

Environmental Sustainability

v-EP5 Chelsea Gardens / Coomungie Urban Release Area- Draft LEP 131

REF: SPM

5800/18

The purpose of this report is to provide Council the opportunity to consider submissions received in response to the exhibition of the revised Chelsea Gardens/Coomungie Draft LEP Amendment 131.

The Applicant and a representative of the objectors have been invited to address Council on this matter.

REPORT

BACKGROUND

The rezoning of the Chelsea Gardens / Coomungie properties has been the subject of several reports to Council and public exhibitions. The details of the public exhibitions are discussed later in this report. The subject land (Lot 12 DP 866036 & Lot 3 DP 706194) is located on the south eastern edge of Moss Vale generally bounded by Yarrowa Road and Hill Road. The estimated dwelling yield from the proposal is approximately 1000.

The draft LEP included as Attachment 1 has the following aims:

- (a) *to rezone the land to which this plan applies from Zone No 1 (a) (Rural "A" Zone) and Zone No 1 (c) (Rural (Smallholdings) Zone) to Zone 2 (a) (Residential "A" Zone), Zone No 6 (a) (Open Space (Existing Recreation) Zone) and 3(a) Business Zone under Wingecarribee Local Environmental Plan 1989, and*
- (b) *to provide opportunities for additional housing and population growth in the northern subregion of the Sydney to Canberra Corridor consistent with the Sydney–Canberra Corridor Regional Strategy, and*
- (c) *to protect and enhance watercourses, riparian habitats, wetlands and water quality within the Sydney Catchment Authority's hydrological catchment so as to enable the achievement of the water quality objectives as defined in clause 8 of the Drinking Water Catchments Regional Environmental Plan No 1, and*
- (d) *to provide for an open space network which corresponds to areas assessed to have high physical sensitivity and to link the development with the south-eastern Moss Vale urban area, and*
- (e) *to provide for a range of lot sizes to cater for a range of housing needs, and*
- (f) *to ensure any development on that land incorporates the principles associated with ecologically sustainable development in its planning and design.*

During the course of the exhibitions of the Draft LEP there have been two versions of the LEP map exhibited. The essential differences between this version (**Attachment 2**) and the last version (**Attachment 1**) previously exhibited are:

- The amount of proposed 6(a) zoned land across the release area has been reduced. The reduction of proposed public open space, from that delineated on the draft LEP 2009 map (**Attachment 1**), does not infer that additional open space won't be provided in the revised allocation of 2(a) Residential area. The allocation of public open space throughout the 2(a) Residential area will be determined during the detailed Masterplan process, which will also accommodate public feedback.
- A small area zoned 3(a) – Business Zone for commercial use fronting Yarrawa Road at the intersection of the proposed collector road through the site has also been included.

The Attachment 1 version was exhibited between 1 February and 5 March 2010.

Following this exhibition, Council considered a report on 28 April 2010 recommending the Draft LEP Amendment be transferred to the Department of Planning's new 'Gateway' process for LEP Amendments and Rezoning. Council in considering the report subsequently resolved as follows:

1. *THAT Council continue the current process of the amending LEP for Chelsea Gardens / Coomungie Urban Release Area – Draft LEP 131.*
2. *THAT staff present an information session to Councillors on the amending LEP for Chelsea Gardens / Coomungie Urban Release Area – Draft LEP 131.*
3. *THAT Council hold a public meeting/information session on the amending LEP for Chelsea Gardens / Coomungie Urban Release Area – Draft LEP 131.*
4. *THAT the draft LEP for Chelsea Gardens / Coomungie Urban Release Area – Draft LEP 131 be re-exhibited.*

In enacting the above resolution, the DLEP Amendment 131 was re-exhibited for 28 days from 17 May – 14 June 2010. 3500 letters were sent to residents and landowners of Moss Vale and surrounding areas advising them of the exhibition and a notice was also placed in the local Southern Highlands Newspaper on 12 May 2010. Included in this exhibition was a Public Meeting held in the Auditorium of the Moss Vale Services Club on Thursday 20 May 2010 attended by 200 interested people.

EXHIBITION REPORTING

This report details submissions received from four (4) exhibition periods.

The first exhibition was from 19 November to 24 December 2008.

The second was with Wingecarribee Local Environmental Plan 2009 (previously reported)

The third was from 1 February to 5 March 2010

The fourth was from 17 May to 14 June 2010.

The following schedule provides a summary of issues and the number of responses received. For comparison between exhibitions, the issues have been grouped with the number of submissions received indicated. There are therefore three (3) figures:

- First (1) is the number of submissions received from the last exhibition (May-June 2010),
- Second (2) is the number of submissions received from the exhibition (Feb-Mar 2010),
- Third (3) is the number of submissions received from the exhibition (Nov-Dec 2008).

Summary of **objections** to the proposal:

	Number of submissions		
	Attachment 2	2	1
	(May 10)	(Feb 10)	(2008)
• Business zoning inappropriate	(1)	(13)	
• Business Zoning location inappropriate	(1)	(5)	
• Traffic Generation	(37)	(12)	(4)
• Loss of rural character	(22)	(11)	(5)
• Impact on adjoining owners (outlook and values)	(2)	(11)	(4)
• Inconsistency with Council policy	(1)	(8)	(6)
• Impact on Infrastructure and Community Services	(35)	(8)	(5)
• Environmental Impact	(4)	(8)	(3)
• Loss of Open Space Buffer	(9)	(8)	
• Increase density of existing urban area	(11)	(8)	
• Views and Visual Impact	(23)	(7)	(4)
• Integration into rural area		(6)	(4)
• Overdevelopment of the site	(29)	(6)	(3)
• Impact of traffic on Yarrawa Road	(19)	(5)	(2)
• Loss of Agricultural lands	(32)	(4)	
• Scarcity of Employment and Economic Opportunities	(8)	(4)	(2)
• Crime and Influx of Low Socio-Economic Groups		(3)	(2)
• Adequate alternatives	(4)	(3)	(2)
• Inadequate demand	(17)	(3)	
• Flooding	(1)	(2)	(1)
• Steepness of site, invalid access and public transport	(19)		
• Miscellaneous Issues			
o Noise		(1)	(2)
o OH&S (Stock handling)		(1)	
o Lack of consultation	(15)	(1)	
o Lack of fencing details		(1)	
o Council's seeming disdain for Moss Vale	(3)	(1)	
o Content of DoP Sydney Canberra Corridor Strategy	(3)	(1)	

Government agency submissions (4) are discussed before objections. Applicant submissions (2) follow objections.

• Government agency submissions	Nil	(1)	(4)
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Summary of **supporting submissions** to the proposal:

A number of submissions also indicated support for the proposal including six (6) recommending Council extend the urban rezoning to adjoining lands.

• Requests to rezone adjoining properties		(4)
• Logical extension of town	(2)	(1)
• Restricted access to Hill Road & Illawarra Highway.		(1)
• Understands progress agenda of State Government.		(1)
• Supports no access to Hill Road/Valetta St.	(1)	(1)
• Supports development but not with negative impact.	(1)	(1)
• View subdivision on nearby lands as progressive.	(2)	(1)
• Essential services in place.		(1)

1 February – 5 March 2010 Exhibition

An advertisement was placed in Council's page in the Southern Highlands News on 3 February 2010. The exhibition material was available at Council, on Council's webpage and in the Moss Vale Library. There were a total of 17 submissions to the exhibition of the revised zoning configuration, of which 14 indicated objections to the revised amendment. There was one (1) submission from a government agency to the revised plan and one from each of the applicants (2). All submissions are discussed below.

17 May – 14 June 2010 Exhibition

An advertisement was placed in the Southern Highlands News on 12 May 2010. Council notified all property owners and residents of Moss Vale of the meeting resulting in over 3500 letters being sent out. Council also paid for advertisements on Radio Station 2ST. The exhibition material was available at Council, on Council's webpage and in the Moss Vale Library.

In accordance with Council's Resolution of 28 April 2010, a public meeting was held in the Moss Vale Services Club Auditorium attended by approximately 200 people.

In response to this exhibition, there were a total of fifty three (53) submissions and one (1) petition received containing 657 signatories. Fifty one (51) submissions objected to the proposal and two (2) supported it.

The details of the written submissions will be discussed in the body of this report.

A copy of all submissions are available in the Councillor's Room.

PRELIMINARY CONSIDERATIONS

There are five (5) considerations Council should be aware of prior to considering submissions:

1. Recent Department of Planning advice
2. Topography of the site
3. Population projections and dwelling demand for the Shire
4. Shire wide traffic modelling currently being undertaken by staff
5. Wingecarribee Local Environmental Plan 2010

1. Recent Department of Planning advice

The Department of Planning (DoP) advised Council on 16 March 2010 that rezonings, such as the subject proposal, where a Certificate under Section 65 of the Environmental Planning & Assessment Act (EP&A Act), 1979 (to permit exhibition) has been issued, '*must be finalised by 1 July 2010*'. The subject proposal was issued a S65 Certificate on 4 November 2008. This means that the subject amendment (DLEP Amendment 131) for Chelsea Gardens Coomungie will need to be finalised by 1 July 2010.

The DoP also advise that '*Where Council may not be able to finalise a draft LEP according to the timeframe mentioned above, it may wish to consider incorporating the draft plan into its*

Principal LEP'. The subject site has been identified as an Urban Release Area under Wingecarribee DLEP 2009. A copy of the DoP correspondence is **Attachment 3**.

2. Topography

The topography of the site is such that the 700 AHD (Australian Height Datum) contour runs approximately around the perimeter of the site. The 680 (AHD) contour is towards the centre of the site in proximity to the Moss Vale Golf Course (MVGC). This places the majority of the developable land below the level of Yarrawa Road.

3. Housing Strategy

Council has previously considered residential growth and identified the Chelsea Gardens and Coomungie sites as part of the Wingecarribee Residential Growth Strategy 2007 – 2020 (WRGS '07-'20) and the Wingecarribee Our Future (WoF, '02) Strategic Plan. Residential growth targets were refined as part of the Sydney Canberra Corridor Regional Strategy (SCCRS) 2006-2031. The SCCRS estimated residential growth in the Shire to be 8700 dwellings by 2031. The SCCRS encourages Councils to commence *Local Housing Strategies* to investigate and identify further sites for residential development. Council has now formally commenced the preparation of a new Local Planning Strategy which will address future housing needs.

4. Traffic Modelling

Council's Design Engineer, in consultation with the RTA, has been simulating development and traffic generation using the TRACKS model on the existing road network to identify future points of congestion and infrastructure requirements projected to the SCCRS timeframe (2031). The modelling to accompany these studies will be reported to Council separately. For the purpose of this exercise it is understood that traffic generation milestones will 'trigger' the location and type of infrastructure required to address population growth impacts. It is anticipated that the identified infrastructure will be partly funded by developer contributions tied to either a development contributions plan or a Voluntary Planning Agreement (VPA) to be entered into between Council and the applicants. The details of this mechanism will be reported separately.

5. Wingecarribee LEP 2010

The subject proposal will now amend Wingecarribee LEP 2010 that came into effect on 16 June 2010. Further detailed investigations will be required for the master planning and subsequent drafting of development control provisions for the subject site. At this point, the estimated number of dwellings will be around 1000. Master planning of the site will inform the location and distribution of land uses including, *inter alia* lot layout, water quality devices, open space networks and movement corridors (vehicle, bicycle and pedestrian networks).

With the making of the Wingecarribee LEP 2010 the zonings proposed under this draft plan will revert to their LEP 2010 equivalents.

DISCUSSION

Submissions

State Government Agency responses

The following submissions are from state government agencies with an interest in the project. With the exception of the Sydney Catchment Authority (SCA), these submissions were received from the previous exhibition (2008 - prior to the current revised zoning configuration).

Department of Primary Industries (DPI)(now known as the Dept of Investment & Industry)

Agriculture

The land on which Chelsea Gardens Estate is proposed is classified by the NSW Agricultural Land Classification Map 1986 as mainly Class 3 land with small amounts of Class 4. Class 3 land is well suited to pasture improvement and associated pasture management practices. Class 3 lands may be occasionally cultivated for a crop. Class 4 lands are grazing lands not suitable to soil based agriculture due to constraints such as slope.

The DPI recognises that some land will need to be utilised for residential purposes but also recognises that a longer term and more robust strategy of providing higher density housing will reduce the impact of residential development on agricultural lands.

Comment: Noted

Mineral resources

The site is underlain by coal resources that occur in the Wongawilli and Tongarra coal seams at depths greater than 120 metres. Coal suitable for cement production has been identified in both seams whilst the Wongawilli seam also contains minerals suitable for the export thermal/coking coal market. Any development proposal for the site must be submitted for comment to the Mineral Resources Division.

The area is located within Petroleum Exploration Licence (PEL) 2 held by AGL/Sydney Gas Operations who are exploring for coal seam methane (CSM) in the region. The subject area is also located within Exploration Licence (EL) 6212 held by Hot Rocks Energy Pty Ltd/Longreach Oil Pty Ltd who are exploring for geothermal energy sources. The Division has concerns regarding access for exploration activities in the area and requests that access for current and future petroleum and geothermal exploration be maintained.

Comment: Council has advised the Department of Planning, as part of its Section 62 (EP&A Act, 1979) Consultation process, and prior to the exhibition of the subject proposal, that the subject area is not *identified on a map as being the location of State or regionally significant resources of mineral, petroleum or extractive materials*. Council staff have considered that while access for exploration should be maintained, extractive industries are prohibited under the part Zone R2 Low Density Residential and part Zone RE1 Public Recreation proposed under the Wingecarribee LEP 2010 and believe in most cases that extractive industries are incompatible with residential development. Further, no license to explore the potential for coal mining has been granted under the subject land.

Roads and Traffic Authority (RTA)

The RTA has reiterated that a detailed Traffic Impact Study (TIS) is required prior to master planning of the site. As stated above in 4 of Preliminary Considerations, Council's Traffic Engineer is undertaking TRACKS traffic modelling in this regard. This will be reported separately.

The RTA has further requested that the applicant identify suitable infrastructure, including pedestrian, cyclists and public transport infrastructure to ameliorate any traffic and safety impacts associated with the LEP Amendment. As addressed above in the background, Council's Design Engineer is currently undertaking modelling in this regard and the detailed TIS will identify suitable infrastructure.

An appropriate mechanism, for example a VPA, should give consideration to the timing and provision of infrastructure necessitated by the development and the detailed Traffic Impact Statement.

The above aspects, including the content of a VPA, will be negotiated with the applicant should Council resolve to support and proceed with the rezoning.

Sydney Catchment Authority (SCA)

- *Patterson Britton: Chelsea Gardens – Moss Vale Stormwater management and servicing investigation (2006) estimates stormwater management measures will occupy 6.6 Ha of the site.*
- *The proposed water strategies (Patterson Britton) are based on DECCW pollution reduction strategies that are not the water quality criteria prescribed in the DWC REP and would not meet the NorBE (Neutral or Beneficial Effect) test without the identified array of water quality strategies - thereby not achieving a lot yield of 1000*
- *Concern regarding parameters and data used in MUSIC Modelling done for the site*
- *Recommend replacing the existing Clause 2(2)(b) and replacing it with the following: (b) a water cycle management study of the site, undertaken in consultation with the Sydney Catchment Authority which demonstrates the development will have a neutral or beneficial effect on water quality*
- *Recommends inclusion of the following item as (h) in Clause 2(2): reticulated sewer is available for all proposed lots*

Comment: In undertaking the detailed site investigations and master planning, the area required for water quality measures can be qualified and quantified against the area of the site available to residential and open space. Any future subdivision will be required to demonstrate compliance with Aim (c) of the plan. There will then be sufficient capacity to accommodate the anticipated lot yield with the devices (rainwater tanks / storage tanks, optimising pervious areas, bio-retention swales, underground gross pollutant traps, water quality control ponds) and management strategies installed in appropriate locations at appropriate stages.

The SCA state that the Strategic Land and Water Quality Analysis (SLWCA) data indicates that the majority of the site represents a low risk in terms of water quality.

The SCA recommend that any detailed water cycle management study undertaken for future subdivision should incorporate the following as a minimum:

- o Pre-development and post-development run-off volumes and post development pollutant loads,
- o The impacts of development on receiving waters,
- o Stormwater modelling using the MUSIC model,
- o Water cycle management strategies and best practice stormwater management, including water sensitive urban design, to address those impacts,
- o Arrangements to be made for the ongoing maintenance and monitoring of the water cycle management system,
- o Application of SCA endorsed Current Recommended Practices (CRP's) or other practices that achieve equivalent or better outcomes, and
- o The demonstration that the proposed development has a neutral or beneficial effect on water quality.

It should be noted that reticulated sewer will be available to all dwellings. There will be no On-Site Wastewater Devices or Pump-Out Systems required, though Water Sensitive Urban Design features will be encouraged in any future subdivision.

The SCA recommend replacing the existing subclause 2(2)(b) and replacing it with:
Clause 2(2)

(b) a water cycle management study of the site, undertaken in consultation with the Sydney Catchment Authority, which demonstrates the development will have a neutral or beneficial effect on water quality

and inserting the following

Clause 2(2)

(h) Reticulated sewer is available for all proposed lots.

Final subdivision layout and lot yield (1000) is satisfactory subject to the following being addressed and requires full array of water quality strategies to be implemented.

A detailed water cycle management study can be completed following detailed surveys of the subject land to determine accurate lot yield, population projections, demand load and the area required to construct and install water quality devices.

The recommended amendments to the Draft LEP provisions from the SCA will be incorporated into revised LEP Provisions.

Rural Fire Service (RFS)

The RFS advise that future development applications will be required to satisfy *Planning for Bushfire Protection 2006* guidelines.

Revegetation area works and plantings should be carried out in such ways that do not increase the bushfire risk to adjoining properties and assets.

Comment

Noted

PUBLIC SUBMISSIONS

Stop Moss Vale Sprawl (SMS) submitted a petition on the night of the Public Meeting containing 538 signatories. The text of the covering letter reads as follows:

Enclosed with this letter is a petition with 538 signatories who have by their signatures indicted that they are opposed to the rezoning of Chelsea Gardens and Coomungie to permit residential subdivision and support retaining those lands under the existing zoning for rural use.

An examination of the addresses reveals that 45% are from Moss Vale, 48% are from elsewhere in the Southern Highlands and 7% are from outside the Southern Highlands.

Our group is continuing to collect signatures on the petition and will provide them to you before the close of the exhibition period.

PUBLIC SUBMISSION DISCUSSION

Business Zoning Inappropriate

A précis of submission content is below:

- *Business Zone - Service station viability*
- *New business zone inappropriate.*
- *Business zoning (on Yarrowa) will be unviable (too far to walk) and an eyesore and contravenes Council policy.*
- *Many vacant shops (Bunnings site, Clarence House, petrol station adjacent to Bunnings closed, why did Bunnings tie up the site – no dedicated hardware shop in Moss Vale).*
- *Attempts to have corner/convenience stores have not been successful (Willow Drive shops).*
- *More incentive for commercial development to locate in Mittagong.*
- *Business zoning (Yarrowa Road) will not be successful.*
- *3(a) Business Zoning is inappropriate and should be omitted altogether – refers to Elton consulting 'it is probable that an activity centre is neither needed or feasible on site'*
- *Michael Brown report 'Moss Vale Town Centre limits scope to provide significant retail & commercial land uses'*
- *Retail Facilities & Social Impacts – Elton indicate Moss Vale would benefit from additional patronage*
- *Difficulty in providing a viable hub with preferred approach to integrating Chelsea Gardens Coomungie into existing township.*
- *Adverse impacts on long established business*
- *Business zoning appears a 'bonus for developers rather than an essential planning inclusion'*

The above submissions generally considered that the proposed business zoning was inappropriate and businesses had closed in Moss Vale due to a lack of patronage and the draw of the retail centre.

Comment: It is considered that the success or failure of any future business located in the proposed business zoning would be based on a business appraisal and the type of

businesses established. This would be informed by a market analysis exercise undertaken by future operators and considered prior to the establishment of any future businesses.

It is also considered that, in the absence of any viable business, the business zoned land should not be quarantined to any future land uses options that would be compatible with the proposed adjoining zones (Residential or Open Space).

The need for a small commercially zoned area within the development will provide an opportunity to establish a small retail shop to service the day to day needs of the residents thus limiting the need to travel into the Moss Vale town centre to purchase convenience goods.

The proposed zonings will revert to their equivalent zonings under the Draft LEP 2010. For example the B1 Neighbourhood Centre zoning is considerably more flexible, including the permissibility of dwellings. In support of this, the primary objective of the B1 Neighbourhood Centre zoning is *to provide a range of small scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood*. While the view of objections is respected, it is considered that the opportunity for businesses to establish in this locality should be maintained.

Business Zoning location inappropriate

The number of submissions regarding this issue is less however it has been included here to follow on from the above discussion regarding the business zoning:

- *Commercial premises will intrude on open space buffer and be out of character.*
- *Increase noise and visual pollution from direct access to Illawarra Highway and service station.*
- *Maunsell Traffic Study indicates minimal passing trade*
- *Opposed to service station – out of place (already 2 within 2 kms) – should be on Bowral end of Argyle St.*
- *3(a) zone, minus service station, should be located centrally within development to provide child care & medical services within walking cycling distance of the whole site so buffer can be continued uninterrupted along Yarrawa Road.*

Comment: The location of the proposed B1 Neighbourhood Centre zone is intended to serve both the proposed land uses and capture passing trade as the business zoned land will be located adjacent to the 'spine' road that is intended through the site linking Yarrawa Road with the Illawarra Highway in the east. It should be noted that the suggested location of a Service Station in the B1 Neighbourhood Centre is a hypothetical example as no proposed uses form part of the rezoning process.

Locating and offering retail services at the periphery of a residential precinct will reduce car dependence to nearby residents for small purchases while allowing business activity to capture passing trade.

The impact of any proposed business on the open space buffer is acknowledged however the presentation to the Yarrawa Road frontage may be managed through the controls contained in a Development Control Plan (at 5 above) to be consistent with the adjoining 6(a) Open Space on either side.

One submission suggests that the B1 Neighbourhood Centrezoning should be located towards the centre of the subject land, while the applicants for Coomungie contend that exposure to Yarrawa Road is critical to the success of any established business. Council may then wish to consider linking the areas of Open Space either side of the business zone so that the appearance of this area is uninterrupted along the Yarrawa Road frontage. This would be enabled during the drafting of the Development Control Plan provisions for the site following on from the master planning stage.

Alternatively Council may wish to reconsider the location of the B1 Neighbourhood Shops zoning. A suitable alternate location would be to within the proposed R2 Low Density Residential zone land adjacent to the proposed RE1 Public Recreation and the proposed spine road. This alternative location would then be setback from Yarrawa Road approximately 30 metres. It would provide suitable access from within the subject site, and reduced impact along Yarrawa Road, with signage being installed to direct passing trade into the Neighbourhood Centre. It would also allow a greater range of vehicle intersection options. Bearing in mind the above (at 1 above), while it is considered that re-exhibition for further consultation of this alternative configuration would not be required, it is strongly recommended that the applicant for Coomungie be permitted to provide further information to support retention of the existing configuration.

Traffic Generation

- *Traffic – Whytes corner*
- *Entrances and exits*
- *traffic*
- *traffic pollution & resident safety*
- *Traffic on Yarrawa Road to be minimised due to Arthur Street bottleneck.*
- *RTA recommendations ignored.*
- *Traffic around Moss Vale High School (Valetta Street & Narellan Road)*
- *Access to development from Lovelle Street.*
- *Entrance to site should be gained from Yarrawa Road, Valetta Street and Hill Street thereby causing less disturbance to through traffic.*
- *Access to Illawarra Highway should include closing Villiers Road at Fitzroy Street intersection or include traffic calming measures*
- *Additional road congestion.*
- *Substandard roads.*

Comment: Traffic generation from the development is considered by objectors to be a significant source of concern. That concern is directed towards the considered impact on the existing road network from the increase in population and the reliance on motor vehicles. A number of submissions suggest that the existing road network did not have the capacity to handle existing traffic.

It should be noted that Council has previously considered access to the site via Hill Road is inappropriate as it will place unacceptable traffic loads into Valetta Street. It should also be noted that access to the site will be limited from Lovelle Street by the presence of a riparian corridor through the Chelsea Gardens property to the Moss Vale Golf Course required by the SCA, the Department of Environment, Climate Change and Water and the provisions of the Wingecarribee LEP 2010. Access to the site from Lovelle Street will be restricted.

As stated previously (at Preliminary Consideration 4 above) Council staff have been working with the RTA from a strategic perspective (including the Moss Vale Enterprise Corridor and

the capacity of Argyle Street) to identify the infrastructure required to address these concerns.

The objectors' submissions to this point are valid based on existing infrastructure however population growth projections and urban expansion has highlighted the need for additional infrastructure. It is considered that, upon installation, additional infrastructure will have the capacity to accommodate future urban growth. It should be pointed out that the existing infrastructure has 'tipping points' on capacity that trigger the need for additional infrastructure and these would be installed as each milestone is reached.

Loss of Rural Character

A précis of submission content is below:

- *Loss of Rural Character*
- *Impact on the future township,*
- *Retain character as old-fashioned country town.*
- *Offends the 'green between' principle.*
- *Not in keeping with rural character.*
- *Gateway entrance to Moss Vale and substandard local roads*
- *Council's 'development philosophy' should require development:*
 - o *Maintain unique character and environmental quality of the SH*
 - o *Conserve cultural and scenic landscapes and agriculture where appropriate.*
- *Loss of Rural vista and natural amphitheatre – particularly from Mt Broughton Road.*
- *Consultant (Michael Brown Planning Strategies) recognises the defining character: 'The scenic qualities of the site is largely founded upon their rural landscape quality: open grazing with bold, bald hills rimming a grassland bowl with a culturally planted backdrop'.*
- *Loss of rural Character – particularly from the Mt Broughton Road approach*
- *Adding faceless urban sprawl to rare 'genuine country look of Moss Vale.*

The above submissions made reference to the loss of rural character seeking to retain the qualities of the existing township of Moss Vale and the wider Southern Highlands.

Comment: There are two aspects to this issue, perception and viewpoint. The perception is that the additional population and extension of the urban area will diminish the 'quietness' that Moss Vale currently enjoys. The viewpoint is that rural vistas seen from various points around the site will be lost to accommodate urban expansion. The number of submissions raising this issue indicates the height of feelings conveyed to these aspects.

There will be a loss of some open grazing land and a commensurate increase in activity within the urban area. This will be particularly so when approaching Moss Vale from the Mount Broughton Road intersection. This however must be balanced against the anticipated demand for residential accommodation from population increase, the demographic change of Moss Vale and the impact further expansion would have if a similar scale of development were to be located in any other geographical or topographical direction. To the north is the Bong Bong Common separating Moss Vale from Bowral/Burradoo, to the east urban expansion would be leapfrogging the Throsby Park property (expanding deep into rural lands), to the south is the historic rural landscapes between Moss Vale and the village of Sutton Forest and to the west is the Moss Vale Enterprise Corridor planned for industrial development.

Urban expansion adjoining the existing urban boundary in an area that lies below the plane of vision ('Preliminary Consideration' No2 above) minimises the loss of rural character to an acceptable level when balanced against the benefits of population growth and commensurate economic activity.

It is acknowledged that the rural vista from Mount Broughton Road is significant however the extension of the urban boundary into open grazing land cannot be avoided where population growth is anticipated and it is considered that the direction of this extension impacts to a lesser degree on the primary gateways to Moss Vale (via Sutton Forest, the Illawarra Highway and Moss Vale Road). Further to this, it is only in the last 500 metres of Mount Broughton Road, before the drop into Moss Vale that is impacted by the proposal. The preceding 3 kilometres maintains a significant rural setting.

It is considered that the character definition provided in the consultants' report is protected by restricting development on the steeper slopes of the site. While the grassland bowl has minimal cultural value, the row planting of pine trees can be protected or restored through controls in a development control plan.

Impact on adjoining owners (Outlook and Values)

- *Impact on rural properties*
- *Valuations declined in Moss Vale.*
- *Property values*
- *home insurance premiums*
- *Restriction of existing rural zoning on adjoining properties.*
- *Buffer around the site should include a bund (earth mound) to minimise visual and noise impacts.*
- *Cannot operate horse stud with service station located in close proximity to property entrance.*
- *Business infrastructure (fowling paddocks, training facilities along Yarrawa road) will be affected.*
- *DPI practice note – 'a key strategic outcome is the minimisation of land use conflict between horse establishments and other land uses'*
- *Concern for valuable show horse and breeding stock.*
- *Many changes will be required to objector's property to minimise impacts and protect animals.*

Comment: Many adjoining landowners highlighted concerns for the outlook from their property and the impact the Chelsea Gardens Coomungie development would have on property values. The proposed development will impact on the outlook from adjoining properties as properties back onto or overlook the subject site.

With regard to the impact on the value of properties, this is a subjective viewpoint. It should be noted that, in the absence of the proposed rezoning, the development potential of adjoining properties is reduced due to the separation of these properties from the Moss Vale Township. This proposal provides an important link to the surrounding properties to support future development thereby increasing their development potential.

Submissions regarding the potential impact on views were also received from vantage points overlooking the subject land. Where this is the case, the superiority of this perspective is favourable to that of one where development potential is posed over landmark features such as hills or mountains. This is because development over landmark features can be viewed

from a wider area and impact on participants' cognition and perception of localities. Urban expansion through inferior topography (lowlands) is therefore better suited to reducing the impact of development. Further, it is better to initiate development from this position to allow an incremental consideration of the impact on the surrounding locality for example future expansion to the west.

The impact of the proposed rezoning on a property opposite the subject land (horse stud) cannot be avoided however existing batters along the road verge and substantial existing vegetation along the frontage of the property opposite will minimise headlight glare and noise from vehicle activity from within the development.

Inconsistency with Council Policy

- *Inconsistency with Council Policy – adjoining properties not allowed to subdivide*
- *Previously advised of no rezoning*
- *Request similar zoning over their property in keeping with proposed Amendment 131.*
- *Inconsistent with Council policy*
- *Doesn't comply with DLEP 2009 1.2(2)(d)(ii) & (iv) & 1.2(2)(k)*
- *Doesn't comply with DLEP 2009 R2 Low Density Residential objectives to integrate new development with established settlement patterns and landscape neighbourhood by retaining and enhancing – existing streetscape and significant vegetation*
- *Doesn't comply with Part 6 Urban Release Areas - ...6.1(a) 'To allow for...the conservation of areas of visual significance...'*
- *Council should not lower development standards to approve application.*

Several submissions stated that the proposal was inconsistent with Council Policy. In this regard it is ascertained that submissions consider the proposal is inconsistent with previous advice being obtained regarding adjoining properties and the 1(a) (Rural "A" Zone) zoning of the subject land.

Comment: The application originated with a rezoning request for the 'Coomungie' property on 30 August 2005. Council resolved to proceed with the preparation of Environmental Studies over three (3) properties, including Chelsea Gardens and Coomungie on 14 December 2005.

The Wingecarribee Residential Growth Strategy (RGS) identified infill development to provide an estimated 2700 dwelling. The Sydney Canberra Corridor Regional Strategy anticipates a demand of 8700 new dwellings. It is anticipated any shortfall will be taken up with the identification of properties, such as the subject land, as 'greenfield' sites.

In November 2008, the Department of Planning (DoP) released a position paper on spot rezonings. This paper states, inter alia *In the present economic climate it may well be necessary to bring forward a spot rezoning which is consistent with an agreed regional or local strategic direction and which has a positive benefit in terms of; employment &/or housing supply and affordability.*

On 30 April 2008, Council resolved to include properties on the western side of Yarrawa Road as part of the investigation for the preparation of a Shire Wide Local Planning Strategy. This strategy is in the preliminary stages of commencement and is anticipated to be completed in 2011. The Local Planning Strategy will revise the figures of the Wingecarribee RGS from 2007 and provide detailed baseline data on where growth potential may be achieved.

With regard to the assertion that the proposal does not comply with the objectives contained in the DLEP 2009, this assertion is selective and does not accurately represent the context of the objectives. It is considered that the proposal does comply with the objectives of the DLEP and the R2 Low Density Residential zoning.

DLEP 2009 Clause 1.2(2)(d):

To provide opportunities for development and land use activities that:

- (ii) *do not adversely impact on natural systems and processes and the overall quality of Wingecarribee's natural environment*

Comment: The proposal does not adversely impact on natural systems and processes or overall quality of Wingecarribee's natural environment.

- (iv) *retain critical natural, rural and built environmental landscape elements that make up the scenic and cultural heritage value of Wingecarribee*

Comment: It is considered that, while important, the natural, rural and built environment elements of the subject site that make up the scenic and cultural heritage value of Wingecarribee are not critical

It is considered that the proposal is consistent with the DLEP 2009 R2 Low Density Residential objective.

The complete objective contained in Clause 6.1 Urban Release Area is as follows:

- (a) *To allow for future urban development and the conservation of ecological and riparian corridors and areas of visual significance on land in urban release areas, and*
(b) *...*

Comment: It is considered that providing for future urban development on the subject land protects and conserves ecological and riparian further afield from detrimental urban impacts. Further, riparian corridors running through the subject land are protected by riparian buffers and the nomination of the 6(a) Open Space zoning along their course.

Impact on Utilities (Infrastructure) and Community Services

- *Not adversely impact on existing infrastructure and indeed improve same, including village services.*
- *Inadequacy of infrastructure (roads, water drainage, employment & community facilities.*
- *Infrastructure and access*
- *Needs to be provision for school.*
- *Additional burden 1200 homes will place on infrastructure – Hospital and Ambulance service and Roads.*
- *No provision for supporting infrastructure – schools etc.*
- *Loss of 'nature' in Seymour Park.*
- *Burden of maintenance of Council verge*

Comment: Council has consulted, *inter alia*, the Sydney South West Area Health Service (SSWAHS) and the Department of Education as part of the consultation requirements under Section 62 of the Environmental Planning & Assessment Act, 1979. The SSWAHS is aware

of the demographic projections for the area and advised that it supported the proposal subject to the construction of adequate suitable housing (eg, adaptable housing) and infrastructure (including active transport modes) to support this growth. There was no reply from the Department of Education.

The developer will be required to contribute either in-kind or financially towards the provision of Council's Community Services infrastructure eg, library and community centre. Funding of Community services and facilities will be by either a Voluntary Planning Agreement (VPA) or by Section 94 Contributions. Water and Sewer Infrastructure, including increasing the capacity of any existing mains, will be funded by the developer via mandatory Water and Sewer Contributions under Section 64 of the Local Government Act.

The provision of all supporting infrastructure, including reticulated water and sewer, electricity, phone and internal and connecting roads will be at the developers' expense.

The provision of State Government infrastructure (eg, schools) is independent of this funding however it is informed by the growth anticipated through the Sydney to Canberra Corridor Regional Strategy.

The impact of the development on Health and Education Services will therefore be matters for those Departments to consider.

There will be minimal impact on Council property maintenance schedule as the road verge is already included.

There will be additional open space provided to compliment the use of Seymour Park.

Environmental Impact

- *Impact on Sydney Water Catchment*
- *Compliance with Bob Carr's 'Olympic Solution' – recycling wastewater, stormwater and runoff as greywater*
- *Harvest Scientific Report – 1/3 of site rated at 'moderately high' category for groundwater contamination vulnerability*
- *Petrol fumes and fire risk at Rural Urban interface.*
- *Some 2(a) land will not be suitable for development due to drainage issues but cannot be relocated to Open Space buffer.*
- *Soil groups along Yarrowa Road 'moderate to very high' for excavation difficulty – precludes underground fuel tanks.*
- *Contaminated wash threat to Whites Creek.*
- *Removal of bird sanctuary (>100 water fowl for a week in November) – 'looked like water fowl of some kind. They seemed migratory'.*

Comment: Under the 'Special Provisions' of the Draft LEP Amendment 131:

'Council must not grant development consent for the subdivision, or any other development on,unless the council has considered the following matters:

- (a) including housing types, open space and the pattern and phasing of development,*
 - (b) measures to achieve a neutral or beneficial effect on water quality,*
 - (c) management of stormwater flow,*
 - (d) improved biodiversity values,*
 - (e) bicycle and pedestrian circulation and*
-

(f) traffic and road network infrastructure.

Strategic Land and Water Capability Assessment (SLWCA) Data provided by the Sydney Catchment Authority (SCA) demonstrates that 95% of the subject land is suitable for development that will have minimal environmental impact. The remaining 5% of the site has been allocated 6(a) Open Space zoning. Further detailed site investigations to determine the density, scale and location of land uses (including water quality devices) will be required in close consultation with government agencies (including Sydney Catchment Authority, Department of Environment, Climate Change and Water and Hawkesbury Nepean Catchment Management Authority).

The area of the site to be used for the installation of water quality devices (bio-retention swales, underground gross pollutant traps, water quality control ponds) is 6.6 Hectares. The intention of reducing the area of defined 6(a) Open Space is so that additional devices can be placed in their optimal location in the 2(a) Residential zone rather than confining them to the delineated open space. As above in (d) in the Aims of the Draft Amendment supports this approach that will allow a 'network' of water quality devices to be set up more effectively at appropriate locations, optimise the useable area of the site and link the development with the south-eastern Moss Vale urban area.

Further, any proposed development on the site would need to meet or exceed the Neutral or Beneficial Effect (NorBE) test under the Sydney Catchment Authority's Drinking Water Catchment Regional Environmental Plan No1. This would mean that the SCA water quality objectives and the aims and objectives of the Drinking Water Catchment Regional Environmental Plan No1 will be met.

One submission raised concern regarding contamination of the groundwater table and in particular the potential impact of a service station. Any future development application where there is considered to be risks to the groundwater table or ecological characteristics will be required to comply with State Environmental Planning Policy 33 (Hazardous and Offensive Development), Hazardous Industry Planning Advisory Papers (HIPAP) and the NSW Department of Environment Climate Change and Water (DECCW) guidelines.

In the absence of accurate description, the occupation of the site by 'what appeared to be migratory water fowl for a week in November' would need to be further investigated to establish the species and whether they are threatened species. It is noted that as part of the Environmental Studies carried out to support the rezoning, no threatened species were identified as occupying the site.

Salinity concerns would be addressed at the building construction stage through the provisions of the Building Code of Australia.

Loss of Open Space Buffer

- *Set-back from Yarrawa Road should be kept.*
 - *Open Space – loss of visual buffer*
 - *Loss of Buffer to property boundary*
 - *Replacing 6(a) Open space with 2(a) Residential.*
 - *Inadequate buffers between on eastern and southern boundaries to ameliorate visual impact – as large as the original proposal.*
 - *Reduced Open Space from previous proposals.*
 - *Proposal removes 'what little 6(a) zoning there was'.*
-

- *20 metre buffer should extend around boundary (30-40 metres minimum).*

The loss of 6(a) Open Space Buffer in the current Draft Amendment from the previous draft is outlined in the background to this report.

Comment: There will be some loss of identified Open Space buffer zoning, however this will not necessarily mean a less effective open space network or interface between the adjoining rural land uses and residential development. Indeed the aim (d) of the Draft Amendment requires an open space network which corresponds to area assessed to have high physical sensitivity. As noted earlier in this report, the increase in nominated area of 2(a) Residential land allows a greater flexibility in locating and treating the rural urban interface rather than limiting interface development to 6(a) Open Space land uses.

Consideration of the use to which interface land may be put, is dependent on a number of factors including drainage and the location of water treatment devices, topography, soils, aspect, geology and pedestrian and vehicular movement paths.

In the absence of detailed planning studies, it is considered a far superior planning outcome to provide the more flexible 2(a) Residential zoning rather than limit land uses to those permissible in the 6(a) Open Space zone that may be located in a less than ideal position.

Increasing Density of existing Urban Area

- *New homes should be accommodated in existing urban areas by increasing densities.*
- *No sound justification for increasing the size of Moss Vale by 25% in one place.*
- *Encouraging residential above commercial in town centre.*
- *New homes should be within walking distance of town centre*
- *Increased glare from roofs during the day and house and streetlights at night.*
- *Subdividing large existing blocks*
- *Town sprawl is not what is needed in our Shire.*
- *And making residential rezoning on smaller sites around Moss Vale.*

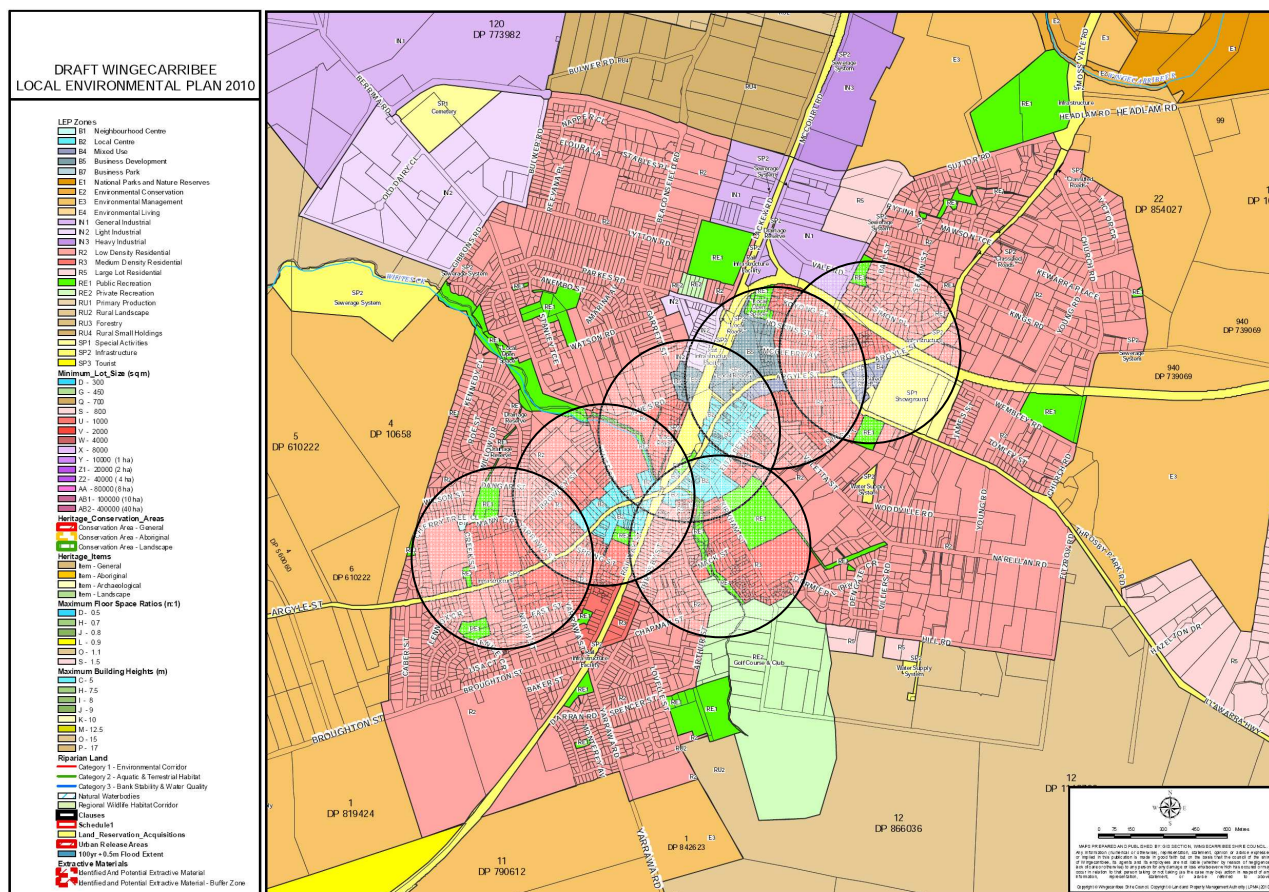
Comment: As stated above there are a number of opportunities Council has identified in the Residential Growth Strategy 2007 to accommodate population growth and demographic change with infill development a part of that package as is 'greenfield' development.

Increased densities and infill development opportunities contained in WLEP 2010 and accompanying DCPs for the towns will facilitate increased urban density, where permissible, in the existing urban area. These strategies will also be key to maintaining accessibility for those less mobile in the community. However the SCCRS and Residential Growth Strategy identifies that population growth and demographic change demand will far exceed the supply of housing stock from this source alone. Further, development of the existing housing stock will reduce the market for the sector looking for large areas of Private Open Space, specifically young families.

Urban expansion is therefore necessary to firstly, maintain the supply of residential dwellings and thereby affordability and secondly meet the demand of changing demographic markets.

Increasing the population of the existing urban area in multiple locations, by infill development, makes the identification of necessary infrastructure more difficult as demand comes from many directions rather than from a single known source such as that identified by the subject land.

The following diagram shows the zoning map for Moss Vale under WLEP 2010 where higher density R3 Medium Density Residential land is located towards the town centre and 400 metres either side of Argyle Street.



Views and Visual Impact

- *Loss of Southern Highlands' scenery.*
- *Loss of rural views from Mt Broughton Road towards Moss Vale.*
- *Loss of scenic quality.*
- *Loss of views from south/eastern approach.*
- *Visual impact from Mt Broughton Road.*
- *Michael Brown Planning Strategies Report classifies the view as High to Very High as it is exposed from all angles except E & SE.*
- *MBPS report states highly visible areas should generally be preclude residential development.*

Comment: As stated in the background (see 2 above), the subject site generally slopes towards the centre, near the Moss Vale Golf Club (MVGC) demonstrated by the presence of the 700 AHD contour (roughly around the perimeter) and the 660 AHD contour located at the MVGC. An area along the Yarrawa Road boundary will be zoned 6(a) (Open Space) to maintain the buffer with the denser development towards the centre. The visual impact of newly established dwellings will, in time, be softened by tree planting and natural vegetation. As stated earlier, the superior position of the viewer (above the object) is a better situation than an inferior position (from viewing similar) below the view line.

While views from Hill Road to the south will also be impacted by the newly established urban area, this component of the view will be minimal in the wider landscape. It is therefore considered the proposal is satisfactory with regard to visual impact.

Integration into Rural Area

- *Allows integration into changing landscape*
- *Disruption from laneway access (off Yarrowa Road South)*
- *Cannot be integrated into rural areas.*
- *Land Use conflict at the Rural Urban interface.*
- *Elton Consulting emphasis clear boundary important to 'sense of place'.*
- *Land use conflict – impacts on viability and stability of stock, dust, noise, blown rubbish, straying household pets, windblown seeds, traffic noise, headlights, biohazard, trespassers, reduced security.*

Comment: One treatment for the rural urban interface may be the positioning of larger lots towards the periphery of the subject land with higher densities towards the centre. The Draft instrument requires that subdivision of the subject land provides for a range of lot sizes to cater for a range of housing needs.

A 'clear boundary' is provided along Yarrowa Road. Submissions from adjoining properties have already indicated they would support rezoning of their land for residential use. The separation of the rural and residential land uses by Yarrowa Road can be managed, for the time being, by traffic management measures to serve both land uses.

Submissions regarding land use conflict from residences to the north can indirectly restrict the agricultural potential of the subject land. Landowners opposite the subject site (along Yarrowa road) are concerned that indirect impacts will constrain their full productive capacity and agricultural potential. The shift in the urban boundary will inherently move the rural urban interface. It is considered that there is sufficient existing regulatory legislation to manage these impacts.

The future investigation of properties along Yarrowa Road opposite the subject land for residential uses (for example hobby farms) may reconcile these differences at a later date.

Overdevelopment of the site

- *Living standards*
- *Need for additional Open Space areas for structured recreation.*
- *Social disruption should limit development to 250 sites.*
- *Rural vista being considered for 'Campbelltown' development*
- *Lack of infrastructure (playing fields, schools, shops etc.*
- *Don't need another EAST Moss Vale or Campbelltown*

Comment: The proposed development is not considered an over development of the site. This is demonstrated by the amount of 6(a) Open Space areas. The installation of water quality devices (see Sydney Catchment Authority response) will result in the further reduction in the area available for residential use.

There is considered to be no reduction in living standards and it is not intended that the proposal should result in a Campbelltown development. To the contrary, meeting the

demographic demand and maintaining affordability will result in a lower proportion of income being dedicated to housing costs and thereby a higher standard of construction.

Additional areas for Open Space and recreation will be identified by detailed Masterplanning of the site. It is considered that limiting the number of development sites to 250 would not contribute sufficiently to either meeting population growth targets or cost effectiveness of the proposal.

Impact of traffic on Yarrawa Road

- *Needs to be better access – more access points to Moss Vale township.*
- *Increased traffic*
- *Entrance/exit near a crest*
- *Prone to thick fog*
- *Dangerous corner at intersection of Mt Broughton and Yarrawa Road*

To restate, Council's Traffic Engineers and the Roads and Traffic Authority (RTA) are modelling the impact projected population increase will have on the local and arterial road network to identify suitable infrastructure. This includes consideration of the Moss Vale Enterprise Corridor, Argyle Street and destinations throughout the Shire.

Comment: Council has considered the impact of providing access to Moss Vale via Hill Road and has established that this would present an unacceptable level of additional traffic on an established urban locality.

A Traffic Management scheme will be provided on Yarrawa Road as this is a significant traffic route for vehicles travelling from the central, eastern and southern sections of the Shire to Moss Vale. Specific traffic management measures to direct vehicular traffic exiting and entering Yarrawa Road will depend on the anticipated lot yield and take up rate of the subject land. Further, these will need to be considered during the modelling and design stage by Council's Engineers and the RTA and will be designed and implemented progressively during the construction stage of the subject land as population and demand milestones are reached.

The onus remains on vehicle drivers to drive to the prevailing road conditions.

Loss of agricultural Lands

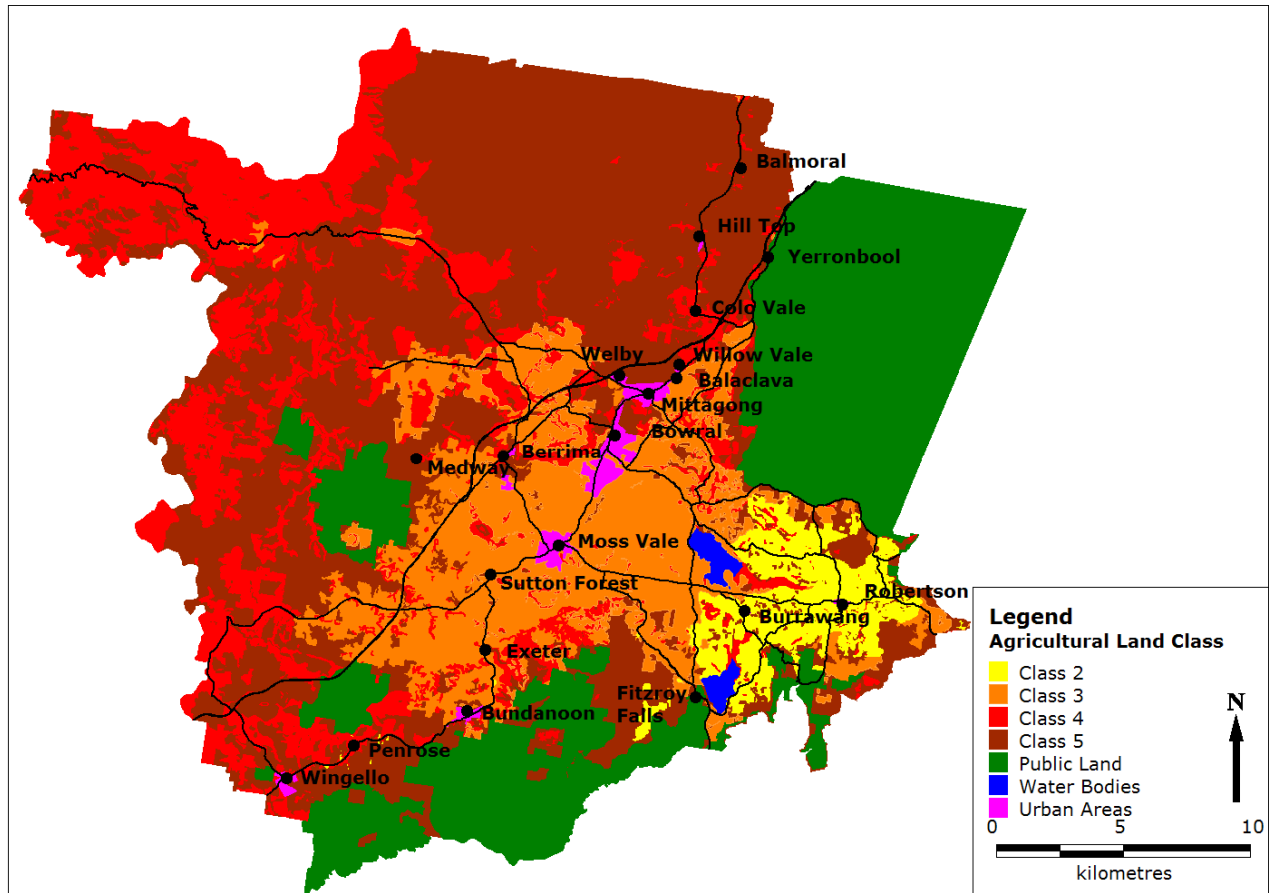
- *Rural land*
- *urbanisation*
- *Loss of rural and regional land.*
- *Better used as prime agricultural land.*

Comment: Comments from the DPI below accept the loss of some agricultural land while encouraging higher residential densities.

The following slide shown at the Public Meeting demonstrates that the subject land is classified as Class 3 Agricultural Land and therefore defined as follows:

- *Grazing land or land well suited to pasture improvement. It may be cultivated or cropped in rotation with sown pasture. The overall production level is moderate because of soil, topographic or environmental constraints. Erosion hazard, soil*

structural breakdown or other factors, including climate, may limit the capacity for cultivation and soil conservation or drainage works may be required.



The Department of Primary Industry (now Industry and Investment) responded to the proposal with the following:

It is recognized that all land within the immediate vicinity of Moss Vale is also mainly class 3 with a small amount of class 4 land. Any residential expansion of Moss Vale means that good quality agricultural land would be utilised. In summary, NSW DPI recognizes that some land will need to be utilized for residential purposes but also recognizes that a longer term and more robust strategy of providing higher housing densities will reduce the impact of residential development on agricultural land in the longer term.

It is further noted that there is approximately 51,635 Hectares of privately owned land that is classified as extensive agriculture within the Shire. This represents 19% of the Shire's total land area. The combined land area of the Chelsea Gardens / Coomungie site is approximately 120 Hectares. This represents 0.23 % of the Shires 51,635 hectares of agricultural land.

Scarcity of Employment and Economic Opportunities

- *Industrial area: several large units in Berrima Road as yet unlet.*
- *Lack of existing local employment.*

- *Chelsea Gardens will increase problems with lack of employment opportunity.*
- *Employment – 2000(?) new jobs – Moss Vale ‘is not exactly booming’*

Comment: Council has identified 640 hectares in the Moss Vale Enterprise Corridor to the northwest between Moss Vale and New Berrima for Industrial development that will provide future employment opportunities. Under the SCCRS it is estimated that the Shire will, in future, generate 9000 additional jobs from the above identified and existing vacant industrial land as well as other employment opportunities such as business and commercial precincts, in health related services and tourism growth.

Crime and influx of low Socio-economic Groups

- *Influx of low socio-economic groups and no job opportunities*
- *security concerns*
- *‘Public housing’ may lead to group violence, crime and influx of low socio-economic groups should be a matter of serious awareness*

Comment: This is a very subjective viewpoint and cannot be substantiated. There is a legitimate claim to provide affordable residential accommodation however this will not reflect the character of the occupants. This viewpoint is further refuted when maintaining affordability will facilitate a better standard of construction.

Adequate Alternatives

- *Adequate alternatives (Darraby)*
- *Council has not independently investigated possible ‘alternate’ Urban Release Areas’ but have followed the ‘easy route’ by accepting opportunistic proposals.*
- *Availability of site bordering the town boundary on the western side of Yarrawa that could be developed.*

Comment: The Wingecarribee Our Future Strategic Plan (WoF, 2002), the Wingecarribee Residential Growth Strategy 2007 (WRGS ‘07-‘20) and population projections from the SCCRS 2008 identified a number of growth targets. The WRGS ‘07-‘20 identified a supply of 6300 potential residential lots. The WoF ‘02 analysed population data to estimate population projections into the future and from this identified a need for 4400 new lots and a number of specific localities for future residential development including a new town.

Council resolved in October 2007 and February 2008 not to proceed with two (2) previously identified residential release areas (Wensleydale (1000 lots) and Gibbergunyah (200)). This has resulted in a shortfall in the number of lots to be created.

As stated above, the SCCRS identified a dwelling demand to 2031 of 8700. Council's Local Planning Strategy will inform the identification and capacity of other lands throughout the Shire for population growth and demographic demand.

The addition of the ‘Coomungie’ property provides an important link from Yarrawa Road to ‘Chelsea Gardens’ property and a logical extension to the subject area to be rezoned.

Inadequate Demand

- *Properties next to Harbison for sale for > 2 years.*
 - *Adequate properties available.*
-

- *More than adequate supply of quarter acre blocks within Moss Vale – Council should allow infill closer to town with high density.*

Comment: As inferred from the information above, the timeframe for taking up properties is projected out to 2031. As stated, infill in the existing urban area will provide some opportunity for development however this will not satisfy all demographic demand, particularly demand for larger blocks. It is also considered a superior planning strategy to be able to manage and direct residential expansion to appropriately considered sites rather than ad hoc development.

Flooding

- *Flooding*
- *Water Catchment and flood control should be carefully monitored.*

Comment: Flooding has been considered by Council's drainage engineers. Council's recently adopted Whites Creek Flood Management Study (FMS) identifies the site to be largely free of flooding due to its location at the headwaters of the Whites Creek catchment area. It is further noted that new development must demonstrate that flooding is not exacerbated downstream and where possible reduced.

The applicant has also had extensive consultation and input from the former Department of Water and Energy. The DWE has advised that there are no significant issues with the proposed development. Further to this, the applicant is currently in discussions with the Moss Vale Golf course to incorporate drainage and flood mitigation measures into fairway and green management in a cooperative arrangement.

Steepness of site, invalid access and public transport

An issue that arose from submissions made to the final exhibition period was the steepness of the site and the appropriateness of encouraging the aged and elderly to reside in this area of the subject site. In addition the question was repeated regarding access to public transport.

Firstly, Strategic Land and Water Capability Assessment Data (SLWCA) provided at the government agency consultation stage by the Sydney Catchment Authority highlighted the steepness of the site on the southern slope of Bald Hill. Residential development is excluded from these slopes by the RE1 Public Recreation zoning of the Draft Amendment. We would not be encouraging accommodation for the frail or infirm unless suitable access arrangements had been proposed.

With regard to public transport, this would be a commercial decision by private operators however a logical route would be from Yarrawa Road along the spine road of the subject site and connecting with the Illawarra Highway making a convenient and well serviced route for Moss Vale and Bowral.

Miscellaneous

- *Increased noise levels*
 - *OH&S*
 - *Lack of consultation*
 - *No fencing material details*
-

- *Council's seeming disdain for Moss Vale*
- *Contends the State Government formulation of the Sydney Canberra Corridor Strategy*

Comment: It is considered that noise levels will not be inconsistent with any urban area, in addition noise attenuation will be assisted with residential construction over open paddocks. As above it is considered that there is sufficient regulatory legislation to manage the issue of noise.

OH&S issues included handling of stock adjacent to Yarrawa Road and the threat of domestic animal attacks on livestock.

Pedestrian vehicle conflict will be a primary consideration of master planning of the site.

It is considered that three rounds of public consultation (2008, 2009 & 2010) is satisfactory. Lack of consultation counts included simple Community dislike for the proposal.

Fencing details will be resolved at the land tenure stage.

Council does not have disdain for Moss Vale rather focussing attention on Moss Vale and carefully considering the above submissions demonstrates a pragmatic approach to accommodating future population growth and demographic change and encouraging economic activity for the whole of the shire.

The State Governments SCCRS projections are based on anticipated growth targets and historical patterns of growth. These contentions should be raised with the appropriate authority.

Applicant submissions

Submissions were received from both applicants that addressed the details of, and changes to their respective sites (Chelsea Gardens and Coomungie).

Chelsea Gardens

The submission from the applicants for Chelsea Gardens related mainly to the area adjoining Whites Creek south of the Moss Vale Golf Course and the reduction in area of RE1 Public Recreation.

The applicants for Chelsea Gardens submitted that the proposed reconfiguration was supported by advice received from the (former) Department of Water and Energy (DWE). The advice from DWE confirms that the area of RE1 Public Recreation extending to the east could be reduced because runoff would behave as broad sheet flow in a non-defined channel. There was therefore no necessity to retain this area of land as RE1 Public Recreation. This would have the benefit of allowing the installation of stormwater flow control devices to be installed in locations that would be more effective and efficient in their use.

The submission from DWE also supported the consolidation of the riparian corridor along Whites Creek based on DWE advice. The DWE provided caveats on the consolidation of this corridor including the installation of engineering structures to allow pedestrian movement and the stabilising of the stream banks (bio-engineering) to reduce erosion and provide sediment control within rain event parameters.

Comment: The advice provided by the DWE through Wyndham Prince is consistent with the advice from all other government agencies and consistent with the broader objectives of the zoning and the reconfigured zoning layout.

Coomungie

The submission from the applicants for Coomungie related mainly to the zoned areas along Yarrawa Road.

In particular the submission from Pascoe Planning Solutions related to the addition of the 3(a) Business zoned land. In this regard the applicants for Coomungie considered that the zoning reconfiguration of Coomungie was supported however reservation was expressed that the new Residential 2(a)(Residential "A" Zone) was unduly restrictive to achieving Department of Planning policy in the DLEP 2009, the Sydney Canberra Corridor Regional Strategy objectives or the advice of the Department of Primary Industry. The applicants for Coomungie assert that a zoning capable of providing higher density development would be more appropriate.

With regard to the 3(a) (Business Zone), the applicants for Coomungie assert that the location of this land on Yarrawa Road was essential to maintaining the viability of such a facility

Other Planning Considerations

Voluntary Planning Agreement

Council staff and the applicants have committed to enter into Voluntary Planning Agreement negotiations upon the proposal proceeding. Confirmation in writing of the applicants' in-principle agreement to enter into these negotiations has been received.

Preparation of a Development Control Plan (DCP)

Should the rezoning of the subject land proceed, detailed Masterplanning and preparation of a site specific Development Control provisions will commence. Masterplanning will involve the preparation of detailed studies to qualify the extent and density of the proposed uses, particularly residential and water quality devices.

With the adoption of the proposed amendment, the allocation of land uses can begin and the number of lots that will be available can then directly feed into anticipated population levels anticipated service levels for roads and intersections, cycle paths, commercial business areas (including the Moss Vale township) and the additional loads on utilities such as water and drainage can be more accurately estimated.

The detailed analysis of additional loading from the anticipated dwelling yield can also be used to formulate the range, capacity and physical dimensions of stormwater detention and pollution control devices (as required by the SCA), traffic intersection types (required by the RTA) and road widths etc. Further detailed consideration can also be applied to the type and level of controls necessary to offer a suitable level of amenity to both residents and adjoining landowners.

Assessment against Council's Environmental Sustainability Criteria for New Urban Development

In April 2008, Council adopted a Sustainability & Design Criteria for New Urban Residential Development. An assessment of the proposal against these criteria is as follows.

CRITERIA	CONSIDERATIONS	RESPONSE
Infrastructure Provision Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient way	- The provision of infrastructure including utilities (roads, drainage, water and sewerage), open space, community services and communications is costed and economically feasible for determining infrastructure development contributions. - Preparedness to enter into a planning agreement as per current Council Policy.	- The provision of infrastructure including utilities will be determined following detailed master planning of the site. - The applicants have indicated their willingness to enter into a VPA.
Diversity of Housing and Allotment Sizes Provide a range of housing choices to ensure a broad cross section of the community can be accommodated	- Contribute to the market spread of housing supply, including for the provision of aged, disabled and affordable housing. - Provide a range of individual lot sizes and dwelling types	- The applicants are intending to provide a mix of housing stock to address changing demographic characteristics some of which will be identified by lot suitability - The detailed study of the site will identify suitable areas for a range of lot sizes within the 2(a) Residential zone in response to site constraints.
Urban Design Provide for a well planned and connected community	- Subdivision layouts provide for efficient access for pedestrians, vehicle movement and public transport - Significant natural features on the site are retained and used as focus points within the subdivision. - Subdivision does not encroach onto any ridge lines on site - The development is visually attractive when viewed from outside of the area.	- The provision of a spine road connecting Yarrowa Road and the Illawarra Highway will provide an efficient link road with existing transport corridors and a connection to open space networks. - Steep slopes and four (4) nominated areas for 6(a) Open Space will be retained. - Encroachment onto ridgelines will be considered at the development application stage following detailed surveys and Masterplanning of the site. - Allowing for the establishment of vegetation and landscaping, it is considered development will

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 23 June 2010

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

	• Suitable buffer between urban release area and rural area.	be visually softened by perimeter landscaping. • It is considered that suitable buffers between the urban release and rural area will be maintained while establishing connectivity with potential future release areas through the DCP.
Natural Resource Management Natural resource limits not exceeded and environmental footprint minimised	• Demand for water is within infrastructure capacity to supply water and does not place unacceptable pressure on environmental flows. • Best practice water sensitive urban design practices integral to the development • Demand for energy does not place unacceptable pressure on infrastructure capacity to supply energy – requires demonstration of efficient and sustainable supply solution as well as energy efficient building designs.	• The demand for water is considered within the capacity of the existing reticulation network. • The integration of Water Sensitive Urban Design solutions is a requirement of all Councils Development Control Plans. • It is considered the demand for energy will not place unacceptable pressure on existing infrastructure capacity.
Environmental Protection Protect and enhance biodiversity, air quality, heritage and waterway health	• Maintains or improves areas of terrestrial and aquatic biodiversity (as mapped by Council or another Government Agency). This includes significant vegetation communities, riparian corridors, critical habitat, threatened species, population, ecological communities and their habitats. • Maintain or improve existing environmental condition for air quality. • Maintain or improve existing environmental condition for water quality consistent with catchment and stormwater management planning. • Protects areas of Aboriginal and Cultural heritage value. • Landscaping of the site promotes the re-establishment of local endemic species and	• The subject site has not been identified as possessing significant vegetation, critical habitat, threatened species or ecological communities or their habitat requiring protection. Riparian corridors will be protected by riparian buffers in accordance with best practice guidelines. • The development is not expected to have a detrimental impact on air quality. • Water quality and quantity in catchment and stormwater systems will be managed by identified devices and strategies. • Existing studies recommend protective measures. • Local provenance will be encouraged through the DCP.

	communities • Light spillage from public and private areas is minimised	• This consideration will be assessed by the DCP.
Natural Hazards Risk to human health and life are avoided	• No residential development within 1:100 floodplain. • Avoidance of physically constrained land e.g. high slopes and highly erodable land • Where relevant, available safe evacuation route for flood and bushfire risk areas. • Appropriate early investigation to avoid issues associated with potentially contaminated land	• This is supported by and the findings of a flood study already undertaken for Whites Creek and the 6(a) Open Space zoning of the subject land. • Development on physically constrained land will be avoided by the 6(a) Open Space zoning. • Safe evacuation routes will be available. • The subject land has not been identified as potentially contaminated but will be investigated at the appropriate stage.

MANAGEMENT PLAN ISSUES OR IMPLICATIONS

The proposed amendment is consistent with Council's Wingecarribee Our Future (WOF, '02) Strategic Plan. The site was identified as part of this strategy and will contribute an estimated 1000 dwellings towards this plan.

POLICY IMPLICATIONS

The amended plan is consistent with Council's housing policy contained in the Wingecarribee Our Future Strategic Plan to make available additional housing opportunities in the Shire to accommodate future population growth.

Once gazetted, the LEP amendment will form Council's policy for the development of the land. Detailed Master planning and the drafting of a Development Control Plan will be required prior to assessment of any development applications.

BUDGET IMPLICATIONS

There are no budget implications to Council progressing the Plan. If the LEP is adopted by Council, work will commence on preparing a Voluntary Planning Agreement for the development.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT ISSUES

(i) Environmental Factors

It is considered that the revised draft Amendment will have manageable environmental impacts. Environmental impacts will be confined to the headwater catchment of Whites Creek at the Moss Vale Golf Course. It is understood that the proponents have had

discussions with the golf course to address water quality and quantity concerns raised by the Sydney Catchment Authority in a holistic fashion.

(ii) Social Factors

The broader social impacts of the amended plan are consistent with the originally exhibited material in particular housing affordability and the current undersupply of housing needed to accommodate future population growth. The revised plan seeks to include a commercial precinct adjacent to Yarrowa Road. The applicant has recommended that this could include a convenience store. Its location adjacent to Yarrowa Road will ensure viability as it will be in a position to capture passing trade. Although the available land for housing has been increased, it is considered that Master planning of the site will result in not all of this land being used for residential purposes but will provide flexibility to allow a greater range of housing products and sufficient area to accommodate water quality devices.

(iii) Economic Factors

The draft LEP creates a significant housing development opportunity that will increase the supply of available residential land for the Shires housing market. This is anticipated to have positive flow on economic impacts within the local community.

CONCLUSION

The proposed LEP Amendment was exhibited in February – March 2010 and May and June 2010 and under the provisions of the Wingecarribee LEP 1989.

Now that the Wingecarribee LEP 2010 has been made, the Draft LEP Amendment map will be transferred to zones RE1 Public Recreation, R2 Low Density Residential and B1 Neighbourhood Centre.

In addressing the issues raised within the public submissions it is concluded that the proposal, from a planning perspective is supportable.

It is therefore recommended that, subject to the amendments proposed by the SCA, the proposal, included as Attachment 5 be endorsed by Council and the Department of Planning be advised accordingly to proceed with the making of the proposed rezoning as an amendment to Wingecarribee LEP 2010.

Alternatively, Council can choose to support the originally exhibited version, included as Attachment 1, as an alternative to the plan currently proposed if Council considers it appropriate.

.....Cont'd

.....Cont'd

ATTACHMENTS

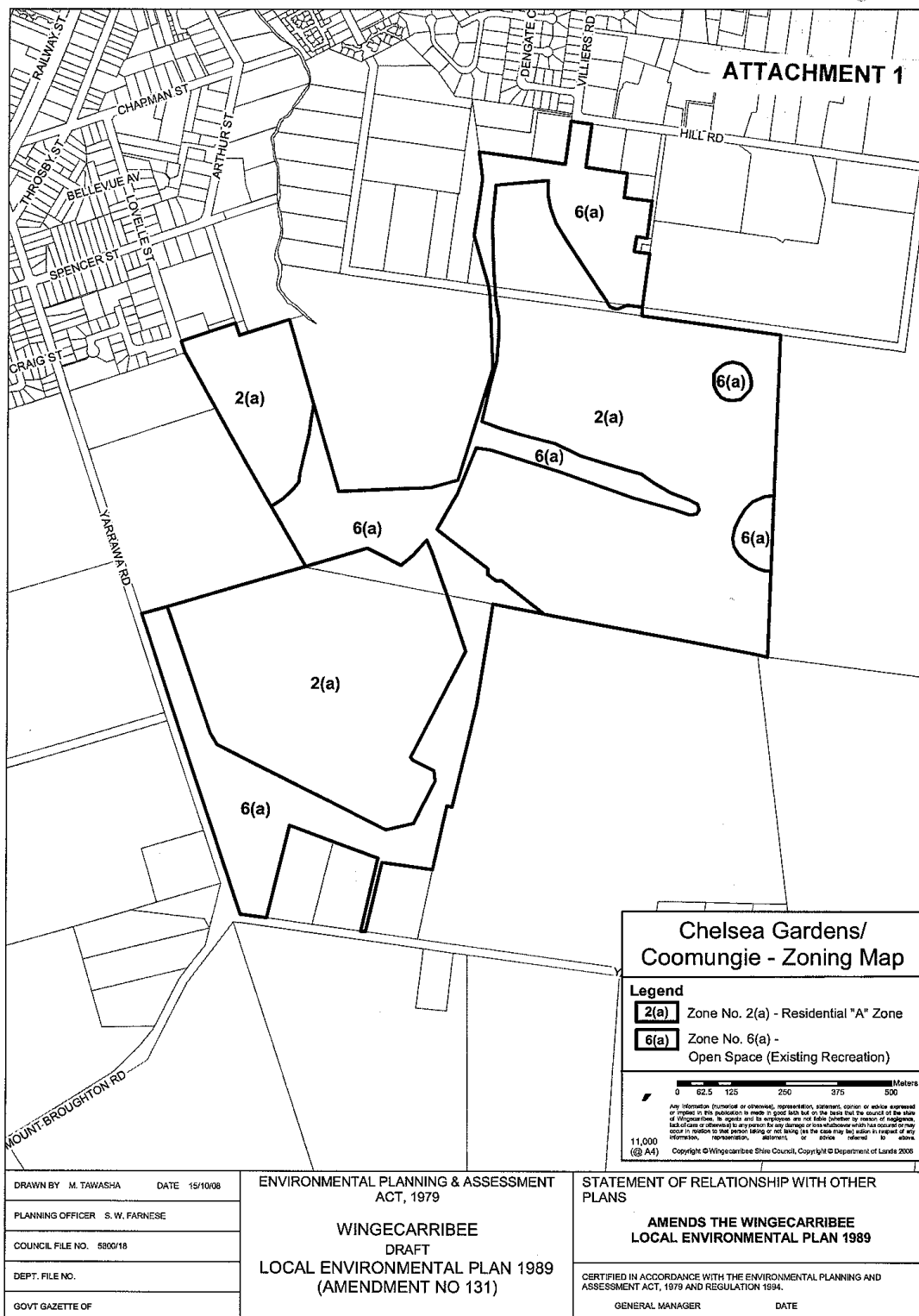
There are six (6) attachments to this report:

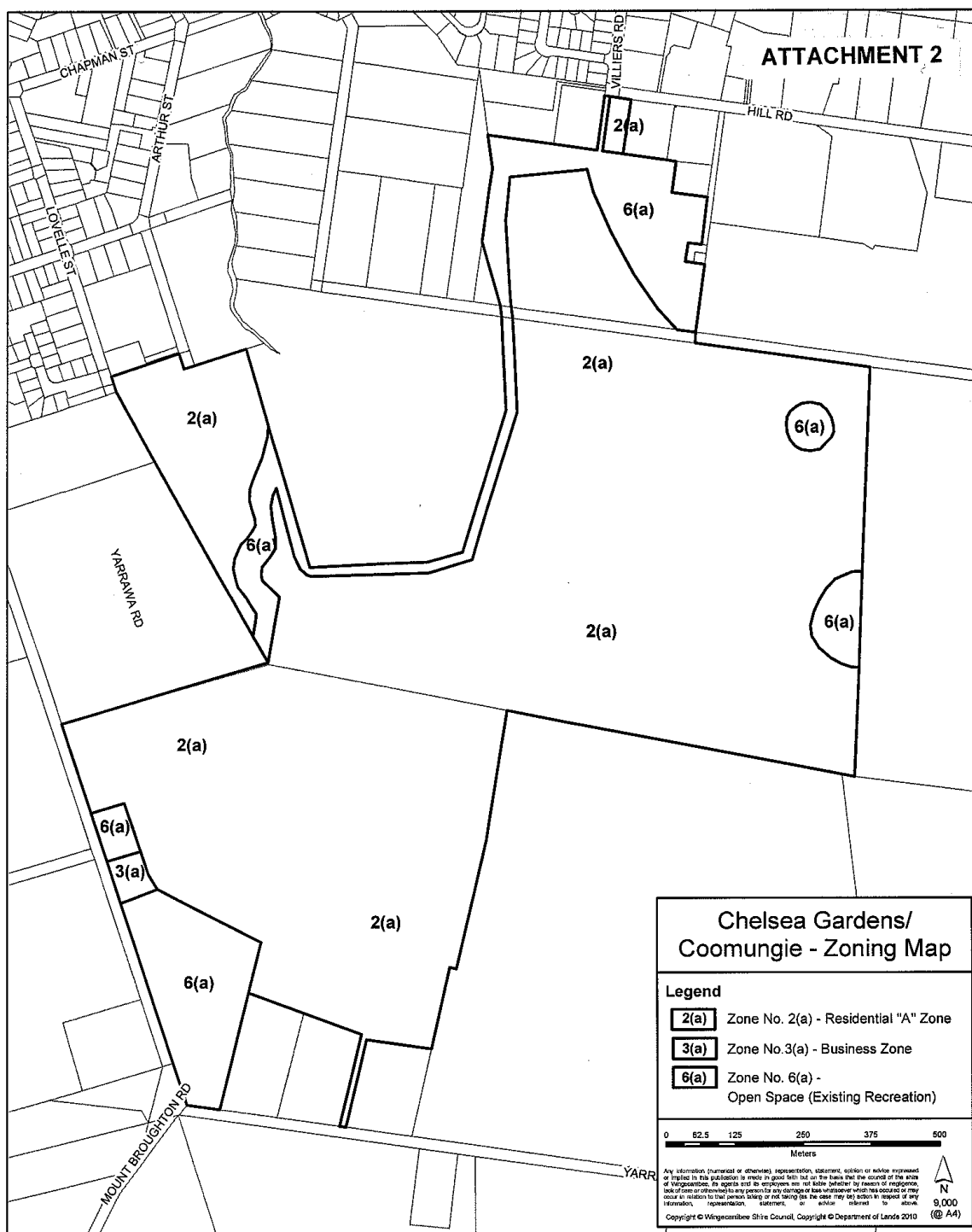
1. The originally exhibited Wingecarribee Draft LEP 2010 Amendment 131 Map – 2008.
2. The currently exhibited Wingecarribee Draft LEP 2010 Amendment 131 Map – 2010.
3. Department of Planning correspondence dated 16 March 2010.
4. The petition received at the Public Meeting 20 May 2010 (available for Councillors' information in the Councillors' Room).
5. Submissions received from the last exhibition - May Jun 2010 (available for Councillors' information in the Councillors' Room).
6. The recommended DLEP 2010 Amendment written instrument and map for adoption.

RECOMMENDATION

1. THAT Council adopt Draft Local Environmental Plan 1989 (Amendment 131) for Chelsea Gardens/Coomungie as per Attachment 6 to the report.
 2. THAT the Draft Amendment 131 proceeds as an amendment to Wingecarribee Local Environmental Plan 2010.
 3. THAT Council write to the Department of Planning as a matter of urgency to seek approval for the rezoning to be completed under the Department of Planning's 'Gateway' process.
 2. THAT Council advise all those people who made a submission in respect of the matter of Council's Resolution.
 3. THAT Council prepare a Report to advise the Department of Planning of its decision under the Environmental Planning & Assessment Act, 1979.
-

(Voting on the Motion)





DRAWN BY: R. HAYES	DATE: 01-10-2010	ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979	STATEMENT OF RELATIONSHIP WITH OTHER PLANS
PLANNING OFFICER: S. W. FARNESE		DRAFT	AMENDS THE WINGECARRIBEE LOCAL ENVIRONMENTAL PLAN 2009
COUNCIL FILE NO: 5800/18		WINGECARRIBEE	
DEPT. FILE NO.		LOCAL ENVIRONMENTAL PLAN 1989	CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AND REGULATION 2000.
GOVT GAZETTE OF		(AMENDMENT NO 131)	GENERAL MANAGER: DATE:

ATTACHMENT 3



Planning



q8139746
10/05430

Department Generated Correspondence (Y)

Contact: Ron Baker
Phone: (02) 9228 6292
Fax: (02) 9228 6300
Email: Ron.Baker@planning.nsw.gov.au
Postal: GPO Box 39, Sydney NSW 2001

16 March 2010

Mr Jason Gordon
General Manager
Wingecarribee Shire Council
PO Box 141
MOSS VALE NSW 2577

COPY SENT

Dear Mr Gordon,

WINGECARRIBEE SHIRE COUNCIL	
Classification:	MAILING
Doc. No.	
File No.	5606 5320
18 MAR 2010	
OFFICER	AGENCY INFO
gm	
L. Pawlaka	

Re: Savings and Transitional Provisions - LEPs

On 1 July 2009 (Planning Circular PS 09-015) and 19 February 2010 (Planning Circular PS 10-002), Councils were advised of the Savings and Transitional Provisions in relation to the preparation of Local Environmental Plans (LEPs).

This letter is to remind Councils of the relevant dates when draft pending "amending" LEPs need to be finalised.

For those LEPs where a section 65 Certificate was issued before 1 July 2009, these must be finalised by 1 July 2010 or they will cease to have any status as draft LEPs. This date is extended to 1 January 2011 in cases where there was no section 65 Certificate issued. These dates apply regardless of whether a section 65 Certificate was issued by the Department of Planning or a Council under delegation.

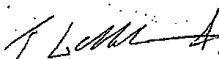
Where Council may not be able to finalise a draft LEP according to the timeframes mentioned above, it may wish to consider incorporating the draft plan into its Principal LEP.

Where Council believes that it is important to the implementation of its strategic plans that a draft pending "amending" LEP be finalised separate to the Principal LEP, and it is unlikely to be completed within the time constraints, relevant justification should be provided. This information should be in the form of a Planning Proposal submitted to the Gateway seeking a review of the extent of work already undertaken and requesting that the draft plan be brought into the current Part 3 process.

The information should be submitted no later than 30 April 2010 for those draft LEPs that need to be finalised by 1 July 2010; and no later than 30 September 2010 for those that need to be finalised by 1 January 2011.

Should you have any questions in relation to the matters raised, please contact your Regional Branch of the Department.

Yours sincerely,



Tom Gellibrand
Deputy Director General
Plan Making and Urban Renewal



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 23 June 2010

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

ATTACHMENTS 4 AND 5

Available in the Councillors' Room for Councillors' information

ATTACHMENT 6

**Draft Wingecarribee Local Environmental Plan 1989
(Amendment No 131)**

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is Wingecarribee Local Environmental Plan 1989 (Amendment No 131).

2 Aims of the plan

The aims of this plan are:

- (a) to rezone the land to which this plan applies from Zone No 1 (a) (Rural "A" Zone) and Zone No 1 (c) (Rural (Smallholdings) Zone) to Zone 2 (a) (Residential "A" Zone), Zone No 6 (a) (Open Space (Existing Recreation) Zone) and 3(a) Business Zone under *Wingecarribee Local Environmental Plan 1989*, and
- (b) to provide opportunities for additional housing and population growth in the northern subregion of the Sydney to Canberra Corridor consistent with the Sydney–Canberra Corridor Regional Strategy, and
- (c) to protect and enhance watercourses, riparian habitats, wetlands and water quality within the Sydney Catchment Authority's hydrological catchment so as to enable the achievement of the water quality objectives as defined in clause 8 of the *Drinking Water Catchments Regional Environmental Plan No 1*, and
- (d) to provide for an open space network which corresponds to areas assessed to have high physical sensitivity and to link the development with the south-eastern Moss Vale urban area, and
- (e) to provide for a range of lot sizes to cater for a range of housing needs, and
- (f) to ensure any development on that land incorporates the principles associated with ecologically sustainable development in its planning and design.

3 Land to which this plan applies

This plan applies to the land shown edged heavy black on the map marked "Wingecarribee Local Environmental Plan 1989 (Amendment No 131)" deposited in the office of Wingecarribee Shire Council.

4 Amendment of Wingecarribee Local Environmental Plan 1989

Wingecarribee Local Environmental Plan 1989 is amended as set out in Schedule 1.

Schedule 1 Amendments

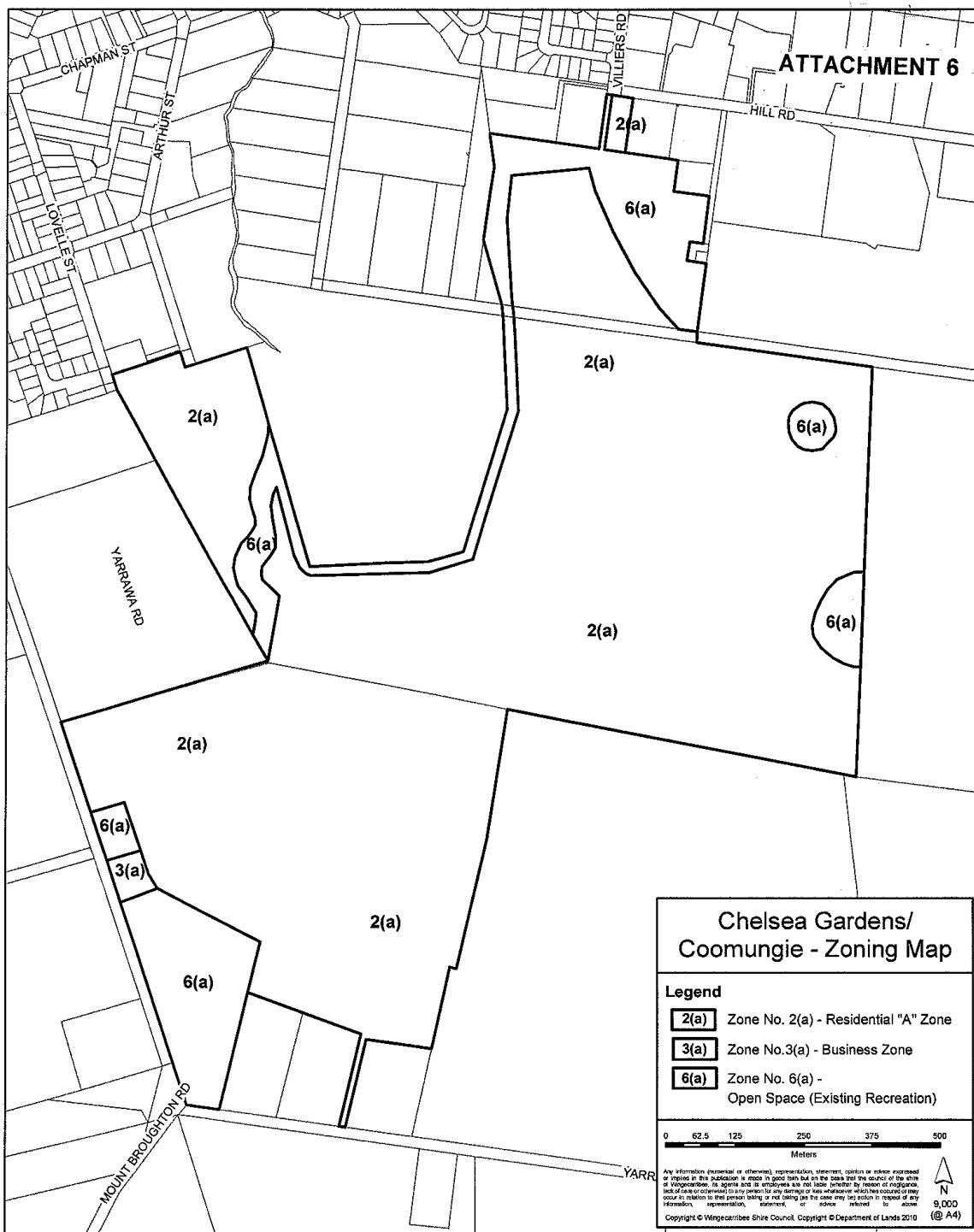
[1] Clause 5 (1), definition of “the map”

Insert in appropriate order at the end of the definition:

Wingecarribee Local Environmental Plan 1989 (Amendment No 131).

**[2] Special provision—certain land fronting Yarrowa Road and Lovelle Street,
Moss Vale**

- (1) This clause applies to Lot 3 DP 706194, Yarrowa Road, Moss Vale (known as Coomungie), and Lot 12 DP 866036, Lovelle Street, Moss Vale (known as Chelsea Gardens) as shown edged heavy black on the map marked “Wingecarribee Local Environmental Plan 1989 (Amendment No 131)” deposited in the office of the council.
- (2) The council must not grant consent for the subdivision of, or any other development on, land to which this clause applies unless the council has considered the following matters:
 - (a) the distribution of types of development on the land, including housing types, open space, and the pattern and phasing of development, including an indicative subdivision pattern, and
 - (b) a land and water capability assessment of the site based on Strategic Land and Water Capability Assessment threshold data produced by the Sydney Catchment Authority, and measures to achieve a neutral or beneficial effect on water quality, and
 - (c) measures proposed to manage stormwater overland flow, salinity and soil contamination, and
 - (d) measures proposed to improve biodiversity values, and
 - (e) proposals for bicycle and pedestrian circulation networks and transport through-linkages, and
 - (f) an assessment of traffic and road network infrastructure issues including, but not limited to: vehicular access to the site and its integration with the existing road network; traffic circulation within the site; the impact of additional traffic generated from the proposed development; measures to facilitate and integrate public transport into the proposed development; and road and traffic infrastructure upgrades and funding options, and
 - (g) urban design principles incorporating guidelines for the design, siting and construction of buildings.



DRAWN BY: R. HAYES DATE: 01-10-2010	ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979	STATEMENT OF RELATIONSHIP WITH OTHER PLANS
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DEPT. FILE NO.	LOCAL ENVIRONMENTAL PLAN 1989 (AMENDMENT NO 131)	GENERAL MANAGER: DATE:
GOVT GAZETTE OF		