

AGENDA

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

Wednesday 23 October 2024

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

**AGENDA OF THE LOCAL PLANNING PANEL
WEDNESDAY 23 OCTOBER 2024**

Table Of Contents

1 OPENING OF THE MEETING	5
2 ACKNOWLEDGEMENT OF COUNTRY	5
3 APOLOGIES.....	5
4 DECLARATIONS OF INTEREST	5
5 PLANNING PROPOSALS	6
5.1 Voluntary Planning Agreement For Land At Yarrowa Road Moss Vale - Post Exhibition	6
5.2 Planning Proposal To Amend Schedule 1 Of WLEP 2010 To List Business Premises As An Additional Permitted Use On Land At 1 Bowman Road Moss Vale (Lot 2 DP1249526) - Post Exhibition	13
6 DEVELOPMENT APPLICATIONS.....	18
6.1 24/1319 - Use Of The Existing Dwelling House As A Group Home (Transitional)- 2 Manor Rise, Bowral.....	18
6.2 24/1487 - 40 Lot Torrens Title Subdivision And Associated Works Including Earthworks, Construction Of Two Roads And A Stormwater Detention Basin And Landscaping - 159 Railway Avenue, Bundanoon	39
6.3 Development Applications Greater Than 180 Days To Be Reported To The WLPP	87
6.4 Development Applications Greater Than 180 Days Not Required To Be Reported To The WLPP	88
7 MEETING CLOSURE	90

Our Mission, Our Vision, Our Values

OUR MISSION

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

OUR VISION

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

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

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

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

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

OUR VALUES

Integrity, trust and respect

Responsibility and accountability

Communication and teamwork

Service quality

Recording and Webcasting of Local Planning Panel Meetings

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

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

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

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

The meeting must not be recorded by others.

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

The Council Chamber has 24 Hour Video Surveillance.

1 OPENING OF THE MEETING

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

2 ACKNOWLEDGEMENT OF COUNTRY

The Chairperson acknowledged country:

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

3 APOLOGIES

Nil at time of print.

4 DECLARATIONS OF INTEREST

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

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

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

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

5 PLANNING PROPOSALS

5.1 Planning Agreement for land at Yarra Road Moss Vale – Post-exhibition

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

PURPOSE

The purpose of this report is to seek support to finalise a draft Voluntary Planning Agreement (VPA) associated with a Planning Proposal to rezone land at 121, 131 and 153 Yarra Road Moss Vale and to include that land within the Chelsea Gardens Coomungie Urban Release Area.

Applicant / Proponent	The owners
Owners	<p>Maria Josephine Loader, Elizabeth Anne Dolbel and Philippa Therese Dolbel as Executors of the Estate of Thomas William Dolbel, Lot 4 DP706194, 121 Yarra Road Moss Vale</p> <p>William Richard Beresford, Lot 5 DP706194, 131 Yarra Road Moss Vale</p> <p>Desmond John Gawthorne and Kathleen Margaret Florence Gawthorne, Lot 2 DP610352, 153 Yarra Road Moss Vale</p>
Consultants	Boyce Law DR
Notification	28 May to 25 June 2024
Number Advised	Shire-wide through Participate Wingecarribee and associated notifications
Number of Submissions	Nil
Current Zoning	C3 Environmental Management
Proposed LEP Amendment/s	R2 Low Density Residential & RE1 Public Recreation
Political Donations	Nil
Recommendation	The draft Planning Agreement be finalised and registered on the title of the subject properties

OFFICER'S RECOMMENDATION

THAT the Panel support the draft Planning Agreement to be finalised and registered on the Property Titles of Lot 4 DP706194 (121 Yarra Road Moss Vale), Lot 5 DP706194 (131 Yarra Road Moss Vale) and Lot 2 DP610352 (153 Yarra Road Moss Vale).

REPORT

The Subject land

The subject land comprises three adjoining lots on Yarrowa Road Moss Vale comprising some 6.2 hectares in area. These lots are:

- 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 lots are located adjacent to land identified as the Chelsea Gardens Coomungie Urban Release Area (URA) under Wingecarribee Local Environmental Plan (WLEP) 2010. This name reflects their original property names, but the adjacent land is now known as Ashbourne. The adjacent Ashbourne release area was rezoned by the State Government under Amendment 43 to Wingecarribee Local Environmental Plan (WLEP) 2010 on 27 October 2017, to facilitate a primarily residential development on the southern boundary of the Moss Vale township as indicated in Figures 1 & 2 below.

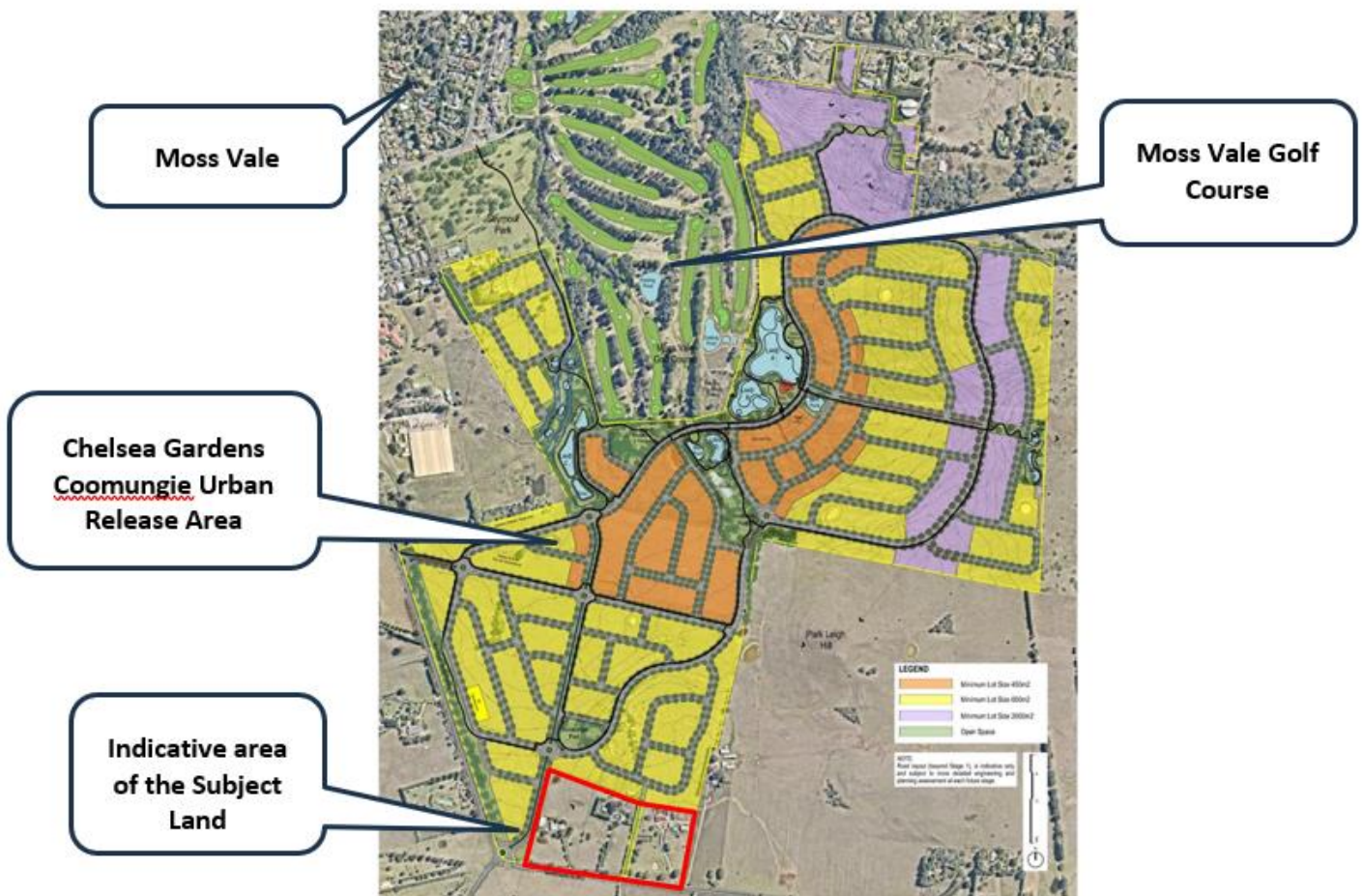


Figure 1: Extract from the Wingecarribee Local Housing Strategy indicating the proposed incorporation of the subject land into the Moss Vale New Living Area.

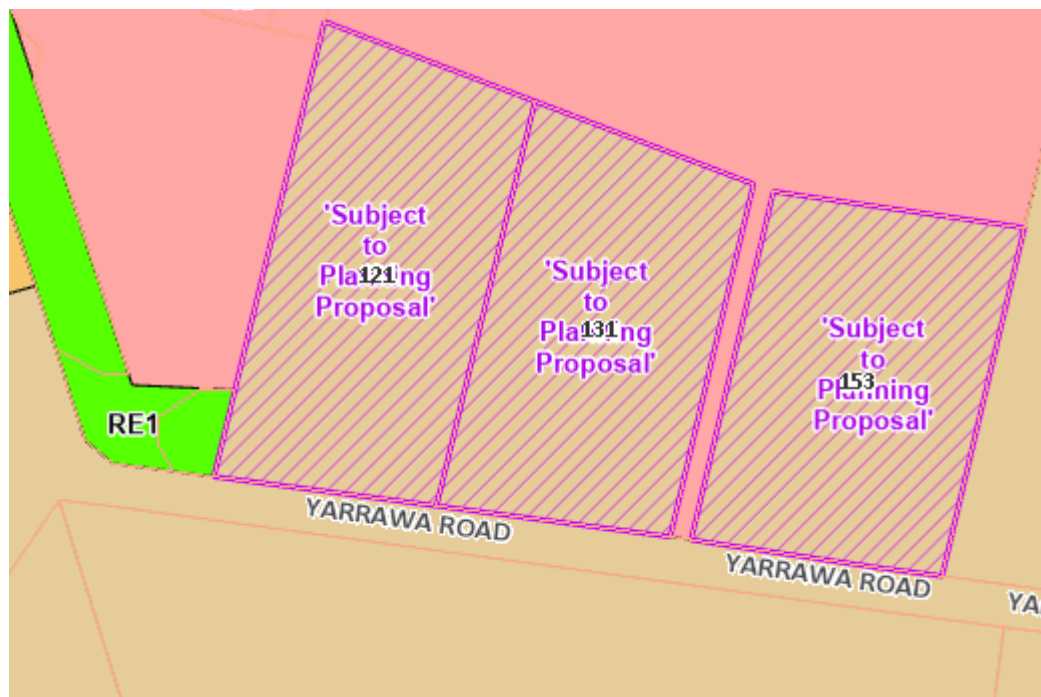


Figure 2: Detailed delineation of the subject land.

Background

Given the land was rezoned unilaterally by the State Government in response to a site-specific proponent-led Planning Proposal, the appropriate boundaries for the Urban Release Area (URA) were not strategically considered as part of that earlier rezoning process. To address this, an assessment was undertaken during preparation of the Wingecarribee Local Housing Strategy (LHS) to determine whether additional land should be incorporated into the URA to provide a more logical zoning boundary and rational rural - urban interface. This assessment resulted in the subject land being included within the now adopted and State-endorsed LHS for inclusion within the URA for future development as a New Living Area. A Planning Proposal was subsequently prepared by consultants on behalf of the land owners and submitted to Council for consideration.

On 20 July 2022 Council resolved to submit the Planning Proposal and supporting documentation to the (then) NSW Department of Planning and Environment (now NSW Department of Planning, Housing & Infrastructure, DPHI) for a 'Gateway Determination'. A Departmental Gateway Determination is a conditional approval to proceed subject to administrative and consultation requirements. The intent of the Planning Proposal is to rezone the land to predominantly R2 Low Density Residential with a minimum lot size of 600m², estimated to achieve a lot yield of some 55 lots consistent with the adjoining URA zoning and minimum lot size. The Planning Proposal also seeks to rezone an area of land of approximately 1 ha along the Yarrawa Road frontage to RE1 Public Recreation thereby extending the RE1 zone of the adjoining URA. This continuous RE1 Public Recreation zone provides a long-term landscape buffer between urban and rural landuses.

The Gateway Determination was issued on 6 February 2023 and, following State agency referrals, the Planning Proposal was placed on Public Exhibition from 22 May to 23 June 2023. A post exhibition report was considered by Council on 16 August 2023 when it was resolved:

THAT The Planning Proposal to rezone land at 121, 131 and 153 Yarrowa Road Moss Vale be deferred to allow for an appropriate infrastructure funding mechanism to be in place prior to the land being rezoned.

Planning Agreements

A Planning Agreement is a voluntary agreement or other arrangement between a planning authority and a developer, who, in the case of a Planning Proposal, has sought a change to an Environmental Planning Instrument (the Wingecarribee LEP 2010 is the subject instrument), and under which the developer agrees to dedicate land free of cost, and/or pay a monetary contribution, and/or provide any other material benefit to be used for or applied towards a public purpose. A Planning Agreement recognises the value uplift to property owners resulting from the rezoning of land and provides the opportunity for the broader community to also benefit from that uplift. Council drafts and implements Planning Agreements in accordance with planning legislation and Departmental Guidelines. These are described below.

Part 7 Division 7.1 Subdivision 2 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) provides the legislative framework for Planning Agreements. Part 4 Division 1A of the *Environmental Planning and Assessment Regulation 2000* (the Regulation) has further requirements regarding the form and subject matter of planning agreements. The (then) Department of Planning, Industry and Environment (now DPHI) published a Ministerial Practice Note on Planning Agreements in February 2021.

Planning Agreements are identified in the adopted and state endorsed Wingecarribee LHS as an effective mechanism for obtaining funds and in-kind works contributions towards necessary infrastructure and community facilities.

The key feature of a planning agreement is that it provides a 'net public benefit' over and above what would normally be collected through adopted contributions plans under section 7.11 and section 7.12 of the EP&A Act. Section 7.11 contributions apply where there is a demonstrated link between the development and the infrastructure to be funded and are based on adopted Contributions Plans. Section 7.12 levies are an alternative to s7.11 contributions and are charged as a percentage of the estimated cost of the development, generally to a maximum of 1%.

Therefore, to demonstrate a 'net public benefit', the value of a planning agreement, either in monetary or works in kind, must exceed the value of contributions applicable under the relevant contributions plans. Water and sewer contributions under s68 of the *Local Government Act 1993* also apply to residential development and would remain additional to the outcomes of a Planning Agreement.

In response to the Council Resolution of 16 August 2023, the proponents provided a Letter of Offer to enter into a Planning Agreement. The Letter of Offer proposed the following:

- A monetary contribution of some \$700,000 based on a yield of 55 lots.
- Dedication of 1 hectare of land zoned RE1 Public Recreation to be used for approved purposes. A nominated monetary value of \$350,000 under the resulting draft VPA is consistent with recent land valuations provided to Council for similar land.
- Embellishment works to the dedicated RE1 zoned land to a maximum of \$150,000 for canopy trees and general landscaping.

In total, the resulting draft Planning Agreement provides an estimated equivalent monetary value of \$1.2 million. By comparison, the current applicable s7.11 Plans would attract a total contribution of some \$560,000. The draft Planning Agreement therefore provides a net public benefit of approximately \$640,000, more than twice the s7.11 contributions total. It is further noted that if the

development yields more than the estimated 55 lots the monetary contribution would increase on a pro rata basis of \$12,727 for each additional lot. Furthermore, payments are indexed in accordance with the consumer price index (CPI) between the date of the Agreement and the date of payment. Payments would be triggered at the development consent stage with land dedication and works in kind would be finalised prior to finalisation of the subdivision certificates and release of the land for construction to commence.

A report responding to the Letter of Offer and proposed outcomes was considered at the Council Meeting of 13 December 2023 when it was resolved:

THAT Council:

1. Provide in-principle support for the instrument of a legally binding Letter of Offer to enter into a Voluntary Planning Agreement from the owners of land at 121, 131 and 153 Yarrowa Road Moss Vale, as the mechanism for contributions towards infrastructure and community facilities resulting from the development of the subject land.

2. Endorse the finalisation of the Planning Proposal to rezone land at 121, 131 and 153 Yarrowa Road Moss Vale and to extend the boundary of the Chelsea Gardens Coomungie Urban Release Area to include the subject land.

In response to this Resolution a draft Planning Agreement was prepared by the proponents which reflected the Letter of Offer supported by Council. The draft Agreement was reported to Council on 15 May 2024 when it was resolved:

THAT the draft Voluntary Planning Agreement be placed on public exhibition for a period of 28 days and that a further report be provided to Council at the completion of the public exhibition and independent review process.

Public exhibition occurred from 28 May to 25 June 2024. The draft Planning Agreement was exhibited on the Participate Wingecarribee website and written notifications were sent to the authors of submissions received during exhibition of the Planning Proposal. No submissions were received in response to this exhibition although the exhibition page recorded 76 views during the exhibition period and a total of 103 views since the page was first uploaded.

Council subsequently sought an independent legal review of the exhibited draft, in line with the Resolution of 15 May 2024, resulting in the final draft Planning Agreement attached to this report. Minor changes made between the exhibited and final drafts and have been agreed by all parties.

It is the recommendation of this report therefore that the attached draft Planning Agreement be accepted and supported to be finalised in accordance with legal requirements.

It is noted that the Planning Proposal to which the draft Planning Agreement applies is ready to be finalised and is now awaiting the finalisation of the Agreement in order to enable rezoning of the subject land to occur.

SUSTAINABILITY ASSESSMENT

- **Environment**

The draft Planning Agreement provision of embellished open space would ensure a positive environmental outcome. Any future application for development would consider relevant environmental studies accompanying the application to identify and address any environmental constraints.

- **Social**

The subject land is identified as a New Living Area within the adopted and state endorsed Wingecarribee Local Housing Strategy. The rezoning of the subject land to provide a potential 55 residential dwelling sites supports the Strategy's intent to provide additional housing supply.

- **Broader Economic Implications**

The additional contributions achieved under the draft Agreement would provide a net public benefit of some \$640,000 above what would otherwise be achieved through Council's adopted Contributions Plans. A Planning Agreement recognises the value uplift to property owners resulting from the rezoning of land and provides the opportunity for the broader community to also benefit from that uplift. The development itself would also yield some \$1.6 million in funding towards water and sewer infrastructure through s68 contributions.

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

The draft Agreement, and the Planning Proposal it supports, have both been processed in accordance with relevant legislation and Departmental guidelines.

RELATIONSHIP TO CORPORATE PLANS

There are no Corporate Plans associated with this report.

COUNCIL BUDGET IMPLICATIONS

A Planning Agreement offers Council the opportunity to receive funds or in-kind works which can make a significant contribution towards the provision of infrastructure and community facilities, thereby having a positive impact on Council's budget.

RELATED COUNCIL POLICY

There are no Council Policies associated with this report.

CONCLUSION

A Planning Agreement provides a mechanism to achieve a net public benefit from urban development through contributions to Shire-wide infrastructure above and beyond what can be collected under s7.11 and 7.12 contribution plans. The draft Agreement which is the subject of this

**AGENDA OF THE LOCAL PLANNING PANEL
WEDNESDAY 23 OCTOBER 2024**

report provides an estimated equivalent monetary value of \$1.2 million. By comparison, the current applicable s7.11 Plans would attract a total contribution of some \$560,000. The draft Agreement therefore provides a net public benefit of approximately \$640,000.

The subject land is identified as a New Living Area within the adopted and state endorsed Wingecarribee Local Housing Strategy and its rezoning provides a potential 55 lot yield to support the Strategy's intent to provide additional housing supply. Without finalisation of the draft Agreement and its registration on the titles of the subject land, the Planning Proposal to rezone the land cannot be finalised.

ATTACHMENTS

1. Draft Yarrowa Rd VPA -reviewed [5.1.1 - 30 pages]

5.2 Planning Proposal to amend Schedule 1 of WLEP 2010 to list Business Premises as an Additional Permitted Use on land at 1 Bowman Road Moss Vale (Lot 2 DP1249526) - post exhibition

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

PURPOSE

The purpose of this report is seek to finalise a Planning Proposal to amend Schedule 1 (Additional Permitted Uses) of the Wingecarribee Local Environmental Plan (WLEP) 2010 to permit, with consent, business premises at 1 Bowman Road Moss Vale.

Applicant / Proponent	Wingecarribee Shire Council
Owner	Wingecarribee Shire Council
Consultants	N/A
Notification	14 August to 11 September 2024
Number Advised	Shire wide
Number of Submissions	Nil
Current Zoning	E4 General Industrial
Proposed Amendment/s	LEP To permit Business Premises with consent under Schedule 1 (Additional Permitted Uses)
Political Donations	N/A
Recommendation	The Planning Proposal to amend Schedule 1 of WLEP 2010 to permit Business Premises with consent on land at 1 Bowman Road Moss Vale, being Lot 2 DP 1249526, be finalised in accordance with s3.36 of <i>the Environmental Planning & Assessment Act 1979</i> .

OFFICER'S RECOMMENDATION

THAT the attached Planning Proposal to amend Schedule 1 of WLEP 2010 to permit Business Premises with consent on land at 1 Bowman Road Moss Vale, being Lot 2 DP 1249526, be finalised in accordance with s3.36 of the *Environmental Planning & Assessment Act 1979*.

REPORT

Background

The subject land at 1 Bowman Road Moss Vale is owned by Council and is located on the southern edge of an area of industrial zoned land identified as the Southern Highlands Innovation Park (SHIP) (**Figure 1**). The land is located on the corner of Bowman Road and Berrima Road as indicated in below and forms part of a group of Council owned properties which serve the Shire in a range of capacities, including the Southern Regional Livestock Exchange, the Wingecarribee Resource Recovery Centre and the Moss Vale Cemetery (**Figure 2**). The land covers an area of some 8,264m² and is zoned E4 General Industrial under the Wingecarribee Local Environmental Plan (WLEP) 2010.

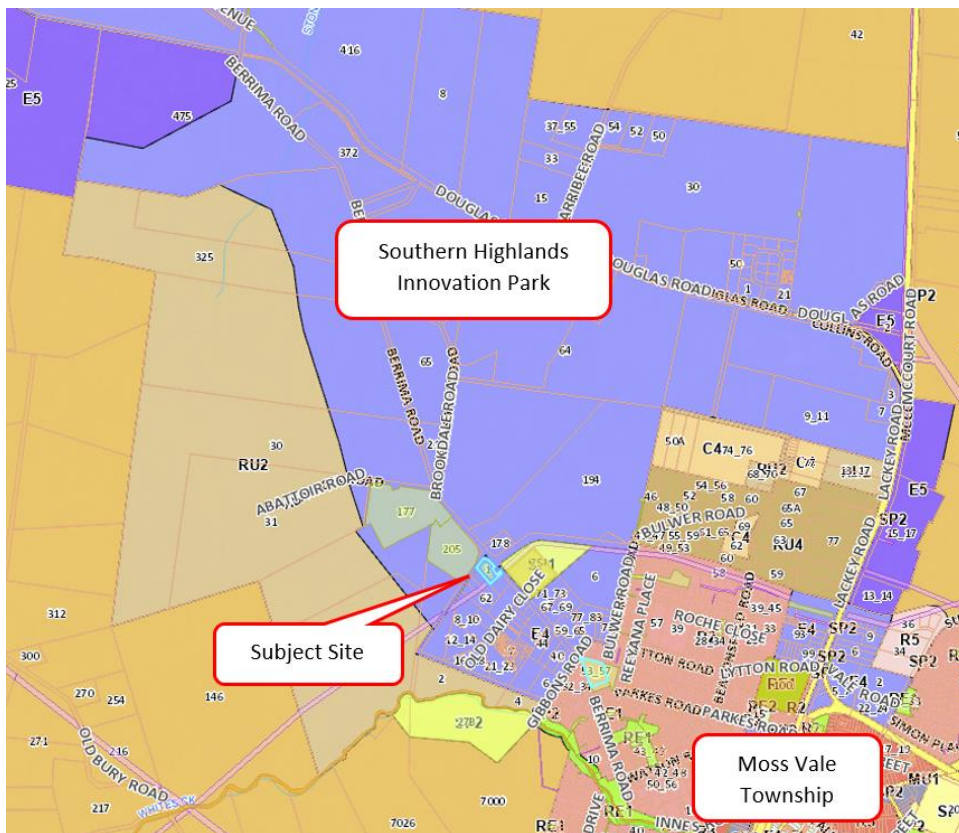


Figure 1 – Location & Zoning context for the subject land

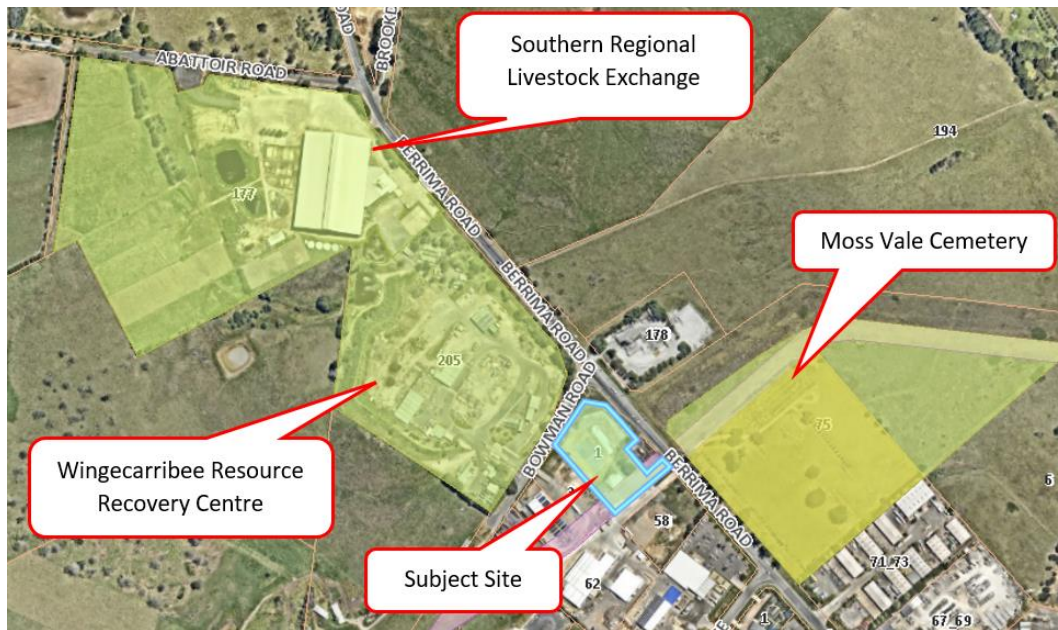


Figure 2 – Aerial view of the subject land and immediate surrounds

A current approval (DA 23/1087) applies to the land for the construction of two community facility buildings on the site, one being an animal shelter and the other a State Emergency Services (SES) facility. Both buildings are currently under construction. The proposed floor plan for the animal shelter building is indicated at **Figure 3** below and includes a ‘multi-purpose room’ of 25.78m².

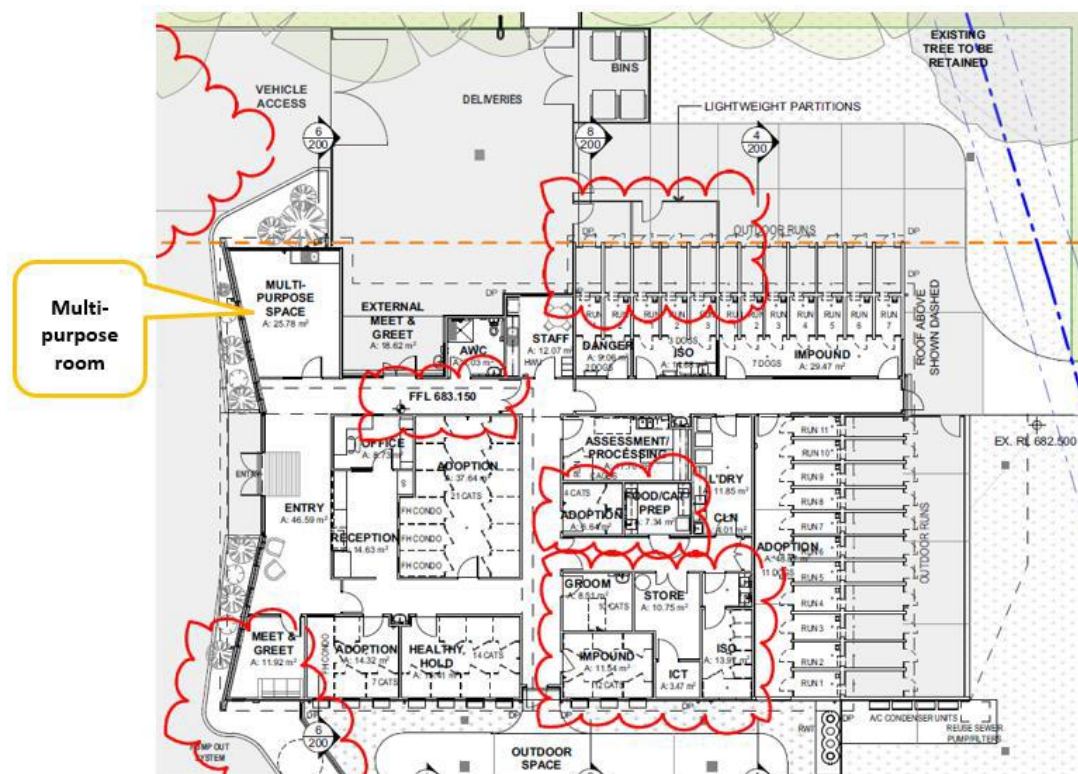


Figure 3 Floor Plan for animal shelter building

The multi-purpose room was incorporated into the design to create an opportunity for commercial activation of the site for the benefit of the broader community and for Council through the leasing of the designated space as an ‘ancillary’ use to the main purpose of the building, being the animal shelter. However, subsequent independent legal advice concluded that such a space could not be considered ‘ancillary’ and, therefore, it would be a separately defined land use under WLEP 2010.

The most appropriate land use definition was considered to be *business premises*, however *business premises* are currently prohibited in the E4 General Industrial zone under WLEP 2010. For Council to be able to consider a Development Application for a *business premises* on the site, that use must be permitted with consent on the site. The use of Schedule 1 of WLEP 2010, which enables additional permitted uses on a specific site, was considered the most appropriate pathway to enable such consideration, rather than an amendment to the E4 zone itself which would then apply to all land zoned E4 and not just the subject land.

The matter was considered at the Council Meeting of 20 March 2024 when it was resolved (*MN 2024/38*) as follows:

THAT The Planning Proposal to amend Schedule 1 (Additional Permitted Uses) of Wingecarribee Local Environmental Plan (WLEP) 2010 to permit with consent, a business premises at 1 Bowman Road Moss Vale, being Lot 2 DP 1249526, be supported and submitted for a Gateway Determination in accordance with s3.34 of the Environmental Planning & Assessment Act 1979.

CONSULTATION

Pre-lodgement Scoping Meeting

A Gateway determination to proceed with the Planning proposal was issued by the Department of Planning, Housing & Infrastructure (the Department) on 24 June 2024. The Gateway required referral to WaterNSW and the Rural Fire Service.

External Referrals

Referrals	Advice/Response/Conditions
WaterNSW	Water NSW had no objection to the Planning Proposal
Rural Fire Service	RFS raised no issues or concerns

Internal Referrals

Discussions among officers from Council’s Strategic Outcomes, Business and Property and Project Delivery teams were undertaken to determine how best to achieve the desired outcome of enabling *business premises* as permitted with consent on the subject site.

Public Exhibition

The Planning Proposal and supporting documentation were placed on Shire-wide public exhibition on the Participate Wingecarribee website and in Council’s libraries and at the Customer Experience counter from Wednesday 14 August to 11 September 2024. No submissions were received although

the Participate website page received 65 views. It is noted that any subsequent Development Application for *business premises* on the site would be further exhibited in accordance with Council's community engagement policy.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental impacts in relation to this report.

- **Social**

The proposed inclusion of a business premises would support the proposed community facility to the benefit of the community.

- **Broader Economic Implications**

The proposed inclusion of a business premises within the proposed community facility would provide commercial activation of the site within a broader economic zone.

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

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

RELATIONSHIP TO CORPORATE PLANS

No Corporate Plans are affected by this Planning Proposal.

COUNCIL BUDGET IMPLICATIONS

Positive budget outcomes could be achieved through leasing of the business premises.

RELATED COUNCIL POLICY

There are no related Council Policies

CONCLUSION

The purpose of this report is to seek to finalise a Planning Proposal which would enable Council to consider a Development Application for a business premises in a room specifically intended for that purpose within the new animal shelter building at 1 Bowman Road Moss Vale. Such a use would be consistent with the broader land uses of the area and could specifically enhance the community and commercial benefits of the animal shelter.

Finalisation of the Planning Proposal would occur through the Parliamentary Counsel's Office drafting a clause to include the subject land in Schedule 1 (Additional Permitted Uses) of the Wingecarribee Local Environmental Plan 2010 to enable business premises, with consent on land at 1 Bowman Road Moss Vale. The post-exhibition Planning Proposal is attached.

ATTACHMENTS

1. Planning Proposal-v 5-for Finalisation [5.2.1 - 22 pages]

6 DEVELOPMENT APPLICATIONS

6.1 24/1319 - Use of the existing dwelling house as a Group Home (transitional)- 2 Manor Rise, Bowral

Report Author: Senior Development Assessment Planner – Parin Kolbadi

Authoriser: Michael McCabe

PURPOSE

The purpose of this report is to consider Development Application 24/1319 for use of the existing dwelling house as a Group Home on Lot 12 DP 746488 known as 2 Manor Rise, Bowral for the Panel's consideration and recommends determination by REFUSAL of consent for the reasons specified in **Attachment 1**.

Applicant	Zone Planning NSW PTY LTD
Landowner	Sarina Rachel Zaja
Consultants	Zone Planning NSW, Harris Environmental
Notification Period	24/07/2024 – 9/08/2024 (17 days)
Estimated cost of development	\$ 0
Date Lodged	20/06/2024
Number of Submissions	Forty-four (44)
Zoning	RU4- Primary Production Small Lots
Political Donations	None declared
Reason for Referral to Panel	More than ten (10) submissions. Deemed refusal - Class 1 Appeal.
Assessment Officer	Parin Kolbadi

OFFICER'S RECOMMENDATION

- 1. THAT the Local Planning Panel determines development application 24/1319 for Use of the Existing Dwelling House as a Group Home (Transitional) on Lot 12 DP 746488 known as 2 Manor Rise, Bowral by REFUSAL for the reasons specified in Attachment 1 to this report.**
- 2. THAT Council advise those who made written submissions of the Panel's decision.**

EXECUTIVE SUMMARY

1. Executive summary

Development Application (DA) No. 24/1319 seeks consent for the use of an existing Dwelling House as a Group Home (Transitional), operating as a Health and Wellbeing Treatment Centre. The facility will serve as a Health and Wellbeing Recovery Retreat, accommodating up to 10 individuals for stays of up to 28 days.

The DA has been referred to the Development Engineers and Accredited Certifiers within Council, as well as to the Rural Fire Service under Section 100B of the Rural Fires Act 1991, classifying it as integrated development. Additionally, the application has been submitted to Water NSW for review in accordance with Chapter 6 of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021*.

The DA was notified to neighbouring properties between 24/07/2024 and 9/08/2024 in accordance with Council's Community Participation Plan, resulting in forty-four (44) submissions, all opposing the development. The concerns raised by residents included insufficient information on key matters such as traffic impacts, noise, safety, and security. Many submissions highlighted the potential adverse effects on the character of the neighbourhood, with particular emphasis on the loss of amenity. Concerns were also raised regarding unauthorized works on the site prior to obtaining Council approval. Council has acknowledged these issues and noted that further details from the applicant are necessary to address the concerns raised.

The proposal has been assessed using the heads of consideration listed in Section 4.15(1) of the Environmental Planning & Assessment Act 1979 and is considered unsatisfactory due to the insufficient information provided as part of the application to allow a full and proper assessment of the Development Application.

This DA is referred to the Local Planning Panel in accordance with the Minister's Direction as the DA received more than ten (10) submissions and also, in accordance with the Wingecarribee Local Planning Panel's adopted guidelines, is subject to a Class 1 Land and Environmental Court Appeal – for the deemed refusal of the Development Application.

2. Site Description and Locality

The subject site is located at 2 Manor Rise, Bowral and is legally described as Lot 12 in DP 746488, with a total area of 2.052 hectares. The site is irregular in shape and positioned on the corner of Manor Rise and Kimberley Drive, with a 185.38 metre frontage to Kimberley Drive and a 121.28 metre frontage to Manor Rise.

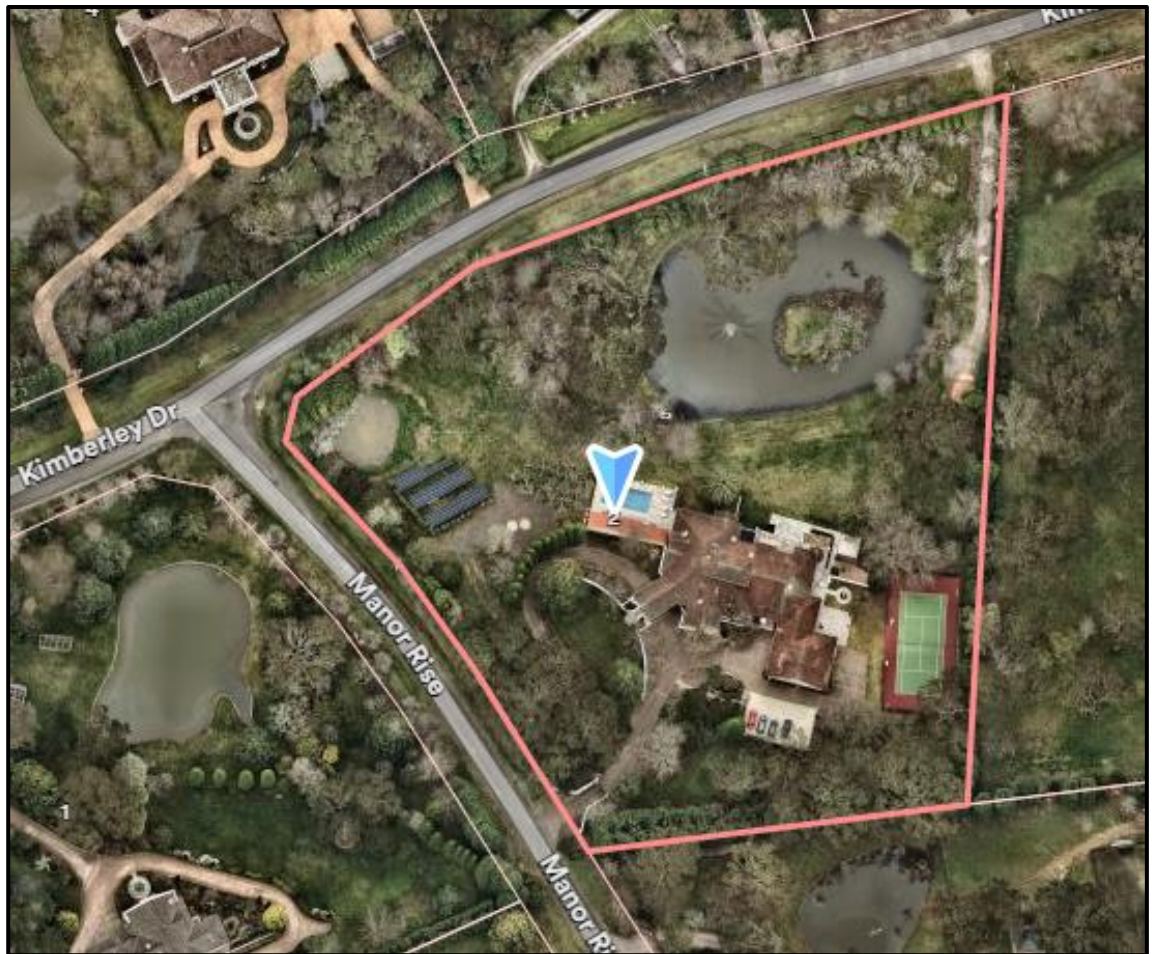


Figure 1 Aerial photograph of subject site.
Source: nearmap.com.au, 25 Aug 2024

The site falls from east to west and contains an existing dwelling house, swimming pool and tennis court. The site is mapped as bushfire-prone land and is classified as Biodiversity Value Land. It features a mix of native and non-native vegetation, set within a landscaped environment that includes garden beds, lawn areas, stands of trees and two dams.

The Deposited Plan for the subject site (Lot 12 DP 746488) indicates that the site benefits from a 5-metre-wide easement to drain water. Additionally, the 88B Instrument contains a restriction stating that no more than one main building may be erected on each lot and that it must be used solely for a single private dwelling house. However, this restriction was not imposed by Wingecarribee Shire Council and benefits every other lot in the original subdivision (Lots 6-19 inclusive).

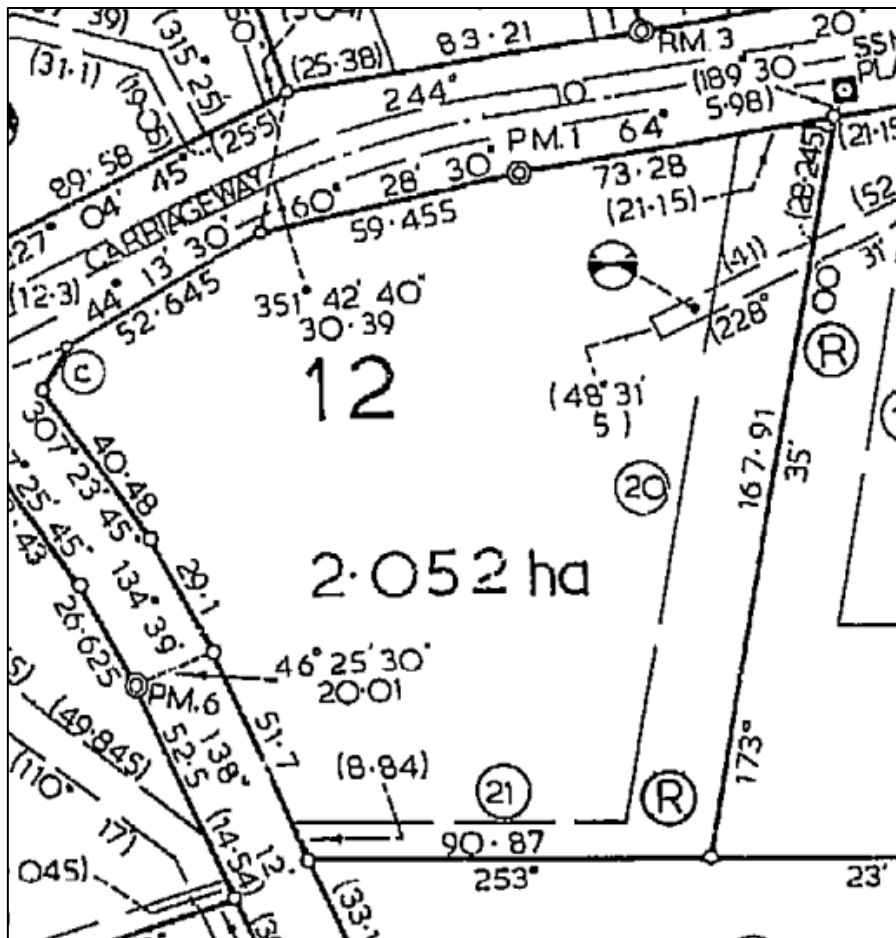


Figure 2 Extract of Deposited Plan.
Source: Council's mapping system - Geocortex



Figure 3: Site entrance - View facing Manor Rise from the subject property.
Source: Site inspection 27 August 2024



Figure 4: View of Existing House from Northern Boundary.
Source: Site inspection 27 August 2024



Figure 5: Primary entrance to the building
Source: Site inspection 27 August 2024



Figure 6: Current parking configuration.
Source: Site inspection 27 August 2024

The site and its surroundings are rural in character, located approximately 5 km east of the Bowral town centre. The adjoining lands are zoned RU4 – Primary Production Small. Existing development within the general locality consists of single dwelling houses with ancillary buildings or structures on larger allotments.

**AGENDA OF THE LOCAL PLANNING PANEL
WEDNESDAY 23 OCTOBER 2024**

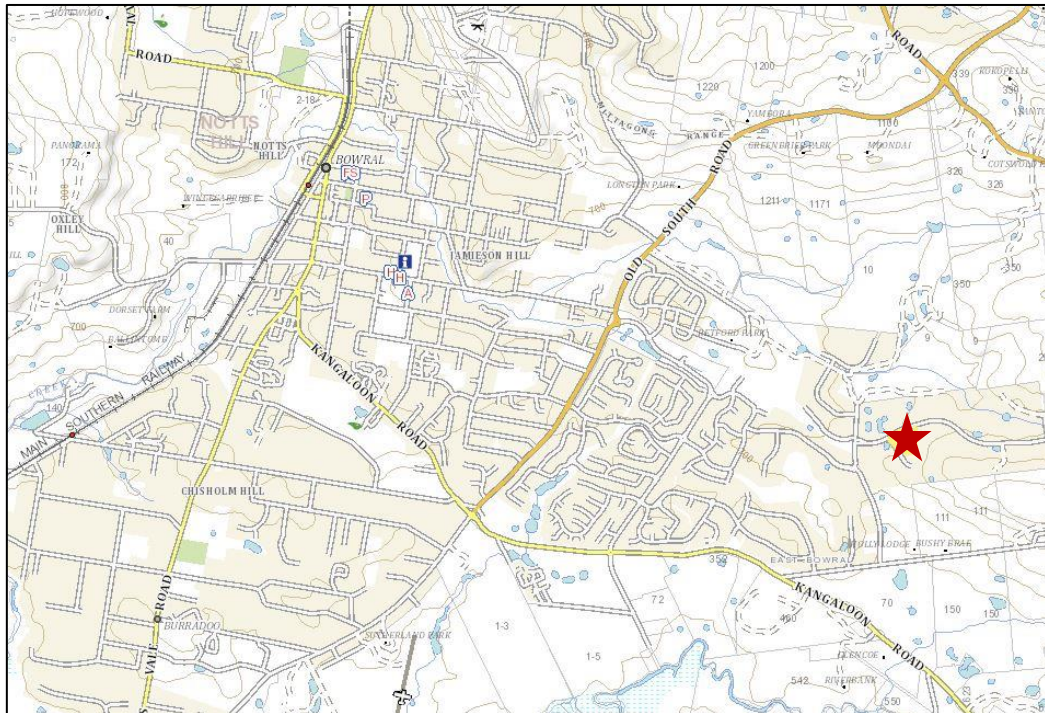


Figure 7: Locality Map
Source: NSW Planning Portal Spatial Viewer

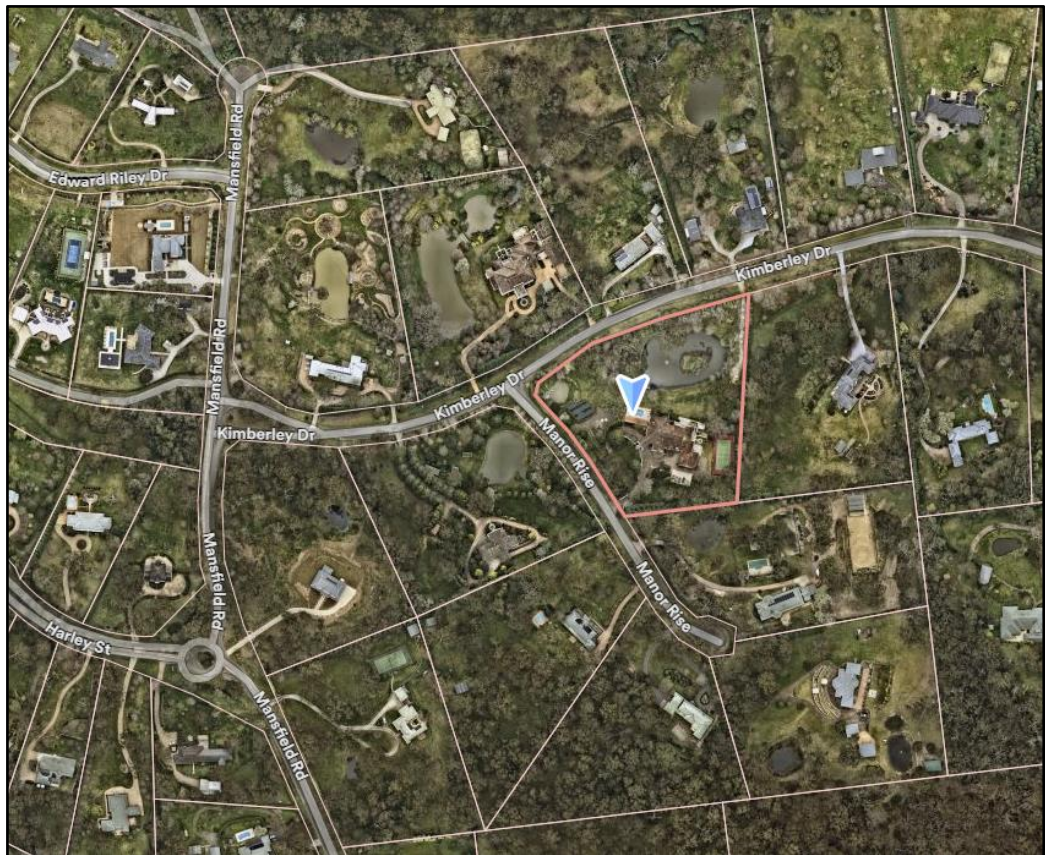


Figure 8: Aerial photograph of locality showing surrounds.
Source: nearmap.com.au, 25 Aug 2024

3. Proposed Development

Development consent is sought for a change of use of the existing dwelling house to a Group Home (Transitional) to operate as a Health and Wellbeing Treatment Centre. The property consists of a part two- and part three-storey dwelling house with nine bedrooms, five bathrooms, living spaces, and indoor and outdoor recreation facilities.

The Transitional Group Home will function as a Health and Wellbeing Recovery Retreat Centre, accommodating up to 10 persons for stays of up to 28 days. The existing dwelling has controlled (i.e. gated) access from Manor Rise and provides parking for 13 cars, with designated undercover and open parking spaces, which will be utilised for the proposed use.

The development application was not accompanied by a plan of management or any specific details on how the development will operate (e.g. hours of operation, staffing, programs/activities to be undertaken, etc).



Figure 8: Site and floor plans
Source: Zone Planning NSW

4. Notification

The DA was notified to surrounding neighbours from 24/07/2024 to 9/08/2024, in accordance with Council’s Community Participation Plan, resulting in forty-four (44)

submissions being received, all of which opposed the development. The details of these submissions are discussed later in this report.

5. Planning Assessment

5.1 Environmental Planning and Assessment Act 1979

5.1.1 Section 4.46 - Integrated development

Section 4.46 EP&A Act provides that Integrated development is development that, in order for it to be carried out, requires development consent and one or more other approvals.

The proposed development is development of bush fire prone land for a special fire protection purpose and is therefore integrated development and requires approval under the Rural Fires Act 1997. The application was referred to the NSW Rural Fire Service (RFS). In response, RFS made no objection and supported the application, subject to General Terms of Approval.

5.1.2 Section 4.15 - Matters for consideration

The site was inspected on 27 August 2024 and the proposal has been assessed under the relevant matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

- Section 4.15(a)(i) - any environmental planning instrument

An assessment has been undertaken against each of the applicable environmental planning instruments (EPI's).

State Environmental Planning Policy (Resilience and Hazards) 2021– Chapter 4

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.

It is noted that the NSW list of contaminated sites and list of notified sites published by the EPA does not identify the site as being contaminated, nor has previous record of contamination in Council's system. Past air photos seem to indicate that the land has been used for residential purposes in its history. On this basis, it can be concluded that the land is not potentially contaminated and therefore no further assessment of contamination is required.

State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 6

Chapter 6 of the Biodiversity & Conservation SEPP contains provisions replacing the former SEPP (Sydney Drinking Water Catchment) 2011.

The site is located within the Sydney Drinking Catchment; therefore, consideration of this SEPP applies to the assessment of the application. Since the development falls under Module 5 of the NorBE Guidelines, the application was referred to Water NSW for concurrence. Water NSW has advised that insufficient information was provided with the

application to enable an adequate assessment of the probable effects of the development on water quality and requested the following information be submitted:-

- Confirmation of how wastewater will be sustainably managed onsite based on wastewater loads from total (9) bedrooms with a copy of the previous Approval to Operate for the onsite wastewater management system.
- A site and development-specific wastewater report that identifies site constraints, proposed wastewater flows / loads, specifies the type of system to be utilized and the size and location of the effluent management area, meets buffer distances, provides relevant soils and climate information and also addresses other Water NSW specific requirements. Of particular concern is the large number of existing bedrooms and the waterbody located within the property directly adjacent to the dwelling.

A request for additional information was uploaded to the NSW Planning Portal on 25 September 2024. As of the date of this report, no response or further information has been received. Consequently, an adequate assessment of the impact of the development on water quality remains undetermined.

State Environmental Planning Policy (Housing) 2021 - Chapter 3 Diverse housing - Part 2 group homes

Group homes provide temporary or permanent accommodation for people with a disability or people that are socially disadvantaged. The planning provisions for group homes were transferred from the *State Environmental Planning Policy (Affordable Rental Housing) 2009* (ARHSEPP) to the Housing SEPP when it was made in November 2021. The proposed application has been made for Development Consent under the provision of this SEPP.

Under the Standard Instrument a “group home (transitional) or transitional group home” means

“a dwelling—

(a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and

(b) that is used to provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation purposes, or that is used to provide half-way accommodation for persons formerly living in institutions or temporary accommodation comprising refuges for men, women or young people,

but does not include development to which State Environmental Planning Policy (Housing) 2021, Chapter 3, Part 5 applies.

Note—

Transitional group homes are a type of group home—see the definition of that term in this Dictionary.”

Whilst the Statement of Environmental Effects, submitted with the DA, refers to the proposal as a “transitional group home”, providing “health and wellbeing treatment”, insufficient detail has been supplied with the Application to demonstrate how the proposed development

meets the above definition, particularly a plan of management or social impact assessment detailing the rehabilitation measures that will be provided and how this will be carried out on site.

Section 60- Definitions

Section 60 of Housing SEPP permits Group Homes either under prescribed zones or any other zone in which development for the purposes of Dwelling Houses or multi dwelling housing may be carried out with or without Consent under an environmental planning instrument.

The subject property is zoned RU4 – Primary Production Small Lots under the Wingecarribee Local Environmental Plan 2010 (WLEP 2010). While Group Homes are prohibited under the RU4 zone in the WLEP 2010, Dwelling Houses are permissible. As a result, the proposed development is considered permissible under the Housing SEPP.

Section 61- Development in prescribed zones

(1) *Development for the purposes of a permanent group home or a transitional group home on land in a prescribed zone may be carried out*

- (a) without consent if the development does not result in more than 10 bedrooms being within 1 or more group homes on a site, and is carried out by or on behalf of a public authority, or
- (b) otherwise with consent.

The development is a Transitional Group Home consisting of nine bedrooms; however, it is not being carried out by or for a public authority or within a prescribed zone. Therefore, Development Consent is required.

Section 62- Determination of development applications

(1) *A consent authority must not*

- (a) refuse consent to development for the purposes of a group home unless the consent authority has made an assessment of the community need for the group home, or
- (b) impose a condition on a consent granted for a group home only because the development is for the purposes of a group home.

The SoEE Page 20 states:

“The proposed Transitional Group Home provides a critical facility within the social wellbeing of the community to enable occupants to receive health and wellbeing treatment within a homely environment and secluded location. Accordingly, the proposal is worthy of Council support and approval.”

The development application was not accompanied by a Social Impact Assessment or a Plan of Management. Therefore the proposed development application

lacks adequate documentation to demonstrate a need for the transitional group home within the community in the proposed location. It does not include an overview of local demographics to evaluate potential demand for the group home, information regarding existing services related to group homes in the area, or an identification of unmet needs.

Wingecarribee Local Environmental plan 2010 (WLEP)

The land is zoned RU4- Primary Production Small Lots under WLEP 2010. A “transitional group home” is prohibited in the RU4 zone. Notwithstanding, the proposed application has been made for Development Consent under the provisions of the Housing SEPP and as discussed earlier in this report the use is permissible under the provisions of that SEPP;

The objectives of the RU4 Primary Production zone are as follows:

- *To enable sustainable primary industry and other compatible land uses.*
- *To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To provide for a restricted range of employment-generating development opportunities that are compatible with adjacent or nearby residential and agricultural development.*
- *To avoid additional degradation or fragmentation of the natural environment caused by further clearing of native vegetation, high intensity development and land use.*
- *To maintain flora and fauna species and habitats, communities and ecological processes that occupy land in the zone, ensuring that development minimises any off and on site impacts on biodiversity, water resources and natural landforms.*
- *To conserve and enhance the quality of potentially valuable environmental assets, including waterways, riparian land, wetlands and other surface and groundwater resources, remnant native vegetation and fauna movement corridors as part of all new development and land use.*
- *To provide for the effective management of remnant native vegetation within the zone, including native vegetation regeneration, noxious and environmental weed eradication and bush fire hazard reduction.*

Insufficient information has been provided with the Development Application to demonstrate how the proposed development will be consistent with the objectives of the RU4 Primary Production Small Lots zone under WLEP 2010. In addition, no details have been provided on how potential land use conflicts will be managed and what impact primary production land uses in the area could have on the future occupants of the development.

Clause 5.11 Bushfire hazard reduction of WLEP2010

As discussed earlier in this report, The proposed development is development of bush fire prone land for a special fire protection purpose and is therefore integrated development and as it requires approval under the Rural Fires Act 1997. The application was referred to the NSW Rural Fire Service (RFS). as the site is bushfire prone and the proposal requires a

bushfire safety authority under S.100B of the Rural Fires Act 1997. In response, RFS made no objection and supported the application, subject to General Terms of Approval.

Clause 7.3 Earthworks of WLEP2010

Pursuant to Clause 7.3(2)(a), development consent is required if ground levels to be altered by more than 600mm. While the Statement of Environmental Effects claims that no physical works are proposed and the existing dwelling would be used as is, there is insufficient information to confirm the suitability of the current building and infrastructure for the proposed use. Therefore, it's not possible to definitively assess if any earthworks will be necessary.

Section 4.15(a)(ii) - any draft environmental planning instrument that is or has been placed on public exhibition

There are no draft EPI's relevant to the proposed development.

Section 4.15(a)(iii) – any development control plan

Rural Living Development Control Plan (DCP)

Section B2.8 of the Rural Living DCP contains the following controls for Group Homes (Permanent or Transitional):

- (a) That all relevant standards outlined by relevant state government authorities are incorporated into the design and construction of any group home.
- (b) That the impact on adjoining neighbours is taken into consideration in the design and siting of group homes.

Although no design or construction is proposed and the existing building on site would be occupied for the purpose of the transitional group home, the potential impact of the proposed group home on adjoining neighbours cannot be adequately determined due to several deficiencies in the application.

- **Social Impact Assessment:** A social impact assessment has not been provided considering all aspects of the proposal, including the site and its location to transport, services, shops and employment centres; the quality and appropriateness of the design and amenity of the dwelling for the proposed use; review of the applicant's policies and procedures related to delivery of support and facility management; and community need for a group home in the local area as per the requirements of the *Housing SEPP*.
- **Plan of Management and Safety Measures:** The absence of a management plan fails to outline how residents will be managed, how visitor policies will be enforced, or how noise and behavioural disturbances will be addressed. Additionally, no detailed security measures are provided beyond controlled access, leaving concerns about neighbourhood safety and the potential for increased crime or anti-social behaviour unaddressed.
- **Noise Impact:** No Noise Impact Assessment has been submitted to evaluate how noise from residents, staff, and service deliveries might affect neighbouring properties, making it impossible to assess the noise-related impact.
- **Traffic Impact:** The application lacks a Traffic Impact Assessment Statement, which is necessary to evaluate the effects of the development on local roads and the

transport network. Furthermore, insufficient information has been provided regarding parking, vehicle manoeuvrability, and compliance with council requirements.

The lack of these assessments hinders a comprehensive evaluation of the development's impact on adjoining neighbours and the surrounding community.

Section (ilia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

There are no planning agreements relevant to the proposed development.

Section 4.15(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

The development involves a change of use from a single Dwelling House to a Group Home and therefore the provisions of Section 62 of the Environmental Planning and Assessment Regulation 2021 are relevant to the proposal.

The Wingecarribee Local Planning Panel, as the consent authority for this application must:

“(a) consider whether the fire protection and structural capacity of the building will be appropriate to the building’s proposed use, and

(b) not grant consent to the change of building use unless the consent authority is satisfied that the building complies, or will, when the development is completed, comply, with the Category 1 fire safety provisions that are applicable to the building’s proposed use.”

The application has been referred to the Council’s certifier, who has requested the following information to be provided.

- A BCA compliance report by a third-party Accredited Certifier (Suitably qualified A2) indicating the plans can comply with NCC Volume One 2022. This should be done prior to the approval of the of the DA as significant changes may be required including performance-based solutions to comply with the NCC Vol One 2022.
- An Accessibility Report addressing compliance of the proposed development in accordance with the NCC Vol 1, AS 1428.1 and the premises standard.
- A fire safety design prepared by a competent fire safety practitioner/designer indicating proposed fire safety measures to be installed in the building.
- A class 3 building located in an area subject to a Bushfire Attack Level (BAL) exceeding BAL 12.5 would need to comply with the Performance requirement G5P2 by means of a Performance solution.

A request for additional information was uploaded to the NSW Planning Portal on 25 September 2024. As of the date of this report, no response or further information has been provided.

In addition to the above, the Environmental Planning and Assessment Regulation 2021 (Regulation) requires certain development applications to be submitted in an approved form. This approved form is defined in Schedule 7 of the Regulation as a form sanctioned by the Planning Secretary and published on the NSW Planning Portal.

The list of mandatory documents and drawings that constitute the approved form was published in March 2022. The plans submitted with the application do not conform to this approved form.

5.1.2.5 Section 4.15 (1)(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Social and Economic Impacts

The proposed development of a group home on the subject site has been reviewed with regard to its potential social and economic impacts on the surrounding neighbourhood. Upon assessment, several deficiencies have been identified in the application, which raise concerns regarding the development's compatibility with the local area.

- *Social Impact Assessment*

Identifying and understanding social impacts helps to inform responses that aim to avoid, mitigate or reduce negative impacts and enhance positive impacts. The proposed development does not include an analysis of the project and the potential change that it will bring to the surrounding community. An SIA, which identifies, predicts and evaluates likely social impacts should be provided with the subject application to allow a full and proper assessment of the DA.

- *Plan of Management and Safety and Security Measures*

No plan of management has been submitted as part of the development application to outline how the group home will be operated, including the services that the development will provide, how staff will manage residents, visitor policies and responses to potential issues such as noise or behavioural disturbances. Also, the application does not provide sufficient information on how the development will ensure the safety and security of the surrounding neighbourhood other than a controlled access. Without a detailed plan on security measures the proposal fails to demonstrate that the development will not adversely affect the safety and well-being of nearby residents. This raises concerns regarding the potential increase in crime or anti-social behaviour, undermining the amenity of the neighbourhood.

- *Noise Impact Assessment*

The application has not included a Noise Impact Assessment to assess the potential impact of noise generated by the group home on neighbouring properties due to resident movement, staff operations and service deliveries.

- *Traffic and Parking Impact Assessment Statement*

Insufficient information has been provided in regard to the following:

- Traffic Impact Assessment Statement (TIS) is required to assess the potential effects of the development on the operation of roads and transport network. Furthermore, insufficient information has been provided regarding parking, vehicle manoeuvrability, and compliance with council requirements. The Traffic Impact Assessment Statement shall follow Section 7 Traffic from Engineering Design Specification D01 Development.

- Swept paths to demonstrate the viability of the pick-up and drop-off arrangement, including the manoeuvring of the turning circle and into the nominated parking spaces are required. This is to ensure vehicles can enter and exit the site in a forward direction.

Impacts on the Built Environment

While the SoEE indicates that no physical works are proposed and the intended use would take place in the existing dwelling house, the application fails to provide sufficient information to verify the suitability of the current building and infrastructure for the proposed use.

The absence of a BCA report, fire safety design, accessibility assessment, and traffic and parking assessment report creates uncertainty regarding compliance and infrastructure capacity.

As a result, the potential impacts on the built environment remain uncertain due to the lack of comprehensive documentation provided with the application.

Impacts on the Natural Environment

Under the Biodiversity Conservation Act 2016, all proposed developments must be assessed to determine if they are “likely to significantly affect threatened species”. All developments that will either directly or indirectly affect native vegetation or known threatened species habitats will require a biodiversity impact assessment to be submitted with the development application.

The subject site is affected by the Biodiversity Values Map. Page 6 of the SoEE states that “*The subject site is planted with a mix of native vegetation and non-native plantings within a landscape setting of garden beds, lawn areas and stands of trees. The site is occupied by two dams which are ornamental water features.*” Also, page 12 of the SoEE states that “The proposed use of the site will have no impact on the vegetation”.

The proposal doesn’t involve any vegetation removal; However, there has been no Biodiversity Assessment Report (BAR) submitted as part of the DA to assess the potential impacts (e.g. increased human activity, noise, light and movement).

Additionally, as discussed earlier in this report, insufficient information was provided with the application to enable an adequate assessment of the probable effects of the development on water quality. As a result, the potential impacts on the natural environment cannot be determined.

5.1.2.6 Section 4.15(1)(c) the suitability of the site for the development

The proposed group home is situated within an established residential area. As discussed throughout this report, the application lacks sufficient information regarding potential impacts on water quality, biodiversity, and the amenity of neighbouring properties, particularly concerning safety, security, noise, light, and traffic generation. Based on these deficiencies, the site is considered unsuitable for the proposed development.

5.1.2.7 Section 4.15(1)(d) any submissions made in accordance with this act or the regulations

**AGENDA OF THE LOCAL PLANNING PANEL
WEDNESDAY 23 OCTOBER 2024**

Public Submissions

The application was exhibited from 24/07/2024 – 9/08/2024, in accordance with the provisions of the WSC Community Participation Plan. 44 submissions were received. The matters raised during the exhibition period have been detailed in the table below.

Concerns	Council Response
<p>Social Impact</p> <ul style="list-style-type: none"> - Safety and security of surrounding residents, - Inadequate security measures 	<ul style="list-style-type: none"> - The application lacks sufficient information including a social impact assessment and plan of management. There are no details around the operation of the group home, including staff responsibilities, visitor policies, and handling potential issues like behavioural disturbances. It also doesn't provide enough information on safety measures for the surrounding neighbourhood, aside from controlled access. Without a comprehensive plan of management, the proposal fails to show that it won't negatively impact the safety and well-being of nearby residents, raising concerns about potential increases in crime or anti-social behaviour, which could harm the neighborhood's amenity.
<p>Traffic and roads</p> <ul style="list-style-type: none"> - Insufficient car parking spaces - Unacceptable traffic encroachment - Existing potholes on the roads in the area 	<ul style="list-style-type: none"> - The application lacks sufficient information. Traffic Impact Assessment Statement (TIS) and is required to assess the potential effects of the development on the operation of roads and transport network. - Insufficient information was provided to adequately demonstrate that the proposed amount of parking to be provided on the site (13) can accommodate the use. Further that the internal configuration is satisfactory. - Existing potholes on the roads in the area are not relevant matters for consideration under Section 4.15 of the EP&A Act 1979 for this development application.

<p>Unauthorised work and use of the facility</p> <ul style="list-style-type: none"> - The facility is operating without Council approval. - The facility is accepting reservation via website - Extensive building works and vegetation removal have taken place over the past few months. 	<ul style="list-style-type: none"> - Unauthorised work and use of the facility have been referred to Council's compliance and regulation department.
<p>Notification of DA</p> <ul style="list-style-type: none"> - Many residents did not receive the notification letter 	<ul style="list-style-type: none"> - The DA has been notified in accordance with Council's Community Engagement Plan. This included letters to the required properties and notice on Council's online application tracker.
<p>Wastewater</p> <ul style="list-style-type: none"> - If the existing infrastructure is sufficient for the proposed use 	<ul style="list-style-type: none"> - The DA lacks sufficient information on required services. Additional information regarding the sustainable management of onsite wastewater was requested to be provided. However, as of the date of this report, no response or further information has been provided.
<ul style="list-style-type: none"> - No assessment of the community need, impact on the neighbouring community, BCA requirements, parking, biodiversity. - Inconsistencies between the information provided in SoEE and the proprietor's website in terms of the length of the stay. 	<ul style="list-style-type: none"> - The DA lacks sufficient information about the concerns raised. - In regard to inconsistencies between the information in the SoEE and the proprietor's website, if consent is granted, the applicant will be required to adhere to the conditions of consent, specifically addressing discrepancies related to the length of stay.
<p>Zoning and Land Use Violations</p> <ul style="list-style-type: none"> - The WLEP 2010 prohibits the proposed use of RU4 land, and SEPP housing 2021 does not override this. - A clear violation of the uses allowed under the RU4 zoning in Wingecarribee Shire. 	<ul style="list-style-type: none"> - Insufficient detail has been provided to demonstrate that the proposed development meets the definition of a transitional group home. - The subject property is zoned RU4 – Primary Production Small Lots under the WLEP 2010. While Group Homes are prohibited under the WLEP 2010,

**AGENDA OF THE LOCAL PLANNING PANEL
WEDNESDAY 23 OCTOBER 2024**

<ul style="list-style-type: none"> - The actual intention for the property is clearly a hybrid Medical Facility/Wellness Retreat/Luxury Hotel. - a commercial facility in a purely residential area. - Development does not fit the category of Group Home. - We have not been advised of this proposed significant change in residential zoning 	<p>Dwelling Houses are permissible. As a result, the proposed development is considered permissible under the Housing SEPP. Insufficient information has been provided to demonstrate that the proposed development would be commensurate with the objectives of the zone and that any potential land use conflicts could be mitigated/avoided.</p> <ul style="list-style-type: none"> - The description of the proposal within the Statement of Environmental Effects submitted with the application is for a Group Home (Transitional) to operate as a Health and Wellbeing Treatment Centre. If consent is granted, the applicant will be required to adhere to the conditions of consent for the use of the facility as a group home.
<p>Impact on the amenity and environment</p> <ul style="list-style-type: none"> - Bushfire risk and requirements for construction in bushfire-prone lands and evacuation processes. - Increase in noise. - Light pollution (lights will be on 24/7). - Loss of quiet ambiance in a neighborhood of family units and retirees. 	<ul style="list-style-type: none"> - The application was accompanied by a Bushfire Assessment report. The application was referred to the NSW Rural Fire Service (RFS) as the site is bushfire prone and the proposal requires a bushfire safety authority under S.100B of the Rural Fires Act 1997. In response, RFS made no objection and supported the application, subject to General Terms of Approval. - Insufficient information has been provided to demonstrate whether the fire protection and structural capacity of the building will be appropriate for the building's proposed use. - The application lacks sufficient information regarding the concerns raised about noise and light pollution, as well as the amenity of the neighbourhood.
<p>Other</p> <ul style="list-style-type: none"> - potential for this being a precedent for possible future similar commercial developments within the residential community. - A lack of transparency in the 	<ul style="list-style-type: none"> - The potential for this development to set a precedent for future similar developments is not applicable. Any future application will be assessed on its own merits, in line with the provisions of

<p>approval process</p> <ul style="list-style-type: none"> - Concerns raised regarding the owner of the property and the applicant - Negative impact on property values and insurance costs. - High rate of the properties in the area 	<p>section 4.15 of the EP&A Act.</p> <ul style="list-style-type: none"> - Concerns raised regarding the owner of the property and the applicant are not relevant matters for consideration under Section 4.15 of the EP&A Act 1979. - Rates of the properties, impacts to land or home values and insurance costs are not relevant matters for consideration under Section 4.15 of the EP&A Act 1979.
---	---

- Section 4.15(1)(e) the public interest

The public interest is best served by the consistent application of the requirements of relevant environmental planning instruments and by Council ensuring that any adverse effects on the surrounding area and the environment is minimised. The proposal has been assessed against the relevant planning instruments and taking into consideration all the reasons outlined in this report, the proposal is not considered to be in the public interest.

6. Other matter for consideration

Sections 64 & 7.11 & 7.12 – Local Infrastructure Contributions

Development contributions are not applicable as the proposal does not involve the addition of any new dwellings. Section 7.12 contributions are not applicable as the proposal does not exceed the relevant cost of works threshold for contributions. However, this may change if upgrades to the building are required to comply with Section 62 of the Environmental Planning and Assessment Regulation 2021.

7. Referral Comments

Accredited Certifiers: Requested that the following additional information be provided:

- A BCA compliance report by a third-party Accredited Certifier (Suitably qualified A2) indicating the plans can comply with NCC Volume One 2022. This should be done prior to the approval of the of the DA as significant changes may be required including performance-based solutions to comply with the NCC Vol One 2022.
- An Accessibility Report addressing compliance of the proposed development in accordance with the NCC Vol 1, AS 1428.1 and the premises standard.
- A fire safety design prepared by a competent fire safety practitioner/designer indicating proposed fire safety measures to be installed in the building.
- A class 3 building located in an area subject to a Bushfire Attack Level (BAL) exceeding BAL 12.5 would need to comply with the Performance requirement G5P2 by means of a Performance solution.

Development Engineers:

- Applicant to provide Traffic Impact Assessment Statement (TIS) to assess the potential effects of the development on the operation of roads and transport network. The Traffic Impact Assessment Statement shall follow Section 7 Traffic from Engineering Design Specification D01 Development.
- The applicant has nominated 13 parking spaces. The Rural Living DCP for RU4 zone and RTA Guide for Traffic Generating Developments will need to be considered for the parking rate. Applicant will have to demonstrate that the existing parking rate can accommodate the change of use in accordance with Council's DCP and other relevant documentation.
- The current pick-up and drop-off arrangement was discussed to be not ideal. Applicant to provide swept paths to demonstrate the viability of the pick-up and drop-off arrangement, including the manoeuvring of the turning circle and into the nominated parking spaces. This is to ensure vehicles can enter and exit the site in a forward direction.
- Concept stormwater management plan has not been addressed. Applicant to provide engineering details that the stormwater disposal from the development site is complying with Section A9.8 under Rural Lands DCP.

Water NSW:

- Confirmation of how wastewater will be sustainably managed onsite based on wastewater loads from total (9) bedrooms with a copy of the previous Approval to Operate for the onsite wastewater management system.
- A site and development-specific wastewater report that identifies site constraints, proposed wastewater flows / loads, specifies the type of system to be utilized and the size and location of the effluent management area, meets buffer distances, provides relevant soils and climate information and also addresses other Water NSW specific requirements. Of particular concern is the large number of existing bedrooms and the waterbody located within the property directly adjacent to the dwelling.

NSW Rural Fire Service:

RFS issued the concurrence subject to General Terms of Approval.

8. 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. The development is unsatisfactory in light of the above discussed reasons and is recommended for a refusal of development consent for the reasons in attachment 1..:

1. Draft Recommendation and Reasons for Refusal. _ [6.1.1 - 3 pages]
2. Referral Information [6.1.2 - 10 pages]
3. CONFIDENTIAL REDACTED - Submissions [6.1.3 - 147 pages]

6.2 24/1487 - 40 lot Torrens Title subdivision and associated works including earthworks, construction of two roads and a stormwater detention basin and landscaping - 159 Railway Avenue, Bundanoon

Report Author: Senior Development Assessment Planner
Authoriser: Michael McCabe

PURPOSE

The purpose of this report is to consider Development Application No. 24/1487 for the Panel's consideration and recommends determination by REFUSAL.

Applicant	Colliers International Engineering & Design (NSW) Pty Limited
Landowner	SH 2578 Pty Ltd
Zoning	R2 Low Density Residential & C4 Environmental Living
Date Lodged	17 June 2024
Proposed Development	40 lot Torrens Title subdivision comprising 38 residential lots and two (2) lots for public infrastructure, and associated works including earthworks, construction of two roads and a stormwater detention basin and landscaping
Estimated Development Cost	\$3,948,098
Notification Period	First Notification: 8 July 2024 to 6 August 2024 (29 days) Second Notification: 15 July 2024 to 14 August 2024 (30 days)
Number of Submissions	First Notification: 5 in objection (none in support) Second Notification: 18 in objection (none in support)
Political Donations	None declared
Reason for Referral to Panel	Development that is the subject of 10 or more unique submissions by way of objection – Class 1 deemed refusal lodged by Applicant 12/09/2024.

OFFICER'S RECOMMENDATION

- 1. THAT the Local Planning Panel refuse Development Application No. 24/1487 for a 40 Lot Torrens Title Subdivision comprising 38 Residential Lots and Two (2) Lots for public infrastructure, and associated works including earthworks, construction of two roads and a stormwater detention basin and landscaping, at 159 Railway Avenue, Bundanoon, subject to the reasons detailed in Attachment 1 of this report.**
- 2. THAT Council advise those who made written submissions of the Panel's decision.**

EXECUTIVE SUMMARY

1. Executive summary

Development application (DA) No 24/1487 seeks development consent for a 40 lot Torrens Title subdivision, comprising 38 residential lots and two (2) lots for public infrastructure, and associated works including earthworks, construction of two roads and a stormwater detention basin and landscaping at 159 Railway Avenue, Bundanoon.

The DA has been referred to several officers within Council, including the Development Engineers, Environmental Health Officer, Ecologist and Strategic Planner. The DA has also been referred externally to the NSW Department of Planning and Environment – Water, NSW Rural Fire Service, Water NSW, Endeavour Energy and the Australian Rail Track Corporation (ARTC).

The owners of adjoining and affected neighbouring properties were notified of the proposed development in accordance with Council's Community Engagement Strategy. The first notification period was from 8 July 2024 to 6 August 2024 (29 days) and the second notification period from 15 July 2024 to 14 August 2024 (30 days), to comply with Council's Community Engagement Strategy. A total of 23 submissions were received from the notification / advertising process (i.e. 5 in objection from the first notification period and 18 in objection from the second notification period, with none in support).

The proposal has been assessed using the heads of consideration listed in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* and is recommended for refusal subject to the reasons listed in **Attachment 1**.

2 Site Description and Locality.

- The subject site is legally described as Lot 2 DP 304969 and known as 159 Railway Avenue, Bundanoon.
- The subject site is an irregularly shaped lot with a total area of approximately 24.67ha.
- The subject site is undulating, generally falling from the north-west to south-east at an average grade of approximately 9%.
- The subject site comprises approximately 5.14ha of native vegetation and contains several unnamed Category 3 watercourses comprising riparian land.
- The subject site contains two (2) dwelling houses and associated structures including sheds and an on-site sewage management system.
- The subject site is partially zoned R2 Low Density Residential and partially zoned C4 Environmental Living.
- The majority of the subject site is identified as bush fire prone land.
- The subject site has frontage to Railway Avenue. Existing access is via a single gravel driveway from Railway Avenue that travels along the western boundary of the site.
- The subject site is not currently serviced by reticulated sewer and water.
- The subject site adjoins land zoned R2 Low Density Residential (to the north and west), R5 Large Lot Residential (to the south), RE1 Public Recreation (to the south), RU4 Primary Production Small Lots (to the east) and C1 National Parks and Nature Reserves (to the south-east).
- Bundanoon's existing residential area adjoins the subject site to the west. To the north, the subject site is bounded by Railway Avenue and the Main Southern Railway line. Adjacent to the site's south-east boundary is Morton National Park. To the east of the site is land containing rural-residential and rural uses.



Figure 1: Aerial Image

3 Background

Date(s)	Action(s)
17/06/2024	Development Application (DA) lodged with Council.
04/07/2024	<p>Council referred the DA to:</p> <ul style="list-style-type: none"> ▪ Development Engineer ▪ Water & Sewer Engineer ▪ Environmental Health Officer ▪ Ecologist ▪ Strategic Planner ▪ NSW Department of Planning and Environment – Water ▪ NSW Rural Fire Service ▪ Water NSW ▪ Endeavour Energy ▪ ARTC <p><u>Note:</u> Refer to Section 9 of this report for final referral comments.</p>
08/07/2024 06/08/2024	– The DA was advertised in accordance with Council’s Community Engagement Strategy for a period of 29 days. This included notifying the owners of adjoining and affected neighbouring properties, an advertisement on Council’s website and a sign on the development site in a prominent

**AGENDA OF THE LOCAL PLANNING PANEL
WEDNESDAY 23 OCTOBER 2024**

	location.
15/07/2024 – 14/08/2024	The DA was re-advertised to comply with Council's Community Engagement Strategy for a period of 30 days. This included notifying the owners of adjoining and affected neighbouring properties, an advertisement on Council's website and a sign on the development site in a prominent location.
12/09/2024	Proceedings were commenced by SH 2578 Pty Ltd in Class 1 of the Land and Environment Court's jurisdiction appealing against the Council's deemed refusal of the DA.
13/09/2024	Additional information provided by applicant and issued to NSW Department of Planning and Environment – Water, NSW Rural Fire Service and Water NSW.

4 Proposed Development

The proposal seeks approval for a 40 lot Torrens Title subdivision, comprising 38 residential lots and two (2) lots for public infrastructure, and associated works including earthworks, construction of two roads and a stormwater detention basin and landscaping.

Vehicular and pedestrian access to the development is proposed from Railway Avenue via two (2) local roads, both 18 metres in width. The new roads would result in two (2) new intersections at Railway Avenue.

In relation to stormwater infrastructure, it is proposed to construct a combined on-site detention (OSD) and bio-retention basin within proposed Lot 217, to be dedicated to Council.

In relation to vegetation clearing, the proposal involves 'impacts' to approximately 1.36ha of native vegetation. The applicant has noted that the large majority of this 1.36ha is not intended to be 'cleared', but rather, 'managed' in order to facilitate asset protection zones for future dwellings. This would involve the removal of understorey growth whilst retaining all existing trees, except for the five trees proposed for removal to facilitate the construction of the roads.

The development is proposed to occur over four (4) stages, as set out below:

• Stage 1:

- o Torrens title subdivision of one lot into three lots, made up of two residential lots (with each to contain one of the existing dwellings) and one residue lot (Lot 103).
- o Demolition of a shed.

• Stage 2:

- o Subdivision of Residue Lot 103 into:
 - 17 residential lots.
 - Two residue lots (Lots 219 and 220) for further subdivision under future stages.
 - Two lots for dedication to Council, being Lots 217 and 221, to contain a stormwater basin and sewer pump station, respectively.
- o Construction of one local road, one 6m shared accessway, and one stormwater detention and treatment basin.
- o Installation of associated infrastructure and services including a sewer pump station.
- o Associated earthworks and landscaping.

**AGENDA OF THE LOCAL PLANNING PANEL
WEDNESDAY 23 OCTOBER 2024**

- Stage 3:
 - o Subdivision of Residue Lot 219 into 14 residential lots.
 - o Construction of one local road.
 - o Installation of associated infrastructure and services.
 - o Associated earthworks and landscaping.
- Stage 4:
 - o Subdivision of residue Lot 220 into five residential lots.
 - o Installation of associated infrastructure and services.

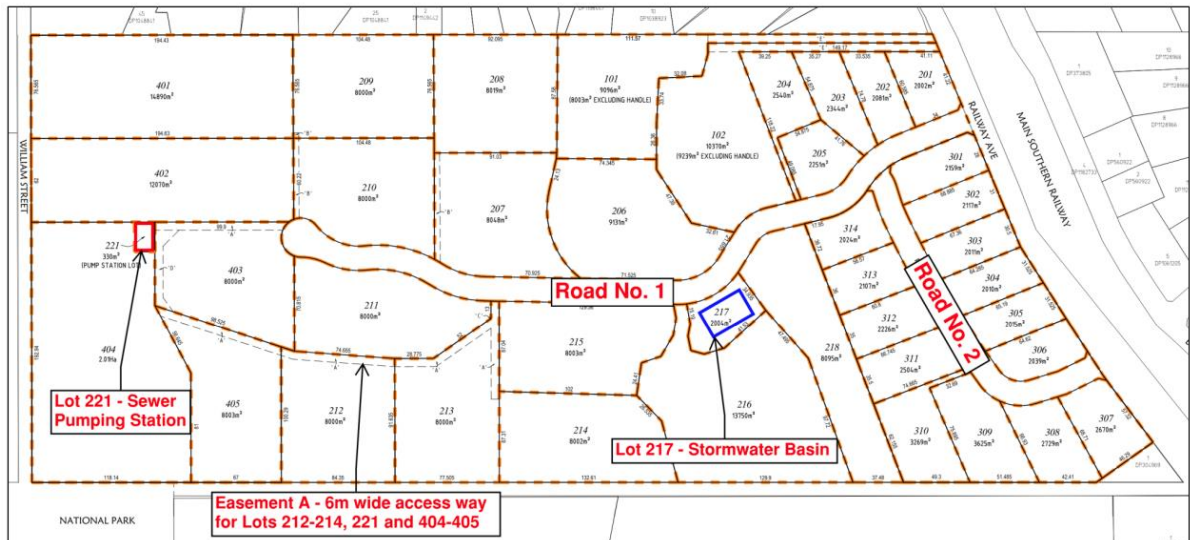


Figure 2: Subdivision Plan

5 Notification

The owners of adjoining and affected neighbouring properties were notified of the proposed development in accordance with Council’s Community Engagement Strategy. The first notification period was from 8 July 2024 to 6 August 2024 and the second notification period from 15 July 2024 to 14 August 2024. A total of 23 submissions were received from the notification / advertising process (i.e. 5 in objection from the first notification period and 18 in objection from the second notification period).

The following main issues were raised in the submissions:

Issue	Comment
Impact on local heritage significance	<p>The property was identified in the <i>Draft Wingecarribee Community Heritage Study 2021-23</i> as a potential heritage item. The draft Community Heritage Study underwent public exhibition from September until November 2023.</p> <p>Whilst the submitted Statement of Environmental Effects makes no mention that the site was included within the Draft Community Heritage Study 2021-23, it is noted the recommendation of the Peer Review and</p>

**AGENDA OF THE LOCAL PLANNING PANEL
WEDNESDAY 23 OCTOBER 2024**

	<p>the Local Planning Panel to defer listing of this site was supported by Council on 7 August 2024. This is until June 2025 to undertake further investigations.</p> <p>Consent is not required under the heritage provisions of <i>Wingecarribee Local Environmental Plan 2010</i> as the subject land does not contain a heritage item or Aboriginal object or within a heritage conservation area or an Aboriginal place of heritage significance.</p> <p>The heritage status of the subject site holds no statutory weight (other than public interest) in accordance with the provisions of section 4.15(1) of <i>Environmental Planning and Assessment Act 1979</i>.</p>
The proposed density is inappropriate	All proposed residential lots meet the minimum lot size in their respective zones. There are a number of outstanding matters yet to be resolved that relate to density (i.e. bush fire considerations, traffic and access, ecology etc.).
Impact of development on the natural habitat and wildlife and inadequate assessment	As detailed in this report, Council's Ecologist has raised several concerns in relation to the proposed development that are yet to be resolved.
Effects of urban lighting on local fauna	Street lighting is a matter that could be conditioned as part of any consent granted.
Traffic impacts including additional access driveways and widening of Railway Avenue	As detailed in this report, Council's Development Engineer has raised a number of concerns in relation to the proposed traffic and access arrangements that are yet to be resolved.
Inadequate sewer modelling	As detailed in this report, Council's Water and Sewer Engineer has requested potable water / sewer concept design plans for review. This is yet to be resolved.
Inadequate stormwater management	As detailed in this report, Council's Development Engineer has raised a number of concerns in relation to the proposed stormwater design that are yet to be resolved.
Concern in relation to bush fires	As detailed in this report, the NSW Rural Fire Service is not supportive of the currently

	proposed development in relation to bush fire. General Terms of Approval have not been granted.
--	---

6 Relevant Environmental Planning Instruments

6.1 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of land

The aim of Chapter 4 of SEPP (Resilience and Hazards) 2021 is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.

Chapter 4 requires the consent authority to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land, and to be satisfied that the land is suitable for the proposed use.

The submitted Preliminary Site Investigation (PSI) addressed the provisions of section 4.6 of this SEPP.

The application has been referred to the Council's Environmental Health Officer, who confirmed the following:

- It is observed that, according to Chapter 5.3 of the PSI, a search of SafeWork NSW records have not been carried out for the following reason: *'Written authorisation from the landowner, which is required to conduct the search, had not been provided prior to the provision of this report.'*
- There is no mention of previous use of underground or aboveground fuel storage tanks at the site.
- The PSI (Chapter 12) concludes that *'further intrusive investigation should be conducted at the site, targeting areas of environmental concern identified in this report'*.
- Accordingly, the Applicant should be requested to submit a Detailed Site Investigation (DSI) that shall be authored and/or approved by a suitably qualified contaminated land consultant who must be either a Certified Environmental Practitioner – Site Contamination (CEnvP-SC) or Certified Professional Soil Scientist – Contaminated Site Assessment and Management (CPSS CSAM). In addition to the areas of environmental concern identified in the Preliminary Site Investigation (PSI), the DSI shall consider the information about a 5,000L underground tank and 2,500L aboveground diesel tank held in Council records (File Ref: PF 9481-1, Folios No. 1-2) and properly investigate potential land contamination from both tanks. Furthermore, the underground tank may still be on the premises and require removal.

Therefore, the Council is not satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out. Further assessment of contamination is required.

6.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 4 Koala habitat protection 2021

Chapter 4 applies to the subject site as it is:

- Located in an LGA listed in Schedule 2 of this SEPP
- Larger than one hectare.

Section 4.9 of this SEPP states that, as there is no koala plan of management applying to the land, Council is required to assess whether the development is likely to have any impact on koalas or koala

habitat before granting consent. Council may only grant consent if it is satisfied the development is likely to have a low or no impact on koalas or koala habitat.

Accordingly, the submitted BDAR included targeted surveys to identify any sign of koala utilisation of the site. These surveys did not result in finding any koalas, scats or markings within the site, nor were any calls recorded by song meters deployed within the site.

As such, the site is not considered to be core koala habitat and it is not anticipated that the proposal would impact koalas.

Chapter 6 Water catchments

The site is within the Sydney Catchment and therefore this SEPP is applicable to the assessment of the application. The application is a Module 3 development for the purposes of the Neutral or Beneficial Effect on Water Quality Assessment Guideline and therefore required referral for Water NSW concurrence. Water NSW issued a request for additional information on 10 July 2024 for an electronic copy of MUSIC stormwater quality model with an accurate representation of the catchment areas for each node and stormwater management measures being proposed in the application – for each stage of the development.

Additional information was provided by the applicant on 13 September 2024 and issued to Water NSW for consideration.

No response (concurrence) has been provided by Water NSW to date and therefore consent is unable to be granted in accordance with the provisions of section 6.64(1) of this SEPP. Further, consent is unable to be granted to the proposed development as Council is not satisfied that the carrying out of the development would have a neutral or beneficial effect on water quality.

6.3 State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 Infrastructure

In accordance with the provisions of section 2.48 of this SEPP, the application was referred to Endeavour Energy due to the development being carried out within 5m of an exposed overhead electricity power line.

Endeavour Energy raised no objections with the proposed development in advice dated 4 July 2024 subject to conditions in relation to the following:

- *Before commencing any activity near overhead power lines the applicant must obtain advice from the Look Up and Live service.*
- *Design electricity infrastructure for safety and environmental compliance consistent with safe design lifecycle principles.*
- *Applicants will need to submit an appropriate application based on the maximum demand for electricity for connection of load.*
- *Electricity infrastructure without an easement is deemed to be lawful for all purposes under Section 53 'Protection of certain electricity works' of the Electricity Supply Act 1995 (NSW).*
- *Landscaping that interferes with electricity infrastructure is a potential safety risk and may result in the interruption of supply.*

It is noted that the applicant will need to submit an appropriate application based on the maximum demand for electricity for connection of load prior to the issue of a Subdivision Works Certificate.

Section 2.100 of this SEPP is also applicable, given the proposed development is for the purpose of residential accommodation on land adjacent to a rail corridor and considered likely to be adversely affected by rail noise or vibration.

Before determining a development application for development to which this section applies, the consent authority must take into consideration any guidelines that are issued by the Planning Secretary for the purposes of this section and published in the Gazette.

AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 23 OCTOBER 2024

Further, if the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—

(a) *in any bedroom in the residential accommodation—35 dB(A) at any time between 10.00 pm and 7.00 am,*

(b) *anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*

ARTC requested that, due to the nearby freight line rail corridor, the following be considered in the assessment of the application (in advice dated 11 October 2024):

Noise and Vibration

ARTC requests that the requirements of *Development Near Rail Corridors And Busy Roads – Interim Guideline* are considered and whether any noise sensitive uses within the development are likely to be adversely affected by rail noise or vibration.

To assist in assessing and determining the development immediately adjacent to the railway corridor, it is recommended that all residential and other noise-sensitive proposals located within 60-80m of an operational railway line be subject to an acoustic assessment and that discretion may be used to extend the acoustic assessment beyond the preferred 60-80m buffer to address any developments that are:

- Located outside of the preferred 60-80m buffer;
- In the vicinity of steel bridges or cuttings;
- Near sections of high speed track or regularly used track; or
- In locations where no acoustic shielding by topography or buildings exist.

It is noted that section 3.8.1 'Subdivision and new land release' of the *Development Near Rail Corridors And Busy Roads – Interim Guideline* states the following:

'When considering major renewal of areas, business parks or the subdivision of land located near busy roads or rail corridors, potential noise and vibration impacts should be considered at the master planning/concept planning stage. At this stage there is more opportunity to address noise and vibration through setbacks, building orientation, layout, building height controls or noise barriers.'

In considering the provisions of the Interim Guideline and the ARTC advice, a full acoustic assessment should be undertaken, particularly in relation to those proposed lots within the nominated buffer. The affected lots would be those within the R2 zoned portion of the land (i.e. Lots 201-205 and Lots 301-314).

Given no acoustic assessment has been submitted with this application, it is recommended that consent not be given as the Local Planning Panel cannot be satisfied that appropriate measures would be taken to ensure that the listed LAeq levels are not to be exceeded.

6.4 Wingecarribee Local Environmental Plan 2010 (WLEP 2010)

Zoning:

The land is in Zone R2 – Low Density Residential and C4 – Environmental Living under WLEP 2010. Whilst the proposal would achieve the objectives of the R2 zone by facilitating the future delivery of low-density housing, it is unclear at this stage whether all of the objectives of the C4 zone are met. This is particularly in relation to the impact of the proposed development on ecological values.

Under WLEP 2010, the land may be subdivided but only with development consent.

**AGENDA OF THE LOCAL PLANNING PANEL
WEDNESDAY 23 OCTOBER 2024**

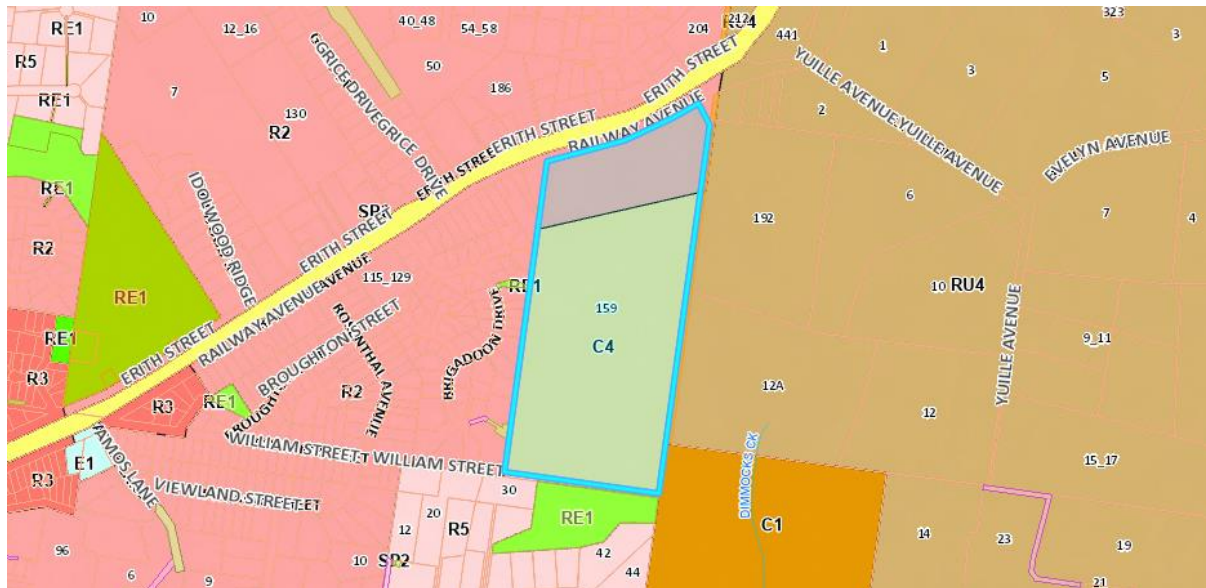


Figure 3: Zoning Map

Principal Development Standards and Other Provisions:

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

Clause	Development Standard	Proposal	Complies
2.7 Demolition requires development consent	The demolition of a building or work may be carried out only with development consent.	Demolition of a dis-used shed is proposed in Stage 1. Demolition works are to be subject to conditions of any consent granted.	Yes
4.1 Minimum subdivision lot size	2,000sqm (R2) and 8,000sqm (C4) minimum lot size standards are specified for the site.	All proposed residential lots achieve the minimum lot size in their respective zones. Note the creation of undersized Lots 217 and 221 (proposed to be dedicated to Council and used for a public purpose) is subject to the provisions of section 2.75 of <i>State Environmental Planning Policy (Exempt and Complying Development) 2008</i> .	Yes

**AGENDA OF THE LOCAL PLANNING PANEL
WEDNESDAY 23 OCTOBER 2024**

<p>5.10 Heritage conservation</p>	<p>The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.</p>	<p>Consent is not required under this clause as the subject land does not contain a heritage item or Aboriginal object or within a heritage conservation area or an Aboriginal place of heritage significance.</p> <p>The heritage status of the subject site holds no statutory weight (other than public interest) in accordance with the provisions of section 4.15(1) of <i>Environmental Planning and Assessment Act 1979</i>.</p>	<p>N/A</p>
<p>5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones</p> <p>This clause applies to the C4 zoned portion of the subject site.</p>	<p>Section 5.16(3) provides that a consent authority must take into account the matters specified in subclause (4) in determining whether to grant development consent to development on land to which this clause applies for subdivision of land proposed to be used for the purposes of a dwelling.</p> <p>The following matters are to be taken into account—</p> <p>(a) the existing uses and approved uses of land in the vicinity of the development,</p> <p>(b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,</p> <p>(c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),</p> <p>(d) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).</p>	<p>Given the number of matters that remain unresolved from the assessment of this DA, consent is unable to be granted for the proposed development.</p> <p>The development in its current form does not satisfy the objective of this clause, being to minimise potential land use conflict.</p>	<p>No</p>

<p>5.21 Flood planning</p>	<p>Section 5.21(2) provides that development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—</p> <p>(a) is compatible with the flood function and behaviour on the land, and</p> <p>(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and</p> <p>(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</p> <p>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</p> <p>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.</p> <p>Further to the above, section 5.21(3) provides that the consent authority must consider various matters in deciding whether to grant consent – including the intended design or scale of buildings resulting from the development, and whether the development incorporates measures to minimise risk to life and ensure safe evacuation in the event of a flood.</p>	<p>Whilst the subject land is not formally identified as a flood planning area, Council’s Development Engineer considers the land to be within the flood planning area given the watercourses traversing the site and that no flood study has been conducted in Bundanoon to date.</p> <p>The Engineer has considered the preliminary flood study using DRAINS, as outlined in the submitted Stormwater Management Report (Section 6: Flood Assessment).</p> <p>However, this study does not cover the full extent of the development site. Additionally, the study has not discussed the impact of the development on flow during 1% AEP storm events in terms of changes in flood depth, velocity, hazard, and damage. The Engineer has requested the applicant conduct detailed flood modelling that covers the entire development site, taking into account the upstream catchment.</p> <p>A Flood Risk Assessment Report is to be provided based on detailed flood modelling as the proposal involves altering a natural watercourse. The Flood Risk Assessment Report must show:</p> <ul style="list-style-type: none"> ▪ 1% AEP flood extent and depth within the development site. ▪ It is noted that some lots might be adversely affected by flooding within 	<p>No</p>

		<p>the vicinity of a natural watercourse (Lots 101, 206, 209, 210, 214, 215, 309, 401, 402, 403 and 404). The applicant must show building envelopes within the above-mentioned lots to demonstrate they are developable, and outside of the 1% AEP extent.</p> <ul style="list-style-type: none"> ▪ Dam dewatering impact. ▪ The applicant is to address all the flood prescriptive controls recommended by the Bundanoon DCP. ▪ No impact outside of the development site. <p>Given the above, the impact of the development on flood behaviour in this location is unclear. As such, the provisions of this section have not been adequately satisfied.</p>	
<p>7.3 Earthworks</p>	<p>Section 7.3(2A) provides that development consent is required for earthworks carried out on land identified as “Flood Planning Area” on the Flood Planning Area map.</p> <p>The consent authority must consider a number of matters in deciding whether to grant consent – including the likely disruption of existing drainage patterns and soil stability in the locality.</p>	<p>The proposal involves earthworks within a flood planning area (as detailed earlier in this report).</p> <p>Sufficient details have not been provided regarding potential earthworks in relation to the development and its impact on the site in relation to the listed items.</p> <p>Council’s Development Engineer has requested the applicant conduct further site-specific slope stability analysis for areas that are within medium and</p>	<p>No</p>

**AGENDA OF THE LOCAL PLANNING PANEL
WEDNESDAY 23 OCTOBER 2024**

		high-risk area as per the submitted Geotechnical Report. Lots affected include 205 – 208, 214 – 218, 309, 310, 313, 401, 402, 404. This is to be done in conjunction with preparation of earthworks plans.	
7.5 Natural resources sensitivity – water	<p>Section 7.5(4) provides that development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:</p> <p>(a) the development is designed, sited and managed to avoid any potential adverse environmental impact, or</p> <p>(b) if that impact cannot be avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p>	<p>Given the number of matters that remain unresolved from the assessment of this DA, consent is unable to be granted for the proposed development.</p> <p>Council is currently not satisfied that the development is designed, sited and managed to avoid or minimise any potential adverse environmental impact or if not possible, that the development would be managed to mitigate that impact.</p>	No
7.10 Public utility infrastructure	<p>Section 7.10(2) provides 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.</p>	<p>Council is not currently satisfied that any public utility infrastructure that is essential for the proposed development is available.</p> <p>Council’s Water & Sewer Engineer has requested the applicant provide potable water / sewer concept design plans for review. Council’s preferred option is that the development discharge at the existing manhole (GH04985) in Railway Avenue as it would reduce loading and prevent required augmentation of downstream SPS’s.</p> <p>This option would increase the length of the rising main by 250m but would negate the augmentations</p>	No

		<p>proposed in the submitted water / sewer modelling report.</p> <p>Note it has been confirmed by Council's Assets that the sewer at this location has adequate capacity to accept the proposed flow from the pump station. Therefore, no further upgrades (based on current flow rates) are required for the development to discharge at this manhole.</p>	
--	--	---	--

7 Development Control Plans and Policies

7.1 Bundanoon Township and Rural Living Development Control Plans (DCPs)

The Bundanoon Township and Rural Living DCPs provisions are structured into two components: objectives and controls. The objectives provide the framework for assessment under each requirement and outline key outcomes that a development is expected to achieve. The controls contain both numerical standards and qualitative provisions. Any proposed variations from the controls may be considered only where the applicant successfully demonstrates that an alternative solution could result in a more desirable planning and urban design outcome.

The relevant provisions of the Bundanoon Township are addressed below.

DEVELOPMENT CONTROL PLAN			
SECTION	CONTROL	ASSESSMENT	COMPLIANCE
PART A – ALL LAND			
Section 3 – Biodiversity			
A3.2 Flora & Fauna Assessment	<p>Retain & protect native species, endangered ecological communities, threatened species, Koalas and protect wildlife corridors.</p> <p>Required where the development will potentially impact native vegetation & fauna.</p>	<p>The following concerns have been raised by Council's Ecologist:</p> <ul style="list-style-type: none"> • The proposal is located directly adjacent to the regionally significant Glow Worm Glen and Morton National Park. There is no discussion or consideration of how this proposal will impact this area including impacts from stormwater runoff. Direct safeguards relating to Glow Worm Glen should be discussed in the BDAR. Indirect and temporary impacts need to be considered as well as 	No

	<p>direct impacts.</p> <ul style="list-style-type: none">• The majority of the property is zoned as C4-Environmental living. Whilst the objectives of this zoning are stated in reporting they are not adequately addressed. Objectives of this zoning include 'To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values' and 'To ensure that residential development does not have an adverse effect on those values'. It is not clear how this proposal meets these objectives considering 1.3 ha of Southern Highlands Shale Woodland TEC will be cleared for the development. Additionally, there is not enough information to ensure the adjacent Glow Worm Glen will not be compromised by the development.• There are concerns surrounding the southeastern lot. The riparian management area and the APZ leave little room for a building envelope. The applicant should look into the possibility of retaining this lot as a vegetated lot with no building envelope. This would also serve as a buffer to the National Park and Glow Worm Glen and show more consistency with the zoning. At a minimum, the non-developable areas must be subject to a VMP and Section 88B restriction on the title.• The applicant should investigate revising the APZs along the eastern boundary so that native vegetation is not impacted. It is suggested a building	
--	---	--

	<p>envelope be delineated towards the western edge of these lots and the APZ be calculated off that. The lots appear to have sufficient space to avoid the need to remove any trees.</p> <ul style="list-style-type: none">• There are numerous scattered trees throughout, which are representative of the TEC SHSW. The proposed lots with such trees should include building envelopes and driveway which allow for retention of all trees. Mapping within the report needs to show the lot layouts in relation to the validated vegetation and building envelopes. This will allow a tree by tree approach to avoiding impacts to SHSW. SHWS is listed as a Serious and Irreversible Impact candidate (SAII). Avoiding unnecessary impacts to SHSW must be paramount through project planning. More can be done in this regard.• The BDAR validated two hydrolines within the subject land, however from aerial imagery there appears to be more hydrolines running through the site, e.g. from the north western corner to the riparian area along the eastern boundary appears to be a hydroline from aerial imagery.• TEC SHSW is considered at risk of SAII, however this has not been addressed in the BDAR. This must be addressed in the BDAR. This assessment is to be in accordance with Section 9.1 and Table 25 of the BAM (2020).• Furthermore, the EPBC Act listed TEC Southern Highlands Shale Forest	
--	--	--

		<p>and Woodland in the Sydney Basin Bioregion has not been considered. Justification must be provided in the BDAR as to whether vegetation within the subject land fits the criteria for the EPBC Act listed TEC. If it is found to align a SIC must be undertaken</p> <ul style="list-style-type: none"> • Consideration should be given as to how validated vegetation patches have been mapped in the BDAR. In some areas the validated vegetation appears to not have been mapped and assessed as a whole patch, when this may be required. The BDAR should refer to 'Guidance for local government on applying the Biodiversity Offset Scheme threshold' page 10 - How is a patch of vegetation defined for the area clearing threshold? 	
Section 4 – Water Management			
<p>A4.2 Vegetation Management Plan for Riparian Corridors</p>	<p>A VMP is required for any proposed development in the WLEP 2010 Natural Resources Sensitivity Map and adjoining a natural waterbody. VMP requirements are described in Table A below. (A VMP is not required if one is already required as part of a controlled activity approval issued for integrated development in land zoned for urban uses.) Table B provides examples of actions that may meet the objectives of a VMP.</p>	<p>A VMP is required as part of the general terms of approval issued by NSW Department of Planning and Environment – Water. As such, this would be required as part of a condition of any consent granted.</p>	<p>Yes</p>
<p>A4.3 Development in Sydney's Drinking Water Catchments</p>	<p>In order to implement Objective (b) above, Council requires compliance with all aspects of the SEPP as they apply to the particular development. Applicants</p>	<p>No response (concurrence) has been provided by Water NSW to date and therefore consent is unable to be granted. Further, consent is unable to be granted to the</p>	<p>No</p>

**AGENDA OF THE LOCAL PLANNING PANEL
WEDNESDAY 23 OCTOBER 2024**

	<p>are advised to acquaint themselves with the SEPP as it relates to their development.</p>	<p>proposed development as it is unclear how the LPP could be satisfied the carrying out of the development would have a neutral or beneficial effect on water quality.</p>	
<p>A4.5 Stormwater Management Plan</p>	<p>A Stormwater Management Plan report will be required by Council for all development that will result in:</p> <p>a) An increase in the impervious area of the site, or</p> <p>b) A change in the direction of overland flow</p> <p>The intent of the Stormwater Management Plan is to demonstrate that 'post development' overland water flows will not exceed 'pre development' flows in terms of:</p> <p>a) Volume,</p> <p>b) Quality (including nutrient content), and</p> <p>c) Direction,</p> <p>The Stormwater Management Plan must be prepared in accordance with Council's Engineering Design and Construction Specification.</p>	<p>Council's Development Engineer has requested the applicant provide the following:</p> <p>The applicant is to provide DRAINS model for further assessment.</p> <p>The applicant is to nominate building envelope and update the plans showing that stormwater from the nominated building envelope is directed to the roadside swale or an inter-allotment drainage system for each lot, including those within the rural zone to ensure a holistic approach for the subdivision.</p> <p>The applicant is to provide stormwater pipes instead of the proposed roadside swale to prevent scouring and slope instability due to the steep gradient (15%) of the site, which could make the swale ineffective.</p> <p>The applicant is to provide centralised detention basins, considering future impervious surfaces with the proposed lots, including rural and urban lots. At the moment only one (1) detention basin was provided for the urban portion of the site.</p>	<p>No</p>

		<p>The applicant has reduced the size of the downstream stormwater pipes from 2x 900mm diameter (between pit 01/14 and pit 01/15) to 2 x 750mm diameter (between pit 01/15 and pit 01/16). The applicant is to revise the plans to ensure that downstream pipes are larger than upstream pipes to avoid flow restriction and bottlenecks.</p> <p>An inter-allotment drainage easement shall be a minimum of 2m as per Council's Engineering Design Specification D09 Section 3.5 Inter-allotment drainage. The applicant is to revise the plan to suit.</p>	
<p>A4.6 Erosion and Sediment Control Plans</p>	<p>Where building or earthworks are proposed, an Erosion & Sediment Control Plan must be provided to Council. Plans and all associated works must meet the Neutral or Beneficial Effect test and the water quality objectives using Current Recommended Practices contained in the State Environmental Planning Policy (Sydney Drinking Water Catchment 2011).</p> <p>Reference will also be required to the Landcom publication: Managing Urban Stormwater: Soils and Construction Vol 1, 4th Edition, Landcom, 2004.</p>	<p>Council's Development Engineer has requested the applicant provide the following, noting that the submitted Erosion and Sediment Control Plans are not sufficient:</p> <p>Lacks staged Sediment Erosion Control Plan: The current Erosion and Sediment Control Plan (ESCP) appears to be implemented only once the final earthworks levels are achieved. It lacks phased plans for different stages of the project. This can be conditioned for the applicant to provide an Erosion Sediment Control Plan for each stage.</p> <p>Lacks clear sediment basin details during construction: This can be conditioned for the applicant to provide a staged Erosion Sediment Control Plan and detailed design of the sediment</p>	<p>No</p>

		<p>basin during construction for each stage. The basin would need to take in account for the potential inflow sources and designed following Managing Urban Stormwater: Soils and Construction" guidelines by Landcom.</p> <p>Inadequate sediment fencing and low flow earth bank considering the significant disturbed catchment through the site.</p>	
Section 5 – Flood Liable Land			
<p>A5.3 Flood Liable Land</p>	<p>Development on mapped flood affected land referred to Council's Development Engineer for review and recommendations.</p>	<p>Whilst the subject land is not formally identified as a flood planning area, Council's Development Engineer considers the land to be within the flood planning area given the watercourses traversing the site and that no flood study has been conducted in Bundanoon to date.</p> <p>The Engineer has considered the preliminary flood study using DRAINS, as outlined in the submitted Stormwater Management Report (Section 6: Flood Assessment).</p> <p>However, this study does not cover the full extent of the development site. Additionally, the study has not discussed the impact of the development on flow during 1% AEP storm events in terms of changes in flood depth, velocity, hazard, and damage. The Engineer has requested the applicant conduct detailed flood modelling that covers the entire development site, taking into account the upstream</p>	<p>No</p>

**AGENDA OF THE LOCAL PLANNING PANEL
WEDNESDAY 23 OCTOBER 2024**

		<p>catchment.</p> <p>A Flood Risk Assessment Report is to be provided based on detailed flood modelling as the proposal involves altering a natural watercourse.</p>	
Section 7 – Subdivision, Demolition, Siting & Design			
A7.1 Subdivision of Land	<p>Applicants are directed to the minimum lot size maps under WLEP 2010 which indicate the subdivision potential for any lot. Where proposed subdivision would create an allotment below the minimum lot size, certain provisions of WLEP 2010 apply and applicants are advised to consult with Council to determine the extent to which any variation of the minimum lot size may be permissible.</p> <p>Where subdivision is proposed a merits approach shall be taken in terms of assessing existing patterns of development and issues such as effluent disposal, access, drainage etc.</p>	<p>All proposed residential lots achieve the minimum lot size in both zones.</p> <p>It is noted the lots adjacent to the northern boundary (Lots 301-306 inclusive) have dual frontage to both Railway Avenue and the internal access road. This would result in one of those frontages (presumably Railway Avenue) becoming a rear yard. Without dense landscape screening and controls on the type of fencing along Railway Avenue, these lots would present poorly to Railway Avenue with views of rear yards and garden sheds.</p>	Yes
A7.2 Demolition	<p>(a) No demolition may occur on property which is an Item of Heritage, or is located within a Heritage Conservation Area, without the consent of Council.</p> <p>(b) An application for such demolition shall be accompanied by a Landscape Plan, prepared by someone considered by Council to be suitably qualified for such a task, which:</p> <p>(i) maps and identifies the plantings of any private open space on the</p>	<p>Demolition of a dis-used shed is proposed in Stage 1.</p> <p>Demolition works are to be subject to conditions of any consent granted.</p> <p>A landscape plan has been submitted.</p>	Yes

**AGENDA OF THE LOCAL PLANNING PANEL
WEDNESDAY 23 OCTOBER 2024**

	<p>development site.</p> <p>(ii) Identifies the heritage significance of each planting.</p> <p>(iii) Indicates which, if any, plantings may be removed from the garden without any adverse impact on the heritage significance of the garden.</p> <p>(iv) Indicates the extent to which any environmental weeds form an integral part of the heritage value of the property.</p> <p>(v) Offers potential alternative plantings to replace environmental weeds which are not considered an integral part of the heritage value of the property.</p>		
<p>A7.3 Analysis</p> <p>Site</p>	<p>Every land use application which involves significant alteration to the site whether through development of currently vacant land, extensive renovation of an existing building, or demolition, must be accompanied by an appropriate Site Analysis Report.</p> <p>The Site Analysis Report shall comprise:</p> <p>a) A Site Analysis Drawing, identifying the following site features:</p> <p>(i) The slope and contours of land;</p> <p>(ii) The location and nature (whether perennial or intermittent) of any watercourses as indicated on Council's Resources Sensitivity Maps,</p> <p>(iii) The location and nature of waterways, water bodies or drainage depressions.</p> <p>(iv) The location and nature of associated riparian</p>	<p>Currently, there are views available across the site from Railway Avenue to Morton National Park in the distance.</p> <p>These view lines are not mentioned in the submitted Statement of Environmental Effects and not identified in any other documentation. They should have been identified in a site analysis which is required to be submitted with a DA.</p> <p>The site plan does not meet the requirements for a site analysis required by the DCP, particularly for such a significant development. These rural views are important but have not been given due consideration in the application. For example, an enlightened subdivision design could align road and view corridors.</p>	<p>No</p>

	<p>corridor requirements, potential flooding or drainage characteristics;</p> <p>(v) The orientation of the land including the marking of true north;</p> <p>(vi) The location, extent and nature of any existing development, buildings and activities upon, adjacent and in proximity to the land;</p> <p>(vii) The location and nature of any utility services;</p> <p>(viii) The location and description of any trees and vegetation upon, adjacent and in proximity to the land;</p> <p>(ix) The existing means of vehicle and pedestrian access;</p> <p>(x) Any items or places of known Aboriginal and European cultural heritage;</p> <p>(xi) The direction and nature of prevailing climate characteristics such as wind direction and rainfall;</p> <p>(xii) Any potential bush fire threat;</p> <p>(xiii) Any significant views and vistas to the land, particularly from a public place or from the land itself; and</p> <p>(xiv) The location and nature of any other known constraint to development of the land, including potential soil contamination, noise sources, geotechnical issues.</p> <p>b) A written statement explaining how the site conditions have been interpreted into the design principles that guide the new development.</p>		
--	--	--	--

**AGENDA OF THE LOCAL PLANNING PANEL
WEDNESDAY 23 OCTOBER 2024**

<p>A7.4 Cut & Fill</p>	<p>Cut & fill is consistent with LEP & stepping of development to accommodate contours of site.</p>	<p>Sufficient details have not been provided regarding potential earthworks in relation to the development and its impact on the site in relation to the listed items.</p> <p>Council's Development Engineer has requested the applicant conduct further site-specific slope stability analysis for areas that are within medium and high-risk area as per the submitted Geotechnical Report. Lots affected include 205 – 208, 214 – 218, 309, 310, 313, 401, 402, 404. This is to be done in conjunction with preparation of earthworks plans.</p>	<p>No</p>
<p>A7.5 Shipping Containers</p>	<p>The installation of shipping containers on any site is prohibited unless approval has been for the conversion and subsequent for use as a residential building.</p>	<p>Not applicable.</p>	<p>N/A</p>
<p>Section 9 – Construction Standards & Procedures</p>			
<p>A9.2 Sites Requiring Geotechnical Reports</p>	<p>Geotechnical report is required for sites identified or potentially subject to geotechnical constraints, including land subject to instability, filling, or with a slope greater than 18 degrees.</p>	<p>Sufficient details have not been provided in this regard.</p> <p>Council's Development Engineer has requested the applicant conduct further site-specific slope stability analysis for areas that are within medium and high-risk area as per the submitted Geotechnical Report. Lots affected include 205 – 208, 214 – 218, 309, 310, 313, 401, 402, 404. This is to be done in conjunction with preparation of earthworks plans.</p>	<p>No</p>

<p>A9.8 Stormwater Disposal</p>	<p>Connection to inter-allotment drainage line, kerb and guttering, road table drain or council's stormwater mains.</p> <p><u>Onsite Disposal:</u> <4,000m² require hydraulic consultant's report for onsite disposal.</p> <p>>4,000m² onsite trenches permitted.</p>	<p>Council's Development Engineer has requested the applicant provide the following:</p> <p>The applicant is to provide a DRAINS model to allow a full and proper assessment of the application.</p> <p>The applicant is to nominate a building envelope for each lot and update the plans showing that stormwater from the nominated building envelope is directed to the roadside swale or an inter-allotment drainage system for each lot, including those within the rural zone to ensure a holistic approach for the subdivision.</p> <p>The applicant is to provide stormwater pipes instead of the proposed roadside swale to prevent scouring and slope instability due to the steep gradient (15%) of the site, which could make the swale ineffective.</p> <p>The applicant is to provide centralised detention basins, considering future impervious surfaces with the proposed lots, including rural and urban lots. At the moment only one (1) detention basin was provided for the urban portion of the site.</p> <p>The applicant has reduced the size of the downstream stormwater pipes from 2x 900mm diameter (between pit 01/14 and pit 01/15) to 2 x 750mm diameter</p>	<p>No</p>
--	--	---	-----------

**AGENDA OF THE LOCAL PLANNING PANEL
WEDNESDAY 23 OCTOBER 2024**

		(between pit 01/15 and pit 01/16). The applicant is to revise the plans to ensure that downstream pipes are larger than upstream pipes to avoid flow restriction and bottlenecks. An interallotment drainage easement shall be minimum 2m as per Council's Engineering Design Specification D09 Section 3.5 Interallotment drainage. The applicant is to revise the plan to suit.	
A9.12 Waste Management & Disposal	A Waste Management Plan is required for all demolition works and /or construction works (with a value greater than \$50,000).	A Waste Management Plan has been submitted addressing demolition and construction works.	Yes

The relevant provisions of the Rural Living DCP are addressed below.

DEVELOPMENT CONTROL PLAN			
SECTION	CONTROL	ASSESSMENT	COMPLIANCE
PART A – MANAGING OUR RURAL LANDS			
Section 3 – Ecologically Sustainable Development			
A3.6 Subdivision of Land	Applicants are directed to the minimum lot size maps under WLEP 2010 which indicate the subdivision potential for any lot. Where proposed subdivision would create an allotment below the minimum lot size, certain provisions of WLEP 2010 apply and applicants are advised to consult with Council to determine the extent to which any variation of the minimum lot size may be permissible. Where subdivision is proposed a merits approach shall be taken in	All proposed residential lots achieve the minimum lot size. Note the creation of undersized Lots 217 and 221 (proposed to be dedicated to Council and used for a public purpose) is subject to the provisions of section 2.75 of <i>State Environmental Planning Policy (Exempt and Complying Development) 2008</i> .	Yes

**AGENDA OF THE LOCAL PLANNING PANEL
WEDNESDAY 23 OCTOBER 2024**

	terms of assessing existing patterns of development and issues such as effluent disposal, access, drainage etc.		
A3.7 Cut and Fill	<p>a) Where the cut and fill objectives cannot be met, the development must be stepped in order to accommodate the contours of the site.</p> <p>b) Any cut and fill required shall comply with the maximum controls set out in Clause 7.3 (Earthworks) of Wingecarribee Local Environmental Plan 2010.</p>	<p>Sufficient details have not been provided regarding potential earthworks in relation to the development.</p> <p>Council's Development Engineer has requested the applicant conduct further site-specific slope stability analysis for areas that are within medium and high-risk area as per the submitted Geotechnical Report. Lots affected include 205 – 208, 214 – 218, 309, 310, 313, 401, 402, 404. This is to be done in conjunction with preparation of earthworks plans.</p>	No
Section 5 – Water Management			
A5.2 Development in Sydney's Drinking Water Catchments	Council cannot grant development consent unless it is satisfied the development will have a neutral or beneficial effect on water quality.	No response (concurrence) has been provided by Water NSW to date and therefore consent is unable to be granted. Further, consent is unable to be granted to the proposed development as Council is not satisfied the carrying out of the development would have a neutral or beneficial effect on water quality.	No
A5.5 Stormwater Management Plans	<p>A Stormwater Management Plan report will be required by Council for all development that will result in:</p> <p>a) An increase in the impervious area of the site, or</p> <p>b) A change in the direction of overland flow</p>	<p>Council's Development Engineer has requested the applicant provide the following:</p> <p>The applicant is to provide DRAINS model for further assessment.</p> <p>The applicant is to</p>	No

**AGENDA OF THE LOCAL PLANNING PANEL
WEDNESDAY 23 OCTOBER 2024**

	<p>The intent of the Stormwater Management Plan is to demonstrate that 'post development' overland water flows will not exceed 'pre development' flows in terms of:</p> <p>a) Volume, b) Quality (including nutrient content), and c) Direction,</p> <p>The Stormwater Management Plan must be prepared in accordance with Council's Engineering Design and Construction Specification.</p>	<p>nominate building envelope and update the plans showing that stormwater from the nominated building envelope is directed to the roadside swale or an inter-allotment drainage system for each lot, including those within the rural zone to ensure a holistic approach for the subdivision.</p> <p>The applicant is to provide stormwater pipes instead of the proposed roadside swale to prevent scouring and slope instability due to the steep gradient (15%) of the site, which could make the swale ineffective.</p> <p>The applicant is to provide centralised detention basins, considering future impervious surfaces with the proposed lots, including rural and urban lots. At the moment only one (1) detention basin was provided for the urban portion of the site.</p> <p>The applicant has reduced the size of the downstream stormwater pipes from 2x 900mm diameter (between pit 01/14 and pit 01/15) to 2 x 750mm diameter (between pit 01/15 and pit 01/16). The applicant is to revise the plans to ensure that downstream pipes are larger than upstream pipes to avoid flow restriction and bottlenecks.</p> <p>An inter-allotment drainage easement shall be minimum 2m as per</p>	
--	---	--	--

**AGENDA OF THE LOCAL PLANNING PANEL
WEDNESDAY 23 OCTOBER 2024**

		Council's Engineering Design Specification D09 Section 3.5 Inter-allotment drainage. The applicant is to revise the plan to suit.	
A5.6 Erosion and Sediment Control Plans	Where building or earthworks are proposed, Council may request an Erosion and Sediment Control (E&SC) Plan. All E&SC Plans and all associated works must be prepared in accordance with Council's Engineering Design and Construction Specifications.	<p>Council's Development Engineer has requested the applicant provide the following, noting that the submitted Erosion and Sediment Control Plans are not sufficient:</p> <p>Lacks staged Sediment Erosion Control Plan: The current Erosion and Sediment Control Plan (ESCP) appears to be implemented only once the final earthworks levels are achieved. It lacks phased plans for different stages of the project. This can be conditioned for the applicant to provide an Erosion Sediment Control Plan for each stage.</p> <p>Lacks clear sediment basin details during construction: This can be conditioned for the applicant to provide a staged Erosion Sediment Control Plan and detailed design of the sediment basin during construction for each stage. The basin would need to take in account for the potential inflow sources and designed following Managing Urban Stormwater: Soils and Construction" guidelines by Landcom.</p> <p>Inadequate sediment fencing and low flow earth bank considering the significant disturbed catchment through the site.</p>	No
A5.9 Flood Liable	Development on mapped flood affected land referred	Whilst the subject land is	No

**AGENDA OF THE LOCAL PLANNING PANEL
WEDNESDAY 23 OCTOBER 2024**

<p>Land</p>	<p>to Council's Development Engineer for review and recommendations.</p>	<p>not formally identified as a flood planning area, Council's Development Engineer considers the land to be within the flood planning area given the watercourses traversing the site and that no flood study has been conducted in Bundanoon to date.</p> <p>The Engineer has considered the preliminary flood study using DRAINS, as outlined in the submitted Stormwater Management Report (Section 6: Flood Assessment).</p> <p>However, this study does not cover the full extent of the development site. Additionally, the study has not discussed the impact of the development on flow during 1% AEP storm events in terms of changes in flood depth, velocity, hazard, and damage. The Engineer has requested the applicant conduct detailed flood modelling that covers the entire development site, taking into account the upstream catchment.</p> <p>A Flood Risk Assessment Report is to be provided based on detailed flood modelling as the proposal involves altering a natural watercourse.</p>	
<p>Section 6 – Additional Controls</p>			
<p>A6.2 Bushfire Prone Land</p>	<p>A report may be required if the subject property is subject to Bush Fire Risk under the Rural Fire Service's document "Planning for Bushfire Protection". A copy of this and other useful documents may be obtained from the Rural</p>	<p>The NSW Rural Fire Service confirmed in advice dated 2 October 2024 that it cannot support the application given the documentation / plans do not provide sufficient detail for bush fire assessment.</p>	<p>No</p>

	<p>Fire Service website.</p> <p>An assessment under this document is required to determine appropriate standards for distances from vegetation and standard of construction for the building along with a variety of other matters.</p> <p>All applicants seeking to develop rural land should obtain specialised advice on this matter. Specified types of development may be 'Integrated' development and require referral to the NSW Rural Fire Service.</p>	<p>Insufficient evidence and justification has been provided for the lack of a perimeter road, noting the scale of development. Whilst the proposal includes additional bush fire protection measures, the development has not demonstrated how the intent of the performance measure for access/perimeter road access has been satisfied.</p> <p>The proposal should seek to provide a perimeter road, unless it can be demonstrated that a performance solution will meet the intent of the relevant performance solutions in Planning for Bush Fire Protection 2019.</p> <p>Noting recent fire history to the south-eastern aspect of the proposal, further information is required as to how the lack of a perimeter road and its intent to allow safe access and egress for firefighting vehicles while residents are evacuating as well as providing a safe operational environment for emergency service personnel during firefighting and emergency management on the interface can be met.</p>	
<p>A6.3 Contaminated or Potentially Contaminated Land</p>	<p>Where there are indications that contamination is, or may be present, Council may require the applicant to undertake a site-specific Contamination Study.</p>	<p>The submitted Preliminary Site Investigation (PSI) addressed the provisions of section 4.6 of this SEPP.</p> <p>The application has been referred to the Council's Environmental Health Officer, who confirmed the following:</p> <ul style="list-style-type: none"> ▪ It is observed that, according to Chapter 5.3 of the 	<p>No</p>

		<p>PSI, a search of SafeWork NSW records have not been carried out for the following reason: <i>‘Written authorisation from the landowner, which is required to conduct the search, had not been provided prior to the provision of this report.’</i></p> <ul style="list-style-type: none">▪ There is no mention of previous use of underground or aboveground fuel storage tanks at the site.▪ The PSI (Chapter 12) concludes that <i>‘further intrusive investigation should be conducted at the site, targeting areas of environmental concern identified in this report’.</i>▪ Accordingly, the Applicant should be requested to submit a Detailed Site Investigation (DSI) that shall be authored and/or approved by a suitably qualified contaminated land consultant who must be either a Certified Environmental Practitioner – Site Contamination (CEnvP-SC) or Certified Professional Soil Scientist – Contaminated Site	
--	--	---	--

**AGENDA OF THE LOCAL PLANNING PANEL
WEDNESDAY 23 OCTOBER 2024**

		<p>Assessment and Management (CPSS CSAM). In addition to the areas of environmental concern identified in the Preliminary Site Investigation (PSI), the DSI shall consider the information about a 5,000L underground tank and 2,500L aboveground diesel tank held in Council records (File Ref: PF 9481-1, Folios No. 1-2) and properly investigate potential land contamination from both tanks. Furthermore, the underground tank may still be on the premises and require removal.</p> <p>Therefore, the Council is not satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out. Further assessment of contamination is required.</p>	
<p>A6.4 Demolition of Existing Structures</p>	<p>Any development application that seeks approval for the demolition of an existing structure (including partial demolition of an existing structure) must prepare and submit a Demolition Work Plan. The only exception to this clause is work defined as Exempt Development under WLEP 2010.</p>	<p>Demolition of a dis-used shed is proposed in Stage 1.</p> <p>The submitted plans are satisfactory.</p> <p>Demolition works are to be subject to conditions of any consent granted.</p>	<p>Yes</p>

**AGENDA OF THE LOCAL PLANNING PANEL
WEDNESDAY 23 OCTOBER 2024**

<p>A6.6 Development in the vicinity of a National Park or Nature Reserve</p>	<p>The Council shall not grant consent to an application for development on land that is located immediately adjacent to or within 500 metres of land that is a National Park or Nature Reserve, unless the Council has considered any comments from the Department of Environment and Conservation in relation to the likely effect of the proposed development, if any, on the National Park or Nature Reserve.</p>	<p>Morton National Park is adjacent to the site's south-east boundary.</p> <p>No comments have been made to Council to date from NSW National Parks and Wildlife Service in relation to the effect of the proposed development on the National Park.</p>	<p>Yes</p>
<p>A6.7 Sites Requiring Geotechnical Reports</p>	<p>A Geotechnical Report, prepared and certified by a Council-accepted Geotechnical Engineer will need to be provided with all applications for development located within an area identified or potentially subject to geotechnical constraints, including land subject to instability, filling, or with a slope greater than 18 degrees.</p> <p>Geotechnical reports may also be required in other instances depending on the nature of the proposed development and the particular circumstances and conditions of the site.</p>	<p>A Geotechnical Report has been submitted and reviewed.</p>	<p>Yes</p>
<p>Section 7 – Development Near Rail Corridors & Busy Roads</p>			
<p>A7.1 Development Adjacent to a Rail Corridor</p>	<p>(a) The protection of the stability of the nearby rail corridor and railway land during excavation and construction of any development must be ensured.</p> <p>(b) Any excavation greater than 2m in depth and within 25 metres of the rail corridor will require concurrence with the</p>	<p>Referral comments have been made by ARTC in relation to impact to the Main Southern Railway line, including the need for an acoustic assessment (as detailed earlier in this report)</p> <p>Relevant listed matters can be subject to conditions of any consent</p>	<p>Yes</p>

**AGENDA OF THE LOCAL PLANNING PANEL
WEDNESDAY 23 OCTOBER 2024**

	<p>relevant authority under clause 86 of SEPP (Infrastructure) 2007.</p> <p>(c) Drainage from the development is to be adequately disposed of so as not to be diverted on to the rail corridor.</p> <p>(d) Appropriate fencing is to be constructed to clearly separate the development from the railway land so as to avoid people straying on to railway land, either during construction or following completion of the development.</p> <p>(e) Appropriate landscaping and fencing is to be installed to screen and soften views of the rail tracks from the development and to help alleviate the 'sense' of exposure of the development to the source of rail noise.</p>	granted.	
Section 9 – Construction Standards & Procedures			
A9.2 Surveys and Reports	Council may require the preparation and submission of certain reports when a new Land Use Application is lodged.	Relevant reports have been submitted with this DA.	Yes
A9.8 Stormwater Disposal	Final means of disposal of stormwater to Council's stormwater system must be approved by Council.	<p>Council's Development Engineer has requested the applicant provide the following:</p> <p>The applicant is to provide DRAINS model for further assessment.</p> <p>The applicant is to nominate building envelope and update the plans showing that stormwater from the nominated building envelope is directed to the roadside swale or an inter-allotment drainage system for each lot, including those within the rural zone</p>	No

**AGENDA OF THE LOCAL PLANNING PANEL
WEDNESDAY 23 OCTOBER 2024**

		<p>to ensure a holistic approach for the subdivision.</p> <p>The applicant is to provide stormwater pipes instead of the proposed roadside swale to prevent scouring and slope instability due to the steep gradient (15%) of the site, which could make the swale ineffective.</p> <p>The applicant is to provide centralised detention basins, considering future impervious surfaces with the proposed lots, including rural and urban lots. At the moment only one (1) detention basin was provided for the urban portion of the site.</p> <p>The applicant has reduced the size of the downstream stormwater pipes from 2x 900mm diameter (between pit 01/14 and pit 01/15) to 2 x 750mm diameter (between pit 01/15 and pit 01/16). The applicant is to revise the plans to ensure that downstream pipes are larger than upstream pipes to avoid flow restriction and bottlenecks.</p> <p>An interallotment drainage easement shall be minimum 2m as per Council's Engineering Design Specification D09 Section 3.5 Interallotment drainage. The applicant is to revise the plan to suit.</p>	
<p>A9.12 Waste Management and Disposal</p>	<p>A Waste Management Plan is required for all demolition works and /or</p>	<p>A Waste Management Plan has been submitted addressing demolition and</p>	<p>Yes</p>

**AGENDA OF THE LOCAL PLANNING PANEL
WEDNESDAY 23 OCTOBER 2024**

	construction works (with a value greater than \$50,000).	construction works.	
--	--	---------------------	--

7.2. Wingecarribee Contributions Plan

Developer contributions are payable on the proposed development, however, given the recommendation of this report, these have not been prepared at this time.

8 Environmental Assessment

The site has been inspected (9 October 2024) and the application has been assessed having regard to Section 4.15 of the *Environmental Planning and Assessment Act, 1979*, as amended.

Section 4.15 'Matters for Consideration	Comments
Section 4.15 (1)(a)(i) – Provision of any environmental planning instrument	See discussion in section 6 and key issues below.
Section 4.15 (1)(a)(ii) – Provision of any draft environmental planning instrument.	Nil
Section 4.15 (1)(a)(iii) – Provisions of any development control plan	The proposal is currently non-compliant with a number of objectives and controls of the Bundanoon Township and Rural Living DCPs. See the relevant tables in this report and the discussion below.
Section 4.15 (1)(a)(iiia) – Provision of any Planning Agreement or draft Planning Agreement.	Not applicable.
Section 4.15 (1)(a)(iv) – Provisions of the Regulations.	The relevant clauses of the Regulations have been satisfied.
Section 4.15 (1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.	The environmental impacts of the proposed development on the natural and built environment have been addressed in this report. The proposal will not result in detrimental social or economic impacts on the locality.
Section 4.15 (1)(c) – The suitability of the site for the development.	Given the concerns outlined in this report, the site is not considered suitable for the proposed development.

**AGENDA OF THE LOCAL PLANNING PANEL
WEDNESDAY 23 OCTOBER 2024**

Section 4.15 (1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation.	The issues raised in the submissions have been addressed in this report.
Section 4.15 (1)(e) – The public interest.	The proposal will result in adverse environmental impacts on the site and locality. Accordingly, the proposal is not considered to be in the public interest.

9 Referral Comments

This DA was referred to the following officers within and external to Council:

Internal Council Referrals:

Development Engineer:

The following has been requested:

Traffic & Access

- The subdivision roads within Zone R2 (a portion of Road No. 01 and the full extent of Road No. 02) are proposed to have a 9m wide carriageway within an 18m road reserve with flush kerb. These road sections will need to follow Council's SD101 Local Road standard. Specifically, roll kerb and gutter are to be provided in place of the flush kerb, and an internal stormwater drainage network is to be installed instead of a roadside swale.
- The subdivision road (the remaining part of Road No. 01) within Zone E4 Environmental Zone is proposed to have a 7.2m wide carriageway within an 18m road reserve. This is not acceptable. The applicant can either extend Road 01 to a similar standard or provide Access Type 1 Road as per Council's Standard drawing for Typical Urban Road Cross Sections SD101. For Access Type 01 roads, the reserve width needs to be increased to 21m to accommodate all utilities, footpaths and street trees.
- For roadways with steep gradients (15% for this site), asphalt is preferred for its superior durability, skid resistance, and reduced maintenance, especially in braking and turning zones, as outlined in Section 5.2.2 of the Wingecarribee Shire Council's D06 Pavement Design standards.
- There appears to be an opportunity to provide linkage from the Subdivision Road to William Street. The applicant to investigate to join up the subdivision road to William Street to improve connectivity.
- Majority of lots have direct access to the proposed public roads, Road No. 01 or Road No. 02. A rural crossover is proposed to service each individual lot. Decomposed granite has been proposed as driveway material. This is not acceptable. The applicant to follow Council's Standard Drawing Rural/ Residential Vehicular Crossing SD110.
- Some lots do not have access to direct access to a public road and requires access via a ROW:
 - Easement for access and services with combined 6m wide (E):
 - ♣ Provide access to Lots 101 and 102 (created at Stage 1) to Railway Avenue.
 - ♣ The applicant to amend the Subdivision Plan to show access for Lot 101 and Lot 102 from proposed Road No.01 instead Railway Avenue. This is to avoid

- unnecessary intersection on regional road and unnecessary removal of vegetation within the ROW 'E'.
- o Easement for access and services with 4m wide (B):
 - ♣ Provides access to the subdivision road for Lots 208 burdening Lot 207; and
 - ♣ Provides access to the subdivision road for Lot 401, 402 and Lot 209 burdening Lot 210.
 - ♣ This does not comply with access handle requirement as per Council's standard drawing SD164. Applicant to provide 6m wide access handle at the minimum for access servicing 3 lots.
 - ♣ Shared driveway of 4.5m with passing opportunities as per AS2890.1 are to be provided at subdivision stage for the entire length of the ROW.
 - o Easement for access and services with 6m wide (A) and Easement for access and services with 6m wide (D):
 - ♣ There are 2 ROWs (A and D) over the internal looped gravel road to provide access to Lots 212, 213, 214, 221, Lot 404 and 405.
 - ♣ The loop road services 6 lots in total. For access of 6 lots, the ROW would need to be 5.5m wide within a 10m handle (SD164). Engineering plans are to be amended to suit.
 - ♣ This access road is proposed over steep terrain (~13%) and appears to be decomposed granite. The shared driveway would need to be sealed due to steep slope and to comply with SD164.
 - ♣ The portion that provides access to the sewer pump station (Lot 221) would need to be designed to service a maintenance truck that would service the pump station. Details are to be provided.
 - o It is noted that battle axe shaped lots (Lot 204, 310) have access handle width of 4m. This needs to be increased to 6m. This is to allow adequate space for turning and manoeuvring for emergency vehicles. Additionally, the increase will allow for two-way traffic without reversing onto the public road.
 - o Applicant to provide road pavement cross sections to include all services such as subsoil drainage as per the submitted Geotechnical Report by Douglas Partners, street trees, streetlight and footpath along R2 Residential Zone.
 - Applicant to conduct further site-specific slope stability analysis for areas that are within medium and high-risk area as per the Geotechnical Report. Lots affected include 205 – 208, 214 – 218, 309, 310, 313, 401, 402, 404. This is to be done in conjunction with preparation of earthworks plans.
 - The applicant to provide kerb and gutter along the frontage of development on Railway Avenue to have a seamless connection with an existing kerb and gutter located at 150m west from the subdivision site. Civil Engineering Plan is to be amended to suit. Any impact to existing services is to be shown on plan.
 - There might be sight distance issue at the intersection of proposed Road 02 and Railway Avenue. Austroads states that an upgrade to CHR may be required when sight distance is below standard. Even if CHR is provided, this might not be feasible due to poor sight distance. Refer to Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections. Applicant to investigate in this matter and update the Traffic Impact Assessment Report.

Stormwater

- Applicant to provide DRAINS model for the further assessment.
- The applicant to nominate building envelope. Applicant to update the plans showing that stormwater from the nominated building envelope is directed to the roadside swale or an inter-allotment drainage system for each lot, including those within the rural zone to ensure a holistic approach for the subdivision. This was discussed and agreed at Development Engineering meeting.

- The applicant is to provide stormwater pipes instead of the proposed roadside swale to prevent scouring and slope instability due to the steep gradient (15%) of the site, which could make the swale ineffective.
- The applicant to provide centralised detention basins, considering future impervious surfaces with the proposed lots, including rural and urban lots. At the moment only 1 detention basin was provided for the urban portion of the site.
- The applicant has reduced the size of the downstream stormwater pipes from 2x 900mm diameter (between pit 01/14 and pit 01/15) to 2x 750mm diameter (between pit 01/15 and pit 01/16). Applicant to revise the plans to ensure that downstream pipes are larger than upstream pipes to avoid flow restriction and bottlenecks.
- Interallotment drainage easement shall be minimum 2m as per Council's Engineering Design Specification D09 Section 3.5 Interallotment drainage. Applicant to revise the plan to suit.

Flooding

- The applicant has conducted a preliminary flood study using DRAINS, as outlined in the Stormwater Management Report (Section 6: Flood Assessment). However, this study does not cover the full extent of the development site. Additionally, the study has not discussed the impact of the development on flow during 1% AEP storm events in terms of changes in flood depth, velocity, hazard, and damage. The applicant to conduct detailed flood modelling that covers the entire development site, taking into account the upstream catchment.
- The applicant to provide Flood Risk Assessment Report based on detailed flood modelling as the proposal involves altering natural watercourse. The Flood Risk Assessment Report shall show:
 - 1% AEP flood extent and depth within the development site.
 - It is noted that some lots might be adversely affected by flooding within the vicinity natural watercourse (Lots 101, 206, 209, 210, 214, 215, 309, 401, 402, 403 and 404). Applicant to show building envelopes within the above-mentioned lots to demonstrate they are developable, and outside of the 1% AEP extent.
 - Dam dewatering impact.
 - Applicant to address all the flood prescriptive controls recommended by Bundanoon DCP.
 - No impact outside of the development site.

Sediment and Erosion Control Plans

- Sediment and Erosion Control Plans provided are not sufficient.
 - Lacks staged Sediment Erosion Control Plan: The current Erosion and Sediment Control Plan (ESCP) appears to be implemented only once the final earthworks levels are achieved. It lacks phased plans for different stages of the project. This can be conditioned for the applicant to provide an Erosion Sediment Control Plan for each stage.
 - Lacks clear sediment basin details during construction: This can be conditioned for the applicant to provide a staged Erosion Sediment Control Plan and detailed design of the sediment basin during construction for each stage. The basin would need to take in account for the potential inflow sources and designed following Managing Urban Stormwater: Soils and Construction" guidelines by Landcom.
 - Inadequate sediment fencing and low flow earth bank considering the significant disturbed catchment through the site.

Sewer / Water Development Engineer:

**AGENDA OF THE LOCAL PLANNING PANEL
WEDNESDAY 23 OCTOBER 2024**

The following has been requested:

The applicant is to provide potable water / sewer concept design plans for review. Please note that Council's preferred option is detailed below.

The development is to discharge at the existing manhole (GH04985) in Railway Avenue as it would reduce loading and prevent required augmentation of downstream SPS's. This option would increase the length of the rising main by 250m but would negate the augmentations proposed in the water / sewer modelling report. It has been confirmed with the Council's Assets team that the sewer at this location has adequate capacity to accept the proposed flow from the pump station. Therefore, no further upgrades (based on current flow rates) are required for the development to discharge at this manhole.

Environmental Health Officer:

The following concerns have been raised in relation to contamination:

- It is observed that, according to Chapter 5.3 of the PSI, a search of SafeWork NSW records have not been carried out for the following reason: *'Written authorisation from the landowner, which is required to conduct the search, had not been provided prior to the provision of this report.'*
- There is no mention of previous use of underground or aboveground fuel storage tanks at the site.
- The PSI (Chapter 12) concludes that *'further intrusive investigation should be conducted at the site, targeting areas of environmental concern identified in this report'*.
- Accordingly, the Applicant should be requested to submit a Detailed Site Investigation (DSI) that shall be authored and/or approved by a suitably qualified contaminated land consultant who must be either a Certified Environmental Practitioner – Site Contamination (CEnvP-SC) or Certified Professional Soil Scientist – Contaminated Site Assessment and Management (CPSS CSAM). In addition to the areas of environmental concern identified in the Preliminary Site Investigation (PSI), the DSI shall consider the information about a 5,000L underground tank and 2,500L aboveground diesel tank held in Council records (File Ref: PF 9481-1, Folios No. 1-2) and properly investigate potential land contamination from both tanks. Furthermore, the underground tank may still be on the premises and require removal.

Ecologist:

The following concerns have been raised with the submitted BDAR and other relevant supporting documentation:

- The proposal is located directly adjacent to the regionally significant Glow Worm Glen and Morton National Park. There is no discussion or consideration of how this proposal will impact this area including impacts from stormwater runoff. Direct safeguards relating to Glow Worm Glen should be discussed in the BDAR. Indirect and temporary impacts need to be considered as well as direct impacts.
- The majority of the property is zoned as C4- Environmental living. Whilst the objectives of this zoning are stated in reporting they are not adequately addressed. Objectives of this zoning include 'To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values' and 'To ensure that residential development does not have an adverse effect on those values'. It is not clear how this proposal meets these objectives considering 1.3 ha of Southern Highlands Shale Woodland TEC will be cleared for the development. Additionally, there is not enough information to ensure the adjacent Glow Worm Glen will not be compromised by the development.
- There are concerns surrounding the southeastern lot. The riparian management area and the APZ leave little room for a building envelope. The applicant should look into the possibility of retaining this lot as a vegetated lot with no building envelope. This would also serve as a buffer to the National

AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 23 OCTOBER 2024

Park and Glow Worm Glen and show more consistency with the zoning. At a minimum, the non-developable areas must be subject to a VMP and Section 88B restriction on the title.

- The applicant should investigate revising the APZs along the eastern boundary so that native vegetation is not impacted. It is suggested a building envelope be delineated towards the western edge of these lots and the APZ be calculated off that. The lots appear to have sufficient space to avoid the need to remove any trees.
- There are numerous scattered trees throughout, which are representative of the TEC SHSW. The proposed lots with such trees should include building envelopes and driveway which allow for retention of all trees. Mapping within the report needs to show the lot layouts in relation to the validated vegetation and building envelopes. This will allow a tree by tree approach to avoiding impacts to SHSW. SHWS is listed as a Serious and Irreversible Impact candidate (SAIL). Avoiding unnecessary impacts to SHSW must be paramount through project planning. More can be done in this regard.
- The BDAR validated two hydrolines within the subject land, however from aerial imagery there appears to be more hydrolines running through the site, e.g. from the north western corner to the riparian area along the eastern boundary appears to be a hydroline from aerial imagery.
- TEC SHSW is considered at risk of SAIL, however this has not been addressed in the BDAR. This must be addressed in the BDAR. This assessment is to be in accordance with Section 9.1 and Table 25 of the BAM (2020).
- Furthermore, the EPBC Act listed TEC Southern Highlands Shale Forest and Woodland in the Sydney Basin Bioregion has not been considered. Justification must be provided in the BDAR as to whether vegetation within the subject land fits the criteria for the EPBC Act listed TEC. If it is found to align a SIC must be undertaken
- Consideration should be given as to how validated vegetation patches have been mapped in the BDAR. In some areas the validated vegetation appears to not have been mapped and assessed as a whole patch, when this may be required. The BDAR should refer to 'Guidance for local government on applying the Biodiversity Offset Scheme threshold' page 10 - How is a patch of vegetation defined for the area clearing threshold?

Strategic Planner:

The following concerns have been raised with the proposed development:

Subdivision Design

- Currently, there are views available across the site from Railway Avenue to Morton National Park in the distance. These view lines are not mentioned in the submitted Statement of Environmental Effects (SEE) and not identified in any other documentation. They should have been identified in a site analysis which is required to be submitted with a DA. (The SEE says to refer to site plan. The site plan does NOT meet the requirements for a site analysis required by the DCP, particularly for such a significant development.) These rural view are important but have not been given due consideration in the application. For example, an enlightened subdivision design could align road and view corridors.
- The lots adjacent to the northern boundary along Railway Avenue (Lots 301-306 inclusive) require careful planning and consideration. These lots have dual frontage to both Railway Avenue and the internal access road. This will result in one of those frontages (presumably Railway Avenue) becoming a rear yard. Without dense landscape screening and controls on the type of fencing along Railway Avenue, these lots will present poorly to Railway Avenue with views of rear yards and garden sheds. This outcome is demonstrated along Illawarra Highway in Moss Vale where no planned landscape buffer was implemented and the rear yards of Torulosa Drive properties are exposed to view by passing motorists.
- The southern part of the site is adjacent to public land and the Glow Worm Glen Walk. Council's Property team should be consulted about whether there is a need for additional land to be dedicated in this area. The south-western corner of the site adjoins Morton National Park in the area near Glow Worm Glen. It's recommended that National Parks and Wildlife Service be referred the application for comment.

Heritage

- The property was identified in the *Draft Wingecarribee Community Heritage Study 2021-23* as a potential heritage item. The draft Community Heritage Study underwent public exhibition from September until November 2023. The owners of the property made a submission in objection to the proposed listing in November 2023. The SEE (dated May 2024) makes no mention that the site is included within the Draft Community Heritage Study 2021-23 and being considered by Council for heritage listing.
- Due to the site being identified and recommended for heritage listing in the Draft Community Heritage Study, it is recommended that the development application be referred to Council's Heritage Advisor for comment.
- The Community Heritage Study has been peer reviewed by heritage architect Robert Staas who made the following comments in his [Peer Review 2024 report](#) (May 2024) in relation to the heritage significance of the property:

This is an important example of the work of architect, James Peddle and the direct influence of American Californian Bungalow style architecture on an Australian country house for a prominent merchant. A substantial amount of information directly links this house to Peddle's Pasadena experience and the works of Green & Green architects. It remains substantially intact on large rural estate. Recommended to be included as a Local Heritage Item in the Community Heritage Study for the reasons set out in the Preliminary Evidence Sheet and Statement of Significance. The listing to include the sandstone entry gates and tree lined avenue. Further information on this site may be available from the PTW archives in Sydney.

- Additional commentary and mention of possible State heritage significance was provided in the [Peer Review 2024 Addendum](#):

Submission by Matthew Adamo objecting to the inclusion of his property as a heritage item and also to the process undertaken in the Community Heritage Study that led to its identification. While access to the site is limited the landscaping, avenue and the entry gates are clearly significant. Inspection of the site on 'Nearmap' provided some indication of the state of the buildings and while there are some errors in the study it should not be assumed that the property has not been accurately identified as having significant heritage value. Research with the archives of the architect also provided information that confirms that this property is a significant site in the Shire and may be considered to be of State heritage significance. Recommended to be included as a Local Heritage Item in the Community Heritage Study for the reasons set out in the Preliminary Evidence Sheet and Statement of Significance. The listing to include the sandstone entry gates and tree lined avenue. Further information on this site is available from the PTW archives in Sydney.

- The *Peer Review 2024* was on public exhibition from 31 May until 30 June 2024 and Robert Staas was asked to provide a response to the submissions made to the Peer Review. The owners of the subject site made a further submission in objection to the proposed heritage listing in June 2024. Robert Staas made the following commentary on the objection and the proposed listing in his [Response to Submissions to Peer Review](#) (July 2024):

Submission to formally object to the inclusion of this property as a heritage item in the Community Heritage Study and as recommended by the Peer Review.

The objection claims the study is not valid as a being representative of the community and was not carried out by authors having appropriate heritage expertise, resulting in inaccuracies within the study.

The authors of the submission claim that the location of the subject property would preclude accurate assessment of its identification and current condition, the size of the site would require a more defined 'reduced curtilage' and heritage listing would impose an unacceptable financial burden.

Photographs of the site dated February 2023 are available on line and indicate that externally the property reflects the characteristics of a James Peddle bungalow. Additionally the entry gates and avenue of trees are significant in the streetscape despite the inability to view the house from the public domain. They signify the presence of a substantial site at this location.

It is well established that this house was built for a member of the well known merchant family, Eric David Lloyd Jones to designs by the pioneering 20th century architect James Peddle in 1919. This makes the house one of a few from the early period of this important architect's practice when he was introducing the bungalow idiom to Australia following his time in California. A handful of designs by this architect are identified in the Southern Highlands, all for prominent owners.

This information together with plans and elevations of the house are included in the publication 'Images of the Pacific Rim' by Erika Esau, Chapter 4. The information in that book was confirmed by the well known Heritage Architect, Howard Tanner.

Despite some changes to the fabric, it demonstrates the adoption of this style by a wealthy member of Sydney society for a country retreat. A style which was seminal in the evolution of residential design in Australia. For this reason alone it demonstrates a high degree of Significance.

Given the strident statements of the owners in regard to the listing and despite my previous recommendation, I suggest that this property be deferred for a detailed inspection at an early date and assessment prior to finalisation of its inclusion in the final heritage list.

- At its meeting of 15 & 16 July 2024, the Local Planning Panel made a recommendation to defer heritage listing of this site taking into account the above advice from Robert Staas. The Local Planning Panel's advice is due to be considered as part of a report on the Community Heritage Study and Planning Proposal at the Council Meeting of 7 August 2024.

On Robert Staas's advice, and taking into account further information submitted by a resident of Bundanoon and the Bundanoon History Group, the proposed item name for the subject site has been amended to "Spring Hill" (formerly 'Lydholme Farm')—house, garden, tree-lined entry, current sandstone entry gates, former stone entry gate posts and stone bridge". The annotated aerial photo below shows the location of these elements.



Figure 4: Annotated Aerial Photograph

- The recommendation of the Peer Review and the Local Planning Panel to defer listing of this site was supported by Council on 7 August 2024. This is until June 2025 to undertake further investigations.
- Pre-empting the curtilage assessment, it is recommended that the subdivision design be modified in the following manner:
 - expansion of proposed Lot 102 containing the homestead to ensure that all the mature trees around the site are contained within the lot and are located outside any potential asset protection zone for any new buildings on proposed Lots 204 or 205.
 - expansion of proposed Lot 102 to include the whole driveway and tree plantings within that lot. A right-of-way can be created to allow for access of Lot 101, or alternative access can be provided (and should be considered) from the new access road.
 - re-alignment of the road to retain the stone bridge with its potential incorporation into the public domain or to provide access to one of the proposed lots.
 - consideration should be given to utilising the (possibly?) original gate posts on Railway Avenue as driveway or road entry posts, potentially for the eastern access road. Ideally, this would be leaving them in situ. Conservation work on the stonework may be required.
- It is recommended that a condition on consent be placed on any approval requiring interpretive signage be designed and installed on the site to recognise the site's history. The

**AGENDA OF THE LOCAL PLANNING PANEL
WEDNESDAY 23 OCTOBER 2024**

number, content and location of these signs should be approved by Council in consultation with the Bundanoon History Group and Bundanoon Residents Association.

External Referral:

NSW Department of Planning and Environment – Water

General terms of approval granted (dated 4 October 2024).

NSW Rural Fire Service:

General terms of approval have not been granted. The following additional information has been requested (dated 2 October 2024):

Insufficient evidence and justification has been provided for the lack of a perimeter road, noting the scale of development. Whilst the proposal includes additional bush fire protection measures, the development has not demonstrated how the intent of the performance measure for access/perimeter road access has been satisfied.

The proposal should seek to provide a perimeter road, unless it can be demonstrated that a performance solution will meet the intent of the relevant performance solutions in Planning for Bush Fire Protection 2019.

Noting recent fire history to the south-eastern aspect of the proposal, further information is required as to how the lack of a perimeter road and its intent to allow safe access and egress for firefighting vehicles while residents are evacuating as well as providing a safe operational environment for emergency service personnel during firefighting and emergency management on the interface can be met.

Water NSW:

Concurrence has not been granted to date.

Endeavour Energy:

No objection subject to recommended conditions of consent dated 04/07/2024.

ARTC:

The following matters have been raised in relation to noise and vibration:

Under *Transport & Infrastructure SEPP 2021*, ARTC is the relevant 'rail authority' for all planning matters that adjoin or may impact the ARTC freight line rail corridor in your Council's LGA. For the avoidance of doubt, the rail corridor applies to all railway land owned by Transport for NSW, TAHE, RailCorp and State Rail or their predecessors in title.

Also please ensure Council considers the *Transport & Infrastructure SEPP 2021* and *Development Near Rail Corridors and Busy Roads – Interim Guideline (2008)* when determining this application. A copy of the guideline can be found at the following link:

<https://www.planning.nsw.gov.au/sites/default/files/2023-03/development-near-rail-corridors-and-busy-roads-interim-guideline.pdf>

ARTC requests that, due to the nearby rail corridor, Council considers the following in its assessment of the application:

Noise and Vibration

ARTC requests that the Council consider the requirements of *Development Near Rail Corridors And Busy Roads – Interim Guideline* and whether any noise sensitive uses within the development are likely to be adversely affected by rail noise or vibration.

To assist Council in assessing and determining the development immediately adjacent to the railway corridor, it is recommended that all residential and other noise-sensitive proposals located within 60-80m of an operational railway line be subject to an acoustic assessment and that Council may use their discretion to extend the acoustic assessment beyond the preferred 60-80m buffer to address any developments that are:

- Located outside of the preferred 60-80m buffer;
- In the vicinity of steel bridges or cuttings;
- Near sections of high speed track or regularly used track; or
- In locations where no acoustic shielding by topography or buildings exist.

Furthermore Clause 87 of the Infrastructure SEPP requires consideration of the impact of noise and vibration on non-rail development. The SEPP requires that the consent authority **must not grant consent** to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

- (a) in any bedroom in the building—35 dB(A) at any time between 10.00 pm and 7.00 am,
- (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

The following has also been raised in relation to the increase in construction traffic impacting bridges over the rail corridor.

Due to the potential for construction traffic to impact bridges over the rail corridor ARTC requests that a Construction Traffic Management Plan (CTMP) be developed. This CTMP will be required to be reviewed and endorsed by ARTC prior to commencement of construction.

The bridges are managed by UGL Regional Linx on behalf of Transport for NSW and the CTMP should also be provided to them for review and endorsement.

10 Conclusion

That Development Application No. 24/1487 for a 40 lot Torrens Title subdivision comprising 38 residential lots and two (2) lots for public infrastructure, and associated works including earthworks, construction of two roads and a stormwater detention basin and landscaping, at 159 Railway Avenue, Bundanoon, be determined by REFUSAL subject to the reasons detailed in **Attachment 1** of this report.

ATTACHMENTS

1. 24-1487 - Notice of Determination - Refusal - 159 Railway Avenue Bundanoon - PAN-438760 [6.2.1 - 3 pages]
2. 24-1487 - Site Plan - 159 Railway Avenue Bundanoon - PA N-438760 [6.2.13 - 1 page]
3. 24-1487 - Statement of Environmental Effects - 159 Railway Avenue Bundanoon - PA N-438760 [6.2.14 - 45 pages]
4. 24-1487 - Subdivision Plans - 159 Railway Avenue Bundanoon - PA N-438760 [6.2.16 - 5 pages]

6.3 Development Applications Greater Than 180 Days to be reported to the WLPP

Report Author: Manager Development Assessment and Regulation

Authoriser: Michael McCabe

PURPOSE

The purpose of this report is to provide the Wingecarribee Local Planning Panel with detail regarding the current Development Applications that exceed 180 days.

OFFICER'S RECOMMENDATION

THAT the Wingecarribee Local Planning Panel note the Development Applications that are currently being assessed which have exceeded 180 days since lodgement.

REPORT

The table, provided in Attachment 1, includes a list of DAs that are currently being assessed which have exceeded 180 days since lodgement which are to come to the Wingecarribee Local Planning Panel for determination.

A short commentary has been included against each Application. The table is being provided to the Wingecarribee Local Planning Panel for information and feedback.

ATTACHMENTS

1. Attachment 1 - Development Applications exceeding 180 Day Assessment Timeframe [6.3.1 - 2 pages]

6.4 Development Applications greater than 180 Days not required to be reported to the WLPP

Report Author: Director Communities and Place

Authoriser: Michael McCabe

PURPOSE

The Wingecarribee Local Planning Panel (WLPP) is of the view that consideration of Development Applications (DAs) that would not otherwise come before it is beyond its remit and that such DAs are a matter for Council operational management.

The WLPP's determination of item 6.3 dated 25 September 2024 included a recommendation that a quarterly general performance monitoring report be presented to Council, outlining the status of undetermined development applications in excess of 180 days.

The advice of the Director Communities and Place and General Manager has been sought in response to the WLPP's determination and form the basis of the recommendations of this report.

OFFICER'S RECOMMENDATION

THAT the Wingecarribee Local Planning Panel give in-principle support to the continued progression of Resolutions 1 and 2 of item 10.21 made by Council at the meeting dated 7 August 2024, being that:

- 1. Performance against the timeframe expectations for development assessments as contained in the Environmental Planning and Assessment (Statement of Expectations) Order 2024 be reported to Council as part of the Operational Plan 2024/25 - Service Performance Measures reporting requirements.**
- 2. A further report on Development Assessment Performance be provided to the newly elected Council in the first quarter of 2025.**

BACKGROUND

At the ordinary meeting of Council dated Wednesday 7 August 2024 Council considered item 10.20 and resolved that:

- 1. A report be presented to the Wingecarribee Local Planning Panel:
 - a. Seeking resolution that the Panel pursuant to Section 2.20(8) of the Environmental Planning & Assessment Act 1979 (EPA Act) revoke their current delegation in relation to the conduct of appeals.*
 - b. That the Panel pursuant to Section 2.20(8) of the EPA Act delegates to Council's General Manager the functions of the Panel under Section 8.15(4) of the EPA Act with respect to the control and direction of appeals subject to the current operational guidelines documented in the Wingecarribee Shire Council - Planning Panel Guidelines**
- 2. Routine reporting mechanism be developed for Appeals and Development Applications which have been lodged for a period of 180 days which would have come to the Wingecarribee Local Planning Panel.*
- 3. The routine reporting mechanism be reported to the Wingecarribee Local Planning Panel to seek their feedback.*

AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 23 OCTOBER 2024

4. *The Wingecarribee Shire Council - Planning Panel Guidelines be reviewed and draft amendments be proposed for consideration by the Wingecarribee Local Planning Panel in response to the Council resolutions of this report.*
5. *A further report be brought back to Council following consideration of the above resolutions by the Wingecarribee Local Planning Panel.*

The WLPP considered the above Council resolutions by providing advice and determining items 6.2 and 6.3 at the WLPP meeting dated 25 September 2024 (**Attachment 1**).

Additionally, at the ordinary meeting of Council dated Wednesday 7 August 2024, Council considered item 10.21 and resolved that:

1. *Performance against the timeframe expectations for development assessments as contained in the Environmental Planning and Assessment (Statement of Expectations) Order 2024 be reported to Council as part of the Operational Plan 2024/25 - Service Performance Measures reporting requirements.*
2. *A further report on Development Assessment Performance be provided to the newly elected Council in the first quarter of 2025.*
3. *A routine reporting mechanism be developed for development applications which have been lodged for a period of 180 days or more, with short commentary, to the monthly meeting of the Wingecarribee Local Planning Panel until the Ministerial Order dated 1 July 2024 is satisfied; such reporting to commence at the September meeting.*

Council resolution 3 as per above is relevant to the WLPP, however, the WLPP did not initially consider it as it was not reported to the 25 September 2024 WLPP meeting. However, at the WLPP meeting of the same date the Council resolution was drawn to the WLPP's attention by Mr Barry Anstee who addressed the WLPP on the matter.

The WLPP considered the matter and stated that:

The Panel is of the view that consideration of Development Applications (DAs) that would not otherwise come before it is beyond its remit, that such DAs are a matter for Council operational management and that the advice of the Director Communities and Place and General Manager be sought regarding the above matter.

LEGISLATIVE CONSIDERATIONS

The Environmental Planning and Assessment (Statement of Expectations) Order 2024

The Order made by the Hon. Paul Scully MP, Minister for Planning and Public Spaces dated 1 July 2024 is attached as **Attachment 2**.

The Order states expectations of a Council, however the order does not state expectations of a local planning panel, therefore it does not apply to the WLPP. It is noted that local planning panels are referenced in item 5(1)(c) of the Order.

Local Planning Panels Direction – Development Applications and Applications to Modify Development Consents

The Direction made by the Hon. Paul Scully MP, Minister for Planning and Public Spaces dated 6 March 2024 is attached as **Attachment 3**.

The WLPP are only to determine development applications in accordance with Schedule 1 of the Direction.

Local Planning Panels Direction – Operational Procedures

The Direction made by the Hon. Anthony Roberts MP; Minister for Planning dated 7 December 2022 is attached as **Attachment 4**.

Under the heading 'Application' contained within page 1 of the Direction there is a note which states:

AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 23 OCTOBER 2024

Local Planning Panels are independent committees appointed by Councils to determine certain development applications and to provide advice on planning proposals. A local planning panel is not subject to the direction or control of council, except on matters relating to panel procedures or the time within which the panel is to deal with a matter that is not inconsistent with this direction.

Item 4.4(3) of the Direction titled 'Panel Performance' states:

Should an application experience unreasonable delays in excess of 180 calendar days from lodgement, the panel chair may require the council to report the matter to the panel within 4 weeks for determination.

It is noted that item 4.4(3) is only applicable to development applications in accordance with Schedule 1 of the Local Planning Panels Direction – Development Applications and Applications to Modify Development Consents dated 6 March 2024 (**Attachment 3**).

ADVICE OF THE DIRECTOR COMMUNITIES & PLACE AND THE GENERAL MANAGER

It is highlighted that the Direction made by the Hon. Anthony Roberts MP, Minister for Planning dated 7 December 2022 (5) states that:

Local Planning Panels are independent committees appointed by Councils to determine certain development applications and to provide advice on planning proposals. A local planning panel is not subject to the direction or control of council, except on matters relating to panel procedures or the time within which the panel is to deal with a matter that is not inconsistent with this direction.

This is the basis as to why Council Resolution 3 of item 10.21 of the ordinary meeting of Council dated Wednesday 7 August 2024 was not reported to the WLPP. Resolution 3 being that:

A routine reporting mechanism be developed for development applications which have been lodged for a period of 180 days or more, with short commentary, to the monthly meeting of the Wingecarribee Local Planning Panel until the Ministerial Order dated 1 July 2024 is satisfied; such reporting to commence at the September meeting.

The Director Communities & Place and the General Manager recommended that the WLPP give in-principal support to the continued progression of Resolutions 1 and 2 which were made by Council at the same meeting being that:

3. *Performance against the timeframe expectations for development assessments as contained in the Environmental Planning and Assessment (Statement of Expectations) Order 2024 be reported to Council as part of the Operational Plan 2024/25 - Service Performance Measures reporting requirements.*
4. *A further report on Development Assessment Performance be provided to the newly elected Council in the first quarter of 2025.*

ATTACHMENTS

1. Attachment 1 - WLPP Minutes 24 September 2024 [**6.4.1** - 8 pages]
2. Attachment 2 - Minister Exemption Order 1 July 2024 [**6.4.2** - 6 pages]
3. Attachment 3 - local-planning-panels-direction-development-applications-and-applications-to-modify-d [**6.4.3** - 7 pages]
4. Attachment 4 - local-planning-panels-direction-operational-procedures 7 December 2022 [**6.4.4** - 5 pages]

7 MEETING CLOSURE