

5 April 2022

Contact: *Stuart Little*  
Telephone: *0436 948 347*  
Our ref: *D2022/26847*

Ms Rachel Murray  
Strategic Land Use Planner  
Wingecarribee Shire Council  
PO Box 141  
MOSS VALE NSW 2577

CC: Susan Stannard

Dear Ms Murray,

**RE: Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 (WLEP) to reduce the minimum lot size of land at Villiers Road and Hill Road Moss Vale (PP-2022-933)**

Thank you for your referral of 22 March 2022 regarding the above-mentioned Planning Proposal. We also received an updated version of the Proposal on 1 April 2022 and have based our assessment on the most current version.

The Proposal seeks to reduce the Minimum Lot Sizes (MLS) of land at Villers Road (Lots 8 and 9 DP 875224 and Lot 5 DP 844943) and Hill Road (Lots 3 and 4 DP 844943) Moss Vale from 8,000 m<sup>2</sup> to 2,000 m<sup>2</sup>. The site is bounded by the Chelsea Gardens Coomungie Urban Release Area (URA) in the south, an established residential area to the north, and Moss Vale golf course to the west. We understand that the proposed MLS variation would be achieved by amending the relevant lot size map of the Wingecarribee Local Environmental Plan 2010 (WLEP). No changes to the land use zoning are proposed. The URA map of the LEP is also not intended to be extended to apply to this site.

The area is currently zoned R5 Low Density Residential and is consistent with the zoning of the adjoining URA in the south. However, the 8,000 m<sup>2</sup> MLS is incongruous with the adjoining URA and the adjoining R2 Low Density Residential land to the north-east and north-west of the site which all carry a 2,000 m<sup>2</sup> MLS. Advice from Council received on 25 March indicates that the change in MLS would potentially enable the land to be subdivided creating approximately 16 lots. The Planning Proposal only contemplates the lots being connected to the reticulated sewer i.e. no consideration of unsewered development.

While the change in MLS presents a rational reconciliation of the MLS inconsistency with the surrounding land, we believe that the rezoning is premature and should not proceed as the Moss Vale Sewage Treatment Plant (STP) is already at capacity. There is also significant land in the Moss Vale area which is already zoned 'residential', available for development, and dependent upon the STP upgrade occurring. This includes the neighbouring Chelsea Gardens URA for which there is a concept masterplan development application (DA) for 1,200 lots. We do not wish to see the current STP further overloaded, or its capacity further impacted, as a result of new residential development becoming available by changing the MLS.

In an email dated 25 March 2022 (our ref: D2022/24090), Council advised us that no subdivision would be considered until there was adequate infrastructure to enable connection to the Moss Vale STP. However, the upgrade is some 3-4 years away. This also does not stop a subdivision

DA from being lodged with Council or from being appealed in the Land and Environment Court if refused.

The Wingecarribee Local Housing Strategy (Figure 14, p. 39) identifies the site as occurring within 'Chelsea Gardens Coomungie and Surrounds', and notes that there are 'significant limitations' in the capacity of road networks and the Moss Vale STP. The Strategy (p. 40) also identifies that 'any future Planning Proposal will need to demonstrate that future development will not create unacceptable impacts on the local and State road network, and can be fully serviced by town water and sewer'. The current Planning Proposal does not currently demonstrate how servicing of sewer and water will be achieved or how this will be staged having regard to the development of the neighbouring URA development in the south.

Considering the above, we suggest that the Planning Proposal be resubmitted at the time the Moss Vale STP upgrade is complete and when the servicing arrangements for the site are known.

Additional detailed comments on the Proposal are provided in Attachment 1 while Attachment 2 contains a relevant Strategic Land and Water Capability Assessment map for the site.

Should you have any questions on the above matters, please contact Stuart Little ([stuart.little@waterNSW.com.au](mailto:stuart.little@waterNSW.com.au)).

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Daryl Gilchrist'.

**DARYL GILCHRIST**  
**Manager Catchment Protection**

## **ATTACHMENT 1 - DETAIL**

### **Wingecarribee Local Housing Strategy**

The Wingecarribee Local Housing Strategy identifies the subject land as 'Large Lot Residential' which forms part of the 'New Residential Living Areas' for 'Chelsea Gardens Coomungie and Surrounds' as identified in Figure 14 of the Strategy. As the land is identified in the Strategy, it is subject to the requirements of the Strategy. The Housing Strategy (p. 40) requires that:

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

- An assessment of the capacity of the Moss Vale Sewerage Treatment Plan and water supply
- An assessment of the traffic impacts of the proposed rezoning
- An Aboriginal Cultural Heritage Due Diligence assessment
- A geotechnical assessment of steep lands.

The Planning Proposal notes that it is not seeking to rezone the land (implying that the above reports are not required) but only adjust the MLS to achieve a modest increase in the number of rural residential lots. Council's advice of 25 March 2022 indicates that there are no additional supporting technical reports beyond the Planning Proposal. The Planning Proposal also notes that specific studies would be undertaken at development application (DA) stage but also refers to Section C of the Proposal for more information with regard to the above matters.

Having regard to the issues most relevant to water quality (these being STP capacity, water supply and steep lands), the Proposal (Section C) notes that there are potential slope constraints. Section D, which includes a consideration of 'adequate public infrastructure', does not deal directly with the sewerage or water supply issues or how these will be staged. Both sections defer to the later DA stage to provide more information. Again, our key concerns here are in relation to the STP being at capacity and the absence of information regarding water and sewer servicing. We also believe that the Planning Proposal should include more information about slope constraints given that the Strategic Land and Water Capability Assessment (SLWCA) for residential sewer development identifies areas of HIGH risk (see below).

### **Waterways**

No waterways occur on the site. It also appears that no farm dams occur on the site.

### **Chapter 8 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021**

On 1 March 2022, State Environmental Planning Policy (Biodiversity and Conservation) 2021 (the B&C SEPP) took effect. This new SEPP repealed and replaced State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011, incorporating the provisions into new Chapter 8 of the B&C SEPP. There has been no material change to the provisions. Requirements for WaterNSW concurrence and for development to have a neutral or beneficial effect (NorBE) on water quality and to conform with WaterNSW's current recommended practices apply as before.

The Planning Proposal notes that the B&C SEPP does not apply to the Planning Proposal. We believe that the B&C SEPP is relevant given that the Sydney Drinking Water Catchment provisions are provided in Chapter 8 of the B&C SEPP. Chapter 8 of the B&C SEPP is also called up under Direction 3.3 (discussed below). This section would benefit by recognising the Chapter 8 provisions and identifying that any new development in the proposed rezoning area would be required to have a NorBE on water quality at DA stage.

### **Direction 3.3. Sydney Drinking Water Catchment**

The Planning Proposal considers Ministerial Direction 3.3 Sydney Drinking Water Catchment noting its objective of protecting water quality in the Sydney Drinking Water Catchment. The Planning Proposal notes that if the Proposal advances to public exhibition the WaterNSW response would be included.

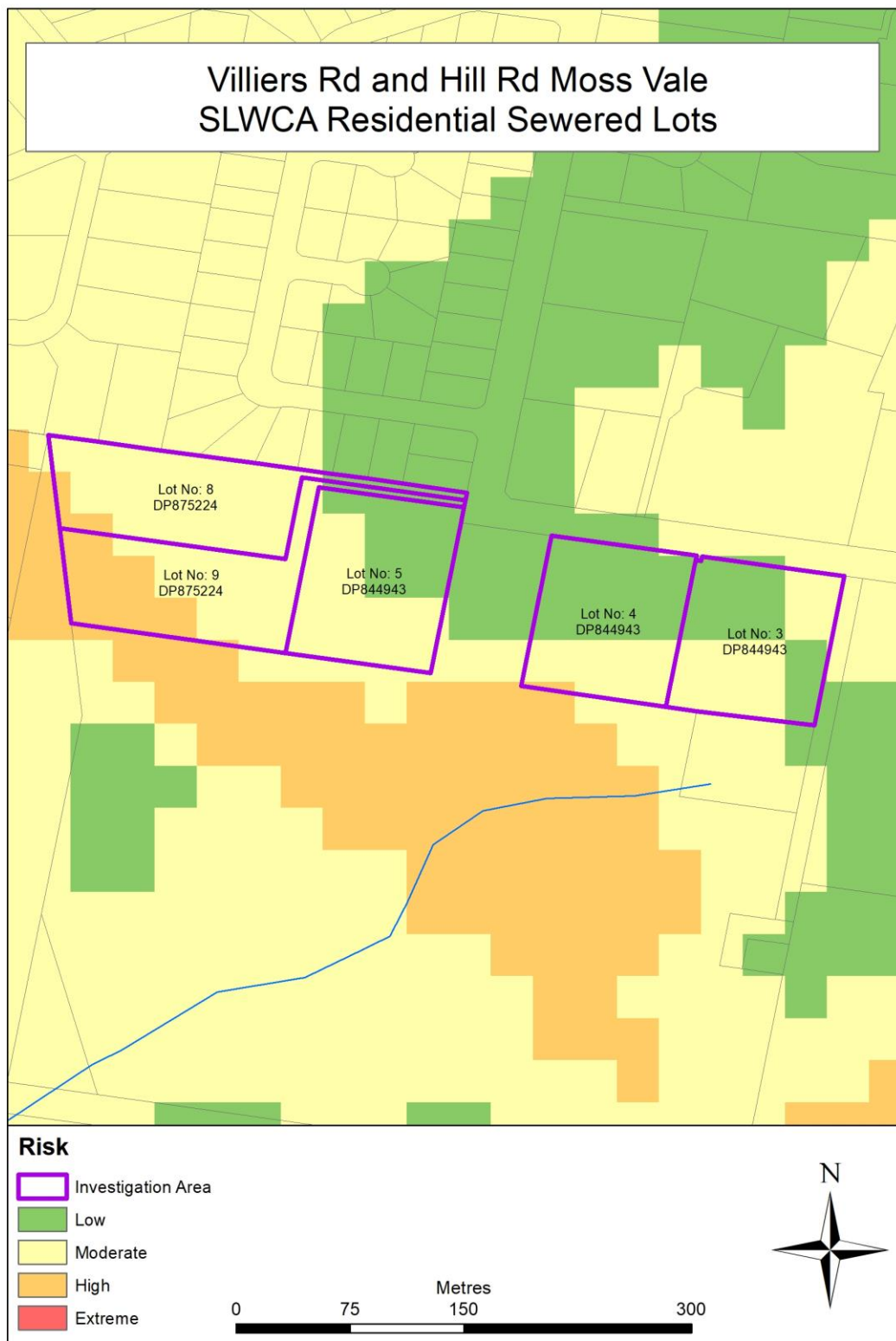
Direction 3.3 requires Planning Proposals to be consistent with Chapter 8 of the B&C SEPP and give consideration to the outcomes of SLWCAs. The former picks up and adopts the requirements of the former Sydney Drinking Water Catchment SEPP including for new development to have a NorBE on water quality.

We have prepared a relevant SLWCA map for the site based on the site being sewerred and available for residential use (Attachment 2, Map 1). For residential sewerred development, the water quality risk varies from LOW to HIGH, with the HIGH risk areas occurring in the south-west of the site which area the areas of steepest slope. Areas of HIGH risk have a low land use capability, areas of MODERATE risk have a moderate capability for development while areas of LOW risk have a high land use capability.

### **Other**

The last sentence at the bottom of Page 10 and above the relevant table does not make sense and needs to be clarified.

## **ATTACHMENT 2**



**Map 1.** SLWCA for Residential Sewered Development: Villers Road and Hill Road, Moss Vale.