



18 June 2018

Department of Planning and Environment
PO Box 5475
WOLLONGONG NSW 2520

Dear Sir / Madam,

Rezoning Review – Planning Proposal to amend WLEP 2010 (Schedule 1) to permit development for the purposes of Seniors Living at 6 Wiseman Road, Bowral

The owners of Pepperfield Lifestyle Resort (No. 8 Wiseman Road, Bowral) have recently purchased the adjoining 4 ha property (No. 6 Wiseman Road) to consolidate into the 20-acre estate that comprises the existing Pepperfield seniors living facility.

The land at 6 Wiseman Road is zoned E3 Environmental Management under *Wingecarribee Local Environmental Plan 2010* (WLEP), in which seniors living development is a prohibited land use. Consolidation of the lot with the adjoining seniors living development at 8 Wiseman Road does not require Council consent. Lot consolidation, however, does not constitute sufficient planning grounds to overcome the land zoning prohibition for a seniors living development at 6 Wiseman Road.

A Planning Proposal to amend Schedule 1 of the WLEP to permit development of 6 Wiseman Road for the purposes of seniors living was duly prepared by Hogan Planning, dated January 2018, and submitted to Council.

Council at its 9 May 2018 Ordinary Meeting resolved not to support the Planning Proposal. The staff report offered 5 reasons why the Planning Proposal should not be supported. Each reason is addressed individually below.

1. The original application for Pepperfield was not supported by Council and was approved by the L & E Court.

The original development application for the seniors living development known as Pepperfield Lifestyle Resort (LUA03/1717) had been lodged with Wingecarribee Shire Council on 20 October 2003 yet had not been determined by Council by 20 March 2004. A Deemed Refusal Appeal was lodged with the *NSW Land and Environment Court* (L&EC) on 12 February 2004 (L&EC Appeal No. 10157 of 2004 'Dougruby Pty Ltd v WSC'), leading to Development approval being granted by the Court.



The principal issue during the court hearing was permissibility, looking at the specific question of whether 8 Wiseman Road was considered '*land that adjoins land zoned primarily for urban purposes*' under the governing SEPP at the time. The Court ruled that 8 Wiseman Road was such land, and so the development was permissible, and duly approved.

The L&EC Judgement 10157 of 2004 '*Dougruby Pty Ltd v Wingecarribee Shire Council*' is included as 'Attachment A' to this letter.

This particular permissibility issue is not relevant to the current proposal, as the SEPP no longer applies.

No notable environmental or engineering concerns were raised as issues during the hearing, and none are mentioned in the judgement.

This current proposal relates to expansion of an existing court-approved development. The fact that historically Council believed (incorrectly) that the development was not permissible is not of relevance.

2. The northern portion of the subject site is flood prone land.

This is an obstructive argument. A very small part of the site (approx. 4,000m²) is mapped by Council as 'Fringe – Low Risk' in relation to flooding. The masterplan for the proposed seniors living development lodged with the Planning Proposal clearly indicates that NO structures are proposed to be built within this low risk flood area.

It is further noted that detailed hydraulic studies would be prepared post Gateway determination, to assess any potential impacts in relation to flood issues prior to Council making a formal determination of the Planning Proposal. There is sufficient space on 6 Wiseman Road to enable a viable extension of the Pepperfield Lifestyle Resort, even if modifications to the masterplan were required following detailed design, to further avoid flood prone land.

3. The staff report states there is no sewer infrastructure available to the site and therefore residential development could have adverse environmental impacts.

This argument is both obstructive and deliberately misleading. Whilst 6 Wiseman Road itself does not currently have direct access to the sewer, the adjacent Pepperfield resort is connected to the sewer. The current proposal would consolidate 6 Wiseman Road with Pepperfield, such that the new dwellings would be connected to the existing reticulated sewer system. The proposed development is not for a new stand-alone village.

On this point, it should be considered that the alternative to this Planning Proposal is that the land remains without access to sewer, such that any other residential use of the land could have adverse environmental impacts.

The current proposal provides an opportunity to improve environmental protection of waterways in the area.



4. Kangaloon Road forms a significant barrier to public transport and can limit seniors to a reliance on their own car.

Senior's living development is aimed at people over 55 years of age. Few people over 55 are incapable of driving or would wish to give up driving. Indeed, it is usual now for people to be driving well into their 70's and 80's, particularly in regional areas.

In a regional area such as Wingecarribee, many seniors are downsizing from farms and larger holdings and prefer not to live amongst the noise and bustle of town centres. Many seniors are willing to forgo the convenience of walking to shops in exchange for a peaceful night sleep, with a more open natural outlook.

Clearly, there is a demand for seniors living within a high-quality facility such as Pepperfield at this location, or there would not be a proposal by the owners to extend the existing facility.

In any case, Pepperfield Lifestyle Resort maintains its own transport shuttle operations for residents who choose not to drive. The resort is only a very short drive to Bowral town centre (less than 3km), such that the shuttle can be readily available for residents on both to and from journeys to town.

5. Support for the proposal could set a precedent for further seniors living development.

Technically, approval of this proposal could set a precedent for consolidation of land into seniors living at this location. However, there are no other seniors living facilities at this location that could use this precedent.

Pepperfield is the only seniors living facility at this location. Precedents are usually applied for consistency and fairness across different landholdings, not for multiple applications by the same proponent for the same landholding. For example, if Council have permitted construction of a tennis court on a landholding, this does not set a precedent for the same landowner to build a second tennis court on their land, but it does set a precedent for the neighbour to build a tennis court on their separately owned adjacent land.

So, whilst there is a theoretical potential for further applications for expansion of Pepperfield to be made, approval of this application would not set a valid precedent, and Council would be able to mount an argument against any such future applications based on issues relating to size of a seniors living facility in this location.

Rezoning Review Process

The Rezoning Review process enables proponents to seek an independent review (by the Planning Panel or Commission) of a request for a planning proposal, prior to a Gateway determination being issued.



The Planning Panel or Commission will undertake an assessment to determine whether the proposal:

a) has strategic merit as it is:

- Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or
- consistent with a relevant local strategy that has been endorsed by the Department; or
- responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognized by existing planning controls.

b) having met the strategic merit test, has site-specific merit, having regard to:

- the natural environment (including known significant environmental values, resources or hazards)
- the existing uses, approved uses and likely future uses of land in the vicinity of the land subject to a proposal
- the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.

a) Strategic Merit Assessment

South East and Tablelands Regional Plan 2036

The Department of Planning and Environment has endorsed the South East and Tablelands Regional Plan 2036 which replaced the Sydney Canberra Corridor Regional Strategy 2031. The *South East and Tablelands Regional Plan 2036* is a 20-year blueprint for the future.

The Wingecarribee Narrative sets out priorities for council to guide further investigations and implementation.

- > The population is expected to grow by 4,050 people by 2036, requiring an additional 3,300 dwellings. By 2036, 27 per cent of the population will be aged over 65.
- > Enhance the variety of housing options to cater for an ageing population.
- > Greater housing choice in existing centres is needed to cater for the decrease in the average household size. Planning will need to cater for a rise in the number of single person households, a decrease in the number of occupants in each household, more affordable housing, the needs of tourists and an ageing population.

The Planning Proposal is consistent with this plan, in that it provides housing and facilities to cater for an ageing population.



Clause 2.3 addresses Ageing and Housing. Ageing in place, or the decision of older residents to continue living in their home after retirement, is a preferred housing choice in the Wingecarribee LGA.

However, the Wingecarribee Demographic and Housing Strategy identifies that ageing in place raises numerous challenges, such as:

- > *reduced supply of housing, through low occupancy of dwellings which present service difficulties for their occupants and community/ local government services (for example, ground maintenance and domestic support).*
- > *increased demand for a range of essential services, including but not limited to primary health care facilities and a range of allied health services.*
- > *increased demand for public transport, including the delivery of transport services during off-peak periods and within more finite catchment areas (for example, 400 metres or less) than normally viable.*
- > *increased demand for social contact and sociability, driving the use of community infrastructure including community centres, libraries, places of worship and other public and semi-public spaces.*

The Wingecarribee Strategy states that Bowral, Mittagong and Moss Vale are shown as most suitable for seniors housing development due to their good access to services, amenity, health facilities and transport. 6 Wiseman Road adjoins an existing successful seniors living facility, is adjacent to the urban development of the Bowral/East Bowral residential precinct and is located less than 3km by road from the Bowral CBD.

The Strategy states that when considering the effects of ageing on regional housing demand, two main demographic cohorts are relevant to future planning:

- > *The number of residents aged 55 years and over, who are able to access independent living unit (ILU) accommodation, and whose housing decisions will be influenced by considerations around retirement living and ageing in an 'autonomous' setting.*
- > *The number of residents aged 85 years and over, or the frail aged, who may require assistance to perform household and/ or personal duties, and whose needs may require support in low or high care residential aged care (RAC) settings.*

Pepperfield Lifestyle Resort currently caters predominantly for those residents seeking an autonomous setting but does have some facilities for frail residents who require higher levels of care. The proposed expansion utilising 6 Wiseman Road would enable further development of the resort to fully cater to both demographics.

NSW Department of Planning and Environment projections have been used to forecast future demand for aged housing. The Department's forecast for over 55s are higher than those predicted within the Wingecarribee Strategy for every five (5) year interval to 2036, i.e. the Department is predicting a higher demand for aged care facilities than Wingecarribee Shire Council has allowed for.

The Department's forecast for Wingecarribee includes a tripling of the number of residents aged over 85 between 2011 and 2036 (from 1170 to 3880 people, equivalent to 5.4% annual growth) and a 72% increase in the population aged over 55 years. Around 80% of expected growth in the total population (projected to be 15,000 people) is forecast to be made up of over 55s.

Conditional endorsement from the NSW Department of Planning and Environment was given to the Wingecarribee Local Planning Strategy 2015 – 2031 on 15 May 2017 (see Attachment B). Chapter 4 refers to 'Managing our Housing Needs' where it states that residents over 55 represent 36% of the Shire's population.

Clause 4.2 identifies that a key population and housing Regional 'challenge' of particular relevance to Wingecarribee is to *"cater for the estimated additional population, matching housing with changing demographic trends, particularly an ageing population and declining household occupancy rates"*.

Strategic Merit Test conclusion

The Planning Proposal satisfies the strategic objectives of the relevant planning strategies and studies (noted above) by providing a housing choice that allows residents to meet varying housing needs at different stages of their lives. It has been demonstrated within the strategies and demographic study that there is a growing number of aged persons within the Wingecarribee Shire, and that this number is going to continue to grow. Ageing in place, whilst desirable for some, is not the only solution. People's needs change over time as they age.

Of particular merit, the proposed expansion of the Pepperfield facility would provide residents with a range of housing choices, and enable different progressive levels of care in situ, as needed.

b) Site Specific Merit Assessment

Natural environment:

Council has raised concern about environmental impacts of development not connected to the sewer. This is addressed as Issue 3 above. The proposed development would be connected to the sewer and is indeed the only option that enables 6 Wiseman Road to be developed with connection to the existing sewer.

Council has raised concern about a portion of the land being flood prone. This is addressed as Issue 2 above. The proposed development would not place any structures within the small portion of the site mapped as 'Fringe – Low Risk' in relation to flooding. There is sufficient space within 6 Wiseman Road to enable a viable expansion of the seniors living development, even if further detailed flood studies require further setbacks. The development is an expansion of an existing facility, it does not need to be viable as a stand-alone development.

6 Wiseman Road is not mapped under the WLEP 2010 as a Conservation Area and is not identified under Schedule 5 of the Planning Instrument as containing an Item of Heritage. There are no adjacent or nearby Items of Heritage that may be detrimentally impacted upon by the proposed development of the site for the purposes of Seniors Living.

6 Wiseman Road is zoned E3 Environmental Management under the WLEP 2010 and the adjoining Seniors Living development Pepperfield Lifestyle Resort at Lot 1000 in DP 1117715 is similarly zoned E3 Environmental Management. The proponent has engaged the services of a suitably qualified ecological consultant to consider

the site in terms of environmental sensitivities. A letter from Hayes Environmental dated 16 October 2017 is attached (Attachment C). In summary the ecologist concludes:

'I understand that the land is zoned E3 Environmental Management. I do not believe that the land has been assigned to this zone on the basis of ecological features that require protection. It is probable that the zoning protects the visual character and amenity of the semi-rural landscape, rather than any ecological value.'

6 Wiseman Road is not mapped by Council as 'Environmentally Sensitive Land' within the WLEP 2010 Biodiversity Maps.

The land is not mapped as containing Biodiversity Value on the new Biodiversity Values Map relevant to the recently introduced *Biodiversity Conservation Act 2016*.

6 Wiseman Road is identified as land that falls within the catchment area for Sydney's drinking water under the *SEPP Sydney Drinking Water Catchment (2011)*. As a result, the Department is unable to issue a Site Compatibility Certificate for the subject proposal and the Planning Proposal route needs to be followed. Any subsequent Development Application lodged with Council will need to demonstrate a Neutral or Beneficial Effect (NorBE) upon water quality under the SEPP Guidelines.

Existing and likely uses of land in the vicinity:

To the north, there is one rural residential landholding between 6 Wiseman Road and Kangaloon Road, with an existing residence set within mature landscaped grounds. Further north is the existing East Bowral residential area.

To the east, there is one narrow vacant rural residential landholding, and then the existing Bowral Christian School.

To the south is Wiseman Road, and rural land with a minimum lot size of 40ha.

To the west is the existing Pepperfield Lifestyle Resort.

The land size of 6 Wiseman Road and of the adjacent rural residential lands is not sufficient to support viable agriculture and is insufficient for consideration of a land subdivision (the minimum subdivision standard for E3 Environmental Management sub-zone Z under Clause 4.1 of the WLEP 2010 is 4 hectares). These lands are not likely to be developed as anything other than rural residential lifestyle properties.

Services and Infrastructure:

Once consolidated as proposed, 6 Wiseman Road would have access to the following services and infrastructure:

- > Reticulated Town Water;
- > Electricity supply;
- > Sewer connection is available;



- > Telecommunications services.

The proposed development enables an extremely efficient addition to seniors living and aged care facilities in Wingecarribee, by utilising and extending the existing service arrangements for meals, cleaning services, personal care and nursing care that are already in place at Pepperfield Lifestyle Resort.

Site Specific Merit Test conclusion

The Planning Proposal would enable a managed and environmentally sustainable development of 6 Wiseman Road that addresses identified concerns over paucity of seniors living and aged care facilities in Wingecarribee, without loss of agricultural land, and without impacting upon or altering the visual character of the locality.

6 Wiseman Road is capable of being fully serviced, has no environmental constraints to prohibit the proposed development, and is situated less than 3km by road from the Bowral CBD.

This Planning Proposal satisfies the site-specific merit test.

Accompanying this covering letter is a copy of the following documents: -

- Copy of the Planning Proposal lodge with Wingecarribee Shire Council;
- Copy of the conceptual Masterplan, consolidation with the adjoining Pepperfield facility;
- Completed Rezoning Review application form;
- Copy of the Council report;
- Copy of the correspondence from Council not supporting the proposal;
- Cheque in the amount of \$20,000.00, being the review fee; and
- Electronic copies of documents on CD.

I trust this documentation will enable the Department of Planning and Environment to undertake a full review of the Planning Proposal. In the event you need to discuss this matter further, please contact me directly.

Yours truly,

Darren Hogan M.P.I.A
Principal



Annexure A

Dougbruby Pty Ltd v Wingecarribee Shire Council [2004]

Judgement



Land and Environment Court of New South Wales

| | |
|---------------------------|---|
| CITATION : | Dougruby Pty Ltd v Wingecarribee Shire Council [2004] NSWLEC 192 revised - 5/04/2005 |
| PARTIES : | APPLICANT Dougruby Pty Ltd RESPONDENT Wingecarribee Shire Council |
| FILE NUMBER(S) : | 10157 of 2004 |
| CORAM: | Bly C |
| KEY ISSUES: | Development Application :- Residential retirement development - Zoned primarily for urban purposes |
| LEGISLATION CITED: | Environmental Planning and Assessment Act State Environmental Planning Policy No. 5 |
| CASES CITED: | Auckland Lai v Warringah Shire Council [1985] 58 LGRA; Hornsby Shire Council v Malcolm [1986] 60 LGRA; Modog Pty Ltd v Baulkham Hills Shire Council [2000] NSWLEC 180 |
| DATES OF HEARING: | 21/04/2004 |
| DATE OF JUDGMENT: | 04/30/2004 |

LEGAL

REPRESENTATIVES:

APPLICANT

Mr C McEwen, barrister

SOLICITORS

Boyd House & Partners

RESPONDENT

Mr D Officer, QC

SOLICITORS

Wilshire Webb

JUDGMENT:

**IN THE LAND AND
ENVIRONMENT COURT
OF NEW SOUTH WALES**

10157 of 2004

Bly C

30 April 2004

Dougruby Pty Ltd

Applicant

v

Wingecarribee Shire Council

Respondent

Judgment

1. This judgement relates to Development Application No. LUA 03/1717 which was lodged with the Wingecarribee Shire Council on the 20 October 2003 for the development of Lots 100 and 101 in DP 841242, being land in Kangaloon Road and Wiseman Road, Bowral ("the site") for a residential retirement development ("the proposal") under *State Environmental Planning Policy No. 5 - Housing For Older People or People with a Disability* ("SEPP 5")

2. As of 9 March 2004 the application had not been determined and an appeal against the respondent's deemed refusal was lodged with the Court on 12 February 2004. A Statement of Issues containing 17 Issues plus a question of law was filed on 10 March 2004.

3. As a result of a case management hearing it was decided that the following threshold issue which emerged out of the question of law and Issue 1 should be separately heard and determined by the Court:

Whether the proposed development is permissible in the 1 (c) Rural (Smallholdings) Zone and SEPP 5 does not apply because the site is not zoned primarily for urban purposes, nor does it adjoin land zoned primarily for urban purposes and is isolated from other urban development (cl 4(1)(a), SEPP 5).

4 . The site is situated in the 1(c) (Rural (Smallholdings) Zone) under the *Wingecarribee Local Environmental Plan 1989* ("the LEP"). There was no dispute that the proposal is not permissible in the 1(c) zone and that the only means of obtaining the necessary development consent for the proposal is by the use of SEPP 5 subject to the tests in cl 4 (1) (a) being met.

5 . Relevantly cl 4(1) (a) of SEPP 5 provides that:

4 (1) This Policy applies to land within New South Wales:

(a) that is zoned primarily for urban purposes, or that adjoins land zoned primarily for urban purposes.

6 . This provision relevantly raises two tests which need to be applied to the circumstances of the site in order to decide if SEPP 5 is applicable: is it zoned *primarily for urban purposes*; or does it adjoin *land zoned primarily for urban purposes*.

The first test - primarily for urban purposes?

7 . Mr R. Smyth, a town planner who provided a report in support of the respondent's position explained that because the site is in the 1(c) zone it is not *zoned primarily for urban purposes*, the 1(c) zone not being an urban zone. I agree with this contention.

8 . It seems that the term *urban purposes* has been used in SEPP 5 rather than say residential or industrial or commercial purposes because it is intended to include a broad range of purposes that might be found in a town or city rather than in a rural or farming area. The term *urban* is defined in the Shorter Oxford Dictionary as *pertaining to or constituting a city or town*.

9 . The objectives of the 1(c) zone are mainly *to accommodate demands for rural residential use, rural retreats and hobby farms*. Whilst land uses such as *rural residential, rural retreats and hobby farms* usually include a residential component they are nevertheless non-urban or rural in

character. Such uses are visually and functionally different to the urban purposes one would find, for example, in the nearby residential zones especially when matters such as housing density and agricultural purposes are taken into account.

10 . There was no dispute that the site is not *zoned primarily for urban purposes* and in the circumstances I agree that the site does not meet the first test in cl 4 (1) (a) of SEPP 5.

The second test - adjoins land zoned primarily for urban purposes?

11 . The second test of whether the site *adjoins land zoned primarily for urban purposes* raises the question as to the meanings of the term *adjoins* and the phrase *zoned primarily for urban purposes* in the context of cl 4 (1) (a) of SEPP 5.

12 . In *Auckland Lai v Warringah Shire Council* (1985) 58 LGRA Bignold J explained in relation to the words *adjoins* that the preferred interpretation is:

... that which ascribes the loose sense to "adjoins" namely "is near to", or "is neighbouring on"...

13 . In *Hornsby Shire Council v Malcolm* (1986) 60 LGRA the Court of Appeal confirmed Bignold J's conclusion as to the meaning of the term *adjoins* . It was held that *strict abutment* was not required and instead, *sufficient proximity* would bring the development within the relevant meaning. The term *adjoins* was distinguished from the term *immediately adjoins* . More recently Pearlman CJ dealt with the term *adjoins* in *Modog Pty Ltd v Baulkham Hills Shire Council* (2000) NSWLEC 180 and essentially adopted Bignold J's tests in *Malcolm* , using the phrase: *in the neighbourhood of* .

14 . Mr Smyth provided the Court with zoning maps which show the relationship of the site to surrounding lands and their different zonings. To the south and east of the site lands are zoned 1(c) which zone is not, as discussed above, an urban purposes zone. For similar reasons the immediately adjoining land to the west of Wiseman Road in the 7(b) Environmental Protection Zone is also not an urban purposes zone. A short distance beyond the 7(b) zone to the west there is 2(c) Residential zoned land. On the north side of Kangaloon Road to the north-west, north and north-east, lands are variously zoned 2(a) Residential and 6(d) Proposed Recreation Reservation and 9(c) Flood Affected Open Space. Kangaloon Road is unzoned but has a 10 m wide strip of 9(b) Proposed Local Road along its northern side.

15 . More particularly, immediately opposite the site across Kangaloon

Road, almost coincidental with its entire frontage, lands are zoned 6(d) and 9(c). The nearest residentially zoned land is about 85 m to the north-east measured from the north-eastern corner of the site.

16. In *Auckland Lai* and *Malcolm* it was held that the existence of a road and a road reserve did not preclude lands on either side from adjoining each other. Utilising this approach it is clear that the site *is near to* and thus adjoins lands which are zoned 6(d) and 9(c). However it was disputed that these zones comprise zones which are *primarily for urban purposes*. This question can be answered by considering the objectives and permissible land uses in these zones.

17. The objective of the 6(d) zone is to acquire land for the purposes of public open space. Permissible purposes in this zone are essentially restricted to gardens, landscaping, bushfire hazard reduction and recreation areas. Once acquired by the council such land can be expected to be rezoned in due course to 6(a) Open Space (Existing Recreation) Zone which has the objective of providing land for public recreation purposes. Such purposes include parks, gardens, recreation areas, camping grounds, caravan parks, children's playgrounds, public baths, public reserves, racecourses, recreation areas, refreshment rooms, showgrounds, sports grounds and the like. In my view the majority of these purposes are associated with urban rather than rural or non-urban purposes, that is to say that they are more likely to service a residential population found within a residential zone which in turn would be found within an existing or proposed town or city.

18. I have thus decided that the site *is near to* and thus *adjoins* land that is zoned primarily for urban purposes.

19. Taking a wider view and considering the site and its relationship to other surrounding zones particularly the residential zones, it also appears that the site could be considered to be *in the neighbourhood of* land zoned for urban purposes. However I would reject this approach especially because I have not been persuaded that the distance of separation between the site and these other lands would represent a *sufficient proximity*. It seems to me that the decisions in *Auckland Lai* and *Malcolm*, by referring to *is near to* or *is neighbouring on* can be broadly interpreted to mean *across the road* rather than *down the road*.

20. Arguments were also presented on behalf of the respondent based on: the physical separation created by Kangaloon Road which is a main road; the orientation of East Bowral which is designed with its back turned to Kangaloon Road; the absence of any connection to the town sewage system from the subject land; and the absence of any direct pedestrian access between the site and the residential land in East Bowral. I do not accept that these arguments are relevant to the

determination of whether the site *adjoins land that is zoned primarily for urban purposes*. Rather they are merit arguments for consideration in due course associated with the question of whether the site itself is suitable for the proposal.

Conclusion

21 . In the circumstances and for the reasons given above I have decided that because the site adjoins land zoned primarily for urban purposes, SEPP 5 is applicable to Lots 100 and 101 in DP 841242, being land in Kangaloon Road and Wiseman Road, Bowral.

T A Bly

Commissioner of the Court

rjs

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Annexure B

*Conditional endorsement from the NSW Department of Planning and
Environment*

Wingecarribee Local Planning Strategy 2015 – 2031



Planning & Environment

Ms Ann Prendergast
General Manager
Wingecarribee Shire Council
PO Box 141
Moss Vale NSW 2577

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|-----------------------------|-----------|
| WINGECARRIBEE SHIRE COUNCIL | |
| Classification: | MAILIN |
| Doc. N° | |
| File N° | 5602/15. |
| 19 MAY 2017 | |
| CM | ACCORD/FY |
| S. Stanger | ✓ |
| Mark Papp | ✓ |
| Nick Wilkins | ✓ |

Dear Ms Prendergast

DAY BOX ONLY

I refer to your request seeking endorsement of the Wingecarribee Local Planning Strategy 2015 – 2031.

Following consideration of the strategy, I am pleased to conditionally approve the Wingecarribee Local Planning Strategy 2015 – 2031.

Many of the Strategy's recommendations set a context and policy framework that will guide the management of environment, rural, housing, economic growth, built environment and infrastructure outcomes across the Shire. The Strategy also contains a number of commitments to progress changes to zonings, local planning provisions and development control plans. The Department would be pleased to assist Council on their implementation, including the consideration of planning proposals for any proposed amendments to the Wingecarribee Local Environmental Plan 2010.

I am concerned that Council's position on housing supply may place upward pressure on house prices and limit the capacity of the Shire to sustain a growing population and realise economic opportunities. Modelling under the Strategy indicates that there has been limited uptake in infill development and that there is strong demand and reliance for greenfield release in the Shire. The Department supports Council's desire to increase housing choice and assist housing affordability by encouraging infill development. However, this also needs to be balanced by identifying potential greenfield release housing areas to ensure the Strategy provides a range of opportunities for new housing supply.

As a result, I have not endorsed Chapter 4 – Managing Housing Needs under the Strategy. Staff from the Department's Southern Region would be pleased to work with Council officers to update this component of the Strategy to remove the moratorium that restricts new greenfield release areas or reduced minimum lot sizes and develop an approach for managing housing supply in a way that meets housing supply needs across the Shire.

Should you have any further enquiries about this matter, please contact Karen Armstrong, Director Regions, Southern at the Department on 02 4224 9450.

Yours sincerely

Marcus Ray
Deputy Secretary
Planning Services

15/05/2017

Department of Planning and Environment

320 Pitt Street Sydney 2000 | GPO Box 39 Sydney 2001 | planning.nsw.gov.au

Annexure C

Hayes Environmental Correspondence

16th October 2017

PEPPERFIELD LIFESTYLE RESORT
PO Box 1280
BOWRAL NSW 2576

Att: Steve McGrath

Dear Steve,

RE: 6 Wiseman Road, Bowral

I have conducted a desktop investigation of the subject land, including review of:

- * Aerial photography of the land and surrounding areas;
- * Local area vegetation community mapping by Wingecarribee Shire Council (2010);
- * Biodiversity Values Map (prepared for the now commenced *Biodiversity Conservation Act 2016*);

The land has not been mapped by Council as containing native vegetation, nor has it been identified as an area of biodiversity value as defined under the *Biodiversity Conservation Act 2016*.

Aerial photography shows that the land (orange boundary on photo below) is open grassland, with formal landscaping appearing to consist predominantly (if not entirely) of exotic trees and shrubs. A highly modified creekline runs across the northern corner of the site. The creek has been channelled and dammed, with a formal managed edge to both the creek and the dam.



Surrounding lands have been similarly cleared of natural features. Lands to the south are rural. Pepperfield Lifestyle Resort is situated to the west, Southern Highlands Christian School to the east, and the suburb of East Bowral a short distance to the north.

I understand that the land is zoned E3 Environmental Management. I do not believe that the land has been assigned to this zone on the basis of ecological features that require protection. It is probable that the zoning protects the visual character and amenity of the semi-rural landscape, rather than any ecological value.

Areas of ecological value requiring protection are usually zoned E2 Environmental Conservation.

Please do not hesitate to contact me with any queries.

Regards,



Rebecca Hogan
BSc (environmental biology) MEngMngt MECA (NSW)
Principal, Hayes Environmental

