

# **Planning Proposal**

## **to amend Wingecarribee Local Environmental Plan 2010 to rezone and reduce the minimum lot size of land at Yarrawa Road Moss Vale.**

Prepared by Strategic Land Use Planning Branch  
Wingecarribee Shire Council  
Version 3 for Gateway Determination  
(prepared from proponent's submission to Council)

October 2020

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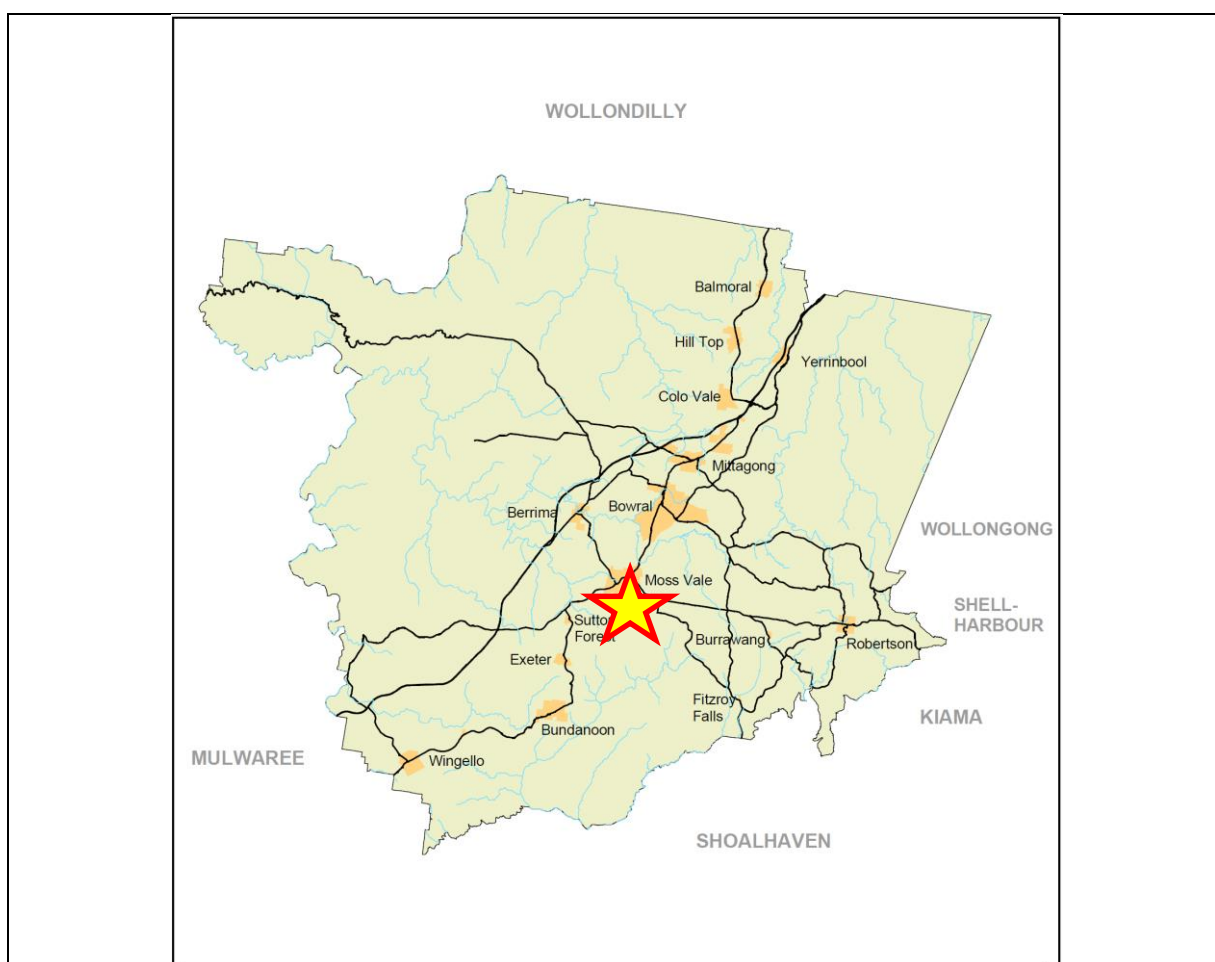


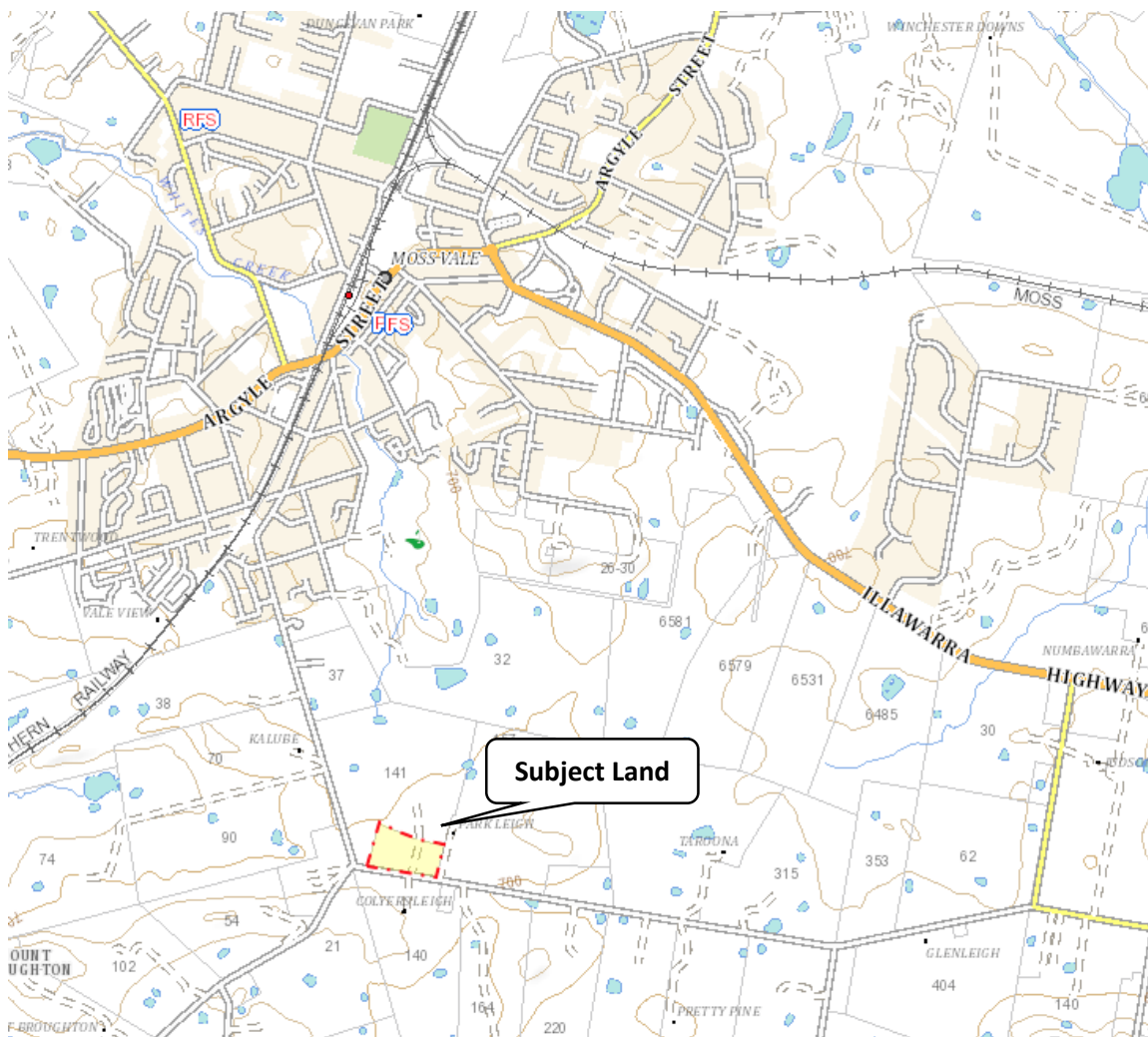
## Attachments which form part of this Planning Proposal

1	Report to Council 26 July 2020
2	Resolution of Council 26 July 2020
3	Delegation Request Form

### Location & Description of the Subject Land

#### Location of the Subject Land – 121, 131 & 153 Yarrawa Road Moss Vale





**Figure 1 Site Location (yellow area bounded red)**

### Description of the Subject Land

The site comprises a total area of some 6.2 hectares in three separate parcels of land each with frontage to Yarrawa Road:

- Lot 4 DP706194, 121 Yarrawa Road, Moss Vale, having a road frontage of 105 metres and a site area of 2.2 hectares
- Lot 5 DP706194, 131 Yarrawa Road, Moss Vale, having a road frontage of 110 metres and a site area of 2 hectares
- Lot 2 DP610352, 153 Yarrawa Road, Moss Vale, having a road frontage of 120 metres and a site area of 2 hectares

The site sits approximately 2.5 kilometres south of the Moss Vale town centre and just 1 kilometre south of the existing Harbison aged care residential development on Yarrawa Road that is the current extent of residential development in this locality.

Each parcel accommodates an existing dwelling and associated farm sheds and outbuildings. The sites are predominately cleared open paddocks with no remnant native vegetation other than a few scattered trees with some established introduced site landscaping.



**Figure 2 – Aerial view of subject land**

The sites all share common boundaries, either to the north or to the west, with the Chelsea Gardens/Coomungie Urban Release Area. The Coomungie homestead is located approximately 150 metres from the sites northern boundary and has the benefit of a 10 metre wide access handle on to Yarrowa Road that runs between Lot 5 DP706194, 131 Yarrowa Road and Lot 2 DP610352, 153 Yarrowa Road.

The land to the east and opposite on the southern side of Yarrowa Road is predominately broad acre parcels and rural in nature, as indicated in the Figures below.





**Figure 3: From Yarrowa Road looking north over the Chelsea Gardens/Coomungie Urban Release Area with subject site to right of photo**



**Figure 4: The site from the eastern end looking north west along Yarrowa Road**



**Figure 5: Existing access off Yarrowa Road to the Chelsea Gardens/Coomungie Urban Release Area**

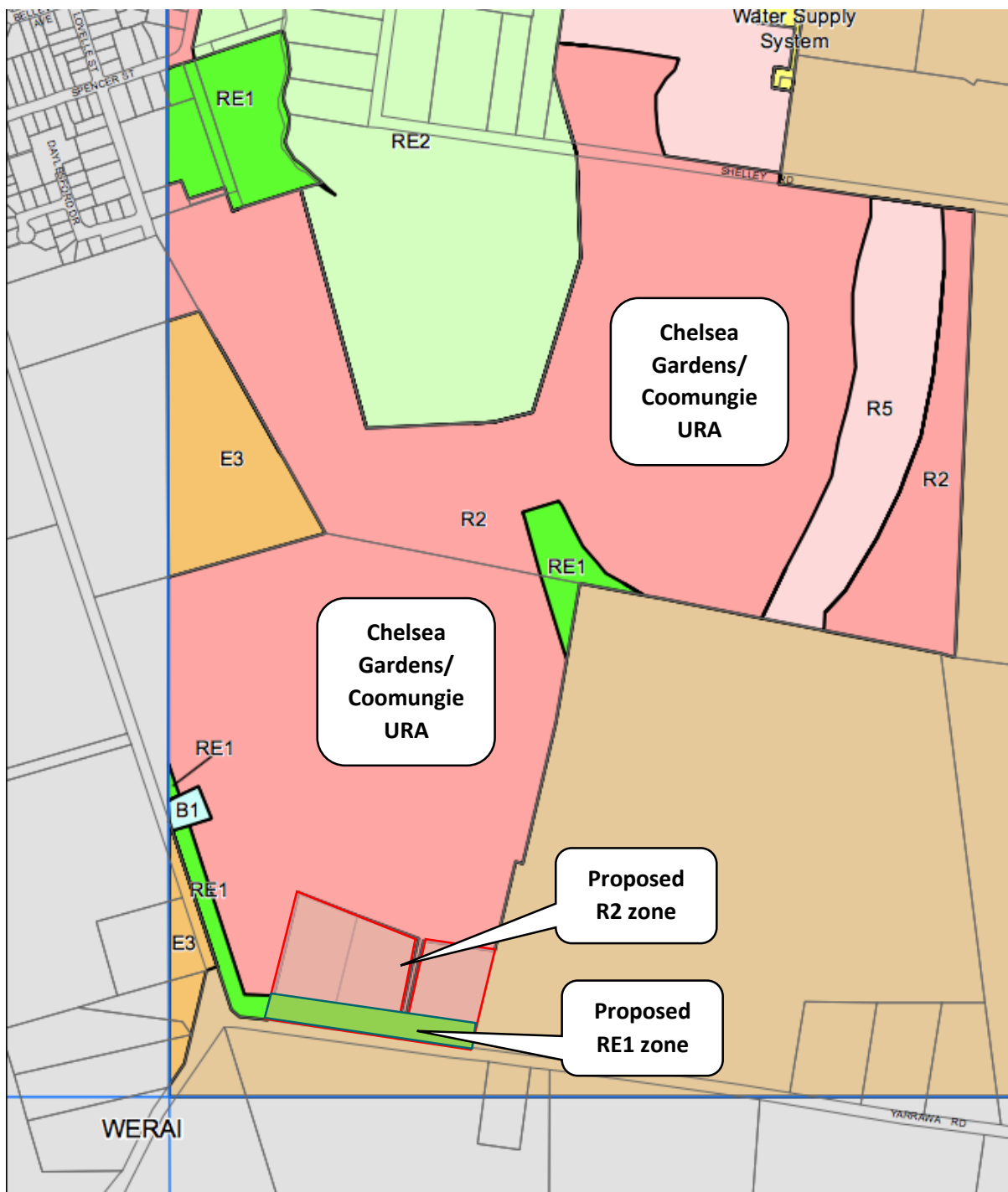


Figure 6: Extract from zoning Maps of WLEP2010 showing the Site and its context with residential development zoning to the north (Chelsea Gardens/Coomungie) and rural zoning to the east

## Part 1: Objectives or Intended Outcomes

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

- To amend the Land Zoning Map of WLEP2010 to rezone the land from RU2 Rural Landscape to R2 Low Density Residential, with a portion of RE1 Public Recreation along the Yarrowa Road frontage to create zonings consistent with those on the adjoining Chelsea Gardens/Coomungie Urban Release Area. (As indicated in Figure 6 above).
- To amend the Lot Size Map for the proposed R2 Low Density Residential zone from 40 hectares to 600m<sup>2</sup>, consistent with that prescribed for the bulk of the adjoining Chelsea Gardens/Coomungie Urban Release Area.

The draft amendments would create the ability to subdivide the land, subject to Council consent, in a subdivision pattern that is suitable for the circumstances of the land, compatible with adjoining development and supportive of Council's Local Housing Strategy that relies in part, on the identification and development of 'green field' housing opportunities.

The amendment would achieve approximately five (5) hectares of residential zoned land. The final total yield, in terms of the number of new lots, would depend upon the outcome of the urban design phase of the planning process and more detailed consideration of the proposed design of the Chelsea Gardens/Coomungie Urban Release Area. However, a potential yield of 70- 80 lots would be a reasonable estimate.

## Part 2: Explanation of the Provisions

- To achieve the intended outcomes of the Planning Proposal the following amendments to the WLEP 2010 instrument will be required:

No amendment to any clause or schedule within WLEP 2010 would result from the proposed amendments.

- To achieve the intended outcomes of the Planning Proposal the following WLEP 2010 maps would require amendment:

Instrument or Map Affected	Detail of Amendment
Land Zoning Map – Sheet LZN_007H	Lot 4 DP706194, Lot 5 DP706194 and Lot 2 DP610352, to be shown as zone R2 Low Density Residential with a strip



	of RE1 Public Recreation zoned land along Yarrawa Road.
Lot Size Map – Sheet LSZ_007H	The proposed R2 portion of Lot 4 DP706194, Lot 5 DP706194 and Lot 2 DP610352, to be shown as being subject to 600 square metres minimum lot size for subdivision.
Urban Release Areas Map – Sheet URA_7B	Lot 4 DP706194, Lot 5 DP706194 and Lot 2 DP610352, to be shown as being part of the Chelsea Gardens/Coomungie Urban Release Area.

The proposed map changes are considered to be the most efficient way to give effect to the stated objectives and intended outcomes of the Planning Proposal.

By including the subject land on Council's Urban Release Area map as an extension to the Chelsea Gardens/Coomungie Urban Release Area (URA), the land would be subject to the same requirements as the existing URA with regard to addressing Part 6 of WLEP 2010.

This would also have the outcome of including the subject land within the Moss Vale Township Development Control Plan, thereby requiring that the adopted DCP controls for the Chelsea Gardens/Coomungie URA also apply to the subject land.

## Part 3: Justification of Objectives, Outcomes & Process


### Section A – Need for the Planning Proposal

#### 1. Is the Planning Proposal a result of any strategic study or report?

Enquiries to rezone the subject land were considered during the drafting of WLEP 2010 at which it was resolved to consider the requests when drafting of the Wingecarribee Local Planning Strategy 2015-2031 (adopted 23 March 2016). Further consideration by Council occurred following the issue of a Gateway Determination by the Department of Planning for the Chelsea Gardens/Coomungie Urban Release Area.

It is noted that Council was required by the Department of Planning, in May 2017, to identify opportunities for 'green fields' development, and subsequently required under the provisions of Section 3.9 of the *Environmental Planning and Assessment Act 1979* to prepare a Local Strategic Planning Statement.





The Planning Proposal is therefore made on the basis of both the need for Council to consistently review its position in relation to land availability from a long term strategic perspective as well as to give effect to the previous conclusion that these lands could be dealt with in a fashion similar to the Chelsea Gardens/Coomungie Urban Release Area.


The change of zoning can provide Council with the opportunity to achieve its strategic planning goals of providing additional housing opportunities across the Shire, including both infill and green field development. A site with no significant environmental or townscape constraints, immediately adjacent a residential release area, is the type of extended greenfield opportunity that Council should maximise if it is to achieve its stated housing aims. It is noted that Council's options across the Shire in this regard are limited.

It is also noted that the provision of such opportunities tends to be cyclical. Following the planning and release of East Bowral in the late 1990's and early 2000's there was a hiatus in longer term strategic decisions and land supply was all but exhausted by 2005. Starting with Renwick, the past 10 years has seen Council make strategic decisions on a range of new residential land release opportunities – Renwick at Mittagong, Nattai Ponds at Braemar, Retford Park in Bowral and Darraby/Broughton Street at Moss Vale. All of these have proven to be important additions to the availability of housing land across the Shire, complementing modest growth in the infill opportunities presented within existing towns and villages.

## **2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

The Planning Proposal is the best way of achieving the objectives and intended outcomes. It is not possible to achieve the objectives and outcomes without a Planning Proposal. Council could not accept, nor support a Development Application for the subdivision of the land without such a Proposal being first assessed and supported.

The Planning Proposal process as currently constituted, is designed to enable initial overview of potential planning changes to be discussed with a focus on threshold questions prior to more detailed analysis being required of the practical or specific outcomes. More detailed work on design and services etc. can be required as part of any initial Gateway Determination as is already identified within the Local Housing Strategy. This could include the urban design analysis that would lead to the final recommendations of lot layout, size and yield, all informed by the engineering and environmental capacity assessments of the site. With its proximity to Chelsea Gardens/Coomungie, the site is an obvious extension of future residential development and of future residential opportunity. Integration in terms of traffic movements, drainage, sewer, power and open space are all readily achievable, but this needs coordination and the timing is important. The site is not environmentally constrained to the extent that residential development could not be achieved. It is mainly cleared grazing land with no remaining remnant native vegetation.



At the Planning Proposal stage, the task is to judge the planning context and planning logic of a particular land use proposition, rather than become immersed in the detailed assessment that is the role of a Development Application. Based on the fundamental questions of demand, context, integration and visual impact, the proposition of utilising the site for residential purposes is sound and can be supported. Supporting the Planning Proposal is consistent with Council's strategic planning options and would assist in them meeting their obligations.

## Section B – Relationship to the Strategic Planning Framework

### **3. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including draft strategies)?**


The South East and Tablelands Regional Plan 2036 is the relevant sub regional strategy. In broad terms, the Strategy seeks to cater for continued growth within the region, without impacting adversely upon the character of the region. This Planning Proposal achieves this by providing an additional opportunity for residential development which would be at a yield of approximately 70 - 80 lots, with a final yield to be determined at the Development Application stage. It would be at a final density that would be achievable upon the subject land, with such development being consistent with the future character of the locality that will be set by the residential development of Chelsea Gardens Coomungie that adjoins immediately to the north.

Chapter 4 of the Strategy is Environmentally sustainable housing choices. This Planning Proposal supports that broad objective.

Direction 24 of the Strategy is to deliver greater housing supply and choice, noting that local housing strategies need to consider community aspirations. This Planning Proposal will support this objective and would be consistent with the community aspirations as put forward in previous community workshops that show support for well located housing options and actions that have a positive impact on the issue of housing affordability within the Southern Highlands.

Housing affordability is currently a major and serious issue of concern. There are various issues that play into housing affordability, however the supply of land and housing is critical in that equation. As mentioned earlier, decisions made today in relation to future development opportunity may have lead in times of up to 5 years, possibly longer, so it is imperative that decisions relating to the objectives and outcomes of the Regional Plan not be delayed. In this case, taking advantage of infrastructure extensions and upgrades that will be occurring in any event because of Chelsea Gardens Coomungie, is likely to have a positive impact upon the affordability of any housing produced as a result of this Planning Proposal.

Direction 25 of the Strategy Focus is for housing growth in locations that maximise infrastructure and services in particular to achieve sustainable urban outcomes that do not undermine existing strategic and local centres. The sites proximity to Chelsea Gardens Coomungie is ideal in the opportunity it provides to leverage off infrastructure and services that are already in the planning



and development phase, while at the same time being close enough to the Moss Vale centre to encourage the use of all existing services that it has to offer.

Direction 27 is to deliver more opportunities for affordable housing which this Planning Proposal can achieve through the establishment of a suitable minimum lot size, just as has been done with Chelsea Gardens Coomungie.

The strategies broad aim of protecting the sensitive elements of the natural environment is not endangered by this Planning Proposal. As noted, the site is not sensitive from an ecological or environmental perspective. There are no parts of the site that contain remnant native vegetation. There are no watercourses.

From a visual impact perspective, the sites sensitivity is not significant given the backdrop of urban development that will result from the residential development that has been accepted already.

The nature and scale of the Planning Proposal raises no issues of inconsistency in relation to the Regional Strategy. It is a localised amendment to the local planning controls but one that will assist in Council's efforts to achieve its obligations to provide additional housing opportunities across the Shire.

#### **4. Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?**

##### **4.1 Wingecarribee Local Housing Strategy**

The Wingecarribee Local Housing Strategy supports integration of the subject land into the new Chelsea Gardens Coomungie Urban Release Area, but heavily qualifies the time frame for any future subdivision due to the significant infrastructure constraints identified during the preparation of the Strategy, as noted below:

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

To emphasise this significant limitation to development in Moss Vale in the immediate future, the Strategy states that:

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

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

- *A geotechnical assessment of steep lands*

The Strategy also provides a set of design principles are intended to guide the future development of the site, a key component being that:

*The proposed new living areas are to be integrated into the existing Chelsea Gardens Coomungie URA.*

Therefore, with regard to the Planning Proposal under consideration, the Strategy does support rezoning of the subject land as proposed. It is noted however, that the Strategy's requirement that any future planning proposal address the identified traffic and sewer infrastructure limitations within Moss Vale, as well as further site specific assessments, will prevent the progression any subsequent development application for the rezoned land without reference to the existing Chelsea Gardens Coomungie URA.

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

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

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

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

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



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

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

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

**Planning Priority 4.3** - *Provide for well planned new release areas to meet the long-term housing needs of the community, and ensure that our growing communities are supported by essential infrastructure.*

The Planning Proposal is consistent with this LSPS Planning Priority because it specifically addresses this Priority, extending the current Chelsea Gardens Coomungie URA to include the subject land and in so doing also ensure that necessary infrastructure considers this development at the planning stage. Specifically, the Planning Proposal aligns with the following Actions identified in the Wingecarribee LSPS:

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

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

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

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

### **Precinct Plan: Moss Vale**

The Planning Proposal is also consistent with the Moss Vale Precinct Plan in the LSPS which states that

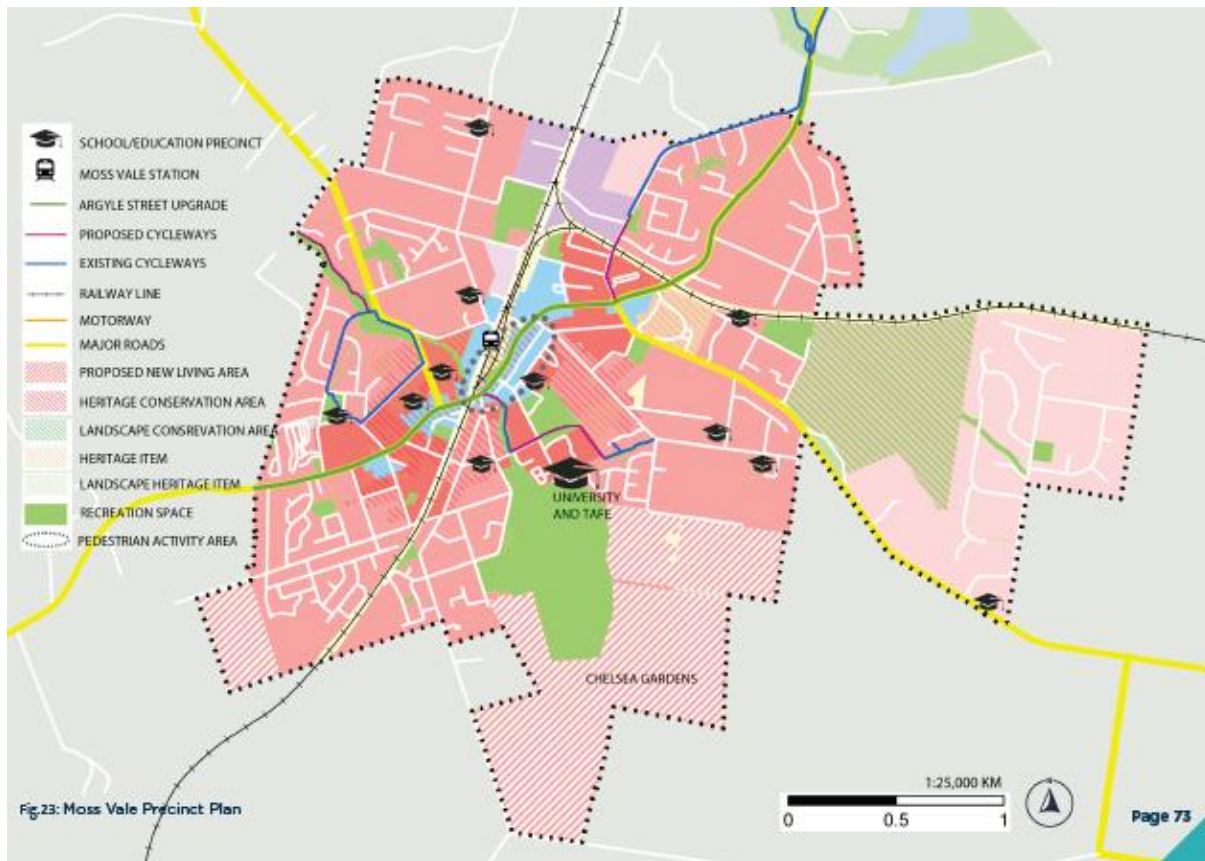
*Moss Vale Township lies to the south of Bowral separated from Bowral by the Burradoo Landscape Conservation Area. The key strength of Moss Vale is that it has retained a genuine country town atmosphere and its origins as a rural support centre. Moss Vale is principally a 'service' town, and plays an important civic function in the Shire. Its retail focus has traditionally been directed more towards residents within the Township and from surrounding rural properties and less towards tourism. However, the Moss Vale centre has undergone a noticeable transition in recent years, with an increase in boutique retail, and food and beverage offerings contributing to the revitalisation of the town centre, and becoming popular destination for visitors.*

*Further supporting Moss Vale as the civic centre of the Shire is the Wingecarribee Civic Centre, the Southern Highlands Police Centre, Moss Vale Court House as well as the TAFE and University campus. Moss Vale also contains the Moss Vale War Memorial Aquatic Centre, a swimming and gym complex popular with local residents and workers.*

*Much of the Moss Vale central retail core along Argyle Street is within a heritage conservation area. Additional conservation areas are located in the residential areas immediately adjacent to this central core. The heritage listed Moss Vale railway station precinct and the adjacent Leighton Gardens provide a social and recreation focus for the township surrounded by cafes and boutique shops.*

*Traffic congestion within the retail core is a major impediment to growth in retail activity as well as economic and residential development. The Illawarra Highway, known as Argyle Street within the township, is a major through route linking the Illawarra region with the Hume Highway, and traffic congestion and heavy vehicle usage significantly impact on the amenity of the town centre.*

*Council has identified a Moss Vale by-pass route which would relieve traffic pressure on the main street, remove heavy vehicles from the retail core and unlock the potential of the Moss Vale Enterprise Zone. Further, a by-pass would provide an opportunity to increase the pedestrian priority within the town centre, improve the connection between the eastern and western parts of the centre and better utilise key public spaces such as Leighton Gardens.*



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

In summary, the Planning proposal fully aligns with the Wingecarribee Local Strategic Planning Statement and contributes to a more efficient provision of infrastructure and services.

## 5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

(NB: SEPPs which do not apply to Wingecarribee Shire have been excluded.)

### SEPP No 21 – Caravan Parks

(1) The aim of this Policy is to encourage -

- (a) the orderly and economic use and development of land used or intended to be used as a caravan park catering exclusively or predominantly for short-term residents (such as tourists) or for long-term residents, or catering for both, and
- (b) the proper management and development of land so used, for the purpose of promoting the social and economic welfare of the community, and
- (c) the provision of community facilities for land so used, and
- (d) the protection of the environment of, and in the vicinity of, land so used.

**Assessment – Consistent** – The Planning Proposal seeks to rezone land to R2 Low Density Residential, a zone which would prohibit caravan parks.

### SEPP No 33 - Hazardous & Offensive Development

This Policy aims—

- (a) to amend the definitions of hazardous and offensive industries where used in environmental planning instruments, and
  - (b) to render ineffective a provision of any environmental planning instrument that prohibits development for the purpose of a storage facility on the ground that the facility is hazardous or offensive if it is not a hazardous or offensive storage establishment as defined in this Policy, and
- (c) to require development consent for hazardous or offensive development proposed to be carried out in the Western Division, and
- (d) to ensure that in determining whether a development is a hazardous or offensive industry, any measures proposed to be employed to reduce the impact of the development are taken into account, and
- (e) to ensure that in considering any application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact, and
- (f) to require the advertising of applications to carry out any such development.

**Assessment – Consistent** – No intended development of the subject land would be impacted by this Policy.

### SEPP No 36 – Manufactured Home Estates

(1) The aims of this Policy are—

- (a) to facilitate the establishment of manufactured home estates as a contemporary form of medium density residential development that provides an alternative to traditional housing arrangements, and



- (b) to provide immediate development opportunities for manufactured home estates on the commencement of this Policy, and
- (c) to encourage the provision of affordable housing in well designed estates, and
- (d) to ensure that manufactured home estates are situated only in suitable locations and not on land having important resources or having landscape, scenic or ecological qualities that should be preserved, and
- (e) to ensure that manufactured home estates are adequately serviced and have access to essential community facilities and services, and
- (f) to protect the environment surrounding manufactured home estates, and
- (g) to provide measures which will facilitate security of tenure for residents of manufactured home estates.

**Assessment – Consistent** – The SEPP does not apply to land within a water catchment (as prescribed by Schedule 2). The subject land is within the Sydney Drinking water Catchment Area and therefore the SEPP does not apply.

#### SEPP No 50 – Canal Estate Development

This Policy aims to prohibit canal estate development as described in this Policy in order to ensure that the environment is not adversely affected by the creation of new developments of this kind.

**Assessment – Consistent** – No intended development of the subject land would be impacted by this Policy.

#### SEPP No 55 - Remediation of Land

- (1) The object of this Policy is to provide for a Statewide planning approach to the remediation of contaminated land.
- (2) In particular, this Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment—
  - (a) by specifying when consent is required, and when it is not required, for a remediation work, and
  - (b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and
  - (c) by requiring that a remediation work meet certain standards and notification requirements.

*NB: This SEPP was amended & a new 9.1 Direction (2.6) created in April 2020. Please ensure you comply with the new requirements. This may require submission of a Preliminary Site Inspection report with the Planning Proposal.*

**Assessment – Consistent** – Any future development of the subject land would need to be accompanied by a Preliminary Site Assessment to determine if there are any potential contamination issues. At this time Council does not consider there to be any contamination issues.

#### SEPP No 64 – Advertising & Signage

- (1) This Policy aims -

- (a) to ensure that signage (including advertising):
  - (i) is compatible with the desired amenity and visual character of an area, and
  - (ii) provides effective communication in suitable locations, and
  - (iii) is of high quality design and finish, and
- (b) to regulate signage (but not content) under Part 4 of the Act, and
- (c) to provide time-limited consents for the display of certain advertisements, and
- (d) to regulate the display of advertisements in transport corridors, and
- (e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.

**Assessment – Consistent** – Any future development of the subject land would require demonstration of compliance with this Policy.

#### SEPP No 65 – Design Quality of Residential Apartment Development

- (1) This Policy aims to improve the design quality of residential apartment development in New South Wales.
- (2) This Policy recognises that the design quality of residential apartment development is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design.
- (3) Improving the design quality of residential apartment development aims:
  - (a) to ensure that it contributes to the sustainable development of New South Wales:
    - (i) by providing sustainable housing in social and environmental terms, and
    - (ii) by being a long-term asset to its neighbourhood, and
    - (iii) by achieving the urban planning policies for its regional and local contexts, and
  - (b) to achieve better built form and aesthetics of buildings and of the streetscapes and the public spaces they define, and
  - (c) to better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities, and
  - (d) to maximise amenity, safety and security for the benefit of its occupants and the wider community, and
  - (e) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions, and
  - (f) to contribute to the provision of a variety of dwelling types to meet population growth, and
  - (g) to support housing affordability, and
  - (h) to facilitate the timely and efficient assessment of applications for development to which this Policy applies.
- (4) This Policy aims to provide:
  - (a) consistency of policy and mechanisms across the State, and
  - (b) a framework for local and regional planning to achieve identified outcomes for specific places.

**Assessment – Consistent** – The proposed R2 zoning would not permit residential flat development.

#### SEPP (Affordable Rental Housing) SEPP

The aims of this Policy are as follows—

- (a) to provide a consistent planning regime for the provision of affordable rental housing,
- (b) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards,
- (c) to facilitate the retention and mitigate the loss of existing affordable rental housing,
- (d) to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing,
- (e) to facilitate an expanded role for not-for-profit-providers of affordable rental housing,
- (f) to support local business centres by providing affordable rental housing for workers close to places of work,
- (g) to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.

**Assessment – Consistent** – Opportunities for affordable housing would be considered at the Development Application stage.

#### SEPP (Building Sustainability index : BASIX) 2004

- (1) Regulations under the Act have established a scheme to encourage sustainable residential development (**the BASIX scheme**) under which:
  - (a) an application for a development consent, complying development certificate or construction certificate in relation to certain kinds of residential development must be accompanied by a list of commitments by the applicant as to the manner in which the development will be carried out, and
  - (b) the carrying out of residential development pursuant to the resulting development consent, complying development certificate or construction certificate will be subject to a condition requiring such commitments to be fulfilled.
- (2) The aim of this Policy is to ensure consistency in the implementation of the BASIX scheme throughout the State.
- (3) This Policy achieves its aim by overriding provisions of other environmental planning instruments and development control plans that would otherwise add to, subtract from or modify any obligations arising under the BASIX scheme.

**Assessment – Consistent** – The provisions of the SEPP would apply at any subsequent Development Application stage.

#### SEPP (Educational Establishments & Child Care Facilities) 2017

The aim of this Policy is to facilitate the effective delivery of educational establishments and early education and care facilities across the State by—

- (a) improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, and
- (b) simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impact as exempt development), and

- (c) establishing consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivered and to minimise impacts on surrounding areas, and
- (d) allowing for the efficient development, redevelopment or use of surplus government-owned land (including providing for consultation with communities regarding educational establishments in their local area), and
- (e) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and
- (f) aligning the NSW planning framework with the National Quality Framework that regulates early education and care services, and
- (g) ensuring that proponents of new developments or modified premises meet the applicable requirements of the National Quality Framework for early education and care services, and of the corresponding regime for State regulated education and care services, as part of the planning approval and development process, and
- (h) encouraging proponents of new developments or modified premises and consent authorities to facilitate the joint and shared use of the facilities of educational establishments with the community through appropriate design.

**Assessment – Consistent** - The provisions of the SEPP would apply at any subsequent Development Application stage.

#### SEPP (Exempt & Complying Development Codes) 2008

This Policy aims to provide streamlined assessment processes for development that complies with specified development standards by—

- (a) providing exempt and complying development codes that have State-wide application, and
- (b) identifying, in the exempt development codes, types of development that are of minimal environmental impact that may be carried out without the need for development consent, and
- (c) identifying, in the complying development codes, types of complying development that may be carried out in accordance with a complying development certificate as defined in the Act, and
- (d) enabling the progressive extension of the types of development in this Policy, and
- (e) providing transitional arrangements for the introduction of the State-wide codes, including the amendment of other environmental planning instruments.

**Assessment – Consistent** - The provisions of the SEPP would apply at any subsequent Development Application stage.

#### SEPP (Infrastructure) 2007

The aim of this Policy is to facilitate the effective delivery of infrastructure across the State by—

- (a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and
- (b) providing greater flexibility in the location of infrastructure and service facilities, and
- (c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and
- (d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and



- (e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and
- (f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and
- (g) providing opportunities for infrastructure to demonstrate good design outcomes.

**Assessment – Consistent** - The provisions of the SEPP would apply at any subsequent Development Application stage.

#### SEPP (Koala Habitat Protection) 2019

This Policy aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.

**Assessment – Consistent** – The land is not identified as being existing or potential koala habitat.

#### SEPP (Mining, Petroleum Production & Extractive Industries) 2007

The aims of this Policy are, in recognition of the importance to New South Wales of mining, petroleum production and extractive industries -

- (a) to provide for the proper management and development of mineral, petroleum and extractive material resources for the purpose of promoting the social and economic welfare of the State, and
- (b) to facilitate the orderly and economic use and development of land containing mineral, petroleum and extractive material resources, and
- (b1) to promote the development of significant mineral resources, and
- (c) to establish appropriate planning controls to encourage ecologically sustainable development through the environmental assessment, and sustainable management, of development of mineral, petroleum and extractive material resources, and
- (d) to establish a gateway assessment process for certain mining and petroleum (oil and gas) development -
  - (i) to recognise the importance of agricultural resources, and
  - (ii) to ensure protection of strategic agricultural land and water resources, and
  - (iii) to ensure a balanced use of land by potentially competing industries, and
  - (iv) to provide for the sustainable growth of mining, petroleum and agricultural industries.

**Assessment – Consistent** – The land is not identified as containing mineral, petroleum or extractive material resources.

#### SEPP – Primary Production & Rural Development (2019)

The aims of this Policy are as follows—

- (a) to facilitate the orderly economic use and development of lands for primary production,
- (b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,
- (c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,

- (d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,
- (e) to encourage sustainable agriculture, including sustainable aquaculture,
- (f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,
- (g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.

**Assessment – Consistent** – The land adjoins land which was used for agricultural production, however with the rezoning of that land by the State Government, the residual subject sites are considered to no longer contribute to sustainable primary production.

#### SEPP (State & Regional Development) 2011

The aims of this Policy are as follows—

- (a) to identify development that is State significant development,
- (b) to identify development that is State significant infrastructure and critical State significant infrastructure,
- (c) to identify development that is regionally significant development.

**Assessment – Consistent** – The Planning Proposal is not of state significance.

#### SEPP (Sydney Drinking Water Catchments) 2011

The aims of this Policy are -

- (a) to provide for healthy water catchments that will deliver high quality water while permitting development that is compatible with that goal, and
- (b) to provide that a consent authority must not grant consent to a proposed development unless it is satisfied that the proposed development will have a neutral or beneficial effect on water quality, and
- (c) to support the maintenance or achievement of the water quality objectives for the Sydney drinking water catchment.

**Assessment – Consistent** – Support from the State Government for the larger adjoining Chelsea gardens/Coomungie URA was supported by Water NSW. It is therefore anticipated that these residual lots will be similarly supported. It is noted that the Local Housing Strategy requires the provision of adequate infrastructure prior to any future development approval. This assessment will be updated to reflect the Water NSW Gateway response should a positive Gateway Determination be issued.

#### SEPP (Urban Renewal) 2010

The aims of this Policy are -

- (a) to establish the process for assessing and identifying sites as urban renewal precincts,
- (b) to facilitate the orderly and economic development and redevelopment of sites in and

around urban renewal precincts,  
(c) to facilitate delivery of the objectives of any applicable government State, regional or metropolitan strategies connected with the renewal of urban areas that are accessible by public transport.

**Assessment – Consistent** – The provisions of this Policy do not apply to this land.

## 6. Is the Planning Proposal consistent with applicable Section 9.1(2) Directions?

### 1. Employment & Resources

#### 1.1 Business & Industrial Zones

This Direction applies when a planning proposal affects land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary). The objectives of this Direction are:

- (a) encourage employment growth in suitable locations,
- (b) protect employment land in business and industrial zones, and
- (c) support the viability of identified centres.

**Assessment – Consistent** – The Planning Proposal does not apply to business or industrial zoned land.

#### 1.2 Rural Zones

This Direction applies when a planning proposal affects land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary). The objective of this Direction is to protect the agricultural production value of rural land. This Direction applies when a Planning Proposal will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).

**Assessment – Consistent** – The subject land is currently zoned RU2 Rural Landscape but land consists of three (3) small lots of a size too small to facilitate a rural land use. The land is included in Council's adopted Local Housing Strategy with the requirement that any future development occur in conjunction with development of the adjoining Chelsea Gardens Coomungie Residential Release Area.

#### 1.3 Mining, Petroleum Production & Extractive Industries

This direction applies when a planning proposal would have the effect of: (a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or  
(b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.

The objective of this Direction is to ensure that the future extraction of State or regionally

significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.

**Assessment – Consistent**– The proposed development would not impact on potential mining activity any more than any other residential development would create.

#### 1.4 Oyster Aquaculture

**Assessment – Consistent** – This Direction does not apply to Wingecarribee Shire.

#### 1.5 Rural Lands

This Direction applies when a planning proposal:

- (a) will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or
- (b) changes the existing minimum lot size on land within a rural or environment protection zone.

**Note:** Reference to a rural or environment protection zone means any of the following zones or their equivalent in a non-Standard LEP: RU1, RU2, RU3, RU4, RU6, E1, E2, E3, E4.

The objectives of this Direction are to:

- (a) protect the agricultural production value of rural land,
- (b) facilitate the orderly and economic use and development of rural lands for rural and related purposes,
- (c) assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State,
- (d) minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses,
- (e) encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land
- (f) support the delivery of the actions outlined in the New South Wales Right to Farm Policy.

**Assessment – Consistent** – The subject land is currently zoned RU2 Rural Landscape, but consists of three (3) small lots of a size too small to facilitate a rural land use. The land is included in Council's adopted Local Housing Strategy with the requirement that any future development occur in conjunction with development of the adjoining Chelsea Gardens Coomungie Residential Release Area.

## 2. Environment & Heritage

### 2.1 Environmental Protection Zones

The objective of this Direction is to protect and conserve environmentally sensitive areas. A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of



Direction 1.5 “*Rural Lands*”.

**Assessment – Consistent** – The subject land is currently zoned RU2 Rural Landscape.

## 2.2 Coastal Management

**Assessment – Consistent** – This Direction does not apply to Wingecarribee Shire.

## 2.3 Heritage Conservation

The objective of this Direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. A planning proposal must contain provisions that facilitate the conservation of: (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area, (b) Aboriginal objects or Aboriginal places that are protected under the *National Parks and Wildlife Act 1974*, and (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.

**Assessment – Consistent**– There are no heritage impacts associated with the Planning Proposal.

## 2.4 Recreation Vehicle Areas

The objective of this Direction is to protect sensitive land or land with significant conservation values from adverse impacts of recreation vehicles.

**Assessment – Consistent**– No provision for recreation vehicles has been made in the Planning Proposal.

## 2.5 Application of E2 & E3 Zones and Environmental Overlays in Far North Coast LEPs.

**Assessment – Consistent** – This Direction does not apply to Wingecarribee Shire.

## 2.6 Remediation of Contaminated Land

The objective of this Direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.

**NB: The provisions of this Direction may require the lodgement of a Preliminary Site Investigation (PSI) report in order for Council to be satisfied that the site is not contaminated.**

**Assessment – Consistent** – Council is not aware of any contamination issues on the subject land. Any future PSI report prepared for development of the site in conjunction with the adjoining Chelsea Gardens Coomungie residential release area should include the subject land.

## 3. Housing, Infrastructure and Urban Development

### 3.1 Residential Zones

The objectives of this Direction are:

- (a) to encourage a variety and choice of housing types to provide for existing and future housing needs,
- (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and
- (c) to minimise the impact of residential development on the environment and resource lands.

This direction applies when a planning proposal affects land within:

- (a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary),
- (b) any other zone in which significant residential development is permitted or proposed to be permitted.

**Assessment – Consistent**– The proposed R2 Low Density Residential zone and minimum lot size of 600m<sup>2</sup> reflect the provisions applying to the adjoining land within the Chelsea Gardens Coomungie residential release area. This consistency enables a broad diversity of housing choice options.

### 3.2 Caravan Parks & Manufactured Home Estates

The objectives of this Direction are:

- (a) to provide for a variety of housing types, and
- (b) to provide opportunities for caravan parks and manufactured home estates.

**Assessment – Consistent**– The Planning Proposal intends to rezone the land to R2 Low Density Residential. Caravan Parks and Manufactured Home Estates are prohibited in the R2 zone.

### 3.3 Home Occupations

The objective of this Direction is to encourage the carrying out of low impact small businesses in dwelling houses. Planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.

**Assessment – Consistent** – The Planning Proposal does not seek to amend the current provisions of WLEP 2010 with regard to *home occupation*.

### 3.4 Integrating Land Use & Transport

The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- (a) improving access to housing, jobs and services by walking, cycling and public transport, and
- (b) increasing the choice of available transport and reducing dependence on cars, and
- (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and
- (d) supporting the efficient and viable operation of public transport services, and
- (e) providing for the efficient movement of freight.

This Direction applies when a planning proposal creates, alters or removes a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.

**Assessment – Consistent** – The proposed rezoning and minimum lot size provisions are consistent with those on the adjoining Chelsea Gardens Coomungie residential release area. The Wingecarribee Local Housing Strategy includes the subject land and specifies that development shall occur in conjunction with development of the adjoining residential release area.

### 3.5 Development Near Regulated Airports and Defence Airfields

The objectives of this Direction are:

- (a) to ensure the effective and safe operation of regulated airports and defence airfields;
- (b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and
- (c) to ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.

**Assessment – Consistent** – There are no airports or airfields in the vicinity of the subject land.

### 3.6 Shooting Ranges

The objectives are:

- (a) to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range,
- (b) to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land,
- (c) to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.

**Assessment – Consistent** – There are no shooting ranges in the vicinity of the subject land.

### 3.7 Reduction in non-hosted short term rental accommodation period

**Assessment – Consistent** – This Direction does not apply to Wingecarribee Shire.

## 4. Hazard & Risk

### 4.1 Acid Sulphate Soils

The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils.

**Assessment – Consistent** – There currently appear to be no mapped acid sulphate soils within Wingecarribee Shire.

### 4.2 Mine Subsidence and Unstable Land

The objective of this Direction is to prevent damage to life, property and the environment on land

identified as unstable or potentially subject to mine subsidence.

**NB1:** When a planning proposal would permit development on land that is within a Mine Subsidence District a relevant planning authority must: (a) consult the Mine Subsidence Board to ascertain: (i) if the Mine Subsidence Board has any objection to the draft Local Environmental Plan, and the reason for such an objection, and (ii) the scale, density and type of development that is appropriate for the potential level of subsidence, and (b) incorporate provisions into the draft Local Environmental Plan that are consistent with the recommended scale, density and type of development recommended under (4)(a)(ii), and (c) include a copy of any information received from the Mine Subsidence Board with the statement to the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.

**NB2:** A planning proposal must not permit development on land that has been identified as unstable in a study, strategy or other assessment undertaken: (i) by or on behalf of the relevant planning authority, or (ii) by or on behalf of a public authority and provided to the relevant planning authority.

**Assessment – Consistent** – The subject land is not identified as unstable.

#### 4.3 Flood Prone Land

The objectives of this Direction are:

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

**NB:** A planning proposal must not rezone land within any flood planning area from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone. A planning proposal must not contain provisions that apply to the flood planning areas which: (a) permit development in floodway areas, (b) permit development that will result in significant flood impacts to other properties, (c) permit a significant increase in the development of that land, (d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or (e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.

**Assessment – Consistent** – The subject land is not identified as flood prone. Further studies required in the Local Housing Strategy will confirm the flood status of the land.

#### 4.4 Planning for Bushfire Protection

The objectives of this Direction are:

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

**Assessment – Consistent** – The subject land is not identified as bushfire prone. Should a positive Gateway be received it is anticipated that referral to NSW RFS would be required. This assessment will then be updated to reflect the RFS response prior to exhibition.

## 6. Regional Planning

### 5.1 Implementation of Regional Strategies

**Assessment – Consistent** – The above Direction has been revoked.

### 5.2 Sydney Drinking Water Catchment

The objective of this Direction is to give effect to protect water quality in the Sydney Drinking Water Catchment.

**Assessment – Consistent** – The subject land is not considered to be in a location where development would adversely impact on water quality. Should a positive Gateway be received referral to Water NSW will be required. This assessment will then be updated to reflect the Water NSW response prior to exhibition.

- 5.3 Farmland of State and Regional Significance on the NSW Far North Coast
- 5.4 Commercial and Retail Development along the Pacific Highway, North Coast
- 5.5 Development in the Cessnock LGA
- 5.6 Sydney to Canberra Corridor
- 5.7 Central Coast
- 5.8 Second Sydney Airport – Badgerys Creek
- 5.9 North West Rail Link Corridor Strategy

**Assessment – Consistent** – The above Directions have either been revoked or do not apply in Wingecarribee Shire.

### 5.10 Implementation of Regional Plans

The objective of this Direction is to give legal effect to vision, land use strategy, goals, directions and actions contained in Regional Plans. The Planning Proposal must demonstrate consistency with the SE & Tablelands Regional Plan.

**Assessment – Consistent** – the Planning Proposal is consistent with the goals and actions of the South East & Tablelands Regional Plan as discussed in section B3 above.

### 5.11 Development of Land Council Land

The objective of this direction is to provide for the consideration of development delivery plans prepared under State Environmental Planning Policy (Aboriginal Land) 2019 when planning proposals are prepared by a planning proposal authority.

**Assessment – Consistent** – Currently this Direction does not apply to Wingecarribee Shire.

## 6. Local Plan Making

### 6.1 Approval & Referral Requirements

The objective of this Direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.



**Assessment – Consistent** – The Planning proposal seeks to rezone land and apply a minimum lot size consistent with the adjoining Chelsea Gardens Coomungie residential release area so that the two sites can be efficiency development through an integrated approach.

## 6.2 Reserving Land for Public Purposes

The objectives of this Direction are:

- (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and
- (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.

**Assessment – Consistent** – The integration of the subject land with the Chelsea Gardens Coomungie residential release area will ensure that public infrastructure is provided as efficiently as possible. It is noted that an area of RE1 zoned land along the front of Yarrawa Road which originates on the Chelsea Gardens Coomungie site will be extended along the frontage of the subject land to provide a continuation of public open space.

## 6.3 Site Specific Provisions

The objective of this Direction is to discourage unnecessarily restrictive site specific planning controls.

**Assessment – Consistent** – The integration of the subject land with the Chelsea Gardens Coomungie residential release area will ensure that any restrictions resulting from subsequent site specific planning controls will be minimised.

## 7. Metropolitan Planning

### 7.1 -7.10


**Assessment – Consistent** – These Directions do not apply to Wingecarribee Shire.

## Section C – Environmental, Social & Economic Impacts

### 7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the Planning Proposal?

There are no known critical habitat or threatened species, populations or ecological communities on the subject land. The site is predominately cleared grazing land with no significant native vegetation. Additional studies required by the Local Housing Strategy for both the subject land and the adjoining Chelsea Gardens Coomungie release area will specifically address this issue and any resulting sensitivities will be addressed at the DA stage.

### 8. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?



It is considered that there will be no adverse environmental effects resulting from the Planning Proposal. Additional studies required by the Local Housing Strategy for both the subject land and the adjoining Chelsea Gardens Coomungie release area will specifically address this issue and any resulting sensitivities will be addressed at the DA stage.

The range of issues to be managed under a rezoning and development scenario would include issues such as follows. It is important to note however, that all of these will benefit from being undertaken in conjunction with or as part of the early phase planning for Chelsea Gardens Coomungie.

- stormwater flows on site, retention and treatment and connection with downstream systems
- traffic and access, assessing potential impact from a development at the increased dwelling numbers afforded by the Planning Proposal. The main desired travel routes and the impacts on environmental capacity of the road system and of particular intersections to maintain acceptable levels of service would be identified
- general utility services such as water and sewer to be assessed for their capacity to accommodate the proposed development under the increased demand scenario with a conclusion that there is no impediment to servicing the site subject to standard upgrading as identified and if required

In combination, all of the above reports will need to indicate that there are no environmental issues that arise as a result of the Planning Proposal that cannot be adequately managed. All of the above issues will also be able to be thoroughly assessed as part of the Development Application process.

#### **9. Has the Planning Proposal adequately addressed any social and economic effects?**

It is considered that the Planning Proposal will have a positive social and economic effect that is supportive of Council's strategic planning goals as they relate to the provision of housing across the Shire. The Planning Proposal will assist in ensuring development of the land is undertaken with a positive economic return. In terms of residential development, there are three benefits.

1. One social benefit arising from the Planning Proposal is that it is expected to positively address the issue of affordability for a larger cross section of the market, which is a clear social benefit arising from the Planning Proposal. This is particularly important in the current housing market of high prices where it is critical that there be a spread of price points available.
2. The anticipated lots will also be more attractive to a growing cross section of the market that is desirous of smaller, easy care lots in proximity to services, rather than larger lots that require more ongoing effort to manage.
3. Thirdly, the additional yield that can be achieved is a positive in terms of providing a significant proportion of housing growth within well located and non environmentally sensitive green field sites. This provides a balanced approach to growth, without having to

rely entirely upon infill sites within towns, with such developments offering their own challenges.

Having the broader Chelsea Gardens Coomungie urban release area immediately adjoining the subject site offers a cost effective way of extending urban infrastructure services that will need to be designed and provided in any event.

## Section D – State and Commonwealth Interests

### 10. Is there adequate public infrastructure for the Planning Proposal?

The adopted Wingecarribee Local Housing Strategy requires that the Planning Proposal can only proceed to the development stage if adequate servicing and infrastructure can be provided for the site.

The site is in direct proximity to the residential development of Chelsea Gardens Coomungie. This significant urban release area will in due course be required to provide all services - water, sewer, power, roads. The detailed analysis of the exact servicing requirements to achieve this will determine the timing and nature of Development Applications for the subject land.

This Planning Proposal is being considered now so that Council is in a position to gauge the adequacy of the infrastructure planning for the locality. It would not be feasible to attempt to provide all urban services to the subject land without the development proceeding around it.

The approximate yield from this Proposal as submitted would be in the order of 70 - 80 additional lots. Within the context of the adjoining Chelsea Gardens Coomungie development, this represents approximately 5% of what would be the total potential dwelling yield expected from development in this locality.

Further detailed studies will be required to justify the final determination and yield of any development of the subject site and its integration with the infrastructure planning of the broader Chelsea Gardens Coomungie development.

## Part 4: Mapping

Draft amendments to the zoning and minimum lot size maps for the subject land will be included with the exhibition material.

## Part 5: Consultation – Agency Referrals

Council will conduct Agency referrals as required under legislation should a Gateway Determination be obtained.

## Part 5: Consultation - Community

Council will undertake community consultation in accordance with the Gateway Determination.

While COVID-19 restrictions remain in force, the principal place of public exhibition will be Council's website, [www.wsc.nsw.gov.au](http://www.wsc.nsw.gov.au) with copies of all documentation also available at the Customer Service Counter at the Civic Centre, 68 Elizabeth Street, Moss Vale, NSW 2577, unless current health conditions prevent this.

## Part 6: Timeline

MILESTONE	INDICATIVE /ACTUAL DATE
Gateway Determination	October 2020
Agency Consultation	October 2020
Public Exhibition	November 2020
Report to Council on exhibition of Planning Proposal.	February 2021
S.3.36 Documents to DP&E & PCO.	March 2021
Approximate completion date	April 2021

## Delegations

A Delegation request form accompanies this Planning Proposal.

**END OF PLANNING PROPOSAL**