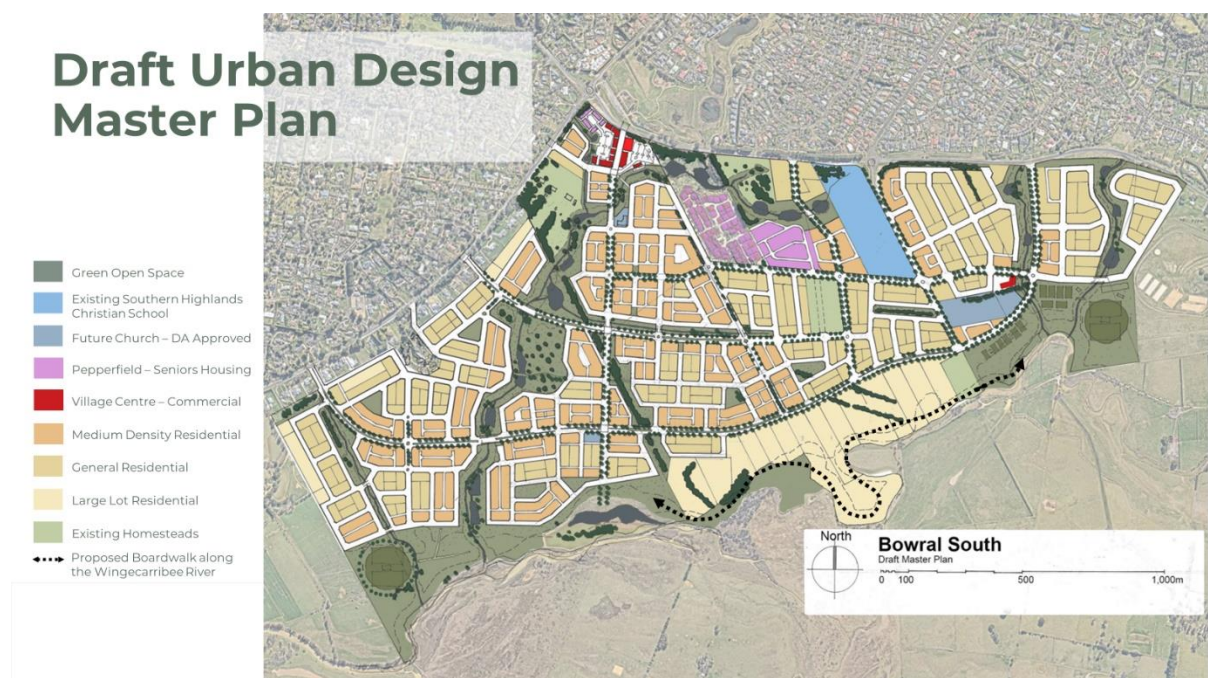


Figure 3 – Draft Urban Design Master Plan

Further feedback and refinement was relayed to the consultants, on the Draft Urban Design Master Plan, to reduce the extent of large lots proposed along the river, to open the entire length of the Wingecarribee riverfront for public use; and provide appropriate land uses in areas where there are existing homesteads, for master planning purposes. This feedback is represented in the Draft Landscape Master Plan (**Attachment 12**) and Draft Indicative Subdivision Layout Plan (**Attachment 18**).

The Master Plan will guide future development across the site, directly inform site-specific provisions within the Wingecarribee Local Environmental Plan 2010 (WLEP 2010), such as land zoning, minimum lot sizes, floor space ratios, height of buildings etc., and form the basis of a site-specific Development Control Plan (DCP).

Servicing Strategy

The Servicing Strategy aims to identify key infrastructure requirements to support the New Living Area, both within and around the NLA. The cost of key infrastructure requirements will be factored into a site-specific Contributions Plan for the NLA, which will be prepared after the finalisation and adoption of the Draft Master Plan and Servicing Strategy of the Bowral South NLA.

Based on Retail Needs Assessment and the feedback received from Community Design Workshop I and II, additional studies and modelling were conducted for the preferred Land Use Option 1, to prepare with the Servicing Strategy, as listed below. These draft studies are provided as **Attachments 2 and 8-10** to this report.

1. Water Cycle Management and Strategy
2. Preliminary Traffic Analysis
3. Sewer Modelling Report
4. Water Modelling Report

The Draft Servicing Strategy identifies infrastructure upgrades (both on and off site) that are required to support development within the NLA and facilitate a coordinated approach to infrastructure delivery across the site. The Servicing Strategy is intended to:

- o Identify infrastructure upgrades required to support development within the NLA (including sewer, water, stormwater, traffic and transport etc)
- o Consider opportunities to provide community, social and recreation facilities on the site based on the outcomes of the Community and Recreation Facilities Strategy
- o Identify the staging of the development based on infrastructure requirements, to support development within the NLA.

The Draft Servicing Strategy includes feedback from Endeavour Energy. However, feedback from NBN or State Government Authorities (including Transport for NSW, Department of Education and NSW Health), has not yet been incorporated in the Draft Servicing Strategy. These State Agencies usually require a draft package or suite of documents prior to offering any meaningful advice. Consultation with relevant State Agencies will therefore continue during the public exhibition period, to consider the need for upgrades to the State infrastructure networks and especially social infrastructure, to consider and resolve any further requests from State Agencies.

Further Engagement

At the request of the Design Workshop participants, a third workshop was held on Saturday, 25 May 2024. The aim of this workshop was to report the outcomes of the draft technical studies and due diligence reports and understand how these informed the Draft Master Plan and Servicing Strategy.

Discussions were based on the four topics listed below:

- Village Centre
- Movement & Open Space (Riparian Corridors + Riverfront)
- Water Sensitive Urban Design & Flood Planning
- Architecture (Housing)

Timeline

Below is a diagram showing the timeline of the project.

AGENDA OF THE LOCAL PLANNING PANEL FRIDAY 28 JUNE 2024

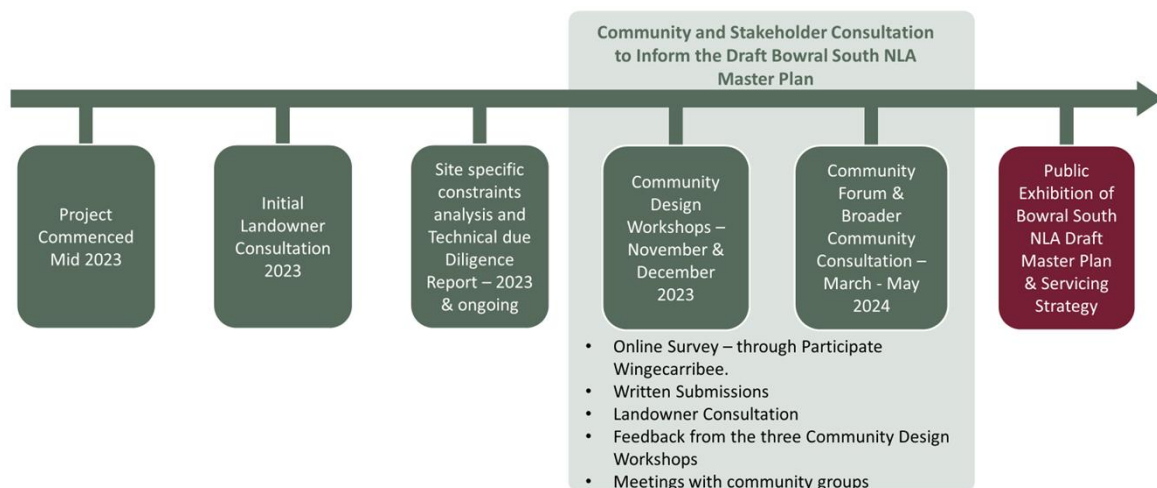


Figure 4 – Project Timeline

The Draft Master Plan and Servicing Strategy Report, provided as **Attachment 1** to this report, is to be read in conjunction with the following Annexures, provided as **Attachments 2 and 4-8**; and a set of plans provided as **Attachments 12-20**, to this report.

Annexures

- Water Cycle Management Strategy
- Bowral South Urban Design Principles
- Ecological Constraints and Opportunities Report
- Strategic Heritage Assessment
- Bowral South NLA Sustainability Strategy
- Preliminary Traffic Analysis

Plans

- Draft Landscape Master Plan
- Draft Typical Road Cross Sections
- Draft Sewer Catchment Plan
- Draft Water Catchment Plan
- Draft Road Hierarchy Plan
- Draft Open Space & Public Domain Plan
- Draft Indicative Subdivision Layout Plan
- Draft Infrastructure Satisfactory Arrangement Plan
- Draft Indicative Subdivision Staging Plan

CONSULTATION

The Draft Bowral South NLA Master Plan and Servicing Strategy have been developed in consultation with the community, landowners, relevant State Government agencies and internal Council staff.

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Community Consultation

Council has conducted various types of engagements with the community, to develop the Draft Master Plan, at various stages of the project. Three (3) Community Design Workshops were conducted in November-December 2023 and May 2024, which were attended by several community representatives. Further community consultation was undertaken through community forums, community group meetings and community engagement sessions, during March–May 2024. The table below details the engagement opportunities that were facilitated by Council, during the development of the Draft Master Plan.

Engagement Type	When?	Description
Initial Landowner Consultation	June 2023	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 ownership boundaries within the NLA, when preparing the Draft Master Plan.
YSW Community Survey	06 October – 13 November 2023	Participants were asked to provide their ideas and comments about what they would like to see in the Bowral South NLA and how the future of Bowral town centre. A total of 64 survey responses were received.
Community Design Workshop I	Saturday, 11 November 2023	The purpose of the first workshop was to discuss the Urban Design Principles (prepared by the Urban Designer) with the participants and encourage them to provide feedback on four (4) different themes, in order to inform the Master Plan. These themes are list below: <ul style="list-style-type: none"> • Connections and access, • Green Spaces and Corridors, • Village Centre; and • Residential Densities and dwelling types.
Community Design Workshop II	Saturday, 09 December 2023	Three (3) Draft Land Use Options were prepared based on feedback received during the first workshop. These were presented to the participants, along with a feedback summary from the first workshop and a description of how the feedback was applied to develop the three (3) land use options. The three (3) land use options were then analysed, and the participants were asked to provide a score, against the four (4) themes discussed in the first workshop.
WinZero Event – Futures Forum	Tuesday, 26 March 2024	A broader community consultation was held in the Moss Vale Services club, at an event organised by WinZero and chaired by Ms Judy

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Engagement Type	When?	Description
		Hannan, Member for Wollondilly. Over 160 community members attended the event. Council was one of the guest speakers at the event and presented the Bowral South NLA project as well as the broader strategic overview of opportunities and constraints in the Shire.
Meetings with Community Groups and Residents	Multiple	At the request of local community groups, the Council project team has met with various community groups and local residents to understand their concerns, at the Master Planning stage; and implement as much as possible, within the Draft Master Plan.
Broader Community Consultation	Friday, 12 April and Saturday, 13 April 2024	Council's project team conducted two (2) community consultation sessions, held outside of regular working hours/weekend, to make it easier for working members of the community to attend these sessions. The community was presented with presented with the Shire-wide picture detailing broader opportunities and constraints, the Urban Design Principles and the three (3) Land Use Options prepared for the Bowral South NLA. The two (2) sessions combined, were attended by 60 Community Members.
Community Design Workshop III	Saturday, 25 May 2024	At the Community Workshop II, participants expressed a desire to have a third workshop, to provide further feedback once the due diligence reports and Retail Needs Assessment have been completed and implemented in the Draft Master Plan. The purpose of the third workshop was to provide the participants with the outcomes of the due diligence reports, such as the Sustainability Strategy, Strategic Heritage Assessment, Traffic Study, Sewer & Water Modelling etc.; and clarify a few concerns regarding flooding. Concept plans for the proposed Village Centre were also discussed during the workshop. Participants were encouraged to provide feedback on the four (4) themes listed below: <ul style="list-style-type: none"> • Botanic Village Centre • Architecture • Water Sensitive Urban Design & Flooding • Movement & Open Spaces (Wingecarribee River & Riparian

Engagement Type	When?	Description
		Corridors)

External Consultation

Consultation with the State Agencies, including Transport for NSW, Department of Education and NSW Health, Endeavour Energy and NBN, will continue during the public exhibition period, at this early stage of planning, to consider the need for upgrades to State infrastructure networks and social infrastructure, to consider satisfactory arrangement requirements.

Council has been continuously liaising with Department of Planning, Housing and Infrastructure (DPHI), Water NSW and Department of Climate Change, Energy, the Environment and Water (DCCEEW), for matters relating to environmental concerns like flooding. In addition, Council is consulting with the Illawarra Local Aboriginal Land Council (ILALC) and local First Nations communities to understand how the Draft Master Plan can ensure connection with country.

Internal Consultation

A Project Control Group (PCG) was established during the initial phases of the project and included representation from various sections of Council. An internal workshop was conducted with the members of the PCG, in October 2023. The aim of the workshop was to steer the Master Plan towards achieving various actions identified in Council's internal strategies. The project Control Group included representation from the below sections of Council:

- Strategic Outcomes
- Parks and Building Assets
- Traffic Engineering
- Water and Sewer Services
- Community Development
- Environment & Sustainability
- Development Assessment

A high-level Structure Plan was discussed during the workshop. Combined feedback from all sections of Council was sent to the consultants, which further refined the development of the Draft Master Plan and Servicing Strategy.

Public Exhibition

The Draft Bowral South NLA Master Plan and Servicing Strategy are proposed to be placed on public exhibition for a period of eight (8) weeks, subject to a resolution of Council. It is anticipated that this body of work will be placed on public exhibition from **29 July to 23 September 2024**. The exhibition period is a further opportunity for the community to provide constructive feedback on the Draft Master Plan and Servicing Strategy.

It is intended that the following engagement activities will be made available to the community during the exhibition period:

- The Draft Master Plan and Servicing Strategy and supporting documents will be available on the Project Page, through on Council's Participate Wingecarribee website.

- Physical copies of the Draft Master Plan and Servicing Strategy will be made available at the Civic Centre reception, Moss Vale, Bowral and Mittagong Libraries and the Wingecarribee Mobile Library as well.
- A drop-in session will be conducted, to allow the community to meet with Council staff in-person to discuss their views on the Draft Master Plan and Servicing Strategy.
- Written submissions will be accepted during the public exhibition period, via mail@wsc.nsw.gov.au and strategic.outcomes@wsc.nsw.gov.au.

Submissions received during the exhibition period will be taken into consideration for any amendments and refinements to the Draft Master Plan and Servicing Strategy for Bowral South New Living Area.

SUSTAINABILITY ASSESSMENT

- **Environment**

The Draft Bowral South NLA Master Plan and Servicing Strategy are informed by technical due diligence reports as part of the project, which include environmental studies for the area. The environmental 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, which will benefit Bowral Town and the Shire. For example, the Draft Master Plan identifies opening up the Wingecarribee riverfront for public recreation, providing for community sports facilities and help improving social connections within the community. The Draft Master Plan additionally 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 along the Wingecarribee River to connect with the Bong Bong Common and existing cycleway networks in Bowral.

- **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 catchment area and strengthen the economy of the precinct. This opportunity has been explored in the Draft Master Plan. A main Village Centre and a secondary commercial area have been proposed in the Draft Master Plan.

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

Council received a sum of \$250,000 in grant funding from the then Department of Planning and Environment. 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 year 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 specific priority actions identified 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 to undergo a master planning process to respond to residential growth in the Shire. It is additionally one of the first master plans of such type, initiated by Council, to have a holistic strategic plan for the area, which supports Council's transition to a better place-based planning framework.

The Bowral South NLA, has the potential to accommodate two thousand plus new dwellings, housing a population upwards of approximately five thousand people, addressing the housing shortage across our Shire and more broadly across the State, while also providing for a diversity of housing, that caters to the needs of our community at different stages of their life. The Draft Master Plan further aims to provide community benefit by opening up the Wingecarribee riverfront as public land and identifies the opportunity to establish a connected active transport network between Bowral and other towns.

The Draft Master Plan will form the basis of a site-specific Development Control Plan, to ensure that new development is in keeping with the community's expectations and respects local character. The Draft 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 purpose of this report is to seek endorsement for the Bowral South New Living Area Draft Master Plan and Servicing Strategy package to proceed for public exhibition for a period of eight (8) weeks. Feedback received from the community and State Government agencies during the exhibition period, will be incorporated in the final Master Plan and Servicing Strategy for Bowral South NLA prior to being adopted.

ATTACHMENTS

1. Draft Bowral South NLA Master Plan & Servicing Strategy Report [5.1.1 - 26 pages]
2. Draft Water Cycle Management Strategy [5.1.2 - 28 pages]
3. Community Consultation Report - Workshop I & II [5.1.3 - 90 pages]
4. Bowral South - Urban Design Principles V 4 [5.1.4 - 21 pages]
5. Ecological Constraints and Opportunities [5.1.5 - 71 pages]
6. Bowral South NLA SHA [5.1.6 - 36 pages]
7. Draft Bowral South NLA Sustainability Strategy [5.1.7 - 33 pages]
8. Bowral South NLA Preliminary Traffic Analysis [5.1.8 - 18 pages]
9. Bowral NLA Sewer Modelling Report [5.1.9 - 57 pages]
10. Bowral NLA Water Modelling Report [5.1.10 - 64 pages]
11. Bowral South NLA Retail Needs Assessment - v 2 [5.1.11 - 31 pages]
12. Draft Landscape Master Plan [5.1.12 - 6 pages]
13. Draft Typical Road Cross Sections [5.1.13 - 7 pages]
14. Draft Sewer Catchment Plan [5.1.14 - 1 page]
15. Draft Water Catchment Plan [5.1.15 - 1 page]
16. Draft Road Hierarchy Plan [5.1.16 - 1 page]
17. Draft Open Space & Public Domain Plan [5.1.17 - 1 page]
18. Draft Indicative Subdivision Layout Plan [5.1.18 - 1 page]
19. Draft Infrastructure Satisfactory Arrangement Plan [5.1.19 - 1 page]
20. Draft Indicative Subdivision Staging Plan [5.1.20 - 1 page]

5.2 Southern Highlands Innovation Park

Report Author: Strategic Land Use Planner

Authoriser: Executive Manager Strategic Outcomes

PURPOSE

The purpose of this report is to seek the endorsement of the Draft Southern Highlands Innovation Park Master Plan, Governance Strategy and Strategic Positioning Study to proceed to public exhibition for a period of eight (8) weeks.

OFFICER'S RECOMMENDATION

THAT:

- 1. The Draft Southern Highlands Innovation Park Master Plan, Governance Strategy and Strategic Positioning Study be endorsed for public exhibition.**
- 2. The Draft Southern Highlands Innovation Park Master Plan, Governance Strategy and Strategic Positioning Study be placed on Public Exhibition for a period of eight (8) weeks commencing 29 July 2024 and concluding on 23 September 2024.**
- 3. The Panel receives and notes the Engagement Outcomes Report.**
- 4. The Draft Southern Highlands Innovation Park Master Plan and Governance Strategy be reported back to the Panel and then Council at the conclusion of the exhibition period, outlining a summary of the outcomes of the public exhibition.**

BACKGROUND

The Southern Highlands Innovation Park (SHIP) is a regionally significant employment precinct comprising some 1,053 hectares of industrial zoned land between Moss Vale and New Berrima. The precinct is strategically located in close proximity 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 SHIP precinct was originally recognised as a 'Future Industrial Corridor' in the Interim Development Control Map 1979 and later identified as an employment precinct under the 1989 Wingecarribee Local Environmental Plan (LEP). However, due to a number of constraints and the lack of a clear vision and strategic direction, the precinct, which was formerly known as the Moss Vale Enterprise Corridor, remained largely undeveloped. In more recent years development has been largely piecemeal and proposed State Significant Development is fundamentally compromising the Draft Master Plan and more appropriate market-driven innovation land uses.

Council completed the first phase of a 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, an emerging Vision and high-level Structure Plan for the precinct. This initial master planning

phase recognised key challenges in the provision of enabling infrastructure to unlock the potential of this regionally significant employment precinct (e.g. roads, sewer, water, electricity and data bandwidth).

Council secured grant funding from the Department of Regional NSW to complete the second phase of the Master Planning process for the SHIP, which includes the development of a Master Plan for the precinct, as well as a detailed Governance Strategy. At the meeting of 15 February 2023, Council considered a report seeking to prepare a brief for a suitably qualified and experienced consultant to prepare a Master Plan and Governance Strategy for the SHIP. In May-June 2023, tenders were sought in accordance with Council's adopted Procurement Guidelines and a total of eight (8) tender responses were submitted to Council. The Tender Evaluation Panel unanimously determined that Architectus Australia Pty Ltd to be recommended to enter into a contract for completion of the project and at the Ordinary Meeting of Council 19 July 2023 the tender was accepted.

A report was presented to the 15 May 2024 Ordinary Meeting of Council and later to the 22 May 2024 Local Planning Panel, to provide an update on the progress of the Draft SHIP Master Plan and Governance Strategy and provide a timeline for the completion of the project. Following a briefing of the Panel by Council staff on the progress update report, the Panel provided the following advice:

The Local Planning Panel noted the progress of the Southern Highlands Innovation Park Master Plan, Governance Strategy and the Strategic Positioning Paper and provided the following advice:

- 1. The planning process for the SHIP at all stages and levels must keep sight of the vision of it being a high technology innovation park.***
- 2. The goal of the planning framework must be to ensure that future development is compatible with the character of the area and result in a high quality built environment. It should therefore include development controls in respect to building design and estate landscaping reflective of this aspirational goal.***
- 3. The Masterplan should ensure that the major road servicing the SHIP is designed as an industrial boulevard with a separated road corridor incorporating a high quality landscape design. All other streetscapes should also be designed so as to reflect high quality landscape outcomes consistent with the vision of the estate and character of the area.***
- 4. Controls should be incorporated into the planning framework to ensure that the prominent ridgelines are protected from unsympathetic development.***
- 5. That priority is given to ensuring that enabling infrastructure design is advanced so Council is in a position to take advantage of grant funding as it becomes available, and so that appropriate development contributions can be calculated and applied to future development in order to fund the required infrastructure.***
- 6. That the Masterplan ensures that land uses are separated as required so as not create land use conflict.***
- 7. That Council financial planning ensure ongoing maintenance of landscaped public areas to meet a high standard consistent with the vision for the SHIP.***

The Panel was also briefed on the proposed plastics recycling facility at 74-76 Beaconsfield Road, Moss Vale. It was noted that the proposed facility was to be located adjacent to a sensitive medical research facility. The Panel was concerned that this has potential to lead to significant land use conflict and was an example of needing to ensure land uses were appropriately located within the SHIP. For this reason, the panel considers that Council should carefully assess the proposal and make representations to the IPC.

REPORT

Introduction

The Southern Highlands Innovation Park (SHIP) is a long-term employment precinct that presents an opportunity to become a major economic driver for the Shire and the broader region, providing future employment opportunities and stimulating investment in enabling infrastructure.

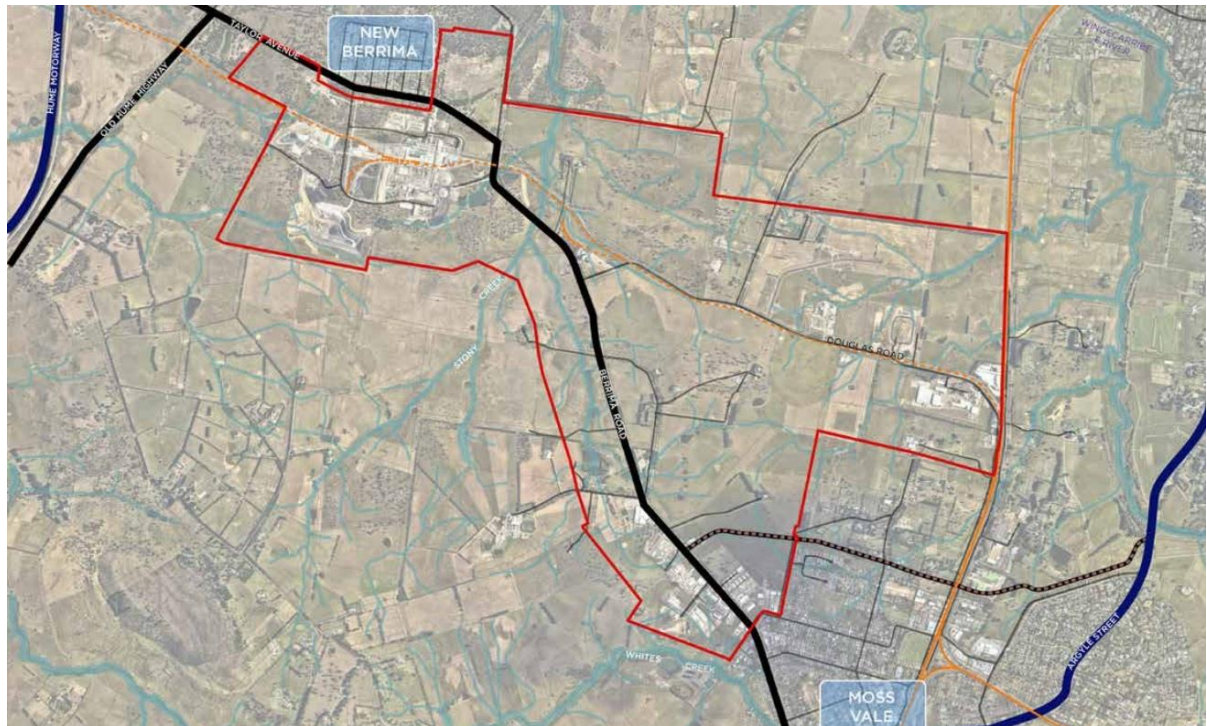


Figure 1 – Southern Highlands Innovation Park (Red Outline)

Council previously secured \$270,000 in grant funding under the NSW Government’s Business Case and Strategy Development Fund from Regional NSW to facilitate the completion of the second phase of the master planning process for the SHIP. Following a tender process, Council engaged Architectus in mid-2023 to develop a Draft Master Plan for the precinct, which forms **Attachment 1** to this report. The Draft Master Plan has been developed alongside a Draft Governance Strategy (**Attachment 2**) by subconsultants Astrolabe Group and a Strategic Positioning Study (**Attachment 3**) by SGS Planning and Economics.

The development of this body of work is crucial to ensuring that the vision of the SHIP is reflective of the unique character and function of the Southern Highlands and that it is in keeping with the broader strategic framework, including priority actions within the Local Strategic Planning Statement (LSPS).

Project Framework

This holistic long-term plan for the SHIP precinct supports Council’s transition to a better place-based planning framework and has been developed through a collaborative consultation process with the community and key stakeholders. This strategic body of work consists of three components and their individual purpose, as well as the relationship between each document, is detailed below:

- **Draft Master Plan (Attachment 1)** - Builds on from Phase 1 which identified an initial vision and structure plan for the SHIP, to develop a Master Plan that provides clear strategic direction and guides future land use, urban structure, built form and infrastructure.
- **Draft Governance Strategy (Attachment 2)** - Identifies an overarching governance framework that is intended to guide the implementation of the vision of the Draft Master Plan.
- **Strategic Positioning Study (Attachment 3)** - Recognises strategic drivers, industrial land use demands and anchor asset requirements. This assessment identifies key opportunities and constraints, as well as broader and site-specific advantages and disadvantages, which has directly informed the development of the Draft Master Plan.

Components of the Draft Master Plan and Proposed Implementation

The Draft Master Plan identifies a future vision for the precinct that speaks to targeting long-term attractions, harnessing economic strengths and celebrating the unique attributes of the Southern Highlands. In order to achieve this overarching vision, the Draft Master Plan identifies character precincts that collectively aspire to champion innovation in the agribusiness, resources and manufacturing space. The four (4) proposed character precincts that were developed in collaboration with the community and stakeholders include:

- Activity Node/Creative Hub
- Agribusiness/Agri-Innovation
- Research, Training and Advanced Manufacturing
- Heavy Industry and Construction

In addition, the identification of these key precincts leverages our regional economic advantages identified in the Strategic Positioning Study (**Attachment 3**). The following map outlines the location of each of the proposed precincts within the SHIP (**Figure 2**).

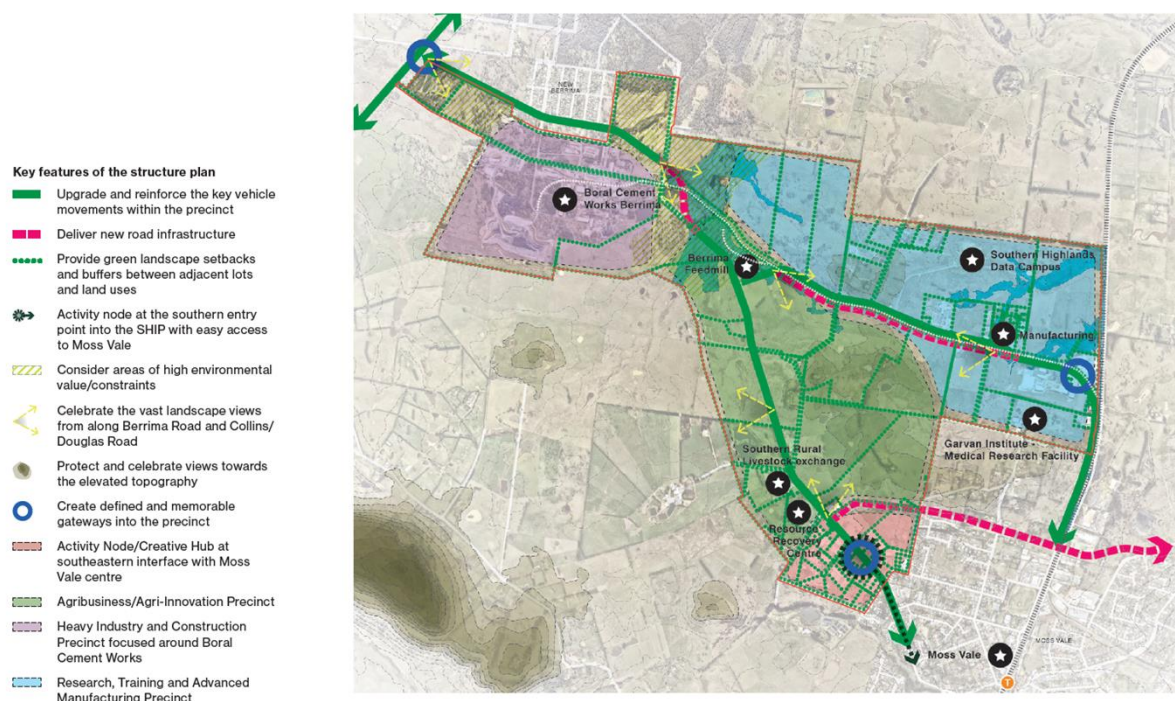


Figure 2 – Draft Structure Plan (Page 32 of Draft Master Plan, Attachment 1)

The Draft Master Plan makes recommendations to amend the Wingecarribee Local Environmental Plan 2010 (WLEP 2010) and the Development Control Plan (DCP) to support the realisation of the emerging vision and four (4) character precincts for the SHIP. The Draft Governance Strategy, which was prepared concurrently to the Draft Master Plan, will further guide the implementation phase of the project. The below diagram highlights the governance roadmap that is proposed to foster innovation and development opportunities in the SHIP precinct (**Figure 3**).

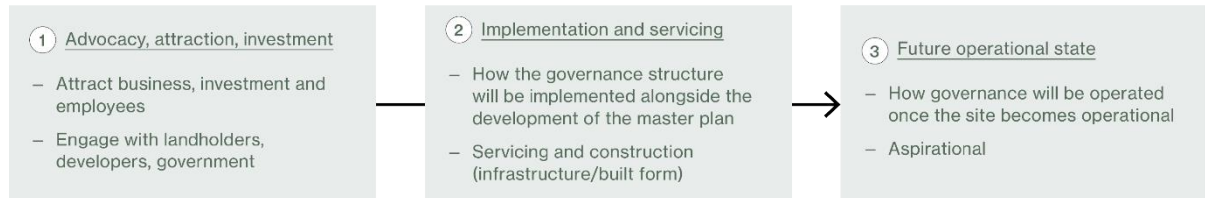


Figure 3 – Draft Governance Strategy (Page 55 of Draft Master Plan, Attachment 1)

Engagement Strategy

All three (3) components of the project, being the Draft Master Plan, Governance Strategy and Strategic Positioning Study, were directly informed by community and stakeholder engagement. The purpose of conducting targeted engagement with Council, the community, industry representatives and key agencies, was to access local and industry knowledge to facilitate the identification of strengths, constraints and long-term opportunities for the SHIP precinct. A summary of the previous engagement opportunities that has informed the development of this body of work is detailed below:

Landowner Engagement	
Activity	Overview
Survey	A landowner and tenant survey was provided online via Participate Wingecarribee. The survey was targeted to capture insights into existing attractors, constraints, future industries and governance framework. Eight (8) survey responses were submitted.
Landowner and Tenant Workshop (7 February 2024)	Testing of the emerging vision, design principles and land use concepts. A design exercise and discussions were conducted to identify preferred land uses, desired future character and built form. Initial horizon and governance strategy process discussions occurred, and feedback was captured from Q&A. Nine (9) attendees participated in the workshop.
Community Consultation	
Community Consultation Workshop (10 April 2024 at 5:30-7:30pm)	The session consisted of interactive activities and group discussions that were focused on the emerging vision and design principles, land use concepts, desired future character and governance strategy. Approximately 17 people attended the workshop.
Survey	A community and stakeholder survey was available online via

**AGENDA OF THE LOCAL PLANNING PANEL
FRIDAY 28 JUNE 2024**

Landowner Engagement	
	Participate Wingecarribee. The survey aimed to capture insights into key opportunities, existing barriers and desired future character, importance of attracting new businesses and industries. 22 survey responses were submitted.
Targeted Consultation	
WSC Economic Reference (21 September 2023)	Feedback was sought from panel members as to the emerging vision and governance framework. The Panel provided a number of suggestions, including the Master Plan seeking to support education industries, the meaning behind innovation, housing provisions for future employees, infrastructure constraints and broader industry collaboration opportunities.
State and Federal Government Agencies	Consultation with Regional NSW and Regional Development Australia (Southern Inland) was conducted to understand the role that State Government Agencies play in the establishment and development of regional precincts. Feedback was additionally sought in relation to the governance approach expectations and recommendations.
Local Government Counterparts	Engagement with City of Ryde, Albury City Council and Penrith City Council was conducted to gain insight into their experience in establishing precincts and the evolution of the applied governance framework.
Wingecarribee Shire Council	Internal consultation with Council staff was conducted at different stages of the project to seek feedback and understand stakeholder expectations in establishing and championing the SHIP.

As an overview, a summary of key themes that were raised during the engagement process which directly informed the development of this body of work included, but were not limited to:

- Infrastructure constraints and upgrade requirements.
- Review of land use zoning.
- Consideration of existing environmental assets.
- Local education and research opportunities.
- Housing and social infrastructure.
- Ways to minimise land use conflict.
- Creative and artisan uses as key attractors.

A more detailed overview of the engagement process and outcomes are available in the Engagement Outcomes Report, which forms **Attachment 4** to this report.

Public Exhibition

It is recommended that the Draft Master Plan and supporting documents be placed on public exhibition for a period of eight (8) weeks. Further detail regarding the proposed exhibition period is provided in the consultation section below.

CONSULTATION

The Draft Master Plan and Governance Strategy was developed through a collaborative process with the community, landowners and key stakeholders. A detailed overview of the engagement opportunities and feedback received is provided in the Engagement Outcomes Report (**Attachment 4**).

Community and Stakeholder Engagement

Several engagement activities were available at various stages of the project to capture feedback on existing constraints and identify key opportunities with the community, landowners and tenants. This included:

- Economic Community Reference Panel Workshop Session.
- Landowner and Tenant Consultation Session (Wednesday, 7 February 2024).
- Community and Stakeholder Engagement Session (Wednesday, 10 April 2024 between 5:30-7:30pm).
- Online landowner and community survey via Participate Wingecarribee.

The outcomes of each engagement activity are included in the Engagement Outcomes Report which forms **Attachment 4** to this report.

Public Exhibition

The Draft Master Plan, Governance Strategy and Strategic Positioning Study is proposed to be placed on public exhibition for a period of eight (8) weeks, once endorsed by Council. It is anticipated this will occur from Monday, 29 July to Monday, 23 September 2024. The following engagement opportunities have been identified to occur during the public exhibition period:

- Draft Master Plan and supporting documents will be available via the document library on Participate Wingecarribee.
- Physical copies of the Master Plan and supporting documents will be available at Customer Service in the Civic Centre, WSC Mobile Library and Moss Vale, Bowral, Mittagong Libraries.
- Engagement activities will be available online through the project page on Participate Wingecarribee.
- Drop-in sessions will be conducted to encourage the community and stakeholders to ask questions and submit their feedback.
- Written submissions will be accepted during the exhibition period and can be submitted to mail@wsc.nsw.gov.au.

All proposed engagement opportunities will be advertised through Participate Wingecarribee and Council's communication platforms, such as Facebook, LinkedIn and E-News. Following the exhibition period, a review of the Draft Master Plan, Governance Strategy and Strategic Positioning Study will ensue, and a post-exhibition report will be presented to the Local Planning Panel and to Council for consideration.

SUSTAINABILITY ASSESSMENT

- **Environment**

The Draft Master Plan addresses environmental considerations and several key principles have additionally been recognised in the Draft to guide the emerging structure of the precinct. For example, the Green in Between Principle is intended to celebrate the SHIP's natural assets by protecting existing ridge lines, mature vegetation and riparian corridors.

- **Social**

There is a recognised opportunity to strengthen social and public infrastructure in the Shire via the realisation of the emerging SHIP precinct vision, therefore the Draft Master Plan identifies key initiatives that seek to support the broader community, such as exploring research and education, employment and innovation opportunities.

- **Broader Economic Implications**

The 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 governance framework is referenced in the Draft Governance Strategy (**Attachment 2**), which will guide the successful implementation of the emerging long-term vision of the SHIP in collaboration with key stakeholders.

The Draft Governance Strategy will also be reported to ARIC. Validation workshops were additionally conducted between Council and State stakeholders to ensure alignment prior to public exhibition.

COUNCIL BUDGET IMPLICATIONS

Council received \$270,000 in grant funding under the Business Case and Strategy Development Fund from the Department of Regional NSW, to develop a Master Plan, Governance Strategy and Strategic Positioning Study for the SHIP. There are no additional budget implications, as the management of the engaged consultant has been conducted by utilising internal resources within the Strategic Outcomes team.

RELATED COUNCIL POLICY

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

- 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 precinct has been recognised as 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 Draft SHIP Master Plan, Governance Strategy and Strategic Positioning Study have therefore been developed to collectively guide the realisation of the long-term vision for the precinct, which has been developed through a collaborative process with the community and key stakeholders.

This report recommends the endorsement of this strategic body of work to proceed to public exhibition. Feedback received from community and stakeholder engagement during this time will inform the finalisation of the three (3) documents.

ATTACHMENTS

1. Draft SHIP Master Plan [5.2.1 - 56 pages]
2. Draft SHIP Governance Strategy [5.2.2 - 33 pages]
3. Strategic Positioning Study [5.2.3 - 49 pages]
4. SHIP Engagement Outcomes Report [5.2.4 - 33 pages]

5.3 Post Exhibition Planning Proposal 35 Elizabeth Street Burradoo Boundary Adjustment

Report Author: Coordinator Strategic Policy
Authoriser: Executive Manager Strategic Outcomes

PURPOSE

The purpose of this report is to finalise a Planning Proposal to include land at 35 Elizabeth Street and 4 Old Bong Bong Way Burradoo within Schedule 1 (Additional Permitted Uses) of Wingecarribee Local Environmental Plan (WLEP) 2010 enable consideration of a boundary adjustment by means of subdivision with no further subdivision potential.

Applicant / Proponent	KL Jagger & DC Jagger
Owner	Foxground Holdings Pty Ltd KL Jagger & DC Jagger
Consultants	Lee Environmental Planning
Notification	25 March to 3 May 2024
Number Advised	16
Number of Submissions	2
Current Zoning	C3 Environmental Management
Proposed LEP Amendment/s	Boundary adjustment
Political Donations	Nil
Recommendation	<p>1. The Planning Proposal to include land at 35 Elizabeth Street and 4 Old Bong Bong Way Burradoo within Schedule 1 (Additional Permitted Uses) of Wingecarribee Local Environmental Plan (WLEP) 2010, to facilitate a boundary adjustment between two (2) lots be supported, and</p> <p>2. The Planning Proposal be finalised under s.3.36 of the Environmental Planning & Assessment Act 1979.</p>

OFFICER'S RECOMMENDATION

1. The Planning Proposal to include land at 35 Elizabeth Street and 4 Old Bong Bong Way Burradoo within Schedule 1 (Additional Permitted Uses) of Wingecarribee Local Environmental Plan (WLEP) 2010, to facilitate a boundary adjustment between two (2) lots be supported, and
2. The Planning Proposal be finalised under s.3.36 of the Environmental Planning & Assessment Act 1979.

REPORT

PLANNING PROPOSAL

Background

The subject land is located on the southern edge of Burradoo at its interface with the non-urban area between the Bowral-Burradoo township and Moss Vale as indicated by the red star in **Figure 1** below.

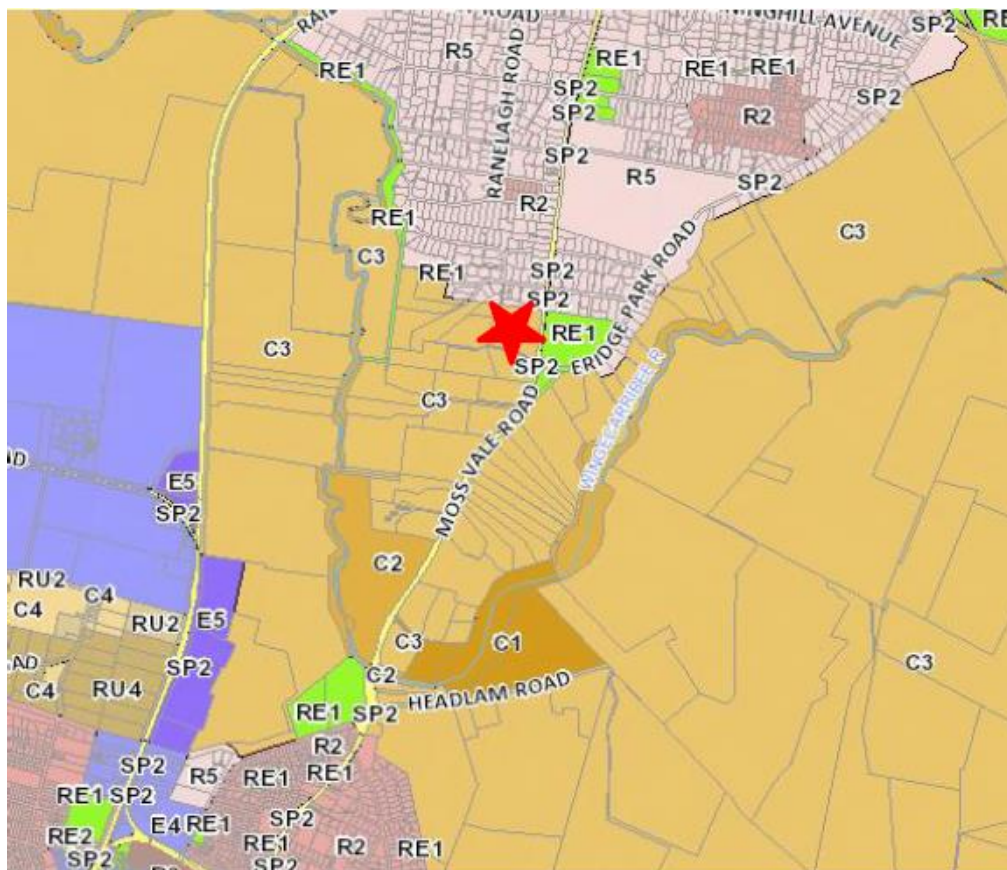


Figure 1 - Location of subject land

The subject land comprises two adjoining parcels, being Lot 10 DP718888, 35 Elizabeth Street, Burradoo, indicated as 'Lot A' in **Figure 2** below, and Lot 3 DP804385, 4 Old Bong Bong Way, Burradoo, indicated as 'Lot B' in **Figure 3** below. Both properties are in the same ownership.

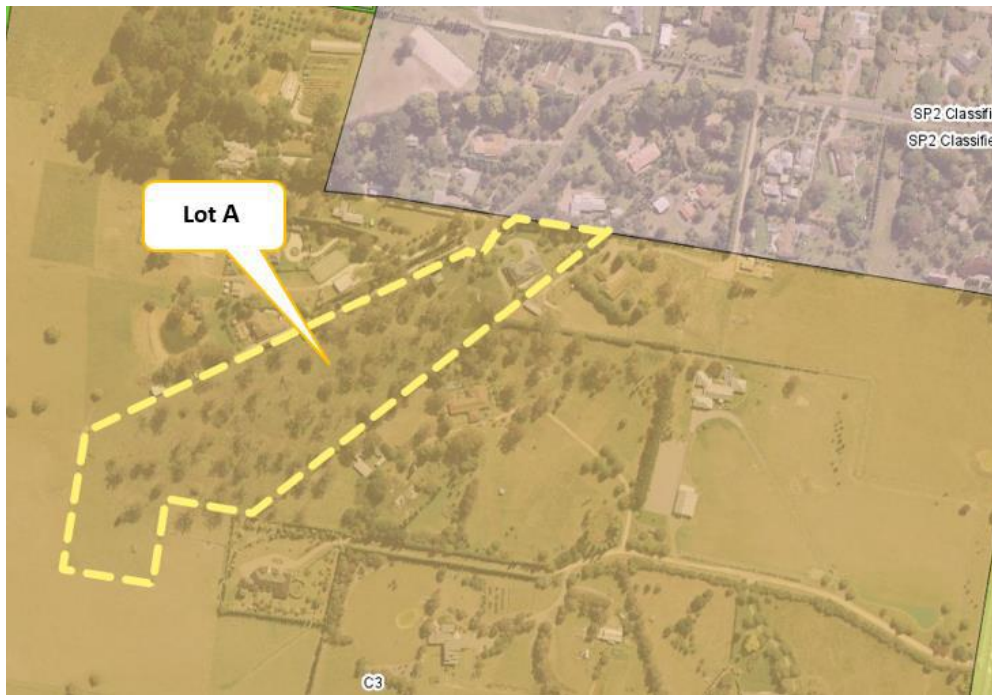


Figure 2 - Lot 10 DP718888 (Lot A), 35 Elizabeth Street, Burradoo

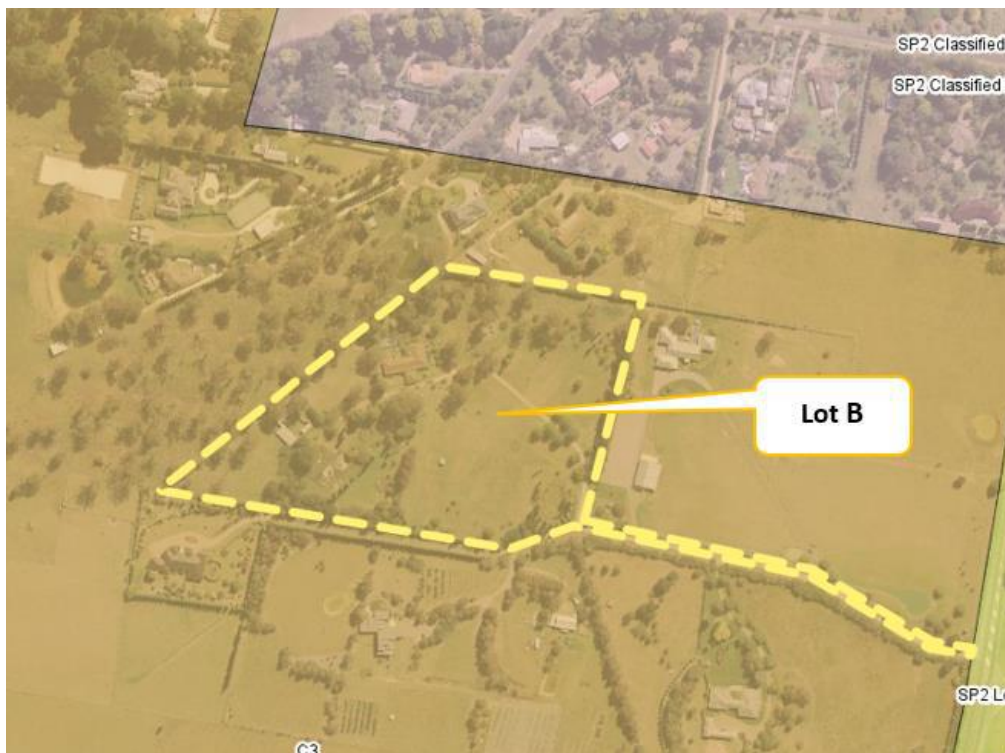


Figure 3 - Lot 3 DP804385 (Lot B), 4 Old Bong Bong Way, Burradoo

Both lots are zoned C3 Environmental Management with a minimum lot size of 4ha. Lot A comprises an area of some 4.16 ha and Lot B an area of some 4.27 ha, totalling 8.43 ha.

As indicated in **Figure 4** below, the northern boundary of Lot A lies at the intersection of the R5 Large Lot Residential boundary above and the C3 Environmental Management zone. A minimum lot size of 4,000 m² applies to the R5 zoned land. All of the subject land lies within the (green hatched) Burradoo Landscape Conservation Area.



Figure 4 – Zoning & Landscape Conservation Area

As indicated in **Figure 5** below, residential development is clustered around the R5 Large Lot Residential - C3 Environmental Management interfaces, or presents, as large lot residential development within the C3 zone.



Figure 5 – Aerial view of current land use development (Near Maps)

Much of Lot A is utilised for passive agricultural purposes, as permitted within the C3 Environmental Management zone which complements the rural landscape of the Landscape Conservation Area. However, the buildings supporting this agricultural use are located on Lot B.

A Scoping Proposal was submitted to Council to amend Schedule 1 (Additional Permitted Uses) of the Wingecarribee Local Environmental Plan (WLEP) 2010 to enable a boundary adjustment between the two lots by means of subdivision to create two new lots, one being a property of predominantly residential character when viewed from Elizabeth Street, with the consolidation of the rural land uses on to the second lot. After consultation with Council, a Planning Proposal was prepared and submitted to Council for further consideration.

A Planning Proposal is necessary because the provisions of Clause 4.1 (Minimum subdivision lot size) would not allow for the proposed boundary adjustment as the minimum lot size for both lots is 4ha. Clause 4.2B (Boundary changes between lots in certain rural, residential and environment protection zones) of WLEP 2010 would also not allow for the proposed boundary adjustment because one of the resulting lots would be below the requirement of 4.2B(3)(c) that the resulting lots be at least 2ha in area. The Planning Proposal itself also sets out these explanations.

The Planning Proposal is considered to have strategic merit as its primary intention aligns with several key objectives of the *Environmental Planning & Assessment Act 1979*, namely:

(c) to promote the orderly and economic use and development of land

(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage)

(g) to promote good design and amenity of the built environment

The proposed new subdivision enables the rural related activities of the site to be consolidated on to the proposed Lot B, thereby promoting the orderly use of the land while supporting the design and amenity of the built environment. It is also considered that the proposal would support the sustainable management of the built and cultural heritage, given that the land is within the Burradoo Landscape Conservation Area.

The Planning Proposal is also considered to have site-specific merit as no rezoning of the subject land is proposed and therefore no change to current permissible uses would result. No additional dwellings or dwelling entitlements are intended to be created through the Planning Proposal.

The Planning Proposal nominates an area for the new Lot A of 7,600 square metres, utilising an existing fence to the rear of the residential component of the lot. The remainder of Lot A, together with all of Lot B would achieve a larger rural residential lot of some 7.67ha, connecting the associated outbuildings with the rural portion of Lot A in a larger rural residential lot consistent with surrounding lot sizes and uses. The smaller proposed Lot A is indicated in **Figure 6** below and the larger proposed Lot B is indicated in **Figure 7** below.



Figure 6 – Aerial view of the proposed smaller Lot A



Figure 7 – Aerial view of proposed larger Lot B

One concern with the draft new lot layout is that the proposed Lot B could theoretically enable a further subdivision under Clause 4.6(6)(b) of WLEP 2010. Clause 4.6 relates to exceptions to development standards and subclause (6) states as follows. Subclause (b) has been highlighted:

Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—

- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
- (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.***

The area of Lot B proposed in the Planning Proposal is 7.67ha. The minimum lot size is 4ha. A subsequent application under clause 4.6 could result in a lot of 4ha (meeting the minimum lot size) and a lot of 3.67ha which, at 91.75% of 4ha would be greater than the 90% minimum required to consider a further subdivision.

To overcome this potential, it would be necessary for Lot B to be no greater than 7.5ha. However, to achieve this, the area of the proposed Lot A would need to be increased from 7,600m² to some 9,300m², somewhat compromising one of the primary strategic justifications for the Planning Proposal of optimising the co-location of the rural based activities on the one lot.

In considering how best to address this potential further subdivision, the Wingecarribee Local Planning Panel, at its meeting of 26 July 2023 provided advice that, although it supported the Planning Proposal, the area of the proposed Lot A should be no less than 9,300m².

At its Ordinary Meeting of 16 August 2023, it was resolved that:

- 1. The Planning Proposal to include land at 35 Elizabeth Street and 4 Old Bong Bong Way Burradoo within Schedule 1 (Additional Permitted Uses) of Wingecarribee Local Environmental Plan (WLEP) 2010, to facilitate a boundary adjustment between two (2) lots be supported, subject to proposed Lot A having a minimum lot size of at least 9,300 m² to ensure that the land continues as two (2) lots, and**
- 2. The Planning Proposal be submitted to the Department of Planning and Environment for a Gateway Determination under s.3.34 of the Environmental Planning & Assessment Act 1979.**

A Gateway Determination was received from the Department of Planning, Housing & Infrastructure on 20 November 2023. The exhibited Planning Proposal forms **Attachment 1** to this report.

CONSULTATION

External Referrals

No external referrals to public authorities or government agencies were required under the Gateway Determination due to the 'minor nature' of the Planning Proposal.

Internal Referrals

No internal referrals were undertaken due to the minor nature of the Planning Proposal.

Public Exhibition

The Planning Proposal was placed on public exhibition for a period of 40 days from 25 March to 3 May 2024 and notification letters were sent to 16 adjoining or neighbouring properties. Two (2) submissions were received.

Submission 1

One submission expressed concern that the Planning Proposal may set a precedent for future applications to reduce the size of lots within this section of Elizabeth Street. The submission maker requested that the current boundary be retained to prevent privacy issues from arising.

Response

The proposal retains the existing lot size of 4 hectares (40,000m²) over both lots. While it is acknowledged that the area of Lot A has been reduced below the minimum lot size, it has been set at 9,300m² to ensure that the intent of the Proposal to consolidate and optimise the use of the remaining land with Lot 4 Old Bong Bong Way is achieved.

The Gateway Determination categorised the Proposal as minor and did not require agency referrals indicating that it is satisfied that the circumstances of this Proposal are unique and unlikely to trigger further proposals for subdivisions. Council would not be supportive of such proposals.

With regard to concerns about privacy and future land uses, the proposal does not create any additional opportunity for a dwelling and any other works would be subject to Council consent. It aims to formalise current land uses and even without the proposal, the owner of the subject land has the opportunity to undertake activities within their land subject to permissibility and approvals.

Submission 2

The second submission sought to remove the requirement that the area of the proposed Lot A should be no less than 9,300m².

Response

As stated above, the area of lot A has been set at a minimum of 9,300m² to ensure that the new lot on Bong Bong Way is not capable of further subdivision. In considering how best to address any potential further subdivision, the Wingecarribee Local Planning Panel, at its meeting of 26 July 2023 provided advice that, although it supported the Planning Proposal, the area of the proposed Lot A should be no less than 9,300m². In view of this specific advice, Council does not support the submission that the area be increased beyond 9,300m².

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental impacts in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

The Planning Proposal has been processed in accordance with relevant legislation and Departmental guidelines.

RELATIONSHIP TO CORPORATE PLANS

There are no related corporate plans associated with this Planning Proposal.

COUNCIL BUDGET IMPLICATIONS

There are no budget implications associated with this Planning Proposal.

RELATED COUNCIL POLICY

There are no related council policies associated with this Planning Proposal.

CONCLUSION

The Planning Proposal is considered to have both strategic and site-specific merit as it would enable a more logical and efficient use of both portions of the subject land. The proposed lots sizes would ensure no further subdivision potential results.

ATTACHMENTS

1. Planning Proposal Elizabeth St Burradoo - v 4 for Finalisation [5.3.1 - 40 pages]

6 DEVELOPMENT APPLICATIONS

6.1 Legal Matters

Report Author: Manager Development Assessment and Regulation
Authoriser: Acting Director Communities and Place

PURPOSE

The purpose of this report is to seek the Panel's advice on how to manage appeals on Council's planning decisions.

OFFICER'S RECOMMENDATION

THAT the Wingecarribee Local Planning Panel provide advice to Council on how to manage appeals on Council's planning decisions.

BACKGROUND

At the extraordinary meeting of Council on 1 May 2024, Council resolved:

THAT:

- 1. The report on Land and Environment Court Appeals and the Local Planning Panel notification be noted.*
- 2. Advice be sought on the management of appeals from the Local Planning Panel.*
- 3. A further report be brought back to Council once advice has been received from the Local Planning Panel.*
- 4. Legal advice and the advice of the Local Planning Panel be obtained in relation to the handling of deemed refusal applications to the Land and Environment Court with a view to giving the General Manager delegated authority with an independent review (from Council's professional panel) and on the recommendation of Council's legal advisers.*

Legal advice has been obtained and is provided under separate cover.

REPORT

In areas where a Local Planning Panel (LPP) has been constituted (as is the case with Wingecarribee Shire Council), under the provisions of the Environmental Planning and Assessment Act 1979 (EP&A Act), the functions of a council as a consent authority (including the determination of a DA) are exercisable on behalf of council by the LPP or a delegate of council, and not the councillors.

The Minister for Planning has the power to direct which development applications (DAs) local planning panels (LPPs) determine and which planning proposals must be referred to an LPP for advice. This is set out in the Local Planning Panels Direction – Development Applications and Applications to Modify Development Consents, dated 6 March 2024.

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It provides that in the local government area of Wingecarribee Shire Council, the Wingecarribee Local Planning Panel (WLPP) is to determine DAs involving development of a kind specified in Schedule 1 of that direction.

Applicants may choose to lodge appeals to the Land and Environment Court against either a decision of the Council or the WLPP. Applicants may also choose to lodge deemed refusals to the LEC. Deemed refusals are based on the timing of an assessment. After certain time periods, prescribed under the EP&A Act, the Applicant can deem that their DA has been refused and then appeal to the LEC against that decision.

The WLPP has the power to direct and control the conduct of appeals against decisions of the WLPP. The WLPP (via the Chair) must be advised of the lodgement of an appeal.

Council would like to seek the LPPs advice on how Council should manage all appeals in the Land and Environment Court.

ATTACHMENTS

Nil

6.2 DA24/0539 - Installation of a relocatable building to provide dry food storage for Wingecarribee Aboriginal Community Cultural Centre, Lot 33 DP 9299, 1A Rainbow Road, Mittagong NSW 2575

Report Author: Coordinator Planning Assessment
Authoriser: Acting Director Communities and Place

PURPOSE

The purpose of this report is to consider a Development Application 24/0539 for the installation of a relocatable building to provide dry food storage for the Wingecarribee Aboriginal Community Cultural Centre at Lot 33 DP 9299, 1A Rainbow Road, Mittagong, for the Panel's consideration and recommends determination by **APPROVAL**, subject to conditions.

Applicant	Aara Welz
Landowner	Wingecarribee Shire Council
Zoning	RE2 - Private Recreation
Date Lodged	23 January 2024
Estimated Cost of Development	\$30,000
Notification Period	02 February 2024 - 19 February 2024
Number of Submissions	Three (3), two (2) objections and one (1) support though related to previous lease and not subject development application.
Political Donations	None Declared
Reason for Referral to Panel	Conflict of interest under Schedule 1 of Local Planning Panels Direction in that Wingecarribee Council is the land owner.

OFFICER'S RECOMMENDATION

THAT the Wingecarribee Local Planning Panel determines development application DA-24/0539 for the installation of a relocatable building to provide dry food storage for Wingecarribee Aboriginal Community Cultural Centre on land at 1A Rainbow Road, Mittagong by APPROVAL subject to the conditions outlined in Attachment 1 of this report.

EXECUTIVE SUMMARY

1. Executive summary

This report has provided a detailed assessment of Development Application (DA24/0539) under section 4.15 of the Environmental Planning and Assessment Act, 1979 (the Act) which has been lodged by Ms Aara Welz (the Applicant) on behalf of the Illawarra Local Aboriginal Land Council.

Council has considered all information submitted by the Applicant, including the Statement of Environmental Effects, and associated plans and details, noting also comments that were received

from various departments of Council. Three (3) submissions were received in response to notification of the application, which included two letters of objection and one letter of support.

The proposed development is permissible under the RE2 Private Recreation zone and will have minimal environmental impacts. The proposal is therefore recommended for approval, subject to the imposition of conditions of consent.

2. Site Description and Locality.

The subject site is legally identified as Lot 33 in DP 9299 (1a Rainbow Road, Mittagong) and is located on the northern side of Rainbow Road and to the south of the Old Hume Highway. The site is irregular in shape, with a frontage to Rainbow Road of 92m, a depth of 120m at its greatest point, and yielding a site area of 9,668m² (0.9668ha) by Title.

The site is currently utilised by the Wingecarribee Aboriginal Community Cultural Centre with existing built form comprising a single storey face brick building with a pitched metal roof. The building is located in the south western corner with a primary orientation towards Rainbow Road and setback approximately 32m at its closest point, noting paved surround and fencing to the western component.

The site contains a large dam which is fenced and surrounded by trees with the broader site providing managed grass with vegetation consisting of exotic trees, several stands of mature eucalypts and shrubs. A gravel path winds through the site together with an informal driveway which leads to the community building that is currently leased by the Illawarra Local Aboriginal Land Council. Also on the site are some small brick BBQ pavilions and picnic tables. In terms of topography, the site is undulating though a general fall towards the northeast is noted with presence of a drainage easement from Rainbow Road following a similar alignment to the eastern component of the site noted.

Surrounding development consists of varying land uses, with residential dwellings of single storey dwellings of generally single storey-built form to the south and west opposite the site, Mittagong RSL to the east. Separated by the Old Hume Highway to the north, Aldi Mittagong and Ironmines Oval.



Figure 1: Subject Site and Context (Source: Geocortex)



Figure 2: The Aboriginal Community Cultural Centre as viewed from Rainbow Road.

3. Proposed Development

The proposed development seeks consent for the following:

- Installation of a relocatable modular building forward of the Aboriginal Cultural Centre building and adjacent to the western boundary of the site to provide for dry food storage.
- The modular building has dimensions of 6m x 3m, achieving a floor area of 18m² and is to be installed on footings. External finishes comprise CCS Mesa clad (merino) to external walls and Trimdeck roof clad (surfmist). An open floor plan with shelving to facilitate storage is provided.

Specifically with respect to the use of the site, the Aboriginal Cultural Centre is generally used by the community to hold meetings, cultural days, and workshops. At present and weekly on Thursdays, there is a 'Foodshare' program held at the centre which has prompted the need for additional storage.



Figure 3 - Site Plan

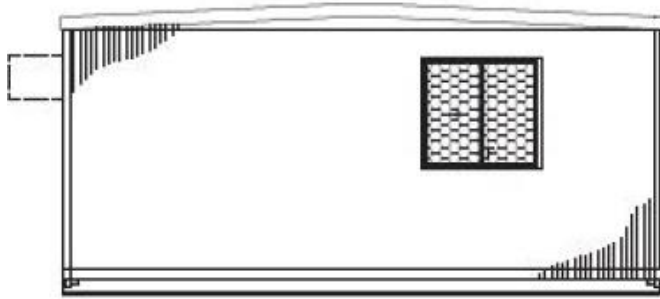


Figure 4 - Southwest (front) and southeast (side) elevation

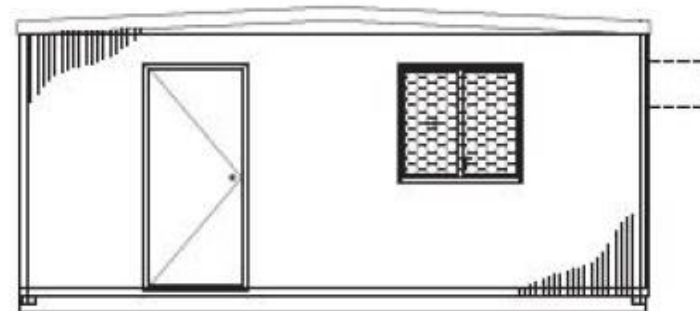
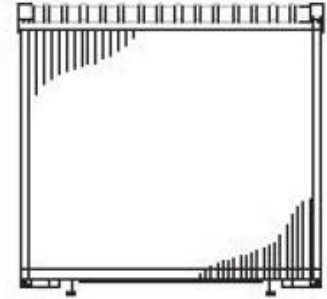


Figure 5 - Northeast (rear) and northwest (side) elevation

4. Provisions of any Environmental Planning Instrument [s4.14]

Planning for Bushfire Protection

The site is partially mapped as bushfire prone under the Wingecarribee Bushfire Prone Land Map. Section 4.14 of the Environmental Planning and Assessment Act 1979 relates to consultation and development consent for bush fire prone land requires the following:

- (1) *Development consent cannot be granted for the carrying out of development for any purpose (other than a subdivision of land that could lawfully be used for residential or rural residential purposes or development for a special fire protection purpose) on bush fire prone land (being land for the time being recorded as bush fire prone land on a relevant map certified under section 10.3 (2)) unless the consent authority:*
 - (a) *is satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection prepared by the NSW Rural Fire Service in co-operation with the Department (or, if another document is prescribed by the regulations for the purposes of this paragraph, that document) that are relevant to the development (the relevant specifications and requirements), or*
 - (b) *has been provided with a certificate by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirements.*

Comment - A Bushfire Hazard Assessment prepared by Harris Environmental (Version 1.1) dated 21/12/2023 accompanies the application. The report has provided a detailed assessment of the proposed development and concludes that the Asset Protection Zone (APZ) for the existing building is to be maintained in perpetuity with a construction standard of BAL-LOW to be applied to the storage structure. A condition has been recommended to address this issue.

5. Provisions of any Environmental Planning Instrument [s4.15(1)(a)(i)]

5.1 State Environmental Planning Policies

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of Land

Chapter 4 of SEPP Resilience and Hazards 2021 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. Given that the land has been used for community purposes for several years and proposes minimal ground disturbance for the installation of the relocatable building, Council is satisfied that the land is not a site of possible contamination and remains suitable for the proposed development.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 6 Sydney Drinking Water Catchment

The site is located within the Sydney Drinking Water Catchment. Pursuant to the SEPP, a consent authority must not grant consent to the carrying out of development under Part 4 of the Act on land in the Sydney drinking water catchment unless it is satisfied that the carrying out of the proposed development would have a neutral or beneficial effect (NorBE) on water quality.

The development proposes a minor increase in impervious area (18m²) and according to Table A1 of the NorBE Assessment Guidelines, it falls under Module 1 and therefore Council has delegated authority to determine water quality. An assessment has been completed and subject to conditions the proposed development is considered acceptable.

4.2 Local Environmental Planning Policies

Wingecarribee Local Environmental Plan 2010

The site is zoned RE2 Private Recreation under the provisions of Wingecarribee Local Environmental Plan 2010. The existing use of the site is a 'community facility', specifically the Wingecarribee Aboriginal Community Cultural Centre with the proposed storage building to operate ancillary to this use.

Objectives of the RE2 Private Recreation zone are:

- *To enable land to be used for private open space or recreation purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*

The proposed development is generally consistent with the stated objectives.

The following table indicates performance of the proposal against the relevant statutory provisions:

Section	Development Control	Assessment	Compliance
4.3 Height of Buildings	Building height not to exceed maximum height identified on HOB Map where applicable.	No height of buildings adopted for the site.	N/A
4.4 Floor Space Ratio	Floor Space Ratio is not to exceed maximum identified on FSR Map, where applicable.	No floor space ratio adopted for the site.	N/A
5.10 Heritage Conservation	Heritage Assessment requirements including development located within heritage conservation areas.	The site is identified as a local heritage item, known as 'Chalybeate Spring Site' (I576). The Chalybeate mineral spring site is a cultural significant site as a natural spring site which has significance to new settlers and traditional owners. While the site contains a natural element of heritage significance and other elements of heritage significance, the existing community centre building is not considered to possess any degree of heritage significance. The development site is also opposite the locally heritage listed Fitzroy Ironworks (A457	Yes

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		<p>& 1457), which is located on the opposing side of the Old Hume Highway. As the development is spatially separated by the highway and located on the southern side of the existing community centre building and sits below the height of the building, no visual or heritage impacts upon the opposing heritage item will occur.</p> <p>The application was supported by a Heritage Impact Statement and reviewed by a Heritage Consultant who concluded that negligible impact upon heritage significance would result with the following commentary provided:</p> <p><i>In consideration of the heritage impacts from the proposal, the installation of the building will involve very little ground disturbance, with the concrete block foundations not necessitating excavation works. Given that the proposed building does not involve any excavation works and the footings will essentially sit on the ground surface, it is considered that there will be a negligible impact to any potential archaeological relics or objects that may exist on the site. Notwithstanding, a precautional condition of consent is recommended to address any unexpected finds, should they be discovered.</i></p> <p><i>In addition, the proposed structure is of a height, scale and form that will sit below the finished height of the existing building. While it will be visible from Rainbow Road and visually obscure part of the front elevation, this is considered acceptable given that the existing building is not considered significant. The proposed building will not obscure important views to the heritage item and will have a very minor and acceptable impact on open landscaped curtilage to the site.</i></p>	
5.21 Flood Planning	Development controls for land identified as flood affected	Eastern component of the site is mapped as flood prone and specifically medium risk and within probably maximum flood. The proposed structure is located upon the higher component of the site and outside of this affectation.	Yes
7.3 Earthworks	Outlines requirement for consent as well as considerations.	Minimal earthworks are required and limited to footings for the structure. In this regard no detrimental impacts upon drainage patterns are foreseen, noting also standard erosion and sediment control conditions imposed.	Yes
7.4 and 7.5 Natural Resources Sensitivity - Biodiversity and Water	Maintain terrestrial and aquatic biodiversity, hydrological functions of riparian land, waterways, and aquifers.	Site not mapped as being of ecological significance with no vegetation impacted.	Yes

6. Provisions of any draft Environmental Planning Instrument [s4.15(1)(a)(ii)]

Draft Remediation of Land State Environmental Planning Policy

The development is consistent with the Draft Remediation of Land SEPP.

Draft Environment State Environmental Planning Policy

The development is consistent with the Draft Environment SEPP in that there will be no detrimental impacts upon the Sydney Drinking Water Catchment.

7. Provisions of any Development Control Plan [s4.15(1)(a)(iii)]

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Mittagong Township Development Control Plan

The Mittagong Township Development Control Plan applies to the subject site. Compliance with applicable provisions of the DCP are outlined and discussed within the table below.

Section	Development Control	Assessment	Compliance
PART A – All Land			
Section 2 – General Objectives			
A2.2.6 Visual Amenity	<p>All new development should:</p> <p>a) Demonstrate an appreciation of the existing streetscape.</p> <p>b) Enhance the character of individual streets within the town through appropriate built form design.</p> <p>c) Provide areas of private open space which can make a positive contribution to the overall visual amenity of the locality.</p>	<p>Due to angled orientation of community centre building fronting Rainbow Road, the proposed relocatable building will be setback approximately 32m from the street and well behind the established alignment of neighbouring residential dwellings to the west.</p> <p>As the building is modest in scale it will only partially obscure the existing community centre building, which itself is not a heritage significant or prominent building within the street.</p> <p>The proposed development is not considered to compromise visual amenity of immediate area.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
A2.2.7 Public views and vistas	<p>Council will consider the extent to which the proposal contributes to the protection of public views and vistas.</p>	<p>Whilst the development is located on a site of local heritage significance, the existing community centre building is not considered to possess any degree of heritage significance.</p> <p>The proposed structure is of a height, scale and form that will sit below the finished height of the existing building. While it will be visible from Rainbow Road and visually obscure part of the front elevation, this is considered acceptable given that the existing building is not considered significant. The proposed building will not obscure important views to the heritage item and will have a very minor and acceptable impact on the landscaped curtilage to the site.</p>	<p>Yes</p>
Section 12 Development near rail corridors & busy roads			
A12.1.3	<p>Development shall:</p> <p>a) Avoids any new direct vehicular access to any relevant road and removes any existing access where alternative rear lane or other access is achievable.</p> <p>b) Provides that any essential access to any relevant road be designed so that all vehicles enter and leave the site in a forward direction.</p> <p>c) Restricts vehicular access, carparking and loading / unloading facilities to an alternative access, such as a rear lane, where such access is available.</p> <p>d) Makes an appropriate Section 94 developer contribution towards the provision of public car parking where only a single</p>	<p>Existing vehicular access arrangements into and out of the site are unchanged, with access provided via Rainbow Road.</p>	<p>Yes</p>

	frontage to a relevant road is available.		
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8. Provisions of any Planning Agreement [s4.15(1)(a)(iiia)]

No planning agreements are applicable to the proposed development.

9. Provisions prescribed under the Regulations [s4.15(1)(a)(iii)]

Proposed development has been considered in terms of the regulations with no matters applicable.

10. Likely Impacts of the Development [s4.15(1)(b)]

(i) Impact on the natural environment:

The proposed development which relates to the installation of a relocatable building to act as a dry food storage facility for the Aboriginal Community in Wingecarribee Shire, does not impact existing vegetation on site as the structure is suitably setback from vegetation adjacent to the western boundary of the site. Accordingly, the development will not have any adverse impact on the natural environment.

(ii) Impact on the built environment:

The proposed development has been assessed against the applicable planning provisions as detailed and provides compliance. The building is considered modest in height, scale and form and will be subservient to the existing community centre building, as it will sit below the finished height of the existing building. As a result, no adverse or unreasonable amenity impacts are foreseen.

(iii) Social and Economic impacts in the locality:

The proposed development will not have any adverse social / economic impacts.

11. Suitability of the Site [s4.15(1)(c)]

The proposed development has been assessed against applicable planning provisions. Having regard to the assessment contained in this report, the site is considered to remain suitable.

12. Submissions made in accordance with the Act or regulations [s4.15(1)(d)]

The application was notified between 2 February and 19 February 2024 in accordance with the *Environmental Planning and Assessment Act, 1979, Environmental Planning and Assessment Regulation, 2021* and Council's Community Engagement Strategy for our Shire. In response to the notification three (3) submissions were received, two (2) letters of objection and one letter of support though the contents of the submissions related to previous decisions made by Council to enter into a long-term lease (99 years) with the Illawarra Aboriginal Land Council to occupy the Aboriginal Cultural Centre building at 1a Rainbow Street, Mittagong. As the submissions raise no commentary in respect to the proposed development, with the lease matter unrelated to the current Development Application, it is considered that issues raised are not a relevant consideration in respect to the current application.

13. The Public Interest [s4.15(1)(e)]

There are no known policy statements from either Federal or State Government that are relevant to this proposal, nor any planning studies or strategies. There is no management plan, planning guideline or advisory document that is applicable to a development of this nature. Adherence to easements, and restrictions on Title that apply is noted. As such, the proposal would not contravene the public interest.

14. Referrals

The following internal departments of Council reviewed the application and provided comments:

Internal Referral Section	Comments
Heritage Advisor	No objections raised subject to conditions which are incorporated in Attachment 1.
Environmental Health	No objections raised and no specific conditions recommended.

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 proposed development relates to the installation of a relocatable building to provide dry food storage for Wingecarribee Aboriginal Community Cultural Centre. Works are viewed as compatible with the site and character of the area, noting specifically heritage significance. 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.

ATTACHMENTS

1. Draft Conditions - D A 24.0539 [6.2.1 - 6 pages]
2. Plans of Proposed Development [6.2.2 - 6 pages]
3. CONFIDENTIAL REDACTED - Submissions [6.2.3 - 9 pages]
4. Bushfire Hazard Assessment [6.2.4 - 25 pages]
5. Statement of Heritage Impacts [6.2.5 - 23 pages]
6. Statement of Environment Effects [6.2.6 - 15 pages]