

DATE OF DECISION	1 November 2019
PANEL MEMBERS	Alison McCabe (Chair), Renata Brooks, Peter Brennan and Jim Gilvarry
APOLOGIES	Carl Peterson and Duncan Gair
DECLARATIONS OF INTEREST	Grahame Andrews declared a conflict of interest as he has previously voted and dealt with this matter as a member of Wingecarribee Shire Council. Cr Andrews did not participate in the consideration of this matter.

REZONING REVIEW

2019STH011– Wingecarribee Shire Council – RR_2019_WINGE_001_00 - AT 21 Boardman Road South, Bowral (AS DESCRIBED IN SCHEDULE 1)

Reason for Review:

- ☐ The council has notified the proponent that the request to prepare a planning proposal has not been supported
- ☒ The council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal or took too long to submit the proposal after indicating its support

PANEL CONSIDERATION AND DECISION

The Panel considered: the material listed at item 4 and the matters raised and/or observed at meetings and site inspections listed at item 5 in Schedule 1.

Based on this review, the Panel determined that the proposed instrument:

- ☐ **should** be submitted for a Gateway determination because the proposal has demonstrated strategic and site specific merit
- ☒ **should not** be submitted for a Gateway determination because the proposal has
 - ☒ not demonstrated strategic merit
 - ☐ has demonstrated strategic merit but not site specific merit

The decision was unanimous in favour of the decision.

REASONS FOR THE DECISION

Overview

The Panel considered this matter on Tuesday 29th October 2019. It had the benefit of a viewing the site from both Kangaloon Road and Boardman Road South. The Panel is familiar with the area having previously considered a Rezoning Review at 6 Wiseman Road, Bowral in September 2018. The Panel members also drove along Kangaloon Road and Wiseman Road, and observed the residential subdivision to the north of the site known as East Bowral.

The site is currently zoned E3 Environmental Management under Wingecarribee Local Environmental Plan (WLEP) 2012. The land falls within the Sydney Water Catchment Area. The proposed rezoning seeks to add as an additional permitted use “seniors’ housing”.

The Panel had the benefit of a detailed written report from the Department of Planning, Industry and Environment, Council officers’ written report and the applicant’s Planning Proposal. The Panel met with the representatives of the applicant, Council and the Department.

The Panel considered additional material in respect to:

- Land and Soil Capability Mapping for NSW
- Mapping of Biophysical Strategic Agricultural Land
- Information provided by Council regarding recent approvals for Seniors' Housing Development and Multi Dwelling Housing

The Panel notes that the land is suitable for intensive agricultural use subject to management of limitations being identified as Class 3 with moderate limitation, with the south-west corner mapped as Class 4 – moderate to severe limitation.

Strategic Merit

In considering the strategic merit of the proposal the Panel has given significant weight to:

- Council progress towards completing the local housing strategy – Reporting early December 2019; and
- Council's timeframe for the preparation and exhibition of the Local Strategic Planning Statement – March - April 2020.

The site is also distinguishable from the Panels' previous decision on the rezoning review to the west of the site at 6 Wiseman Road which is contextually and strategically different from this site.

The South East and Tablelands Regional Plan 2026 lists a number of goals and directions relevant to the proposal. The applicant has identified a number which the Panel considers are not inconsistent with the proposal, being:

- Goal 1: A connected and prosperous economy
- Goal 2: A diverse environment interconnected by biodiversity corridors
- Goal 3: Healthy and connected communities
- Goal 4: Environmentally sustainable housing choices
- Direction 24: Deliver greater housing supply and choice

The Panel considers that these are generic and do not lend support to the specifics of this proposal.

The proposal is not consistent with the following directions and actions:

- Action 24.2 – Prepare local housing strategies consistent with the Settlement Planning Principles to provide a surplus supply of residential land to meet projected housing needs.
- Direction 25: Focus housing growth in locations that maximise infrastructure and services.

The proposal seeks to pre-empt the development of the local housing strategy which is under active development and scheduled to be reported to Council in December 2019, prior to public exhibition.

The Panel was advised of infrastructure and service constraints at this site which would preferably be resolved in the context of a holistic approach to strategic planning, rather than a "one-off" private solution.

Council's position includes priorities to:

- Strategically plan for residential growth in existing urban areas and greenfield areas
- Protect the unique character of the Shire's village and rural lifestyle. (The environmental analysis provided by the applicant notes that the E3 zoning likely reflects visual character and amenity which was supported by Council)
- Protect important agricultural lands as a resource for food security

The Panel was also advised that the completion of important agricultural land mapping by the DPI is imminent and will inform the development of the local housing strategy and local strategic planning statement. In the absence of this information, there is no evidence to support the argument that this land could not be used for agriculture – it appears to have been recently grazed, is topographically suitable for agriculture and is adjacent to other lots which could be consolidated.

The Panel notes that the Wingecarribee Local Planning Strategy 2015-2031, which has been endorsed by the Department, includes a precinct plan for the Bowral Township which defines the urban edge as Kangaloon Road.

Recent demographic information provided by the applicant was consistent with information contained in the 2012 Wingecarribee demographic and housing study which informed the development of the current Local Planning Strategy.

The Panel notes that the last three years approvals for both medium density and seniors housing have started to address the shortfall in medium density and seniors' housing supply.

In summary, the Panel does not consider that the proposal can rely on consistency with the South East and Tablelands Regional Plan to demonstrate strategic merit, given it has no unique characteristics which would support its consideration. The application raises questions generally about the limits of and extension of the urban area which would not be restricted to this proposal, and are more properly considered in a broader strategic context.

The proposal is inconsistent with the Wingecarribee Local Planning Strategy 2015-2031 – noting that Chapter 4 has not been endorsed.

There have been no significant changes in circumstances justifying proceeding with the proposal in advance of the local strategic planning process which is already underway. It is important that the Council has the opportunity to consider the complex issues of land supply for a range of housing types, and the maintenance of land for agriculture with appropriate buffer zones to manage potential for rural/urban conflict in consultation with the community.




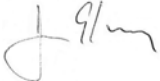
Furthermore, in areas of high visual and landscape amenity, how and where the urban edges are defined and how they transition to the surrounding rural lands is a matter that needs to be considered holistically.

The Panel considers that the process of the Local Strategic Planning Statement and preparation of the housing strategy will inform a position on identification of areas of housing generally not just a particular sub-category, the boundaries of the urban area, as well as the future of agriculture and secondary industries.

In conclusion, the Panel does not consider that the proposal has strategic merit in the current context.

Recommendation

That the proposal not proceed to Gateway as it does not demonstrate strategic merit.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Renata Brooks
 Peter Brennan	 Jim Gilvarry

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	2019STH011– Wingecarribee Shire Council – RR_2019_WINGE_001_00 - AT 21 Boardman Road South, Bowral
2	LEP TO BE AMENDED	Wingecarribee Local Environmental Plan 2010
3	PROPOSED INSTRUMENT	The proposal seeks to amend Schedule 1 of the Wingecarribee Local Environmental Plan 2010 to add seniors housing as an additional permitted use of land at 21 Boardman Road South, Bowral
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Rezoning review request documentation Briefing report from Department of Planning, Industry and Environment Additional information regarding Land and Soil Capability Mapping, BSAL and Seniors' Housing Approvals.
5	BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	<ul style="list-style-type: none"> Site inspection: 28 October 2019 <ul style="list-style-type: none"> Panel members in attendance: Alison McCabe (Chair), Renata Brooks, Peter Brennan and Jim Gilvarry Briefing with Department of Planning, Industry and Environment (DPIE): 29 October 2019 at 9:00am <ul style="list-style-type: none"> Panel members in attendance: Alison McCabe (Chair), Renata Brooks, Peter Brennan and Jim Gilvarry DPIE staff in attendance: Graham Towers and Andrew Hartcher Briefing with Council: 29 October 2019 at 10:00am <ul style="list-style-type: none"> Panel members in attendance: Alison McCabe (Chair), Renata Brooks, Peter Brennan and Jim Gilvarry DPIE staff in attendance: Graham Towers and Andrew Hartcher Council representatives in attendance: Susan Stannard and Michael Park Briefing with Proponent: 29 October 2019 at 11:00am <ul style="list-style-type: none"> Panel members in attendance: Alison McCabe (Chair), Renata Brooks, Peter Brennan and Jim Gilvarry Proponent representatives in attendance: Eugene Sarich, Nick Nicholas and Nimish Bilera Papers were circulated electronically between 1 November 2019 and 20 November 2019