



**Office of
Environment
& Heritage**

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Contact: Vanessa Allen
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Susan Stannard
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Wingecarribee Shire Council
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Dear Ms Stannard

RE: Planning Proposal to amend certain clauses and maps in Wingecarribee Local Environmental Plan 2010.

Thank you for consulting us on the Planning Proposal to amend the Wingecarribee LEP 2010. It is noted that a Gateway Determination was issued by the Department of Planning and Environment on 9 May 2017 and Condition 3 requires formal consultation with the Office of Environment and Heritage under s56(2)(d) of the EP&A Act 1979 prior to the LEP amendments being gazetted.

Overall, we raise no objection to the Planning Proposal, however, of interest to OEH is the proposal to identify the Braemar Garden World and Nattai Ponds site on the relevant Urban Release Area Maps. We note that Council intend to develop a DCP for this area and request the opportunity to provide comments on the draft document when available. Specific comments on the Planning Proposal, including Aboriginal Cultural Heritage matters are provided in Attachment A.

Please do not hesitate to contact me should you have any further queries on 4224 4186 or via e-mail at Vanessa.Allen@environment.nsw.gov.au.

Yours sincerely

VANESSA ALLEN
Senior Conservation Planning Officer

Attachment A – OEH DETAILED COMMENTS

Wingecarribee Local Environmental Plan 2010

PROPOSAL:

The proposed LEP amendments comprise:

- Amendments to existing Clauses 4.2A, 4.2B, 7.1, 7.3 & Schedule 2 (various).
- Proposed new Clauses 4.1A, 4.1AA & 4.1 (minimum lot size).
- Land Use Table amendments permitting additional uses in the SP3 Tourist & B5 Business Development zones.
- New Flood Maps.
- Site specific amendments at The Old Milk Factory Bowral, 4 Tyree Place Braemar, 20 Warreeah Lane Kangaloon & Braemar Garden World and Nattai Ponds.

1. GENERAL COMMENTS:

- *Land Use Table amendments permitting additional uses in the SP3 Tourist & B5 Business Development zones*

We note that under the proposed Vegetation SEPP, clearing for agricultural uses in SP3 zones will require offsetting for vegetation loss using the Biobanking Assessment Methodology (BAM), as opposed to clearing for agricultural uses in the rural zones which will be subject to code assessment under the new *Local Land Services Amendment Act*.

- *Site specific amendments at The Old Milk Factory Bowral, 4 Tyree Place Braemar, 20 Warreeah Lane Kangaloon & Braemar Garden World*

OEH raises no objection to LEP amendments for the above locations, however would like to comment on the proposed development of a DCP for the Braemar Garden World and Nattai Ponds sites.

Braemar Garden World and Nattai Ponds sites are proposed to be identified as an Urban Release Area (URA) under Part 6 of WLEP 2010, which requires a Planning Proposal. Clause 6.2 also requires preparation of a DCP for land within a URA. The land is already zoned R2 Low Density Residential under WLEP 2010 and we understand that subdivision is currently approved and works underway. The Planning Proposal therefore provides a framework for extending the existing Northern Villages DCP to the subject site.

We would like to note the following matters regarding the development of a DCP for these areas. These sites appear to be largely cleared, however there is likely to be some remnant native vegetation along the riparian corridor. This remnant vegetation could potentially be classified as the Southern Highland Shale Woodland Critically Endangered Ecological Community (CEEC) under the Commonwealth *Environment Protection & Biodiversity Conservation Act 1999*. Local vegetation mapping identifies numerous instances of this vegetation community in the area. We note that this community has been listed as critically endangered under federal legislation since the DCP was initially prepared in 2012. Given existing development approvals within the proposed URA, we query whether the DCP will provide for these areas to be avoided.

The Sydney-Canberra Corridor Regional Strategy (2006) continues to apply to Wingecarribee LGA until the draft South East and Tablelands Regional Plan (2016) is adopted and enacted by way of Section 117 Direction. The Regional Strategy includes an Action that '*Councils will ensure new urban development ... is directed away from land assessed as being high conservation value*'. Likewise, the draft Regional Plan aims to '*avoid, minimise and offset the impact of development on significant environmental assets*' (Action 2.1.1).

Recommendations:

1. It should be confirmed whether any High Conservation Value / High Environmental Value land applies to the Urban Release Areas in accordance with the Regional Strategy / Draft Regional Plan actions. The proposed DCP should be consistent with these Plans.
2. Impacts to sensitive environmental areas, including Southern Highlands Shale Woodlands CEEC and riparian corridors, should be avoided in future subdivision development. Protection of these areas should be addressed in the proposed DCP.
3. OEH request an opportunity to comment on the draft DCP prior to it being adopted.

2. ABORIGINAL CULTURAL HERITAGE COMMENTS

The Development Control Plan for the Braemar Garden Centre and Nattai Ponds Urban Release Area provides the opportunity to conserve Aboriginal cultural heritage values. In particular, OEH seeks the conservation of site 52-1-0308 (Braemar Garden World Site 1). We encourage the DCP to support conservation of this site through incorporation of the site into the riparian corridor.

This is consistent with the recommendations of an Aboriginal cultural heritage assessment conducted by Kayandel Archaeological Services for Development Implementations Pty Ltd in May 2011. Further information about this site, including the site recording card, is available from the Registrar, OEH Aboriginal Heritage Information Management System, at <http://www.environment.nsw.gov.au/contact/AHIMSRegistrar.htm>

