

Planning Proposal **to amend Wingecaribee** **Local Environmental Plan** **2010 to create a new** **heritage item at 102-104** **Old Wingello Road,** **Bundanoon**

Version 2.3 for Public Re-Exhibition
November 2020

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Attachments which form part of this Planning Proposal

1	Interim Heritage Order No. 10 published 22 February 2019
2	Report to Council 14 August 2019
3	Resolution of Council 14 August 2019
4	Gateway Determination 17 September 2020
5	Agency Response – WaterNSW
6	Agency Response – Heritage NSW
7	Agency Response – NSW Rural Fire Service

Schedule of changes to Planning Proposal

Changes to this document as compared to Version 2.2 as previously exhibited in October and November 2020 are listed below. The location of these changes is also indicated by shading of the paragraph in pale turquoise colour.

a	Background Minor updates regarding Court determination of a development application and dates of public re-exhibition	Page 6
b	Part 1: Objectives or Intended Outcomes Addition of reference to savings provision as required by Gateway Determination	Page 7
c	Part 2: Explanation of the Provisions Proposed amendment to clause 1.8A of the Wingecarribee Local Environmental Plan 2010	Page 7
d	Part 5: Consultation – Agency Referrals Commentary on Rural Fire Service Agency Response	Page 27
e	Part 5: Consultation – Community Update to public re-exhibition dates	Page 28
f	Part 6: Timeline Dates updated	Page 28
g	Attachment 7 Added RFS submission	Attachments

Address of the Land

Legal Description	Lot 32 DP 1205423
Property Address	102-104 Old Wingello Road, Bundanoon

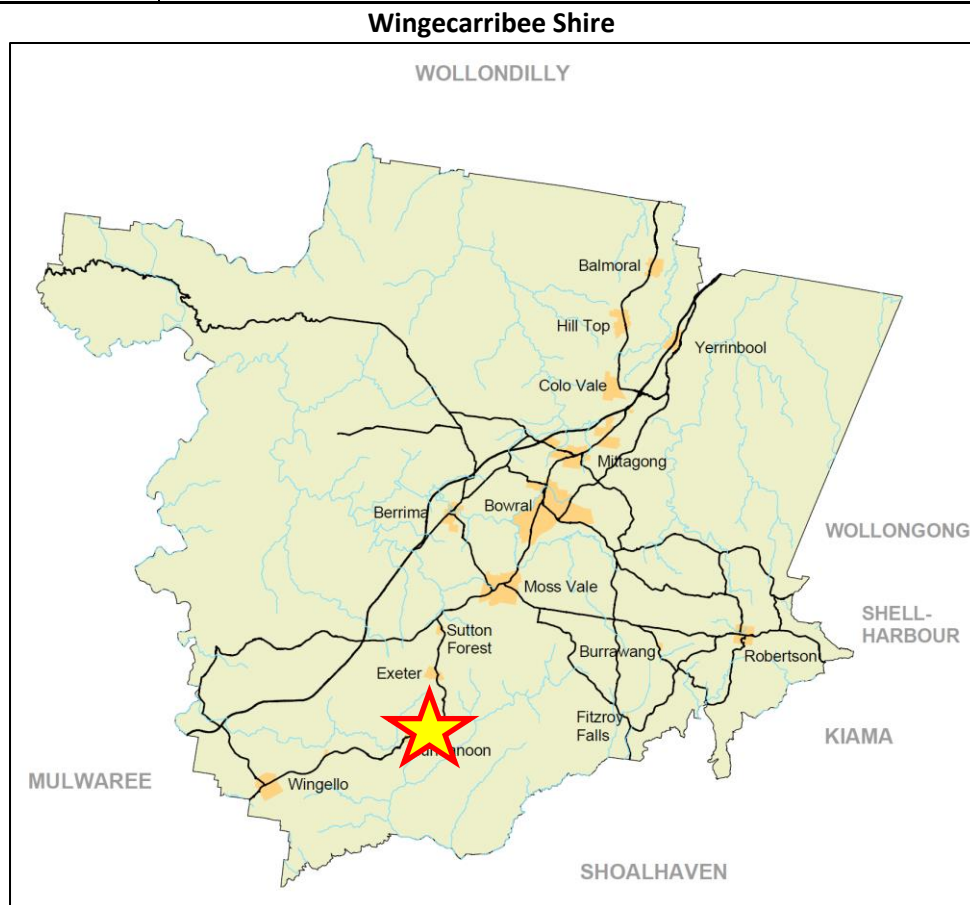


Figure 1: Location Map (Shire Wide)

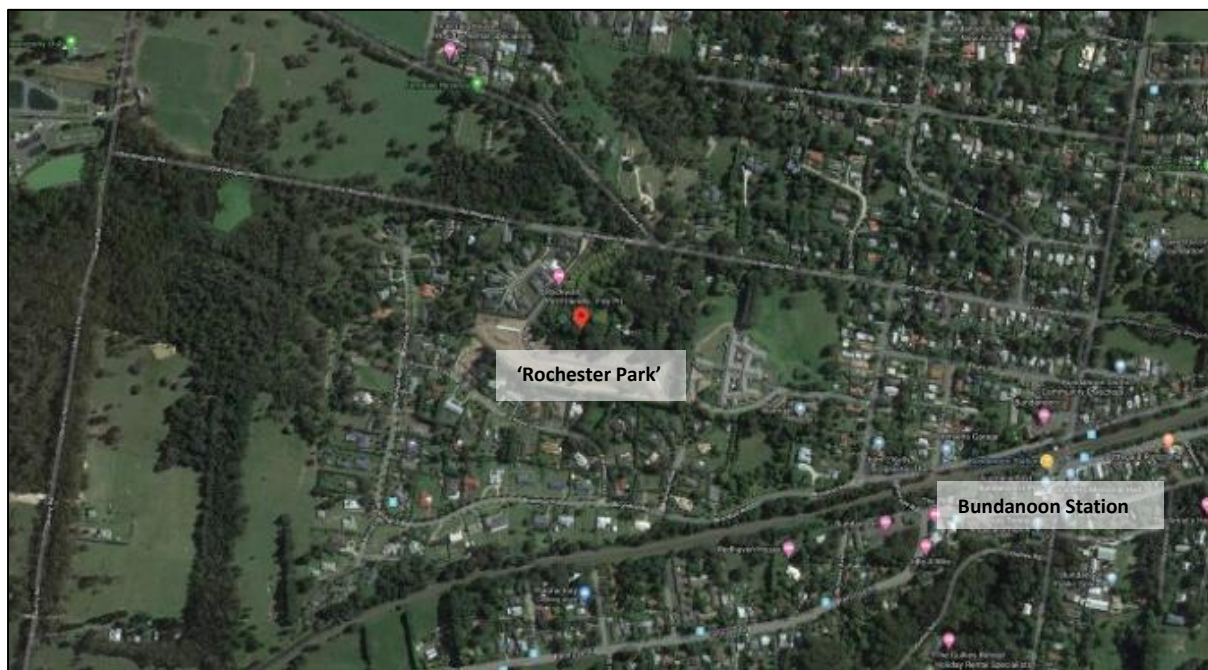


Figure 2: Locality Map – Rochester Park and surrounds, Bundanoon

Site Location & Description

The subject site, known as 'Rochester Park', is located at 102-104 Old Wingello Road, Bundanoon, which is north-west of the village centre and railway station. The site is 15,094m² (1.5 hectares) in size and is zoned R2 Low Density Residential with a minimum lot size of 700m².

The subject property is a corner block along Old Wingello Road and Rochester Drive. Being within the R2 zone, the property is surrounded by small 700m² on the western and Southern boundaries. Many of these lots were the result of previous subdivisions of the 'Rochester Park' estate.

'Rochester Park' is an Arts and Crafts style bungalow constructed in the 1920s of weatherboard with stone foundations with a fibrous cement shingle roof, and has a massive garden with mature trees, hedges and pathways, as shown in the aerial images below. The house and gardens are described as follows:

The house exterior displays steep pitched shingled roofs, sandstone columns, timber verandah posts, ornamental verandah brackets, casement windows, battened gables and roughcast chimney typical of the style. Interior period style features include sandstone fireplace surround, decorative joinery and timber battened ceilings.

Important features of the gardens include the sandstone gateway and curved driveway, densely planted with mature trees. In the past the property was subdivided with, however, a significant curtilage retained by protection of the gateway, curved driveway and dense landscape buffer of established trees.

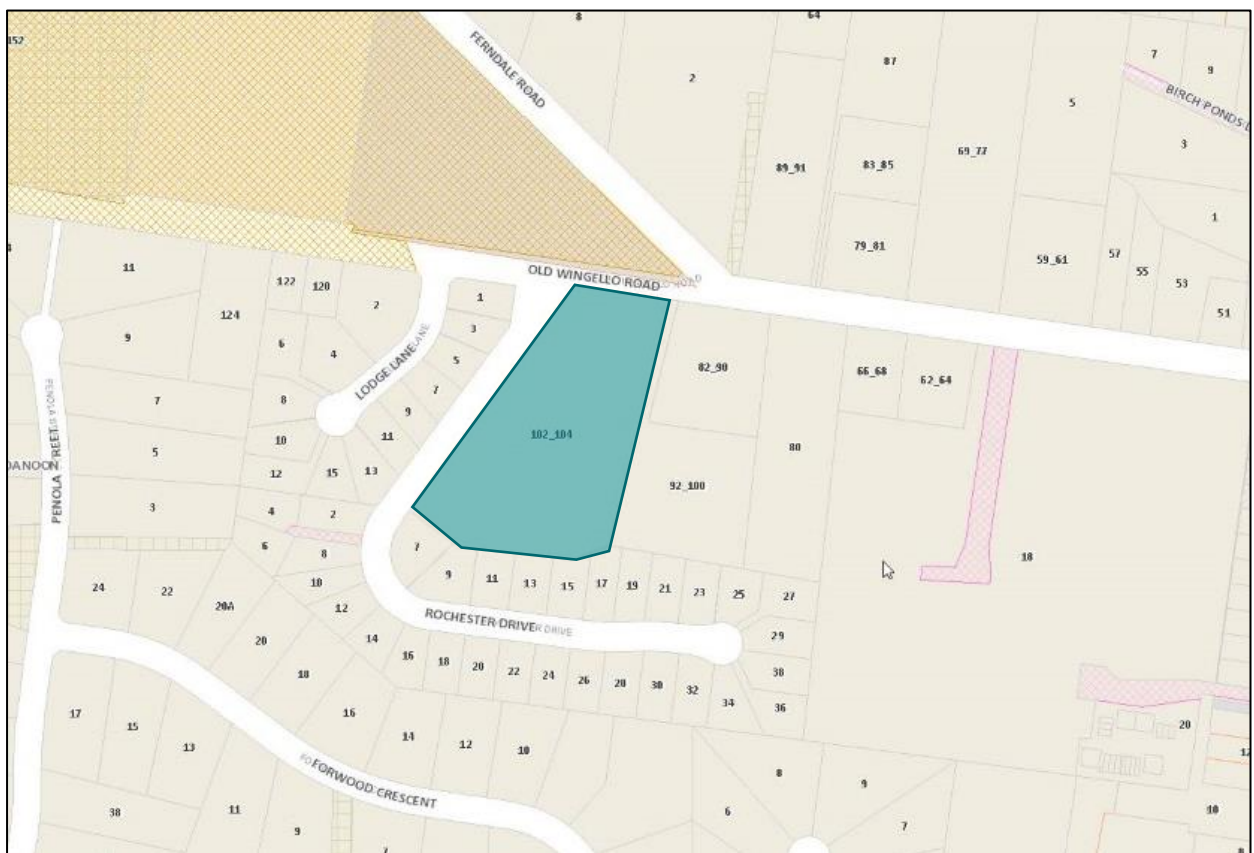


Figure 3: 'Rochester Park', Bundanoon showing proposed property to be a heritage item




Figure 4: Aerial photograph showing 'Rochester Park' and surrounding area

Background

The subject property is currently not a heritage item or within a heritage conservation area. However, heritage listing of the site was recommended by heritage consultants on behalf of Council in 2009 as part of the Heritage Survey Project.

In October 2018 a development application (DA 19/1088) was lodged for a 12 lot subdivision. This application proposed to retain the 'Rochester Park' house on a 3,821m² lot and create 11 other lots throughout the garden area, which would result in the loss of many of trees throughout the site. Due to concern raised about this proposal by staff and the community, an Interim Heritage Order (IHO) was placed over the property on 22 February 2019 on the advice of Council's Heritage Advisor, and subsequently extended for another six (6) months, in accordance with the Ministerial Order for Authorisation to make Interim Heritage Orders, after a resolution was made by Council at its Ordinary meeting on 14 August 2019. The Interim Heritage Order, as published in the NSW Government Gazette on 22 February 2019, is provided at **ATTACHMENT 1**. The development application was subsequently withdrawn by the applicant.

On 14 August 2019, Council considered a report on the Heritage Assessment of 'Rochester Park'. A copy of that report is provided at **ATTACHMENT 2**. This report recognised the special character of the site, demonstrated the site had been the subject of previous subdivisions and had no remaining subdivision potential without loss of heritage significance the landscape setting of the house. On considering the report, Council resolved to prepare a Planning Proposal to heritage list the site and increase the minimum lot size controls for the site from 700m² to 1 hectare to prevent further



subdivision. A copy of Council's resolution is provided at **ATTACHMENT 3**. The heritage assessment included in this Council report was undertaken in accordance with guidelines prepared by the Heritage NSW, including the NSW heritage assessment criteria. The assessment recognises the heritage significance of the house and garden under the heritage assessment criteria of historical, associational, aesthetic, research, rarity and representativeness.

The IHO lapsed in February 2020 before the Planning Proposal was prepared. The applicant withdrew its subdivision development application (DA 19/1088) but has lodged another similar development application (DA 20/1139) in April 2020, for a twelve (12) lot subdivision. The applicant has commenced proceedings in the Land and Environment Court on the deemed refusal of this application. The subdivision proposal has since been revised (see DA 21/0291 – lodged in August 2020) to a five-lot subdivision with a private road. On 28 October 2020 the Land and Environment Court approved a 4 lot subdivision of the Rochester Park site (DA 20/1139).

On 20 August 2020 the Planning Proposal was prepared and sent to the Department of Planning, Industry and Environment (NSWDPIE) with a request for a Gateway Determination. The submission included a request for delegation of plan making functions to Council under section 3.36 of the Environmental Planning & Assessment Act 1979.

The Gateway Determination was issued on 17 September 2020, a copy of which is provided at **ATTACHMENT 4**. Council was not, however, provided with delegation to exercise its plan making functions in relation to this Planning Proposal under section 3.36 of the Environmental Planning & Assessment Act 1979.

The Gateway Determination included requirements to consult with Heritage NSW, WaterNSW and the Rural Fire Service. These government authorities were consulted and the results of those consultations are summarised in Part 5 of this Planning Proposal (see page 26).

This document has been updated for the purpose of public re-exhibition to be conducted from 18 November 2020 to 20 January 2021, inclusive. Re-exhibition is required due to an omission in the previous version of the Planning Proposal (Version 2.2) relating to a savings provisions.

Part 1: Objectives or Intended Outcomes

The intended outcome of this Planning Proposal is to include 102-104 Old Wingello Road, Bundanoon (Lot 32 DP 1205423) as a new heritage item to be known as “'Rochester Park' house and garden”. In addition, the Planning Proposal intends to increase the minimum lot size of the site from the current size of 700m² to 1 hectare. The new heritage item would be added to Schedule 5 (Part 1) of the Wingecarribee Local Environmental Plan 2010 and be shown on the Heritage Map. The new minimum lot size would be indicated on the Lot Size Map.

Given that [clause 1.8A \(Savings provision relating to development applications\) in the WLEP 2010](#) does not automatically apply to later amendments, there is a need for this clause to be amended to specifically apply to the Amendment. The effect of this clause is to ensure that any development application lodged prior to the date of the Gateway determination [as required by the Gateway Determination] but not yet determined is determined as if the Amendment had not yet commenced.

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:

Add to clause 1.8A Savings provision relating to development applications the following sub-clause:

Clause 1.8A Savings provision relating to development applications

Insert after clause 1.8A(3)—

- (4) An amendment made to this Plan by *Wingecarribee Local Environmental Plan 2010 (Amendment No. 58)* does not apply to a development application made but not finally determined before 17 September 2020.

Add to Schedule 5, Part 1 (Heritage Items) the following new item:

Suburb	Item Name	Address	Property description	Significance	Item No.
Bundanoon	'Rochester Park' house and garden	102-104 Old Wingello Road	Lot 32, DP 1205423	Local	I1200

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

Map(s) to be Revoked	Map(s) to be Adopted
Heritage Map – Sheet HER_008A 8350_COM_HER_008A_020_20170123	Heritage Map – Sheet HER_008A (as amended)
Lot Size Map – Sheet LSZ_008A 8350_COM_LSZ_008A_020_20140410	Lot Size Map – Sheet LSZ_008A (as amended)

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?

The Planning Proposal is the result of an in-house assessment of the heritage significance of 'Rochester Park' which was the subject of an Interim Heritage Order (IHO) (Wingecarribee Interim Heritage Order No. 10) published in February 2019.

The assessment, which was undertaken in accordance with the NSW Heritage Manual and the NSW Heritage publication "Assessing Heritage Significance", concluded that the house and its garden was significant in six out of seven of the heritage assessment criteria, namely historical, associational, aesthetic/technical, research, rarity and representativeness.

Furthermore, it was determined that any subdivision of the remaining lot (which has been the subject of subdivisions in the past from a much larger holding) would result in the detrimental loss of heritage significance which led to the proposed reduction in minimum lot size to reflect a realistic development potential for the site.

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 only way of achieving the statutory local listing of an item of heritage and to change the minimum lot size.

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 Wingecarribee Shire is within the Sydney South East and Tablelands region. In its vision, the Regional Plan recognises that there are areas of distinct character and heritage that are celebrated by their communities. Identification of areas and sites of cultural heritage provides greater certainty for property owners and developers. Direction 24 of the Regional Plan focuses on delivery of greater housing supply and choice which should be achieved while protecting areas of high value, including high cultural heritage value. 'Rochester Park' is identified as one of these areas of high cultural value which should be protected. Therefore, the Planning Proposal is consistent with this Regional Plan.

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

The *Wingecarribee 2031 Community Strategic Plan (CSP)* (June 2017) reflects the community's aspirations and needs for the future. The community's vision for Wingecarribee 2031 is "A healthy and productive community, learning and living in harmony, proud of our heritage and nurturing our environment". The Community Strategic Plan (CSP) reflects the community's aspirations and needs for the future. Wingecarribee Shire's CSP, known as Wingecarribee 2031, is informed by relevant information relating to five key areas –. Heritage is strongly valued by the Wingecarribee community and this is articulated through the community's vision, goals and actions under the five key areas of Leadership, People, Places, Environment and Economy in the Wingecarribee 2031 CSP.

In addition to the CSP Council has recently adopted its Local Strategic Planning Statement and its Local Housing Strategy. *The Wingecarribee 2040: Local Strategic Planning Statement (LSPS)* was adopted by Council on 24 June 2020. The following Planning Priorities and Actions under the umbrella of "Our Places" in the LSPS are relevant to this Planning Proposal. A comment on each is provided.

LSPS Priority & Action	Comment
Planning Priority 6.1: Maintain the unique character of our towns and villages, separated by rich natural areas and rural landscapes	
Action i. Adopt a place-based approach to planning in local towns and villages to ensure that their special character is preserved.	The identification of elements within towns and villages that require protection and place-based controls is consistent with this action.
Planning Priority 6.2: Identify, protect and promote our cultural and built heritage	
Action i. Continue to implement best practice management and assessment of both Aboriginal Cultural Heritage and Non-Aboriginal Heritage sites in collaboration with the community.	Best practice management of heritage sites commences with identification and assessment in accordance with the heritage assessment criteria and subsequent listing, if warranted. The listing of 'Rochester Park' is consistent with this action.
Action ii. Review and maintain heritage listings in Wingecarribee LEP to facilitate the conservation of the Shire's heritage.	The Planning Proposal is consistent with this action to ensure that the list of heritage items is dynamic and is added to and reviewed regularly and as potential items are identified.
Action iii. Undertake a review of proposed heritage items deferred by Council in 2012, to ensure significant places are protected and to provide greater certainty to property owners and the community	'Rochester Park' was recommended by consultants in a 2009 Heritage Study Review to be heritage listed. It was one of several hundred proposed items deferred by Council in 2012. Since then, there has been considerable development pressure and uncertainty for the property owner. The heritage listing and the change in minimum lot size of this site is consistent with this action.

Furthermore, the Bundanoon Precinct Plan contained in the LSPS identifies “Heritage and traditional charm” as contributory elements in the character assessment.

The Wingecarribee Local Housing Strategy: *Housing Our Community* (LHS) was adopted by Council on 24 June 2020. It identifies the needs, demand, constraints and opportunities for housing throughout the Wingecarribee Shire. It identifies potential new areas for housing and potential within existing towns and villages. The Planning Proposal is consistent with the LHS which seeks, among other things, to “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” (Planning Priority 1). By heritage listing and removing subdivision potential from ‘Rochester Park’ it ensures that this site, assessed as being unsuitable for further subdivision, is not unsuitably developed.

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 applies to land which is within the R2 Low Density Residential zone. Caravan Parks are prohibited in the R2 zone under WLEP 2010.

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 - The Planning Proposal applies to land within the R2 Low Density Residential zone. Hazardous and offensive industries are prohibited in the R2 zone.

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 Planning Proposal applies to land 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 - The SEPP does not apply to land within a water catchment (as prescribed by Schedule 2). The Planning Proposal applies to land within the Sydney Drinking Water Catchment area and, therefore, the SEPP does not apply.

SEPP No 55 - Remediation of Land (SEPP was amended & a new 9.1 Direction (2.6) created in April 2020.)

- (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.

Assessment – Consistent - The Planning Proposal does not apply to land that is or is likely to be contaminated.

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 - The Planning Proposal does not specifically apply to signage. However, it is acknowledged that the opportunities for signage will be restricted on the subject land resulting from this Planning Proposal due to the change in heritage status.

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 Planning Proposal applies to land within the R2 Low Density Residential zone in which residential flat building, shop top housing and mixed use development are prohibited.

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 - The subject land is more than a 400 metre walking distance from a B2 Business Centre or B4 Mixed Use zone (clause 10). In addition, the subject land does not contain any existing boarding houses or other affordable rental housing.

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 Assessment 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 Planning Proposal does not apply to any existing educational establishments or child care facilities. Educational establishments are prohibited in the R2 Low Density Residential zone but there are opportunities for home-based and centre-based child care facilities as either exempt development or permissible with consent on the subject land, in which case the SEPP would continue to apply.

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 Planning Proposal does not specifically apply to any development applicable under this SEPP. However, it is acknowledged that the opportunities for exempt and complying development will be restricted on the subject land resulting from this Planning Proposal due to the change in heritage status.

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

<p>(e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and</p> <p>(f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and</p> <p>(g) providing opportunities for infrastructure to demonstrate good design outcomes.</p>
<p>Assessment – Consistent - The Planning Proposal does not specifically apply to any development applicable under this SEPP. However, it is acknowledged that should any provisions of the SEPP be of future relevance to the subject land, the applicability of the provisions may change as a result of the Planning Proposal (e.g. heritage restrictions and considerations).</p>

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 - While the subject land is not core koala habitat, the Planning Proposal seeks to protect existing landscape within this area which may or may not be 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 Planning Proposal does not affect the application of this SEPP. However, certain types of exempt development under this SEPP will be restricted by the change in heritage status anticipated by this Planning Proposal.

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 Planning Proposal applies to land already zoned and developed for residential purposes, therefore, the SEPP is not applicable to this Planning Proposal.

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 does not affect the application of this SEPP.

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 - The Planning Proposal does not affect the application of this SEPP: any future development of the site would need to have a neutral or beneficial effect on water quality under the SEPP. WaterNSW have been consulted as part of Agency referrals for this Planning Proposal (see *Part 5: Consultation – Agency Referrals* commencing on page 26 for more details).

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 subject land is not within a potential urban renewal precinct identified by the SEPP, therefore the SEPP does not apply to the subject land.

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

1. Employment & Resources
1.1 Business & Industrial Zones
<p>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:</p> <ul style="list-style-type: none">(a) encourage employment growth in suitable locations,(b) protect employment land in business and industrial zones, and(c) support the viability of identified centres.
<p>Assessment – Consistent – The Planning Proposal applies to existing Residential zoned land and, therefore, does not affect employment lands.</p>
1.2 Rural Zones
<p>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).</p>
<p>Assessment – Consistent – The Planning Proposal applies to existing Residential zoned land and, therefore, does not affect agricultural production on rural lands.</p>
1.3 Mining, Petroleum Production & Extractive Industries
<p>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</p> <ul style="list-style-type: none">(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. <p>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.</p>
<p>Assessment – Consistent – The Planning Proposal does not seek to alter any existing opportunities for mining, petroleum production or extractive industries.</p>
1.4 Oyster Aquaculture
<p>Assessment – Consistent – This Direction does not apply to Wingecarribee Shire.</p>
1.5 Rural Lands
<p>This Direction applies when a planning proposal:</p> <ul style="list-style-type: none">(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. <p>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.</p> <p>The objectives of this Direction are to:</p> <ul style="list-style-type: none">(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 Planning Proposal does not affect any rural lands as it applies to existing R2 Low Density Residential zoned land and does not propose a change of zoning.

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 Planning Proposal does not affect any environmental protection zones as it applies to existing R2 Low Density Residential zoned land and does not propose a change of zoning.

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 – The Planning Proposal seeks to add a new heritage item to the existing schedule of heritage items contained in Part 1 of Schedule 5 of the WLEP 2010 and a new heritage conservation area within Part 2 of Schedule 5. WLEP 2010 is a standard instrument LEP which adopts compulsory clause 5.10 for heritage conservation and the new item and area will be subject to existing heritage provisions.

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 – The Planning Proposal does not seek to enable land to be developed for a recreation vehicle area.

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 report in order for Council to be satisfied that the site is not contaminated.

Assessment – Consistent – The Planning proposal affects land which has long been developed for residential use and the provisions of the Direction are considered to not apply.

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 – Justifiably Inconsistent – This Direction applies as the Planning Proposal affects existing residential zoned land. The Planning Proposal does not seek to alter the boundaries of the existing zone, but it does seek to increase the minimum lot size from 700m² to 1 hectare in order to provide protection to a new heritage item, as detailed in the Justification section of this Planning Proposal. The Secretary of the NSW DPIE has (via a delegate) concurred with Council's assessment that the Planning Proposal is justifiably inconsistent under this Direction.

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 does not identify land suitable for caravan parks nor alter existing opportunities for caravan park development.

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 alter the existing opportunities for home occupations on the subject land, which may be carried out without development consent in the R2 Low Density Residential zone.

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 Planning Proposal seeks to provide heritage protection for a discrete area in the town of Bundanoon and increase the minimum lot size from 700m² to 1 hectare. This action would not create additional infrastructure demands.

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/Inconsistent/Justifiably Inconsistent – The land which is the subject of the Planning Proposal is not near a regulated airport or a defence airfield.

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 – The land subject to the Planning Proposal is not in the vicinity of an existing shooting range.

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 land subject to the Planning Proposal is not within a mine subsidence district.

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 land subject to the Planning Proposal is not within a flood prone area, as identified in any flood study or within a flood planning area on the Flood Planning Area Map that forms part of the WLEP 2010.

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 land subject to the Planning Proposal is partially bush fire prone. The proposal to reduce the development potential of the land by increasing the minimum lot size will result in fewer residential dwellings within bush fire prone areas which is consistent with this Direction.

5. 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 – Although the Planning Proposal applies to land within the Sydney Drinking Water Catchment, it seeks to maintain the existing zoning and land use of the subject land, thereby helping to protect water quality. The subject site is sewered and the proposed heritage listing of the site and the increase in the minimum lot size will reduce the development potential of the land which would serve to protect water quality. WaterNSW has been consulted in relation to the Planning Proposal and has no objection to the Planning Proposal proceeding (see *Part 5: Consultation – Agency Referrals* commencing on page 26 for more details).

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 current Regional Strategy—being the South East and Tablelands Regional Plan 2036—which recognises the distinctive character and heritage values in the region. Direction 23 of this plan articulates how

the region's heritage should be protected and prioritises conservation of heritage assets (action 23.3), which is consistent with the aims of this Planning Proposal.

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 does not include any new provisions nor identifies any development as designated development.

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 Planning Proposal does not apply to any land or zonings identified for public purpose.

6.3 Site Specific Provisions

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

Assessment – Consistent – The Planning Proposal does not include any site specific provisions.

7. Metropolitan Planning

7.1 -7.10

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

Section C – Environmental, Social & Economic Impacts

6. 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?

The Planning Proposal applies to existing low density residential zoned land which has previously been developed for residential purposes. No critical habitat or endangered vegetation has been identified on the subject land.

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

There are not likely to be any environmental effects as a result of the Planning Proposal. In fact, the heritage listing of the site and the change in minimum lot size will reduce development potential, thereby reducing negative environmental impacts, including loss of trees and potential loss of habitat.

8. Has the Planning Proposal adequately addressed any social and economic effects?

There are possible social and economic effects on the individual property owner who has been seeking to subdivide the land into 12 lots. However, there are social benefits and potential economic benefits for the surrounding property owners resulting from the protection of this site and its landscape.

Some individual economic and social impact is considered to be reasonable in the context of protecting a site of heritage significance.

Section D – State and Commonwealth Interests

9. Is there adequate public infrastructure for the Planning Proposal?

Yes. The Planning Proposal will not result in any additional burden on existing public infrastructure. In fact, the reduction in development potential will alleviate future infrastructure burden.

Part 4: Mapping

The following maps will require amendment:

- Heritage Map – Sheet HER_008A (8350_COM_HER_008A_020_20170123)
- Lot Size Map – Sheet LSZ_008A (8350_COM_LSZ_008A_020_20140410)

Figures 5 and 6 on following pages provide an indication of the changes required to each map for the subject property.

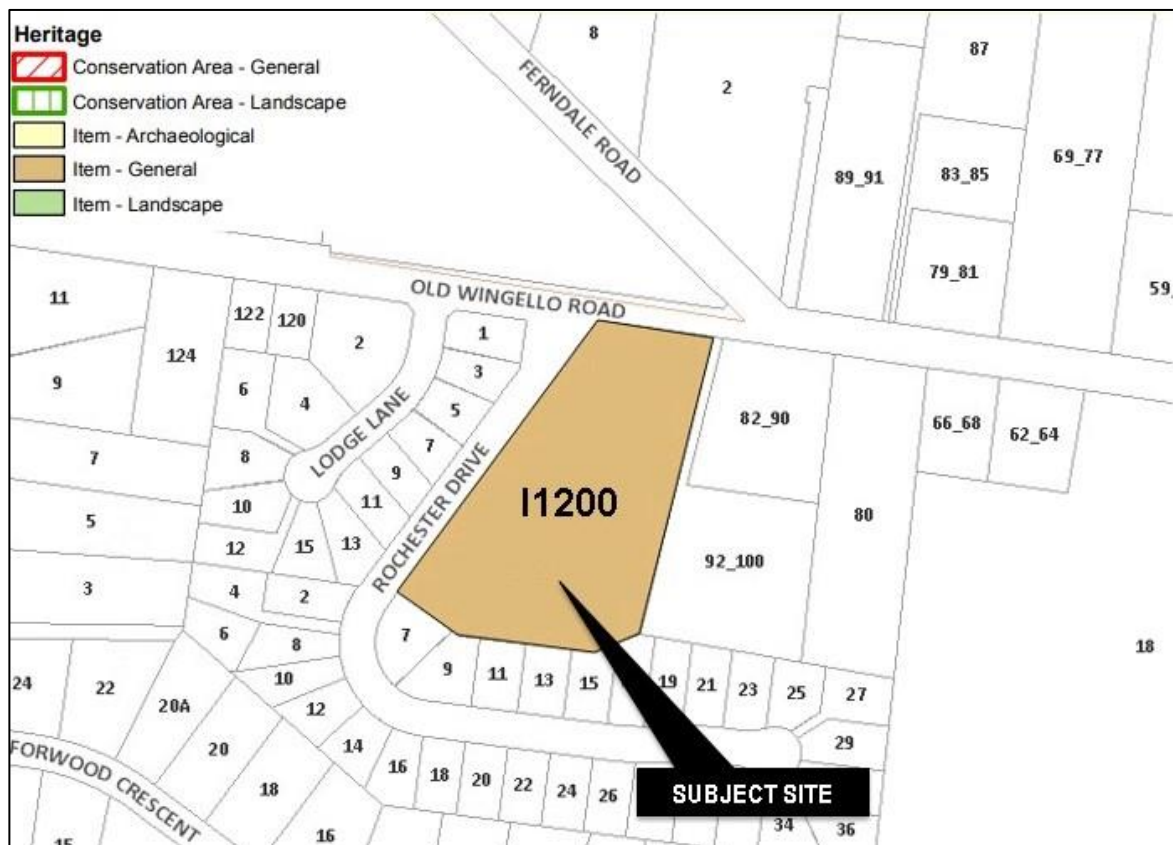


Figure 5: Indicative amendment to Heritage Map (Sheet HER_008A)

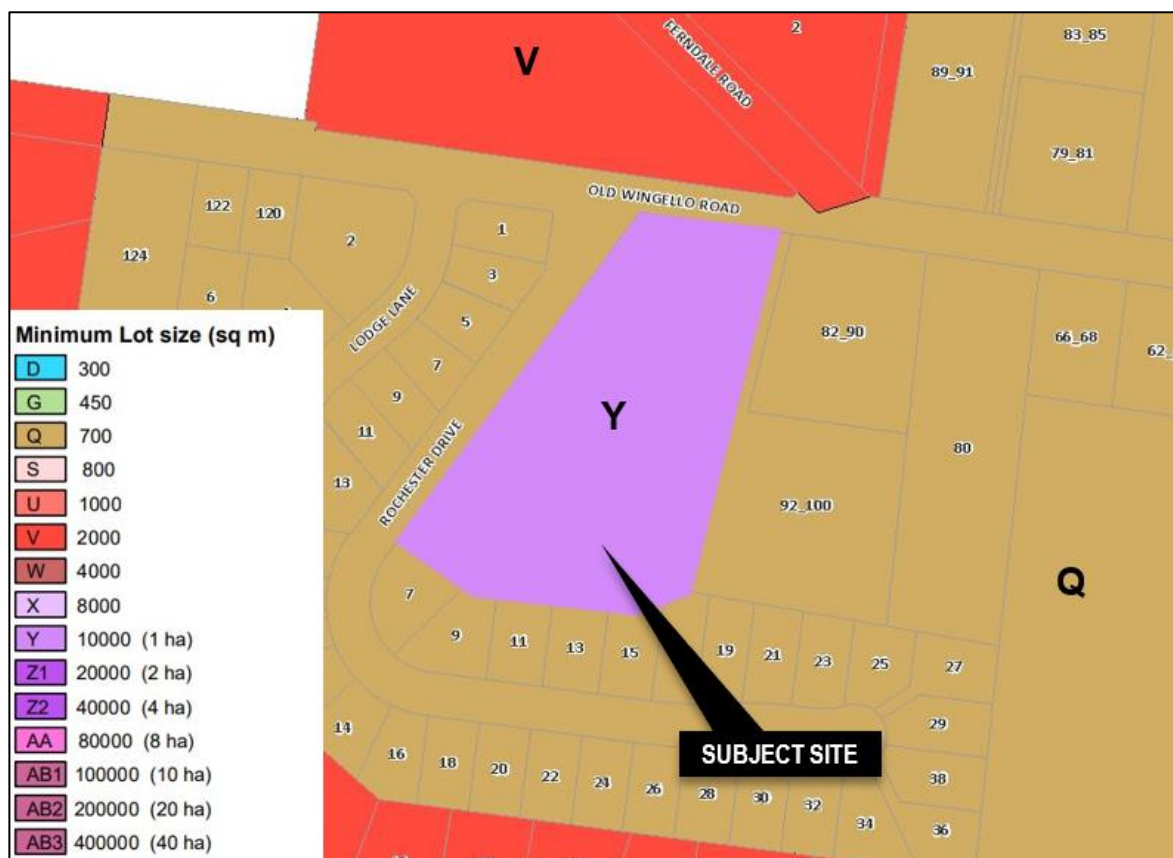


Figure 6: Indicative amendment to Lot Size Map (Sheet LSZ_008A)

Part 5: Consultation – Agency Referrals

Agency referrals have been undertaken as directed in the Gateway Determination to:

1. WaterNSW
2. Heritage NSW
3. NSW Rural Fire Service.

In accordance with the Gateway Determination, Council has provided a copy of the Planning Proposal to those agencies and given them 21 days in which to provide a response.

WaterNSW was notified on 21 September 2020 and their response dated 7 October 2020 is included at **ATTACHMENT 5**. In summary, WaterNSW:

- acknowledges the limitation of opportunities for exempt and complying development should the site be heritage listed which would enable a more rigorous assessment of future development (through the development application process),
- recommends expansion of Council's response to the applicability of State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 to note that future development would need to have a neutral or beneficial effect on water quality under the SEPP,
- recommends acknowledgement that the site is sewerage and expansion of Council's response to section 9.1 Direction 5.2 Sydney Drinking Water Catchment in relation to the reduction in development potential proposed by the Planning Proposal and the corresponding protection of water quality.

The amended response to State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 can be found on page 17 of this Planning Proposal, and the amended response to Direction 5.2 can be found on page 23.

Heritage NSW was notified on 21 September 2020 and their response dated 13 October 2020 is included at **ATTACHMENT 6**. In summary, Heritage NSW:

- acknowledges Council's heritage assessment that the property met the heritage assessment criteria for heritage listing at a local level,
- reminds Council to ensure that all necessary due diligence, assessments and notifications are undertaken.

The NSW Rural Fire Service (RFS) was notified on 21 September 2020 and their response dated 28 October 2020 is included at **ATTACHMENT 7**. The subject site is partially bush fire prone but the RFS has raised no concerns or issues in relation to bush fire in relation to the Planning Proposal.

Part 5: Consultation – Community

The Gateway Determination has required a public exhibition period of a minimum of 28 days. The initial public exhibition of the Planning Proposal commenced on Wednesday 14 October 2020 and concluded on Tuesday 17 November 2020, providing an exhibition period of 34 days. The re-exhibition is for a period of 9 weeks (or 41 days excluding the period between 20 December and 10 January as required by Council's Community Participation Plan).

Letters notifying the property owner and surrounding neighbours of the public exhibition have been sent via mail and/or email. Weekly advertising in Council's Community Update (sent to subscribers via email) for the duration of the exhibition period will also be undertaken commencing 18 November.

The principal place of public exhibition is the *Your Say Wingecarribee* website (www.yoursaywingecarribee.com.au/planning/news_feed/rochester-park-pp) and the Planning Proposal and its attachments are also available for viewing at the Customer Service Counter at the Civic Centre, 68 Elizabeth Street, Moss Vale, NSW 2577. A link to the public exhibition documentation is available on the "What's On Exhibition" page of Council's website www.wsc.nsw.gov.au/development/whats-on-public-exhibition.

Part 6: Timeline

MILESTONE	INDICATIVE /ACTUAL DATE
Gateway Determination	17 September 2020
Agency Consultations	21 September – 13 October 2020
Public Exhibition	14 October to 17 November 2020
Re-Exhibition	18 November 2020 – 20 January 2021
Report to Council on exhibition of Planning Proposal	February 2021
S.3.36 Documents to DPIE & PCO	February 2021
Approximate completion date	April 2021

Delegations

It is noted that Council has not received authorisation from NSW DPIE to use its delegation for the processing of this Planning Proposal due to the potential social and economic impacts of the proposal and noting the dispute between a landowner and Council in relation to the development of the site (Land and Environment Court proceedings on the basis of a deemed refusal).