

# AGENDA

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

**Wednesday 6 July 2022**

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

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 6 JULY 2022**

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**Our Mission, Our Vision, Our Values**

**OUR MISSION**

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

**OUR VISION**

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

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

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

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

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

**OUR VALUES**

Integrity, trust and respect

Responsibility and accountability

Communication and teamwork

Service quality

**{meeting-room}**

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

## **1 OPENING OF THE MEETING**

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

## **2 ACKNOWLEDGEMENT OF COUNTRY**

The Chairperson acknowledged country:

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

## **3 APOLOGIES**

Nil at time of print.

## **4 DECLARATIONS OF INTEREST**

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

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

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

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

## 5 PLANNING PROPOSALS

### 5.1 Planning Proposal for land at Yarrowa Road Moss Vale

**Report Author:** Senior Strategic Land Use Planner

**Authoriser:** Executive Manager Strategic Outcomes

#### PURPOSE

The purpose of this report is to seek to include the subject land within the adjoining Chelsea Gardens Urban Release Area and to apply zoning and minimum lot size controls consistent with the URA.

<b>Applicant / Proponent</b>	Beveridge Williams on behalf of the owners
<b>Owners</b>	TW Dolbel, Lot 4 DP706194, 121 Yarrowa Road Moss Vale WR Beresford, Lot 5 DP706194, 131 Yarrowa Road Moss Vale DJ & KMF Gawthorne, Lot 2 DP610352, 153 Yarrowa Road Moss Vale
<b>Consultants</b>	Beveridge Williams
<b>Notification</b>	N/A
<b>Number Advised</b>	N/A
<b>Number of Submissions</b>	N/A
<b>Current Zoning</b>	RU2 Rural Landscape
<b>Proposed LEP Amendment/s</b>	Include the subject land within the Chelsea Gardens Coomungie Urban Release Area.  Rezone the subject land to a combination of R2 Low Density Residential and RE1 Public Recreation.  Apply a minimum lot size of 600m <sup>2</sup> to the proposed R2 zoned area.
<b>Political Donations</b>	N/A
<b>Recommendation</b>	THAT the Panel supports the attached Planning Proposal, prepared under section 3.33 of the <i>Environmental Planning &amp; Assessment Act 1979</i> , to include land at 121, 131 and 153 Yarrowa Road Moss Vale, being Lot 4 DP706194, Lot 5 DP706194, and Lot 2 DP610352 respectively, within the Chelsea Gardens Coomungie Urban Release Area boundary, and to rezone the subject land to part R2 Low Density Residential and part RE1 Public Recreation, and to apply a minimum lot size of 600m <sup>2</sup> to the R2 zoned portion of the land, AND THAT the Planning Proposal be submitted to the NSW Department of Planning & Environment for a Gateway determination in accordance with section 3.34 of <i>Environmental Planning &amp; Assessment Act 1979</i> .

### **OFFICER'S RECOMMENDATION**

**THAT** the Panel supports the attached Planning Proposal prepared under section 3.33 of the *Environmental Planning & Assessment Act 1979* to include land at 121, 131 and 153 Yarrowa Road Moss Vale, being Lot 4 DP706194, Lot 5 DP706194, and Lot 2 DP610352 respectively, within the Chelsea Gardens Coomungie Urban Release Area boundary, and to rezone the subject land to part R2 Low Density Residential and part RE1 Public Recreation, and to apply a minimum lot size of 600m<sup>2</sup> to the R2 zoned portion of the land, **AND THAT** the Planning Proposal be submitted to the NSW Department of Planning & Environment for a Gateway determination in accordance with section 3.34 of *Environmental Planning & Assessment Act 1979*.

### **REPORT**

#### **BACKGROUND**

At its Ordinary Meeting of 10 July 2019 Council considered a report to proceed with a Planning Proposal to rezone and amend the minimum lot size of land adjoining the Chelsea Gardens Coomungie Urban Release Area, being:

- Lot 4 DP706194, 121 Yarrowa Road, Moss Vale,
- Lot 5 DP706194, 131 Yarrowa Road, Moss Vale, and
- Lot 2 DP610352, 153 Yarrowa Road, Moss Vale

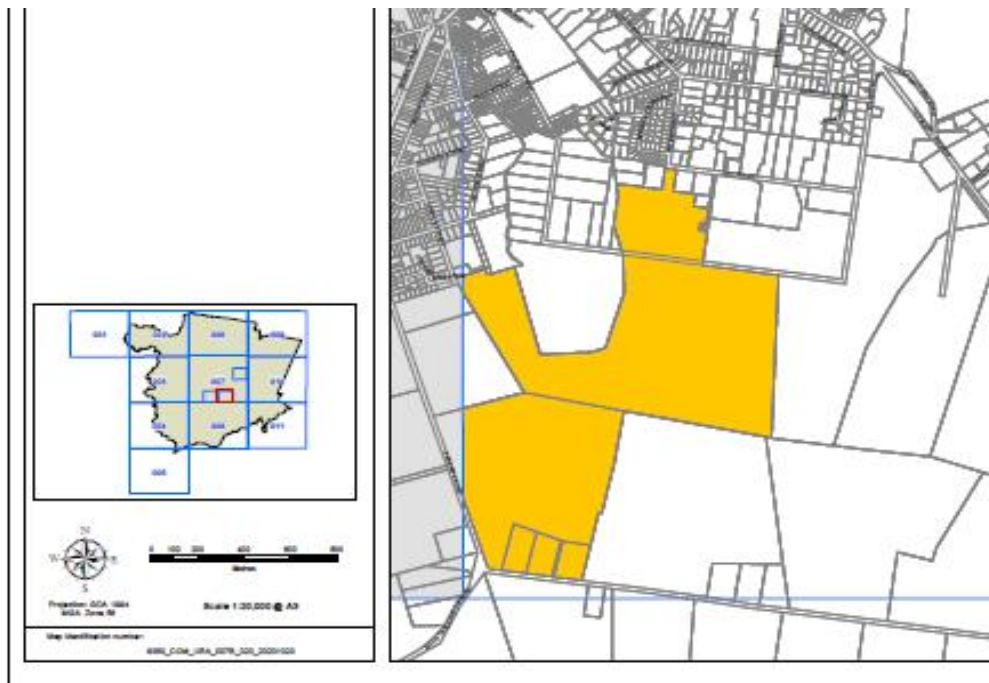
The subject land is located as indicated in **Figure 1** below.



**Figure 1: Aerial view of the subject land (bordered red)**

Council resolved to proceed with the Planning Proposal and a Gateway Determination was issued by the Department of Planning & Environment (the Department) on 6 November 2020. The Gateway required that several studies be undertaken prior to the Planning Proposal being progressed to agency referral and public exhibition. Delays in the completion of these studies resulted in insufficient time remaining for the Planning Proposal to be completed under the original Gateway determination and a new Gateway is now required.

**Figure 2** below indicates the integration of the subject land into the adjoining Urban Release Area.



**Figure 2: Proposed Urban Release Area (yellow)**

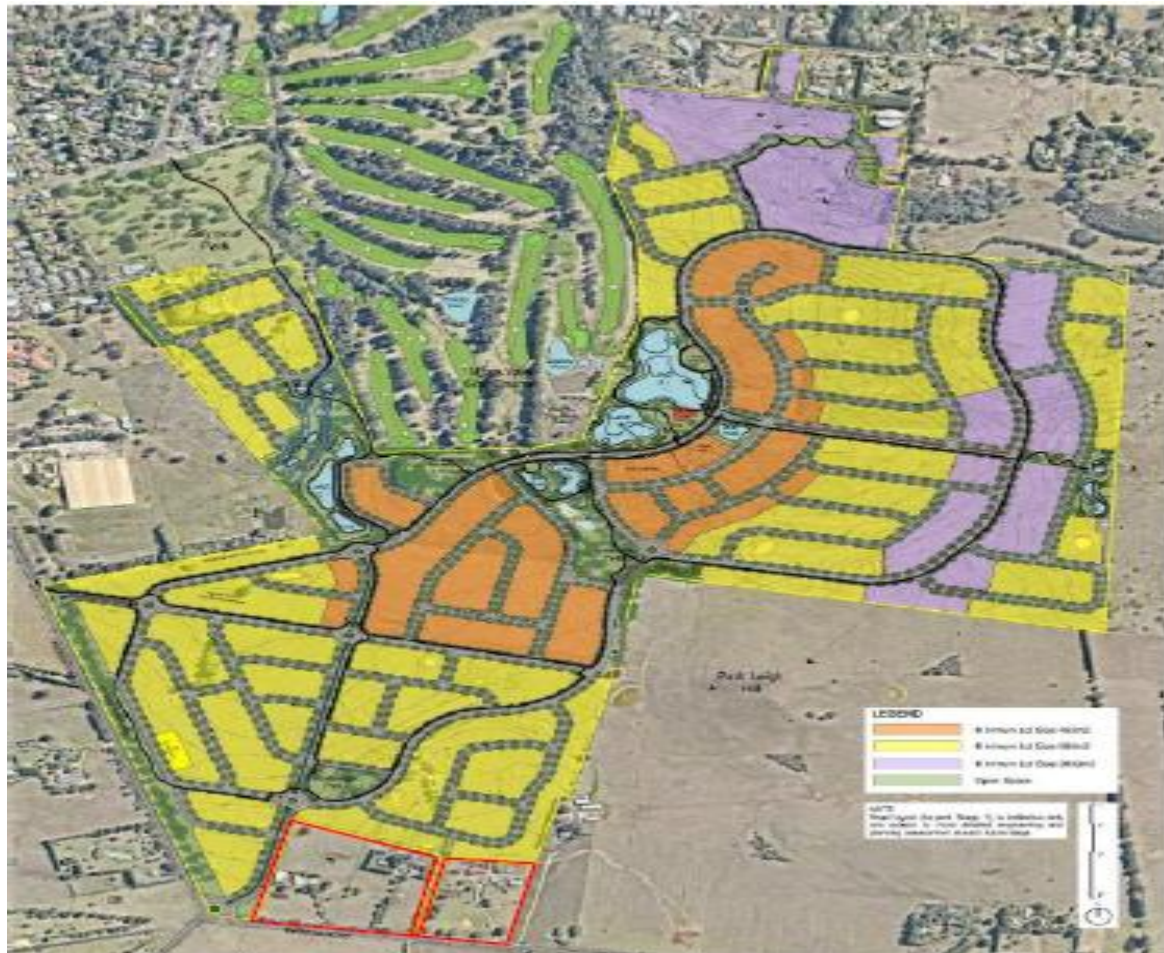
### **PLANNING PROPOSAL**

A new Planning Proposal has been prepared (**Attachment 1**) using the current template based on the Local Environmental Plan Making Guideline published by the Department in December 2021. The Planning Proposal has also been updated to reflect the inclusion of the subject land within the Wingecarribee Local Housing Strategy 2020.

The subject land was initially identified as having strategic merit during the review by the Southern Regional Planning Panel of the Chelsea Gardens Coomungie Planning Proposal. The inclusion of the subject land into the URA was delayed at that stage because Council did not support the Planning proposal due to lack of adequate infrastructure. However, with the making of Amendment 43 to WLEP 2010 in 2017, that land was subsequently assessed for inclusion with the Wingecarribee Local Housing Strategy as a New Living Area. It was determined that the land has strategic merit, due to its location adjacent to the existing URA and had development potential subject to adequate design



and servicing. The Local Housing Strategy was adopted in 2020. The concept master plan for the current URA, as included in the Local Housing Strategy follows (**Figure 3**).



**Figure 3: URA Concept Master Plan with subject land shown (bordered red)**

The inclusion of the subject land within the Wingecarribee Local Housing Strategy followed a detailed assessment of the site-specific merits of the land with the Strategy which resulted in the inclusion of the subject land. While identifying this land as suitable for future residential development however, the Local Housing Strategy also notes that - *there are significant limitations in the capacity of the infrastructure networks in Moss Vale, particularly in relation to the local and State Road networks and the Moss Vale sewerage treatment plant. Any future planning proposal will need to demonstrate that future development will not create unacceptable impacts on the local and State Road network and can be fully serviced by town water and sewer.*

And therefore, the Strategy concludes that - *all sites identified within the Strategy as potential new residential living areas will be required to undertake a full environmental assessment in support of any future planning proposal to rezone the land for residential purposes.*

It is noted that these studies have been completed and will form part of the Planning Proposal documentation.

In terms of this Planning Proposal, the need to demonstrate that future development will not create unacceptable impacts on the local and State Road network and can be fully serviced by town water and sewer is being addressed through the use of two clauses within WLEP 2010.

Clause 6.2 specifies that development consent must not be granted for land in an urban release area unless a development control plan (DCP) that addresses certain matters has been prepared. In addition, clause 7.10 requires that development consent must not be granted for development on R2 zoned land unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required. Council intends to rigorously apply both clauses to meet the requirements of the Local Housing Strategy.

Council acknowledges and supports the WaterNSW position stated in its responses to both the draft Local Housing Strategy and Local Strategic Planning Statement that it would not support any rezoning of non-urban land for residential development until such infrastructure is in place. The need for this Planning Proposal at all is a direct result of the rezoning by the Department of the Chelsea Gardens Coomungie Urban Release Area in 2017 (WLEP 2010 Amendment 43). Hence Council's need to integrate the land within the URA to enable it to be included in future capacity assessments. Certain studies have been completed and have received preliminary review from relevant agencies. Initial consultation with both WaterNSW and Transport for NSW also indicates that both agencies are generally supportive of the Planning Proposal. Additional agency consultation would also occur prior to the Planning Proposal progressing to public exhibition.

More detailed studies to address the integration of the subject land into the existing URA can really only be done when the land is included within the URA as required under the Local Housing Strategy. In the meantime, Council would rely on the provisions of clause 6.2 and 7.10 to ensure that no application for subdivision would be considered until such time as adequate infrastructure and servicing, particularly with regard to reticulated water and sewer infrastructure and servicing and the capacity of the road network can be guaranteed.

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## **COMMUNICATION AND CONSULTATION**

### **Community Engagement**

Community engagement would occur once a new Gateway determination has been issued. The standard requirement is consultation period of a minimum of 28 days.

### **Internal Communication and Consultation**

Internal consultation with Assets has occurred to establish the status of current water and sewer infrastructure and timeframes for necessary upgrades.

### **External Communication and Consultation**

Prior to public exhibition the Planning Proposal will be referred to relevant state agencies, including WaterNSW, the NSW Rural Fire Service and Transport for NSW. Discussions with WaterNSW have informed the revised Planning Proposal.

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#### **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 prepared in accordance with section 3.33 of the *Environmental Planning & Assessment Act 1979* and the Local Environmental Plan Making Guideline published by the Department in December 2021.

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#### **COUNCIL BUDGET IMPLICATIONS**

There are no budget implications associated with this report.

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#### **RELATED COUNCIL POLICY**

There is no related Council Policy associated with this report.

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#### **CONCLUSION**

The report seeks support for a new Gateway determination for a Planning Proposal which has already been supported by both Council and the NSW Department of Planning & Environment. The primary intent of the Planning Proposal is to extend the current Urban Release Area boundary to include the subject land and to amend zoning and lot size controls to be consistent with adjoining URA standards. This will enable an integrated approach to the design and provision of infrastructure within the whole URA boundary. The Proposal identifies two clauses within WLEP 2010 which ensure that the subject land cannot be subdivided until adequate infrastructure is available.

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#### **ATTACHMENTS**

1. Planning Proposal- Yarrawa Road for new Gateway [5.1.1 - 26 pages]

# Planning Proposal

**to amend Wingecarribee Local Environmental Plan 2010 to rezone and reduce the minimum lot size of land at Yarrowa Road Moss Vale and to include the subject land within the Chelsea Gardens Coomungie Urban Release area**

**PP-YYYY-NNNN (to be provided once approved for lodgement)**

Prepared in accordance with the Local Environmental Plan Making Guideline (December 2021)  
Version 4 for resubmission for a new Gateway Determination

Prepared by Wingecarribee Shire Council

The Planning Proposal is categorised as Standard

June 2022

*Working with you*

**WSC.NSW.GOV.AU**



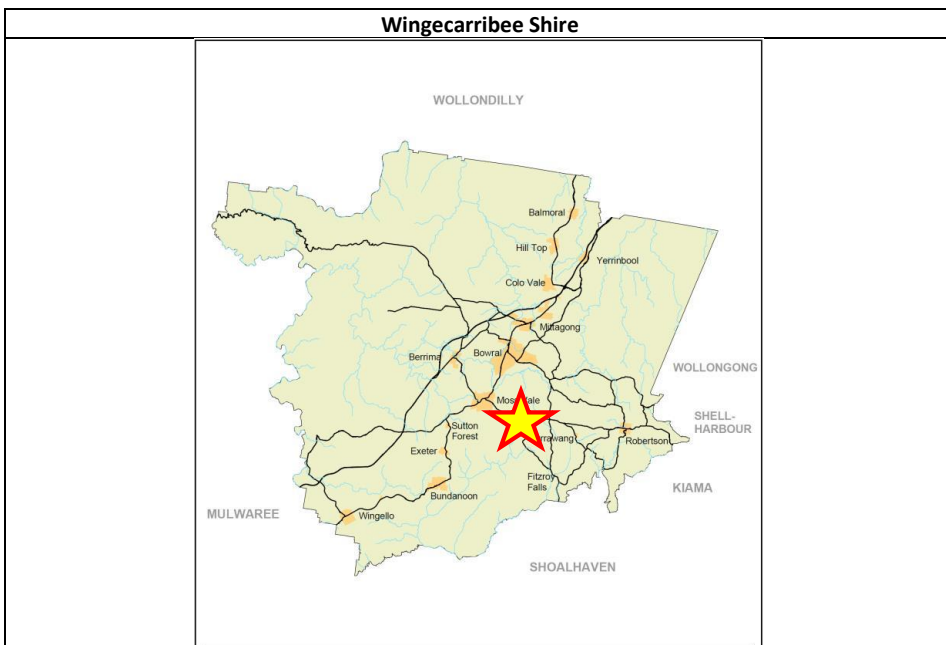


## Appendices to the main Planning Proposal report

1	Report to the Ordinary Council Meeting of
2	Resolution from the Ordinary Council Meeting of
3	Delegation Request Form

## Site Location & Description

<b>Legal Description &amp; Property address</b>	<ul style="list-style-type: none"> <li>• Lot 4 DP706194, 121 Yarrowa Road, Moss Vale</li> <li>• Lot 5 DP706194, 131 Yarrowa Road, Moss Vale</li> <li>• Lot 2 DP610352, 153 Yarrowa Road, Moss Vale</li> </ul>
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<b>Property Description</b>	<p>The site comprises a total area of some 6.2 hectares in three separate parcels of land each with frontage to Yarrowa Road as follows:</p> <ul style="list-style-type: none"> <li>• 121 Yarrowa Road, Moss Vale, with a frontage of 105 metres to Yarrowa Road and a site area of 2.2 hectares</li> <li>• 131 Yarrowa Road, Moss Vale, with a frontage of 110 metres to Yarrowa Road and a site area of 2 hectares</li> <li>• 153 Yarrowa Road, Moss Vale, with a frontage of 120 metres to Yarrowa Road and a site area of 2 hectares</li> </ul>
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	<p>Each parcel accommodates an existing dwelling and associated farm sheds and outbuildings. The sites are predominately cleared open paddocks with no remnant native vegetation other than a few scattered trees with some established introduced site landscaping.</p> <p>The combined site sits approximately 2.5 kilometres south of the Moss Vale town centre and 1 kilometre south of the existing Harbison aged care residential development on Yarrawa Road which forms the current extent of residential development in this locality. The land to the east and opposite on the southern side of Yarrawa Road is predominately broad acre parcels and rural in nature.</p> <p>The sites all share common boundaries, either to the north or to the west, with the Chelsea Gardens/Coomungie Urban Release Area (URA). A 10 metre wide access handle on to Yarrawa Road from the URA runs between 131 and 153 Yarrawa Road. <b>Figures 1-3</b> below show various views of the subject land while <b>Figure 4</b> below provides an aerial perspective.</p>
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Figure 1: From Yarrawa Road looking north over the Chelsea Gardens Coomungie Urban Release Area with subject site to right of photo

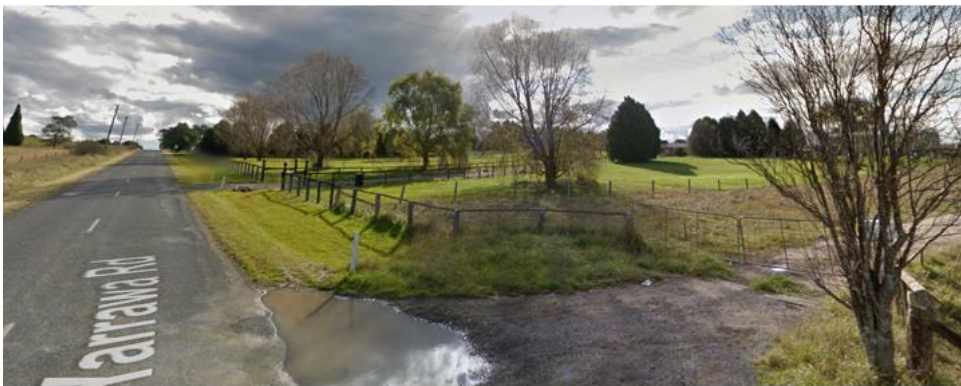


Figure 2: The site from the eastern end looking north west along Yarrawa Road



Figure 3: Existing access off Yarrawa Road to the Chelsea Gardens Coomungie Urban Release Area

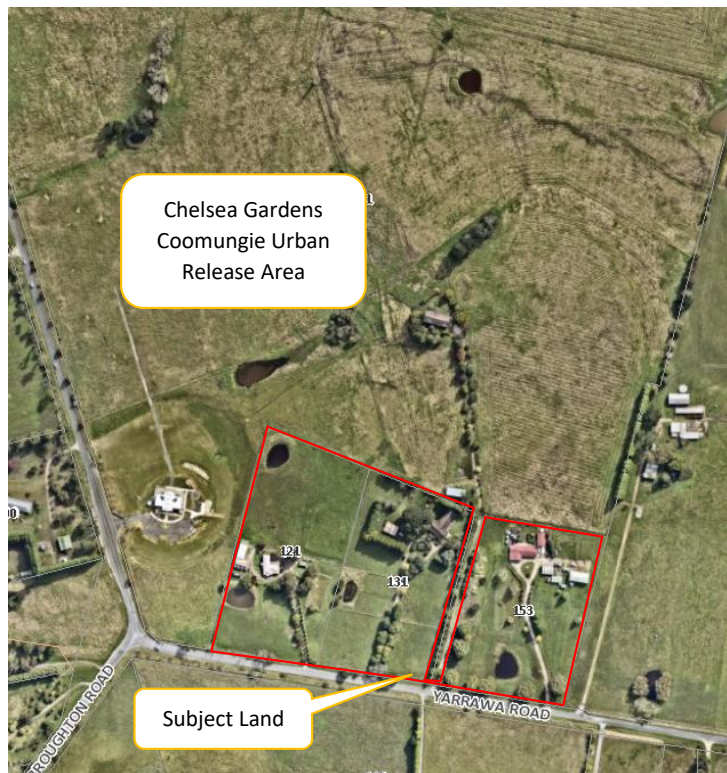


Figure 4: Aerial view of the subject land (bordered red)



## Part 1 - Objectives & Intended Outcomes of the Planning Proposal

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

- To amend the Land Zoning Map of WLEP2010 to rezone the land from RU2 Rural Landscape to R2 Low Density Residential, with a portion of RE1 Public Recreation along the Yarra Road frontage to create zonings consistent with those on the adjoining Chelsea Gardens Coomungie URA. (As indicated in Figure 1 above).
- To amend the Lot Size Map for the proposed R2 Low Density Residential zone from 40 hectares to 600m<sup>2</sup>, consistent with that prescribed for the bulk of the adjoining Chelsea Gardens Coomungie URA.
- To incorporate the subject land within the Chelsea Gardens Coomungie URA.

The amendment would achieve approximately five (5) hectares of residential zoned land. The final total yield, in terms of the number of new lots, would depend upon the outcome of the urban design phase of the planning process and more detailed consideration of the proposed design of the Chelsea Gardens Coomungie URA. However, an ultimate potential yield of 70- 80 lots is estimated.

## Part 2 - Explanation of the Provisions

- No amendment to any clause or schedule within WLEP 2010 would be required to achieve the intended outcomes of the Planning Proposal.
- To achieve the intended outcome of the Planning Proposal the following map amendments to WLEP 2010 will be required

Map Affected	Detail of Amendment
Land Zoning Map – Sheet LZN_007H	Lot 4 DP706194, Lot 5 DP706194 and Lot 2 DP610352, to be shown as zone R2 Low Density Residential with a strip of RE1 Public Recreation zoned land along Yarra Road.
Lot Size Map – Sheet LSZ_007H	The proposed R2 portion of Lot 4 DP706194, Lot 5 DP706194 and Lot 2 DP610352, to be shown as being subject to 600 square metres minimum lot size for subdivision.
Urban Release Areas Map – Sheet URA_7B	Lot 4 DP706194, Lot 5 DP706194 and Lot 2 DP610352, to be shown as being part of the Chelsea Gardens/Coomungie Urban Release Area.





## Part 3 - Justification of Strategic & Site-specific Merit

### Strategic Merit

The subject land was initially identified as having strategic merit during the review by the Southern Regional Planning Panel of the Chelsea Gardens Coomungie Planning Proposal. The inclusion of the subject land into the URA was delayed at that stage because Council did not support the Planning proposal due to lack of adequate infrastructure. However, with the making of Amendment 43 to WLEP 2010 in 2017, that land was subsequently assessed for inclusion with the Wingecarribee Local Housing Strategy as a New Living Area. It was determined that the land has strategic merit, due to its location adjacent to the existing URA and had development potential subject to adequate design and servicing. The Local Housing Strategy was adopted in 2020. The concept master plan for the current URA, as included in the Local Housing Strategy follows (Figure 5) with the subject land shown in red.



Figure 5: URA Concept Master Plan with subject land shown (bordered red)



#### Site-specific Merit

The inclusion of the subject land within the Wingecarribee Local Housing Strategy followed a detailed assessment of the site-specific merits of the land with the Strategy noting:

The suitability analysis identified a number of sites around the Chelsea Gardens Coomungie URA as highly suitable for development from a land capability and desirability perspective. However, significant limitations in existing infrastructure networks, particularly on the local and State road networks, resulted in only a small area east of Yarrowa Road being considered as a potential new living area.

It is within this context that the Planning Proposal has been framed.

#### Section A – Need for the Planning Proposal

##### 1 - Is the Planning Proposal a result of an endorsed LSPS, strategic study or report?

Previous applications to rezone the subject land were not supported by Council, largely because Council recognised that there were, and remain, significant deficits in reticulated infrastructure and road access.

Following Council's decision to not support a Planning Proposal to rezone the Chelsea Gardens Coomungie URA due to these same concerns, that Planning Proposal was referred to the Southern Regional Planning Panel. In supporting the URA Planning Proposal, the Regional Panel also recommended that certain lots surrounding the URA be considered for future rezoning. The subject land was included in that recommendation.

More recently, the Wingecarribee Local Housing Strategy (LHS), adopted by Council in 2020, identified certain sites to the east and west of the URA as future living areas, the subject land forming the eastern site. The Local Housing Strategy proposes that this site be incorporated within the existing Chelsea Gardens Coomungie URA boundary as indicated in **Figure 6** below. This would enable more efficient future planning for infrastructure and servicing across the entire newly defined URA.

The benefits of the Planning Proposal in the context of the Local Housing Strategy are discussed in more detail in subsection B4 below.

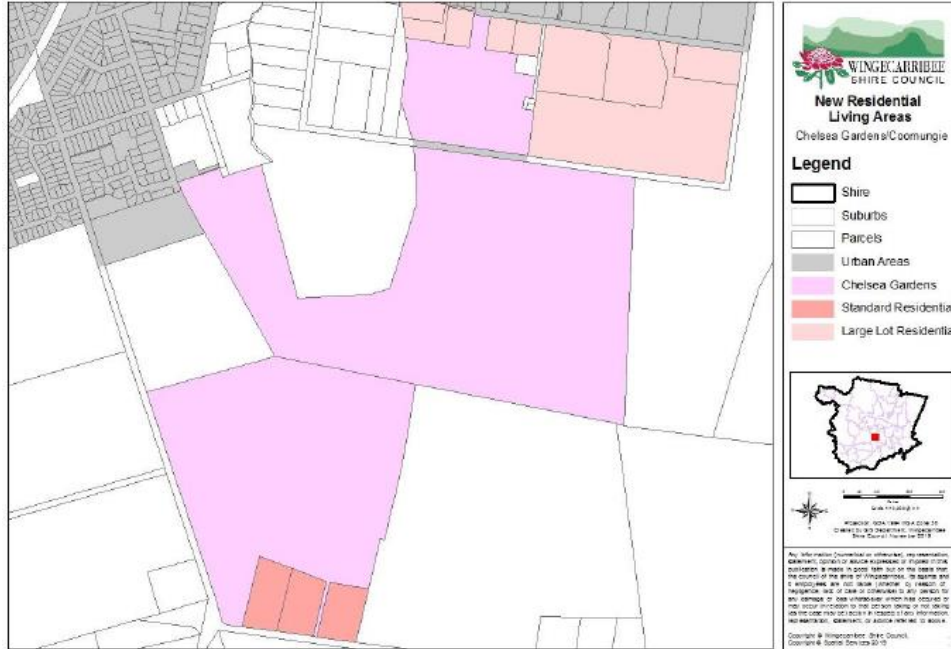


Figure 6: Expanded Urban Release Area boundary to include the subject land

**2 – How is the Planning Proposal the best means of achieving the intended outcomes?**

A Planning Proposal is the only means of achieving the objectives and intended outcomes. The mechanism set out in this Planning Proposal to achieve the stated objectives is considered to be the best means of achieving those outcomes.

The Planning Proposal process was originally designed to enable the initial assessment of strategic and site-specific merit prior to more detailed analysis being provided if supported. Council supports this approach. It is noted that certain supporting studies have been prepared and these form part of the Planning Proposal submission.

However other more detailed studies are considered best left until they can be addressed as part of the integrated development of the whole URA once the proposed amendment is finalised. This is particularly the case with regard to reticulated water and sewer infrastructure and servicing as well as internal road layout and access to Yarrawa Road. This is discussed in more detail in Section 4 below.



**Section B – Relationship to the Strategic Planning Framework**

**3 – How will the Planning Proposal give effect to the objectives and actions of the SE & Tablelands Regional Plan (including any draft plans or strategies)?**

The South East and Tablelands Regional Plan 2036 is the relevant sub regional strategy. In broad terms, the Strategy seeks to cater for continued growth within the region, without impacting adversely upon the character of the region. This Planning Proposal seeks to support this goal by rezoning the land to be consistent with the URA zonings and to apply as minimum lot size of 600m<sup>2</sup> across the proposed R2 Low Density Residential portion of the land to provide the opportunity for appropriate design, access and infrastructure to be identified in the current URA masterplan.

Chapter 4 of the Regional Plan addresses environmentally sustainable housing choices with Direction 24 seeking to deliver greater housing supply and choice. The Planning Proposal supports this objective and would be consistent with community aspirations articulated in the Community Strategic Plan. Housing affordability is currently a major concern. There are various issues that contribute to housing affordability, however the supply of land and housing is a critical component. In this case, taking advantage of infrastructure extensions and upgrades that will occur as the URA is developed will likely to have a positive impact upon the affordability of any housing produced as a result of this Planning Proposal.

Direction 25 of the Regional Plan focusses on housing growth in locations that maximise infrastructure and services in particular to achieve sustainable urban outcomes that do not undermine existing strategic and local centres. As discussed above, integrating the subject land into the current URA provides the opportunity to address the provision of infrastructure and services in the most efficient way possible.

The Regional Plan's broad aim of protecting the sensitive elements of the natural environment is not endangered by this Planning Proposal. As noted, the site is not sensitive from an ecological or environmental perspective. There are no parts of the site that contain remnant native vegetation. There are no watercourses. From a visual impact perspective, the site's sensitivity is not significant given the backdrop of urban development that will result from the residential development expected within the existing URA proposal.

Therefore, it is concluded that the nature and scale of the Planning Proposal raise no inconsistency in relation to the Regional Strategy.



**4 - Is the Planning Proposal consistent with Council's adopted and endorsed Local Strategic Planning Statement and Local Housing Strategy?**

**4.1 Wingecarribee Local Housing Strategy**

As introduced above, the subject land is identified in the Wingecarribee Local Housing Strategy (LHS) as a future living area. While identifying this land as suitable for future residential development however, the Local Housing Strategy also notes that:

*There are significant limitations in the capacity of the infrastructure networks in Moss Vale, particularly in relation to the local and State road networks and the Moss Vale sewerage treatment plant. Any future planning proposal will need to demonstrate that future development will not create unacceptable impacts on the local and State road network and can be fully serviced by town water and sewer.*

And therefore, the Strategy concludes that:

*All sites identified within the Strategy as potential new residential living areas will be required to undertake a full environmental assessment in support of any future planning proposal to rezone the land for residential purposes.*

*Any future planning proposal to rezone the land for residential purposes will need to be supported by:*

- *An assessment of the capacity of the Moss Vale Sewerage Treatment Plant and water supply*
- *An assessment of the traffic impacts of the proposed rezoning*
- *An Aboriginal Cultural Heritage Due Diligence assessment*
- *A geotechnical assessment of steep lands*

In terms of this Planning Proposal, the need to 'demonstrate that future development will not create unacceptable impacts on the local and State road network and can be fully serviced by town water and sewer' is being addressed through the use of two clauses within WLEP 2010. Clause 6.2 specifies that development consent must not be granted for land in an urban release area unless a development control plan (DCP) that addresses certain matters has been prepared. In addition, clause 7.10 requires that development consent must not be granted for development on R2 zoned land unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required. Council intends to rigorously apply both clauses to meet the requirements of the Local Housing Strategy.

It is also noted that certain assessments have been completed and will be reviewed by relevant agencies prior to the Planning Proposal progressing to public exhibition. However, it is further noted that more detailed studies to identify the integrate the subject land into the existing URA can really only be done when the land forms part of the URA as intended under the Local Housing Strategy. This is discussed further in Section D11 below.

At this stage it is confirmed that Council will not consider any application to subdivide the subject land until such time that adequate infrastructure and servicing, particularly with regard to reticulated water and sewer can be guaranteed.



Council acknowledges and supports the WaterNSW position stated in its responses to both the draft Local Housing Strategy and Local Strategic Planning Statement that it would not support any rezoning of non-urban land for residential development until such infrastructure is in place. The need for this Planning Proposal at all is a direct result of the rezoning by the Department of Planning & Environment of the Chelsea Gardens Coomungie Urban Release Area in 2017 (WLEP 2010 Amendment 43). The fact that there was insufficient water and sewer infrastructure was a prime reason why Council did not support the Proposal at this time. Hence Council's need to integrate the land within the URA to enable it to be included in future capacity assessments.

#### **4.2 Wingecarribee Local Strategic Planning Statement**

Chapter 4 of the Wingecarribee Local Strategic Planning Statement (LSPS) 'Our Housing' identifies three (3) Priorities and associated Actions. These are discussed below in the context of the Planning Proposal and its relevance to, and consistency with, the LSPS.

***Planning Priority 4.1 - Promote infill development and increased densities in appropriate locations and facilitate a greater mix of housing types to ensure our housing stock is reflective of the needs of our community.***

The Planning Proposal is consistent with this LSPS Planning Priority by effectively extending the existing URA and thereby increasing its potential to offer a range of housing types through an integrated development. Specifically, the Planning Proposal aligns with the following Actions identified in the Wingecarribee LSPS:

- *Provide a diverse mix of housing types and choice to meet the needs of our community both now and into the future*
- *Facilitate ageing in place by increasing housing choice and adaptable housing options, and provide seniors housing in appropriate locations close to transport and services*
- *Promote good design that reflects the values of our communities and respects and enhances the character of our towns and villages*
- *Ensure the Wingecarribee planning framework facilitates a mix of housing types and lot sizes and provides certainty to the community and development industry*
- *Review Council's LEP and DCP provisions and remove any unnecessary barriers to achieving our planning priorities*
- *Manage the release of new greenfield development areas to ensure greenfield land does not compromise infill development*
- *Introduce new development controls that ensure medium density development is in keeping with the desired future character of our towns and villages.*

***Planning Priority 4.2 - Provide as greater mix of price points in the housing market to improve housing affordability, and work with community housing providers to increase the stock of social and community housing throughout the Shire.***

The Planning Proposal is consistent with this LSPS Planning Priority by providing the opportunity, through rezoning, to acquire contributions which can be applied to the provision of infrastructure and services to improve affordable housing amenity. Specifically, the Planning Proposal aligns with the following Actions identified in the Wingecarribee LSPS:



- *Provide a diverse range of housing options and price points across the housing continuum, to ensure that our community has access to housing that meets their needs, aspirations and capacities.*
- *Facilitate efficient housing markets that meet the housing needs of our community, including addressing any gaps in the market, particularly in the area of affordable and social housing.*

**Planning Priority 4.3** - *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.*

The Planning Proposal is consistent with this LSPS Planning Priority in seeking to extend the current URA to include the subject land and in so doing also ensure that necessary infrastructure for the entire URA is considered at the planning stage. Specifically, the Planning Proposal aligns with the following Actions identified in the Wingecarribee LSPS:

- *Provide land and housing development opportunities to meet the needs of our community*
- *Promote sustainability through the appropriate location and design of new living areas*
- *Achieve a mix of housing types and lot sizes in new living areas to ensure that new development meets the needs of our community*
- *Develop a staging plan for new living areas, to ensure that sufficient land is available to meet the needs of our community without compromising infill development*
- *Identify priority release areas and align infrastructure delivery to unlock the development potential of our priority release areas*
- *Develop master plans for our new living areas, prior to rezoning, to provide for well planned, highly liveable communities into the future*
- *Develop infrastructure plans and servicing strategies for new living areas prior to rezoning*
- *Formalise a value capture system to fund a portion of the cost of providing new or augmented infrastructure to support new development*
- *Review Development Contribution Plans and Development Servicing Plans to ensure commensurate contributions are charged for greenfield development*
- *Ensure Council can provide the community infrastructure support needed for planned growth*
- *Work with NSW Government agencies to align their asset and infrastructure planning with planned housing growth to ensure delivery of adequate State infrastructure and services*

**Planning Priority 5.2** - *Ensure our growing communities are supported by essential infrastructure*

The Planning Proposal is consistent with this LSPS Planning Priority by including the subject land within the URA to ensure that adequate infrastructure is provided in an efficient and effective manner. Specifically, the Planning Proposal aligns with the following Actions identified in the Wingecarribee LSPS:

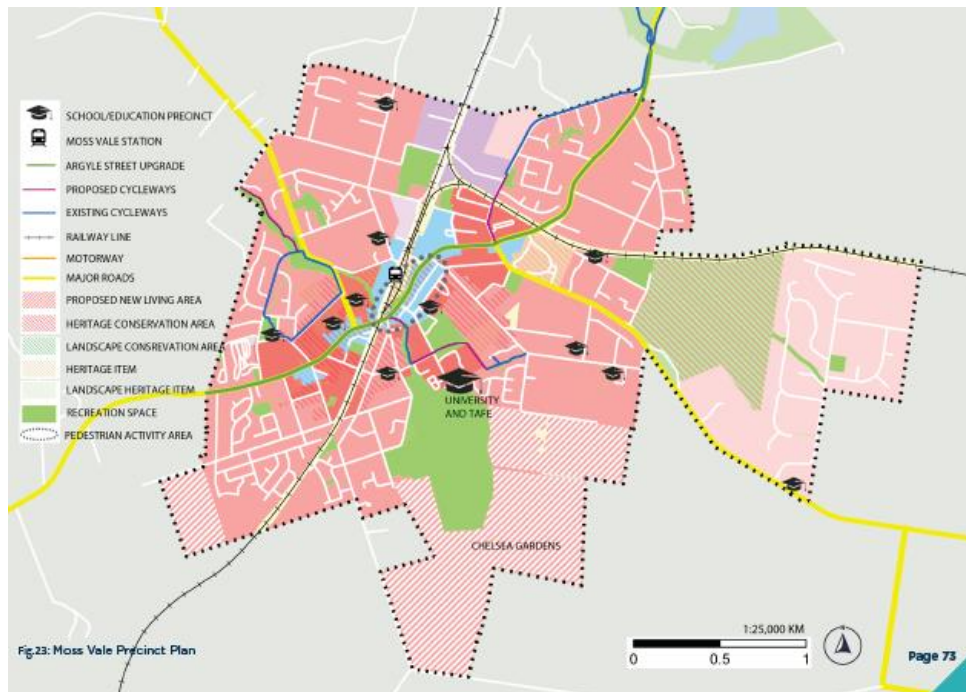
- *Identify priority release areas and align infrastructure delivery to unlock the development potential of our priority release areas*
- *Develop infrastructure plans and servicing strategies for new living areas prior to rezoning*
- *Formalise a value capture system to fund a portion of the cost of providing new or augmented infrastructure to support new development*
- *Ensure Council can provide the community infrastructure support needed for planned growth*
- *Manage and plan for future water, sewer and stormwater infrastructure needs*
- *Continue to plan for and deliver asset maintenance and renewal*



**Precinct Plan: Moss Vale**

The Planning Proposal supports the LSPS Moss Vale Precinct Plan by incorporating the subject land into the current URA in order to more efficiently determine the full extent of infrastructure needed and to optimise the use of that infrastructure. This also enables Council and the RMS to better predict and plan for traffic upgrades.

In summary, the Planning Proposal fully aligns with the Wingecarribee Local Strategic Planning Statement and contributes to a more efficient provision of infrastructure and services. Figure 23 of the LSPS (copied below as **Figure 7**) identifies the subject land as a proposed new living integrated within the existing URA as indicated below.



**Figure 7: Extract from Local Housing Strategy indicating the expanded Urban Release Area boundary to include the subject land**

**5 - Is the Planning Proposal consistent with any other applicable State and regional studies or strategies?**

No other regional studies or strategies are applicable to the Planning Proposal.

**6 - Is the Planning Proposal consistent with applicable SEPPs?**



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<b>SEPP (Housing) 2021</b>	<i>The intent of this SEPP is to deliver a sufficient supply of safe, diverse and affordable housing</i> <a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0714">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0714</a>
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**Assessment – Consistent**  
*The Planning Proposal is consistent with this SEPP to the extent that it will increase the potential for residential development by some 70 to 80 lots, although no subdivision will be approved until adequate infrastructure is available.*

<b>SEPP (Transport and Infrastructure) 2021</b>	<i>The intent of this SEPP is to provide well-designed and located transport and infrastructure integrated with land use</i> <a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0732">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0732</a>
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**Assessment – Assessment – Consistent**  
*The Planning Proposal is consistent with this SEPP because its purpose is to include the subject land within the boundary of the Chelsea Gardens Urban Release Area in order to enable design of road and pedestrian infrastructure in an efficient and coordinated manner.*

<b>SEPP (Primary Production)</b>	<i>The intent of this SEPP is to support and protect the productivity of important agricultural lands. They enhance rural and regional economies through a sustainable, diverse and dynamic primary production sector that can meet the changing needs of a growing NSW.</i> <a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0729">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0729</a>
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**Assessment – Consistent**  
*The Planning Proposal is consistent with this SEPP because although the land is currently zoned RU2 Rural Landscape, the land adjoins the Chelsea Gardens Coomungie Urban Release Area and the total area of all three lots is only 6.2 ha.*

<b>SEPP (Biodiversity and Conservation) 2021</b>	<i>The intent of this SEPP is to preserve, conserve and manage NSW's natural environment &amp; heritage</i> <a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0722">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0722</a>
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**Assessment – Consistent**  
*The Planning Proposal is consistent with this SEPP because there is no mapped vegetation across the site. The land has been traditionally used for farming of a low scale nature due to its small area.*

<b>SEPP (Resilience and Hazards) 2021</b>	<i>The intent of this SEPP is to manage risks and building resilience in the face of hazards</i> <a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0730">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0730</a>
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**Assessment – Consistent**  
*The Planning Proposal is consistent with this SEPP because a Preliminary Site Inspection report has been prepared which concludes that any contamination present is unlikely to preclude redevelopment of the site. The PSI report has been endorsed by the Department of Planning &*

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*Environment and would form part of the exhibition material. Further referral to the Environment Energy & Science Division of the Department would occur at the Gateway stage.*

<b>SEPP (Industry and Employment) 2021 –</b>	<i>The intent of this SEPP is to grow a competitive and resilient economy that is adaptive, innovative and delivers jobs</i> <a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0723">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0723</a>
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**Assessment – Consistent**  
*The provisions of Chapter 3 (Advertising & Signage) are the only part of this SEPP applicable to land in Wingecarribee Shire. The Planning Proposal is consistent with this SEPP because the proposal does not contain matters pertaining to advertising or signage.*

<b>SEPP (Resources and Energy) 2021</b>	<i>The intent of this SEPP is to promote the sustainable use of NSW’s resources and transitioning to renewable energy</i> <a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0731">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0731</a>
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**Assessment – Consistent**  
*The Planning Proposal is consistent with this SEPP because an integrated approach to planning, design and infrastructure will support and encourage the provisions of the SEPP.*

<b>SEPP (Planning Systems) 2021</b>	<i>The intent of this SEPP is to provide a strategic and inclusive planning system for the community &amp; the environment</i> <a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0724">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0724</a>
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**Assessment – Consistent**  
*The Planning Proposal is consistent with this SEPP because an integrated approach to planning, design and infrastructure will support and encourage the provisions of the SEPP.*

<b>SEPP (Regional Precincts) 2021</b>	<i>The intent of this SEPP is to consider State significant precincts, Activation precincts and other specific precincts including the Southern Highlands Regional Shooting Complex</i> <a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0727">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0727</a>
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**Assessment – Consistent**  
*The Planning Proposal does not involve the Southern Highlands Regional Shooting Complex.*

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**7 - Is the Planning Proposal consistent with applicable s9.1 Ministerial Directions?**

<b>Focus Area 1 Planning Systems</b>	<i>The intent of these Directions is to support the broader NSW planning framework, including its processes and collaborative approaches to strategic and land use planning and decision making. They seek to achieve long-term, evidence-based, strategically led planning that is inclusive, democratic, responsive to the community and the environment, and ensures decisions are transparent and prompt.</i>
<b>1.1 Implementation of Regional Plans</b> (previously 5.10)	
<i>The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</i>	
<b>Assessment – Consistent</b> <i>The Planning Proposal is consistent with this Direction as detailed in Section B3 above.</i>	
<b>1.2 Development of Aboriginal Land Council land</b> (previously 5.11)	
<i>The objective of this direction is to provide for the consideration of development delivery plans prepared under Chapter 3 of the State Environmental Planning Policy (Planning Systems) 2021 when planning proposals are prepared by a planning proposal authority.</i>	
<b>Assessment – Consistent</b> <i>The Planning Proposal is consistent with this Direction because no Aboriginal Land Council land is involved.</i>	
<b>1.3 Approval and Referral Requirements</b> (previously 6.1)	
<i>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</i>	
<b>Assessment – Consistent</b> <i>The Planning Proposal is consistent with this Direction as explained throughout. The mechanism for ensuring this is explained in D11 below.</i>	
<b>1.4 Site Specific Provisions</b> (previously 6.3)	
<i>The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls.</i>	
<b>Assessment – Consistent</b> <i>The Planning Proposal is consistent with this Direction because no restrictive site-specific planning controls will apply except those required under clause 6.2 and 7.10 of WLEP 2010.</i>	
<b>1.5 Parramatta Road Corridor Urban Transformation Strategy</b>	
<b>1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan</b>	
<b>1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</b>	
<b>1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation</b>	
<b>1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor</b>	
<b>1.10 Implementation of the Western Sydney Aerotropolis Plan</b>	
<b>1.11 Implementation of Bayside West Precincts 2036 Plan</b>	
<b>1.12 Implementation of Planning Principles for the Cooks Cove Precinct</b>	

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<p><b>1.13 Implementation of St Leonards and Crows Nest 2036 Plan</b>  <b>1.14 Implementation of Greater Macarthur 2040</b>  <b>1.15 Implementation of the Pyrmont Peninsula Place Strategy</b>  <b>1.16 North West Rail Link Corridor Strategy</b></p>
<p>None of these place-based Directions apply to Wingecarribee Shire</p>

<p><b>Focus Area 2</b>  <b>Design &amp; Place</b></p>	<p><i>The intent of these Directions is to establish quality design approaches for new development, public spaces and the environment. They promote the design of places that are healthy, sustainable, prosperous, and supportive of people, the community and Country.</i></p>
<p>NB: This Focus Area was blank when the Directions were made.</p>	

<p><b>Focus Area 3</b>  <b>Biodiversity &amp; Conservation</b></p>	<p><i>The intent of these Directions is to recognise the fundamental importance of protecting, conserving and managing NSW's natural environment and heritage. They help balance the needs of built and natural environments, respecting both the innate and economic value of the state's biodiversity and natural assets.</i></p>
<p><b>3.1 Conservation Zones</b> (previously 2.1 Environment Protection Zones)</p>	
<p><i>The objective of this direction is to protect and conserve environmentally sensitive areas.</i></p>	
<p><b>Assessment – Consistent</b>  <i>The Planning Proposal is consistent with this Direction because there are no mapped vegetation communities on or near the subject land.</i></p>	
<p><b>3.2 Heritage Conservation</b> (previously 2.3)</p>	
<p><i>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</i></p>	
<p><b>Assessment – Consistent</b>  <i>The Planning Proposal is consistent with this Direction because there are items of heritage, or conservation areas on or near the subject land.</i></p>	
<p><b>3.3 Sydney Drinking Water Catchments</b> (previously 5.2)</p>	
<p><i>The objective of this direction is to protect water quality in the Sydney drinking water catchment.</i></p>	
<p><b>Assessment – Consistent</b>  <i>The Planning Proposal is consistent with this Direction as explained in several sections. Council is able to manage the timing of any subsequent development through both clauses 6.2 and 7.10 of WLEP 2010 which prevent a development application being considered until adequate infrastructure arrangements are in place and a Development Control Plan has been adopted. Confirmation of consistency would also be sought at the agency referral stage.</i></p>	
<p><b>3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs</b></p>	
<p><i>Not applicable to Wingecarribee Shire</i></p>	
<p><b>3.5 Recreation Vehicle Areas</b> (previously 2.4)</p>	
<p><i>The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.</i></p>	
<p><b>Assessment – Consistent</b></p>	



*The Planning Proposal is consistent with this Direction because it does not apply to recreation vehicle areas.*

<b>Focus Area 4 Resilience &amp; Hazards</b>	<i>The intent of these Directions is to improve responses to natural and development-related hazards, and climate change. They support methods to consider and reduce risk. The principles promote healthy, resilient and adaptive communities, urban areas and natural environments.</i>
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**4.1 Flooding** (previously 4.3)

*The objectives of this direction are to:*

- (a) ensure that development of flood prone land is consistent with the NSW Government’s Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and*
- (b) ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.*

**Assessment – Consistent**

*The Planning Proposal is consistent with this Direction because the subject land has been identified as not being within a flood planning area, nor being between a flood planning area and the probable maximum flood, nor being subject to flood related development controls.*

**4.2 Coastal Management** (previously 2.2)

*Not applicable to Wingecarribee Shire*

**4.3 Planning for Bushfire Protection** (previously 4.4)

*The objectives of this direction are to:*

- (a) protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and*
- (b) encourage sound management of bush fire prone areas.*

**Assessment – Consistent**

*The Planning Proposal is considered consistent with this Direction. It is noted that Planning Proposals should address the provisions of Chapter 4 (Strategic Planning) of Planning for Bushfire Protection 2019, but there is no mapped bushfire prone land on the subject land. Any future development application would need to address the relevant chapters of this document. The Planning Proposal would also be referred to the NSW Rural Fire Service, post-Gateway.*

**4.4 Remediation of Contaminated Land** (previously 2.6)

*The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities. (NB: In order to meet the requirements of this Direction every site-specific Planning Proposal must include a Preliminary Site Inspection report.)*

**Assessment – Consistent**

*The Planning Proposal is consistent with this Direction because a Preliminary Site Inspection report has been prepared which concludes that any contamination present is unlikely to preclude redevelopment of the site. The PSI report has been endorsed by the Department of Planning & Environment and would form part of the exhibition material. Further referral to the Environment Energy & Science Division of the Department would occur at the Gateway stage.*



<b>4.5 Acid Sulphate Soils</b>
<i>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</i>
<b>Assessment – Consistent</b> <i>There currently appear to be no mapped acid sulphate soils in Wingecarribee Shire.</i>
<b>4.6 Mine Subsidence &amp; Unstable Land</b>
<i>The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.</i>
<b>Assessment – Consistent</b> <i>The Planning Proposal is consistent with this Direction because the subject land is not mapped as being within a mine subsidence area.</i>

<b>Focus Area 5 Transport &amp; Infrastructure</b>	<i>The intent of these Directions is to support innovative, integrated and coordinated transport and infrastructure, that is well-designed, accessible and enduring. They seek to optimise public benefit and value by planning for modern transport and infrastructure in the right location and at the right time.</i>
<b>5.1 Integrating Land Use and Transport</b> (previously 3.4)	
<i>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</i>	
<ul style="list-style-type: none"> <li><i>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</i></li> <li><i>(b) increasing the choice of available transport and reducing dependence on cars, and</i></li> <li><i>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</i></li> <li><i>(d) supporting the efficient and viable operation of public transport services, and</i></li> <li><i>(e) providing for the efficient movement of freight.</i></li> </ul>	
<b>Assessment – Consistent</b> <i>The Planning Proposal is consistent with this Direction because one of its primary purposes is to enable the efficient integration of residential development with roads and other travel pathways.</i>	
<b>5.2 Reserving Land for Public Purposes</b> (previously 6.2)	
<i>The objectives of this direction are to:</i>	
<ul style="list-style-type: none"> <li><i>(a) facilitate the provision of public services and facilities by reserving land for public purposes, and</i></li> <li><i>(b) facilitate the removal of reservation</i></li> </ul>	
<b>Assessment – Consistent</b> <i>The Planning Proposal is consistent with this Direction because an area of RE1 zoned land will be provided along Yarrawa Road to integrate with the zoned area within the URA and to provide a visual buffer for future development. The urban design of the new living area will also address the need to provide for public services &amp; facilities as well as for public open space.</i>	
<b>5.3 Development Near Regulated Airports and Defence Airfields</b> (previously 3.5)	
<i>The objectives of this direction are to:</i>	
<ul style="list-style-type: none"> <li><i>(a) ensure the effective and safe operation of regulated airports and defence airfields;</i></li> </ul>	



<p>(b) ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and (c) ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</p>
<p><b>Assessment – Consistent</b> The Planning Proposal is consistent with this Direction because the land is not located near any airport or airfield.</p>
<p><b>5.4 Shooting Ranges</b> (previously 3.6)</p>
<p>The objectives are to: (a) maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, (b) reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land, (c) identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.</p>
<p><b>Assessment – Consistent</b> The Planning Proposal is consistent with this Direction because the land is not located near any shooting range.</p>

<p><b>Focus Area 6 Housing</b></p>	<p>The intent of these Directions is to foster long-term, strategic-led and evidence-based approaches to guide a strong supply of well-located homes. They support the delivery of safe, diverse, affordable and quality designed housing that meets the needs of Aboriginal and local communities.</p>
<p><b>6.1 Residential Zones</b> (previously 3.1)</p>	
<p>The objectives of this direction are to: (a) encourage a variety and choice of housing types to provide for existing and future housing needs, (b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) minimise the impact of residential development on the environment and resource lands.</p>	
<p><b>Assessment – Consistent</b> The Planning Proposal is consistent with this Direction as explained throughout the Planning Proposal. It is the intent of the Proposal to enable additional residential development, but not until adequate infrastructure and servicing is available.</p>	
<p><b>6.2 Caravan Parks and Manufactured Home Estates</b> (previously 3.2)</p>	
<p>The objectives of this direction are to: (a) provide for a variety of housing types, and (b) provide opportunities for caravan parks and manufactured home estates.</p>	
<p><b>Assessment – Consistent</b> Although it is not anticipated that caravan park or manufactured home estate would be provided on the site, the Planning Proposal is considered to be consistent with this Direction because such development would not be prohibited.</p>	

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<b>Focus Area 7 Resilient Economies</b>	<i>The intent of these Directions is to support diverse, inclusive and productive employment opportunities across the state to make NSW more economically competitive. They promote the supply of strategic employment lands, innovative industries and centres as a focus for activity and accessibility.</i>
<b>7.1 Business and Industrial Zones</b> (previously 1.1)	
<i>The objectives of this direction are to:</i> <i>(a) encourage employment growth in suitable locations,</i> <i>(b) protect employment land in business and industrial zones, and</i> <i>(c) support the viability of identified centres.</i>	
<b>Assessment – Consistent</b> <i>The Planning Proposal is consistent with this Direction because the land is not a business or industrial zoning.</i>	
<b>7.2 Reduction in non-hosted short-term rental accommodation period</b>	
<i>Not applicable to Wingecarribee Shire</i>	
<b>7.3 Commercial and Retail Development along the Pacific Highway, North Coast</b>	
<i>Not applicable to Wingecarribee Shire</i>	

<b>Focus Area 8 Resources &amp; Energy</b>	<i>The intent of these Directions is to promote the sustainable development of resources in strategic areas and a transition to low carbon industries and energy. They support positive environmental outcomes and work towards the net zero emissions target and continued energy security, while also promoting diversified activity in regional economies.</i>
<b>8.1 Mining, Petroleum Production &amp; Extractive Industries</b>	
<i>The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</i>	
<b>Assessment – Consistent</b> <i>The Planning Proposal is consistent with this Direction because it will not affect such activity.</i>	

<b>Focus Area 9 Primary Production</b>	<i>The intent of these Directions is to support and protect the productivity of important agricultural lands. They enhance rural and regional economies through a sustainable, diverse and dynamic primary production sector that can meet the changing needs of a growing NSW.</i>
<b>9.1 Rural Zones</b> (previously 1.2)	
<i>The objective of this direction is to protect the agricultural production value of rural land.</i>	
<b>Assessment – Consistent</b> <i>The Planning Proposal is consistent with this Direction because although the land is currently zoned RU2 Rural Landscape, the lots are ‘concessional allotments’ and unviable for agriculture.</i>	
<b>9.2 Rural Lands</b> (previously 1.5)	
<i>The objectives of this direction are to:</i> <i>(a) protect the agricultural production value of rural land,</i> <i>(b) facilitate the orderly and economic use and development of rural lands for rural and related purposes,</i>	





(c) assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State,  
(d) minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses,  
(e) encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land,  
(f) support the delivery of the actions outlined in the NSW Right to Farm Policy.

**Assessment – Consistent**

The Planning Proposal is consistent with this Direction because although the land is currently zoned RU2 Rural Landscape, the lots are 'concessional allotments' and unviable for agriculture.

**9.3 Oyster Aquaculture (previously 1.4)**

The objectives of this direction are to:

- (a) ensure that 'Priority Oyster Aquaculture Areas' and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal, and
- (b) protect 'Priority Oyster Aquaculture Areas' and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers.

**Assessment – Consistent**

The Planning Proposal is consistent with this Direction because it will not affect such activity.

**9.4 Farmland of State & Regional Significance on the NSW Far North Coast**

Not applicable to Wingecarribee Shire

**Section C – Environmental, Social & Economic Impacts**

**8 - Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the Proposal?**

There are no mapped critical habitat or threatened species, populations or ecological communities or their habitats anywhere on the subject land.

**9 - Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?**

There are considered to be no other environmental impacts arising from the Planning Proposal.

**10 - Has the planning proposal adequately addressed any social and economic effects?**

The Planning Proposal will facilitate efficient economic development with positive social outcomes as discussed throughout the document.



**Section D – Infrastructure (Local, State & Commonwealth)**

**11- Is there adequate public infrastructure for the Planning Proposal?**

At this time there is not adequate water and sewer infrastructure to service either the existing Chelsea Gardens Coomungie URA or the proposed extension to it through this Planning Proposal. Specifically, there is no current capacity within the Moss Vale Sewerage Treatment Plant (STP). This was key to Council's reluctance to progress with the rezoning of the original URA in the first place. However, with the subsequent decision of the Department to progress with the rezoning of the URA, Council has needed to reassess the timing for the rezoning of the subject land.

It is acknowledged that WaterNSW would not support any proposal for an on-site package wastewater & sewerage system. In response, it is noted that, quite apart from the two clauses discussed above which would not support such an arrangement, the subject land would not be sufficiently large to accommodate such a facility servicing up to 80 residential lots without a significant reduction in the lot yield due to the area needed to service the on-site facility. Nor would Council support any of this development utilising any temporary arrangement on land within the current URA. Given the location of this land and its access to the future reticulation system, it will probably not be capable for connection until the final stages of the URA development timeline.

Council is well aware of the need to explore mechanisms for the more timely and efficient provisions of infrastructure to support future residential development as identified in the Local Housing Strategy. The identification and location of New Living Areas in the Strategy involved consideration of the capacity of existing infrastructure networks, as well as Council's ability to plan for and fund new infrastructure to support new development. It is acknowledged that planning for infrastructure as part of the strategic planning process will allow Council to stage the delivery of infrastructure and control the staging of greenfield development areas in accordance with a long-term staging plan for new living areas in the Shire. It will also provide certainty to the community and the development industry in the provision of infrastructure to support our growing communities, and the likely cost of servicing new greenfield development areas.

As a local water authority, Wingecarribee Shire Council is required to prepare a 30-year strategy for the provision of appropriate, affordable, cost-effective and sustainable urban water services that meet community needs and protect public health and the environment. In 2018 Council therefore adopted an *Integrated Water Cycle Management (IWCM)* strategy to comply with the NSW Government's Best-Practice Management of the Water Supply and Sewage Framework. The IWCM identified that, in order to accommodate the growing population of the Wingecarribee Shire local government area, the sewage treatment plants (STPs) of Bowral, Mittagong and Moss Vale each require significant capital investment to increase their respective treatment capacities. It is anticipated that upgrade of the Moss Vale STP would be completed in 2025.

Council acknowledges and supports the WaterNSW position stated in its responses to both the draft Local Housing Strategy and Local Strategic Planning Statement that it would not support any rezoning of non-urban land for residential development until such infrastructure is in place. It is certainly not Council's intention to allow the subject land to proceed to subdivision and development until adequate infrastructure and servicing can be provided. However, Council does now consider it



essential to rezone the subject land and include it within the URA so that it can be integrated into future infrastructure and servicing planning. To enable this to occur without creating a new Chelsea Gardens Coomungie 'scenario' Council intends to utilise the provisions of both Part 6 (especially clause 6.2) and clause 7.10 of WLEP 2010.

Part 6 of WLEP 2010 addresses Urban Release Areas. In particular, clause 6.2 specifies that development consent must not be granted for land in an urban release area unless a development control plan (DCP) that addresses certain matters has been prepared. Matters of particular relevance to the Chelsea Gardens Coomungie URA which would need to be addressed include:

- (i) a staging plan for the timely and efficient release of urban land making provision for necessary infrastructure and sequencing,
- (ii) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,
- (iii) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,
- (iv) a network of passive and active recreational areas,
- (v) stormwater and water quality management controls,
- (vi) amelioration of natural and environmental hazards, including bushfire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,
- (vii) detailed urban design controls, and
- (viii) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.

Clause 7.10 addresses public utility infrastructure and applies to land which includes land zoned R2 Low Density Residential. The clause requires that development consent must not be granted for development on land to which this clause applies unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.

Council will rely on both clauses to ensure that no subdivision of the subject land can proceed until reticulated town water and sewer can be provided to the newly created lots. Clause 6.2 provides a specific timing control mechanism by which Council can delay adoption of a site specific Development Control Plan until all reticulated infrastructure and road access is available. It is anticipated that the site-specific provisions would be incorporated into the existing URA provisions of the Moss Vale Development Control Plan.

#### **Section E – State and Commonwealth Interests**

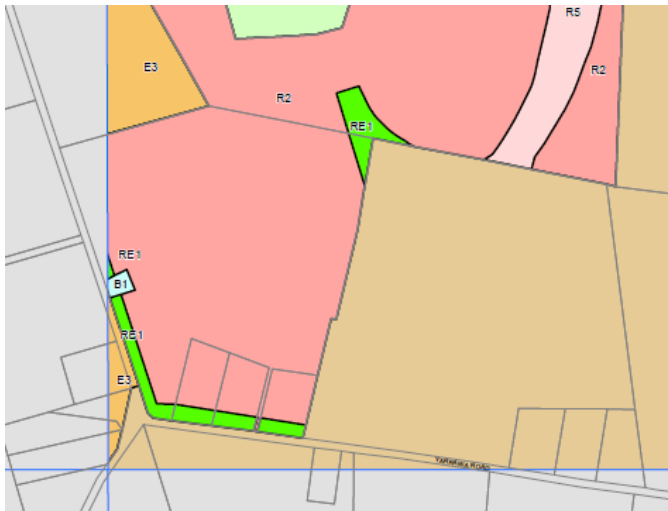
#### **12 - What are the views of state and federal authorities and government agencies consulted in order to inform the Gateway determination?**

Council believes that the Planning Proposal addresses any potential agency concerns. Formal agency referral will occur prior to exhibition.



**Part 4 - Maps**

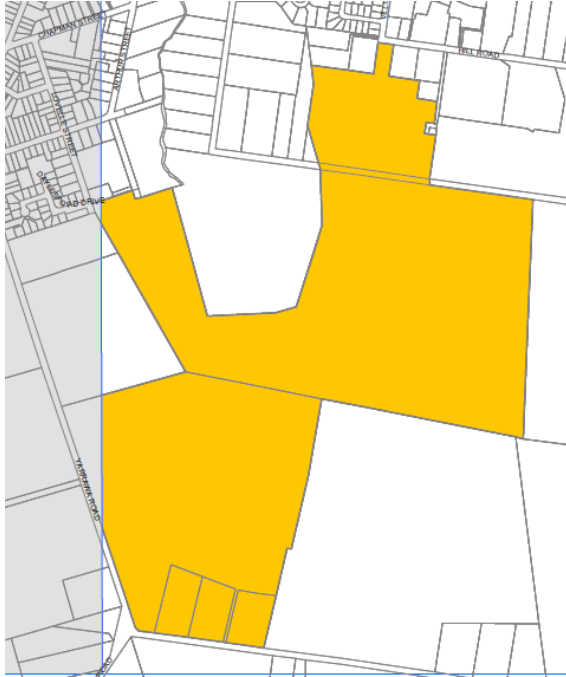
Draft maps have been prepared and will accompany the Planning Proposal which indicate proposed zoning, lot size and URA boundary. Extracts follow.



**Proposed new Zoning Map**



**Proposed new Lot Size Map**



**Proposed Extent of new Urban Release Area**

## Part 5 - Community Consultation

Community consultation will occur as required under the Gateway Determination and Departmental Guidelines.

## Part 6 - Project Timeline

MILESTONE	INDICATIVE /ACTUAL DATE
Gateway Determination	July
Agency Consultation	August
Public Exhibition	September
Post exhibition Report to Panel & Council	October
Drafting Request	November
Notification Request & approximate completion date	November

**END OF PLANNING PROPOSAL**

**6 DEVELOPMENT APPLICATIONS**

**7 MEETING CLOSURE**