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5<sup>th</sup> September 2017

Your Ref:  
Our Ref: 32/13

Mr Graham Towers  
The Team Leader  
Southern Region  
Department of Planning and Environment  
PO Box 5475  
Wollongong NSW 2520

Dear Graham

**RE: Lot 1 DP 819424, Darraby Lodge, Broughton Street, Moss Vale - Planning Proposal - Pre-Gateway Review**

We act for Mr Kerry and Mrs Wendy Marshall owners of the subject property. We have been working with Wingecarribee Shire Council for a number of years, since 2013, to have the subject land rezoned for residential purposes. The owners have been patient and understanding that the Council was preparing a number of strategies to inform the future growth of the Shire. One of these documents was the Local Planning Strategy 2015-2031.

This was finalised, which our client's submitted Planning Proposal to be considered by Councillors. At the Ordinary Meeting of Council on Wednesday 12<sup>th</sup> July 2017, the application to rezone the land from E3 Environmental Management to R2 Low Density Residential and apply a minimum lot size of between 450m<sup>2</sup> and 2000m<sup>2</sup> to achieve a yield of 227 lots was not supported.

This resolution was contrary to a previous resolution to support all or part of the property. The following provides a chronology of events that have occurred over the ensuing years to have the land rezoned. It would be noted that the subject property is located at the end of Broughton Street and no further subdivision potential is available to the adjoining land to the west, being a water tower. To the east, this land has been rezoned and subdivided for residential purposes.

This submission is made for due consideration resulting from a continually deferred and changing agreement with Wingecarribee Shire Council.

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In 2015 Council resolved that the rezoning of all or part of the property be considered for residential development.

In early 2016 Council resolved that the land be included in the Moss Vale Precinct Plan for the rezoning of all or part of the subject land. The Council also resolved to adopt the Local Planning Strategy as amended post objection, to which there was no objections.

Council Planners have supported the proposal.

Department of Planning and Environment has also supported the proposal.

In July 2017, an introduction of a threatened or endangered ecological species has been raised by Council on areas that have been designated for conservation.

The Council, nor their ecological staff who gave report have been on site. The report was based on an aerial photo with no justification.

Council have been invited to attend and enter the site, which has been declined.

Flora and fauna reports have been offered to address concerns, but have also been declined.

The Sydney-Canberra Corridor Regional Strategy 2006-2031 (The Strategy) applies to this site. The Strategy predicts that Wingecarribee Shire will grow to a population of 58,700 by 2031 and notes that the majority of Greenfields Development will occur in Moss Vale and Mittagong townships. The Strategy identifies an additional 1,400 lots for Greenfields Development in Moss Vale.

The subject land is identified as an Urban Release Area (URA) under the Strategy. This Planning Proposal is consistent with the Strategy.

We attach herewith copies of reports to date, together with proposal plans to assist in the matter, with the hope that a favourable decision will be granted to proceed through the Gateway Process.

The following is an abstract of occurrence to date for the application:

- |             |                                                                                                                                                                                                                                 |
|-------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 14 Oct 2011 | Kerry & Wendy Marshall the owners of Lot 1 DP 819424 Broughton Street, Moss Vale write letter to Wingecarribee Shire Council seeking to consider having property included and linked to Darraby stages 1-3.                     |
| 19 Oct 2011 | Letter received from Wingecarribee Shire Council acknowledging correspondence received and advising the letter had been forwarded to Mark Pepping (Strategic Planner). Letter reads to allow at least two weeks for a response. |

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- 7 Nov 2011 Letter received from Wingecarribee Shire Council responding to letter dated 14<sup>th</sup> October 2011. Council advised local workshops had been completed and these studies will provide a basis on which to review future planning strategies. Opportunity to comment on public notification phase of the Development Application.
- 22 Nov 2011 Neighbour Notification for Land Use Application for 2 lot subdivision at Lot 3 DP 603903, Lot 54 DP1107101 Broughton Street Moss Vale. Applicant : Land Team Australia.
- 3 April 2012 Letter from Land Team – Robert Anderson to WSC seeking some changes to zoning. Enquiry regarding submission to WSC to have land included in the Strategic Planning Review.
- No reply or response was received.
- 10 June 2012 K & W Marshall receive Fee Proposal from Michael Brown Planning Strategies for Compilation of Planning Proposal (rezoning application).
- 21 Feb 2013 Allsop Glover Lawyers writes letter to Australian Rural Planning outlining the attempt to rezone property. Requests interest in acting for his clients Kerry and Wendy Marshall.
- 24 Oct 2013 Michael Brown, Kerry Marshall hold meeting with Mayor Arkwright and Mark Pepping. Meeting positive but suggested we delay our application.
- 30 Oct 2013 Michael Brown submits Cardno report to Council. Submission to WSC Planning Proposal for Land at Lot 1 in DP 819424 Broughton Street, Moss Vale prepared by Michael Brown Planning Strategies.
- 7 April 2014 WSC letter to Michael Brown re Planning Proposal. Council does not support the Planning Proposal at this stage, but will consider it as part of the preparation of the Planning Strategy expected to be placed on exhibition in July 2014.
- 14 April 2014 WSC letter to Michael Brown re planning proposal. At Ordinary Meeting on 12<sup>th</sup> March 2014 Council resolved that several planning proposal submissions currently with Council not be supported at this time but be considered as part of the preparation of the draft Local Planning Strategy.
- 1 Sept 2014 Letter from WSC to Michael Brown re planning proposal. Update regarding intended timing of exhibition of the Local Planning Strategy. Likely exhibition now April and May 2015.
- 18 June 2015 WSC letter to Michael Brown re Planning Proposal. A report on submissions to amend WLEP 2010 is being considered 24<sup>th</sup> June 2015. The draft LEP strategy 2015-2031 is also being reported to Council with recommendations that it be placed on public exhibition.

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24 June 2015 Recommendation regarding submission to Local Planning Strategy. Note WSC previous endorsement extended to the eastern 1/3 of the site.

26 June 2015 WSC Letter to Michael Brown notifying him that Darraby Lodge be placed on exhibition all or part.

**The rezoning of all or part of Lot 1 DP819424, Darraby Lodge, Broughton Street, Moss Vale, for residential development be supported for inclusion in the Moss vale Precinct Plan prior to public exhibition of the draft Local Planning Strategy 2015-2031.**

26/08/2015 – 11/09/2015

Notification to affected proximity property owners of proposed Development of Darraby Lodge is in accordance with the provisions of Wingecarribee Councils Community Engagement and Notification of development and Planning Proposals Policy with invitations for any objection and copy of plans.

23 Mar 2016 Meeting of WSC: Reporting on Draft Strategy re Local Planning Item 13.3 Site –Specific Submissions.

Matter 12 –Moss Vale Lot1 DP 819424 Darraby Lodge:  
"No submissions were received for this property during exhibition of the Local Planning Strategy, therefore it is recommended."

7 April 2016 WSC Letter to Michael Brown regarding Adoption of Wingecarribee Local Planning Strategy 2015-2031 Lot 1 DP819424 Darraby Lodge Broughton Street, Moss Vale. Rezoning of Lot 1 DP 819424 be supported for inclusion on the Moss Vale Precinct Plan to public exhibition of the draft local planning Strategy 2015-2031.

10 June 2016 New Subdivision Design prepared by Saturday Studio 227 lots. This was submitted following the above resolution and discussions with a Council officer on the outcomes of the above recommendation. It was advised that the above recommendation was 'open-ended' and allowed a submission for either part or all. Accordingly, detailed plans were prepared showing the proposed subdivision, including the preservation of a grove of trees identified as potential threatened species.

17 Nov 2016 Property report carried out. Results as per below:

Pre 2015: WSC had supported rezoning of approximately 1/3 of the Eastern portion of the subject site.

25 June 2015: WSC resolves that all or part of the property be supported in Moss Vale Precinct Plan.

24 March 2016: WSC resolve that property be included in Moss Vale Precinct Plan of adopted Wingecarribee Local Planning Strategy 2015-2031 for consideration to rezoning all or part of the subject land.

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WSC also resolved to adopt the draft Local Planning Strategy as amended post exhibition

Post 24 March 2016, the adopted Local Planning Strategy is now with the Department of Planning and Environment for endorsement

The below comparable sites have all been rezoned residential:

- 1) Darraby : adjoining property of 31 hectares yielding 250-300 Lots
- 2) Throsby Views Moss vale : 42 x 2,000m<sup>2</sup> Lots
- 3) Fitzroy Road, Moss Vale : 14 x 2000m<sup>2</sup> Lots
- 4) Wembley Road, Moss Vale : 15 x 700m<sup>2</sup> Lots

15 Feb 2017 Department still awaiting proposals from WSC.

27 Feb 2017 Consider Letter from Planning and Environment RE Jai Rowell

13 June 2017 Letter from WSC stating that the proposal was too intensive and May be prepared to consider a limited area as outlined in RED

PART - ONE Shire Wide Wingecarribee Local Planning Strategy 2015-2031 not dated.

Page 20-22 covers Darraby Lodge application .Lot 1 DP 819424. No submissions received during exhibition 15 July -30 September 2015. No objections from Planning and Environment in fact they supported the application as they had inspected the property.

14 June 2017 Email received suggesting that Gateway application or revised Proposal.

12 July 2017 Council Meeting -We addressed Council on the need and benefits of supporting our application. Matters are raised in the meeting agenda that have never been discussed or raised prior to this date

Minutes of the Meeting of Council.  
Planning Proposals from Wingecarribee Local Planning Strategy  
Item 13.3 Matter # 8

#### **Item 8: Wingecarribee Shire Council meeting agenda**

8. Darraby Lodge, Broughton Street, Moss Vale The subject site, Lot 1 DP 819424, Darraby Lodge, Broughton Street, Moss Vale, is located on the south western edge of the Moss Vale Township, adjoining the Broughton Street residential release area. The location of the subject land is indicated in Figure 8 below which is reproduced at A3 size under separate cover as Attachment 15 to this report Figure 8. The site has an area of some 30 hectares with a frontage to Broughton Street of over 450 metres. The land is zoned E3 Environmental Management with a minimum lot size of 40 hectares. Remnant areas of Threatened or Endangered Ecological Communities are located on the south east quadrant of the site where a Category 3 riparian corridor also exists. It is also noted that the south east portion of the site is visually exposed to view from a broad area of the surrounding landscape.

The property was first submitted for rezoning consideration during the drafting of the 2007 Wingecarribee Local Environmental Plan at which time Council resolved to not rezone the land at that time but to further consider it for potential residential development under the Local Planning Strategy. The assessment of that proposal noted that earlier considerations by Council had limited the development potential of the site to the lower 1/3 as indicated below in order to minimise impacts on the EEC and visual catchment development on the higher land. A second submission was made during the drafting of the Local Planning Strategy, seeking a minimum lot size of between 540m<sup>2</sup> and 700 m<sup>2</sup> to achieve up to 261 residential lots. The property was assessed and included in the Moss Vale Township Precinct Plan of the draft Strategy. No submissions were received and the property was subsequently included in the adopted Wingecarribee Local Planning Strategy 2015-2031. Planning staff from the Department of Planning and Environment inspected the site and supported the proposal. A Planning Proposal was submitted to Council by Michael Brown Planning Strategies in August 2016 and forms Attachment 16 to this report. The proposal seeks to rezone the subject land to R2 Low Density Residential and apply a minimum lot size of between 450m<sup>2</sup> and 2000m<sup>2</sup> to achieve a lot yield of 227. This Planning Proposal was considered by Council. The reduced lot yield (227 lots instead of 261) was noted, but Council's concerns remain regarding areas of remnant ecological communities and the broad visual catchment presented by the exposed south eastern face of the site, located as illustrated in Figure 9 below.

The Office of Environment and Heritage (OEH) has recently prepared draft vegetation maps for the Shire which provide more accurate information than that previously available to Council. The vegetation species identified on the subject site are Tableland Basalt Forest (TBF) and Southern Highlands Shale Woodland (SHSW). The Scientific Committee, established under the Threatened Species Conservation Act has made a 'Final Determination' to list the TBF as an Endangered Ecological Community (EEC) due to it being at 'very high risk' of extinction in NSW in the 'very near future'. SHSW is deemed by the Committee as 'likely to become extinct' and is now a Commonwealth Listing under the Environment Protection and Biodiversity Conservation Act 1999. The following advice is provided by Council's Tree and Vegetation Assessment Officer. There a number of key points listed in the Final Determination for TBF community which particularly apply to the small patches of remaining vegetation and which, if the subdivision were to go ahead as outlined, these patches would likely fail as ecological communities. Some key points include:

The community typically has an open canopy of eucalypts with sparse shrubs and a dense groundcover of herbs and grass, although disturbed stands may lack either or both of the woody strata. The community therefore includes 'derived' native grasslands which result from removal of the woody components from the woodland and forest forms of the community. Almost all of the remaining area of the community occurs on private land or on public easements, where its geographic distribution is undergoing a continuing decline due to small-scale clearing. 'Clearing of native vegetation' is listed as a Key Threatening Process under the Threatened Species Conservation Act 1995. Changes in structure and species composition of the community, including loss of large trees, which provide habitat resources for a range of fauna, contribute to a large reduction in ecological function of the community. 'Loss of hollow-bearing trees' is listed as a Key Threatening Process under the Threatened Species Conservation Act 1995.

The subject site fits the community profile has described above in point 1, being mostly an open disturbed stand of tall trees with the understory shrubs and groundcover removed (presumed). It also fits into the category as potentially being a 'derived' native grassland, but a more detailed flora survey would be required to determine the exact extent of this though. The second and third points are important as approving the subdivision would more than likely result in the clearing of all vegetation and the removal of hollow bearing trees, both listed as a Key Threatening Process. While larger lot sizes are proposed in those areas where remnant trees exist, they would certainly be subjected to further clearing requests to accommodate development. The issue of grassland clearing also becomes a consideration. The SHSWF listing the key points are similar however both Final Determinations note that "At any one time, seeds of some species may only be present in the soil seed bank with no above-ground individuals present." This is a very important consideration as it sets up the potential for natural regeneration of native vegetation communities, EEC or otherwise, where existing agricultural/grazing practices cease and the seed bank fuels reestablishment of not only trees but understory plant species. There is also the potential to reconnect the remnant areas on the adjoining property to the west either via natural regeneration or assisted revegetation as part of any supported subdivision in the future. Of equal concern is the large visual catchment of this area of the site. Figure 10 below indicates the 710 metre contour which extends across the site from the south as far as the Broughton Street side of the site. A valley depression lies to the east and south of the site with land falling away to 670m.

The EEC vegetation and topography contribute to making the entire higher section of the environmentally sensitive and visually prominent. It is these key factors which have informed Council's previous resolutions that the development line be limited to the lower section of the site. It is therefore RECOMMENDED THAT: The Planning Proposal to rezone Lot 1 DP 819424, Darraby Lodge, Broughton Street Moss Vale from E3 Environmental Management to R2 Low Density Residential and apply a minimum lot size of between 450m<sup>2</sup> and 2000m<sup>2</sup> to achieve a lot yield of 227 NOT BE SUPPORTED.

#### **Address to Wingecarribee Shire Council meeting 12 July, 2017**

(This address was carried out to explain clearly the timeline, change in recommendations, and introduction of new matters, not proven, with request for validation). Copy of address to Councillors attached.

Amendment moved anred Ecologi8. The Planning Proposal to rezone Lot 1 DP 819424, Darraby Lodge, Broughton Street Moss Vale from E3 Environmental Management to R2 Low Density Residential and apply a minimum lot size of between 450m<sup>2</sup> and 2000m<sup>2</sup> to achieve a lot yield of 227 BE DEFERRED AND THAT the applicant be requested to provide a flora and fauna report.

'Amendment to the above motion to require applicant to provide a Fauna and Flora report". This amendment was also lost.

13 July 2017 Notice from WSC advising us that Council will not support our Application.

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In regard to Council response, no reasons have been given for not supporting the application.

The important part of the site identified as potential Southern Highlands Shale Woodland, but not ground truthed, will be preserved.

The offer to carry out a full flora and fauna study to address the above concerns has been rejected without reason. Our client is more than willing to prepare any reports necessary as part of the Pre-Gateway Determination in support of the application.

Accordingly, we request that the Department of Planning and Environment grant a Pre-Gateway Review of the application.

Should you require clarification of any aspect of this correspondence please do not hesitate to contact me.

Sincerely yours,



M J BROWN  
DIRECTOR  
MICHAEL BROWN PLANNING STRATEGIES PTY LTD

## **Address to Wingecarribee Shire Council meeting 12 July, 2017**

(This address was carried out to explain clearly the timeline, change in recommendations, introduction of new concerns, not proven, and request for validation)

Honourable Mayor and Councillors

Thankyou for allowing me to address the Council today

My name is John McDonald and I work with the proponent, Michael Brown Planning Strategies on many projects

I have been a Surveyor for the Past 32 years and a builder for the past 20 years

I have also represented the State Government in various Middle East Sectors and was actively involved in the formation of the Qatar Urban Planning Authority to deal with Master Planning and Infrastructure

As such I have a very good understanding of Land Development, suitability and servicing

Item 8 on the agenda today relates to a file that was submitted some 4 years ago, and Council themselves engaged Michael brown Planning some 12 years ago to carry out rezoning strategies to the same

The Department of Planning also resolved to make this property an open release area

I note there has been no objection to the Local Planning Strategy of 2015, and that the Council themselves have recommended it in the post exhibition assessment, to which the Department of Planning have also been supportive

This subject property is one the best sites I have seen in some 32 years as a Surveyor for development and I base this on the following facts

- A Golf course exists along the Southern boundary to the lower contours, and as such they benefit greatly from the development for both water provision and clientele.
- Mount Broughton is along the Western boundary and as such cannot be developed
- Farmland and water supply catchment are to the North which also cannot be developed
- There is a zero visual impact on surrounding properties
- The natural watercourses have been designed to be retained and implemented in the planning
- The protection of the flora/fauna and woodlands have been identified and protected in the plans with specific nominated protection of potential shale woodlands
- Services are fully available to the site
- The streetscape considerations will actually increase the amount of trees on the property by over 500%

- The design has considered all aspects and as such plans have been resubmitted considering all facets with blocks of land ranging up to 2000m<sup>2</sup> in size and to achieve this we have reduced yield by Lots

There is a push for further Industrial realisation, and the identification of requirement for a further 8500 houses in the Shire of Wingecarribee

There are some 50 vacant shops within the council area, also indicating a need for further residential release

The report submitted before you today though seems very inaccurate in form and presentation

- The term derived native grasslands exists to all surrounding areas
- The designs have considered the potential shale woodlands and created full protection
- To this effect we welcome a restriction as to user to ensure the ongoing protection of the same to the designated areas
- The suggestion of the likely clearing of all the vegetation mentioned is also very inaccurate
- The report suggest there 'may' be seedlings in the soil banks of the subject area identified. There will be no disturbance to the nominated area at all, and in fact the subject area would be fenced off during any future construction works as we have done with similar projects like the International Equestrian Centre where similar concerns arose
- If the property were to remain as is, then the agriculture and grazing would continue and seed bank re establishment would not be a consideration regardless
- A recent mention of contour 710 has been mentioned, to which we have no prior knowledge or suggestion in any phase of the planning. It is interesting to note that they have included the adjacent property which is currently being developed by way of earthworks, and that 50% of this development is above the same contour with full site consumption.
- The area also nominated by the contour line indicated actually relates to the ridge line of our property and is also inaccurate as it does not cross the road in to higher lands, it actually falls to the road and away to the north.
- There is no visual impact on the proposed subdivision, as mentioned in description of the surrounding South, West and Northern boundaries which cannot be developed. The subdivision to the East currently under construction is a minimum Lot size development, and over the ridge line mentioned, so visually not affected also

With these considerations, I would also like to mention that at no time has anyone physically walked the property, and visual inspection is impossible from the road as the mentioned ridge line exists and the property cannot be seen in its scope, nor the mentioned tree outcrops, which are minimal

The Office of Environment and Heritage have also not ever accessed the property and relied on aerial photography for their report, thus draft only vegetation maps. The existence of possible buried seedlings is also an assumption, but one that can be protected as mentioned

To this effect I would propose a formal flora and fauna study be carried out prior to decision being made.

I would specifically request that Councillors consider a physical onsite visit and walk over the property to visually see what an exceptional subdivision this can become

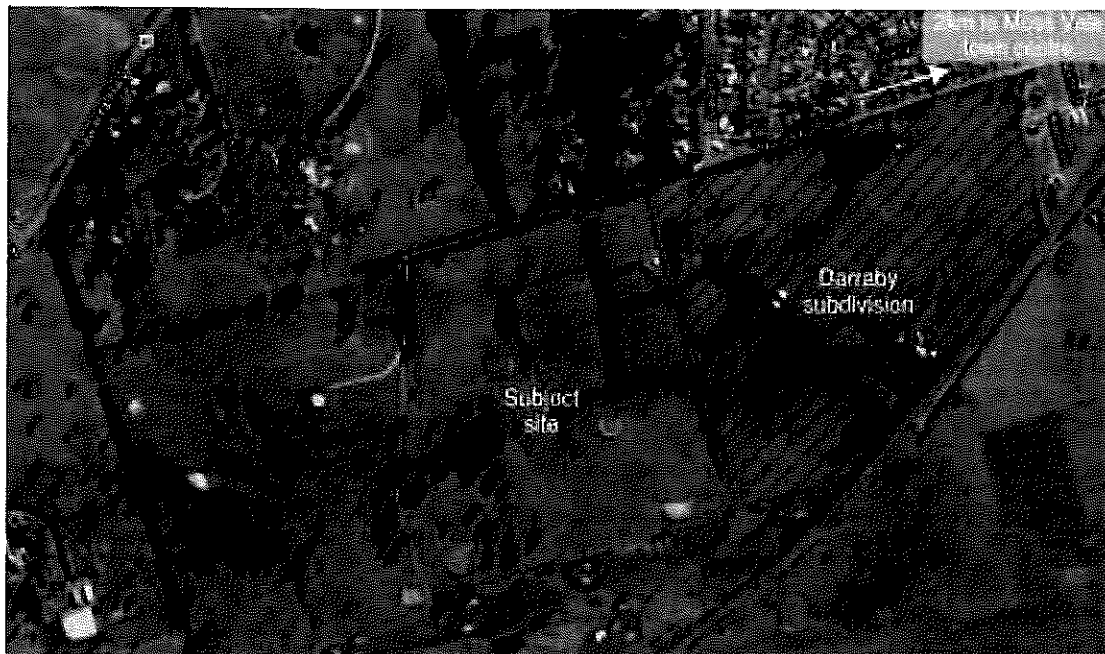
The decision on appropriate land for the Sydney Canberra Planning scheme is one that I also consider very important based on reliable and community based considerations

What has been presented is one of the best semi rural residential Greenfields estates possible and has ample due worth that will enhance and increase value and appeal to Moss vale and set a precedent for quality and presentation

I would urge Council to give due consideration to my presentation and request, and I would most certainly welcome a substantial tour, inspection and description of the property to achieve the same.

# **SUBMISSION TO WINGECARRIBEE SHIRE COUNCIL - PLANNING PROPOSAL**

**Land Situated at Lot 1 in DP 819424 Broughton Street, Moss  
Vale**



Prepared For:  
Mr K & Mrs W Marshall

Prepared By:



October 2013

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## 1 Executive Summary

The major policy guiding the Wingecarribee LGA is the Sydney-Canberra Corridor Regional Strategy (SCCRS) 2006-2031, which expects the population to grow from 42,300 to 58,700 people by 2031. Over the past years there has been a steady increase in population, with such increase mainly in the over 55s age bracket. This over 55s age demographic comprises almost a third of the LGA's population according to the ABS census count; considerably higher than in NSW where the proportion is a quarter.

The report prepared by SGS Economics and Planning for Wingecarribee Shire Council in 2012 indicates that residential properties at the lower end of the market have been performing well; whilst the higher end of the market has been slower<sup>1</sup>. The SGS report states that Bowral is the preferred location for infill development, with Moss Vale and Mittagong expected to contain the majority of greenfield development.

The rezoning of the subject property is not inconsistent with the SGS report in that Moss Vale is identified for greenfield development. The subject site adjoins land (Darraby) that was rezoned and is currently being developed for residential purposes and essentially the rezoning of the subject property will provide an 'edge' to the Township, as further development west is constrained by the water tower land.

### 1.1 OVERVIEW

This Report represents the formative phase in the development of a Planning Proposal geared toward the rezoning of the land known as Lot 1 in DP 819424 Broughton Street, Moss Vale for mainly residential purposes, as detailed in Section 4 below. The rezoning is to be effected through the preparation of a relevant Local Environmental Plan (LEP) amendment, it being proposed to amend Wingecarribee Shire Local Environmental Plan 2010 (WLEP).

### 1.2 SCOPE OF REPORT

The preparation of a local environmental plan now starts with a Planning Proposal. The PP is a document which explains the objectives, intended effect of, and justification for a rezoning proposal.

This PP has been prepared in accordance with section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and relevant Department of Planning and Infrastructure Guidelines including "*A Guide to Preparing Local Environmental Plans*" and "*A Guide to Preparing Planning Proposals*".

The latter document requires the Planning Proposal to be provided in four (4) parts, being:

- Part 1 – A statement of the objectives or intended outcomes of the proposed LEP;
- Part 2 – An explanation of the provisions that are to be included in the proposed LEP;
- Part 3 – The justification for those objectives, outcomes and provisions and the process for their implementation;
- Part 4 – Mapping;

<sup>1</sup> Wingecarribee demographic and housing study – May 2012

- Part 5 – Details of the community consultation that is to be undertaken on the Planning Proposal; and
- Part 6 – Project Timeline.

The justification for the Planning Proposal can also be understood in the context of recent trends towards population growth in Wingecarribee Shire, the demographics of the area and decreasing household size. The need for increased housing provision is reflected in housing targets set out in the Council's Demographic and Housing Study. This Study has at its basis informed the potential to rezone land for general and medium density housing to meet the demand.

### **1.3 REPORT STRUCTURE**

This report, in preparing an outline Planning Proposal (PP), is structured in the following manner:

Section A - Need for the Planning Proposal.  
Section B - Relationship to strategic planning framework.  
Section C - Environmental, social and economic impact.  
Section D - State and Commonwealth interests.

These Guidelines will be addressed below under the various headings. This report is the initial Planning Proposal report to be submitted to enable Council to formally resolve to proceed with the rezoning of the land in accordance with the requirements of the EP&A Act.

## **2 The Subject Land**

### **2.1 LAND DESCRIPTION**

The site comprises an allotment known as Lot 1 in DP 819424 Broughton Street, Moss Vale located in the Wingecarribee Shire Local Government Area. The land to be rezoned has an area of approximately 30.19ha. The Mount Broughton Golf Course adjoins the southern boundary. The property has a substantial frontage to Broughton Street of some 455m.

The subject property adjoins that was rezoned for residential purposes (Darraby), which is currently being developed with housing. Figure 1 below shows this subdivision and how such subdivision can be extended into the subject property.

The existing site is largely clear and contains an area of established trees scattered in the south-west quarter, some established hedges and 4 dams. There is an existing dwelling on the site approximately 100m off Broughton Street.

FIGURE 1 – SUBDIVISION PATTERN



### Photographs

Photograph 1: Shows the view looking south over the Mount Broughton Golf Course.



**Photograph 2:** Shows the cluster of vegetation along the western boundary. This vegetation is proposed within the open space area.



**Photograph 3:** Shows one of the existing dams on the property.



**Photograph 4:** Shows the topography of the land looking west. The water storage tower is located to the west and Broughton Street is located on the other side of the land.



**Photograph 5:** Shows Broughton Street looking west. Subject site is located to the left of photo.



## 2.2 LANDUSE

The land has been extensively cleared in the past for farming practices and is currently used principally for grazing of cattle. Its agricultural lands classification consists of "Class 3" lands, which are suited to pasture improvement and marginal "Class 4" land, suitable only for limited grazing. Accordingly, at its scale and proximity to urban development, its productivity is particularly limited.

Existing improvements on the land consist of a dwelling and a number of paddocks for grazing purposes.

## 2.3 CONTEXT

The property is located some 2km west of the Moss Vale Township and is situated adjacent to the current subdivision of the Darraby property and the surrounding residential communities.

The aerial photograph below provides a contextual overview of the area and its relationship with properties in the immediate area.

FIGURE 2 – LOCATION OF SUBJECT SITE – AERIAL PHOTOGRAPH



## 2.4 TOPOGRAPHY/GEOLOGY/SOILS

The Kangaloon, Moss Vale and Lower Mittagong Soil Landscape Groups are the dominant soil landscape groups associated with the site and the existing Moss Vale Township and as such are thus considered to be generally suitable for urban development. The main soil limitations associated with these landscapes include poor soil drainage and a possibly acidic pH. Isolated soil salinity may also be present in some onsite soils.

The constraints are importantly not outright limiting factors in respect of development and that appropriate urban development management strategies are capable of satisfactorily resolving any such constraint. Some additional costs may, however, be incurred in providing underground services and similarly with foundation/footing construction.

More detailed geotechnical investigations will ultimately underpin the final layout plan for the site, as part of technical studies that will be required Post Gateway Determination.

## 2.5 ECOLOGY AND DRAINAGE

The highly disturbed nature of the landscape evokes few ecological constraints. There are stands of scattered vegetation and the riparian corridor and the western vegetation has been included in the open space corridor. Opportunities to foster enhanced natural systems focused on the creekline and Water Sensitive Urban Design Stormwater Management Practices should be incorporated in any development scheme. In this regard Cardno has undertaken a preliminary concept drainage strategy for the likely subdivision of the land (refer to Annexure A). The assessment states:

*"A drainage strategy is required to manage the site drainage in terms of quality and quantity so that there is no negative impact on the surrounding areas as a result of development. Increased runoff is generated from hard surfaces such as roofs and roads and measures are required to control this runoff before the water exits the land.*

*Based on an initial assessment by a Water Sensitive Urban Design specialist the site can be designed to meet compliance criteria. Council requires the development to not increase the peak flow from the existing site. There is a small catchment at the west end of Broughton Street that may be untreated however other catchments can be over-treated to compensate. It has been estimated two 5,600m<sup>2</sup> areas would be needed to provide on-site detention. This includes space for batters, access ramps, weirs and stilling ponds and would form part of the 36,000m<sup>2</sup> of open space incorporated into the proposed lot layout.*

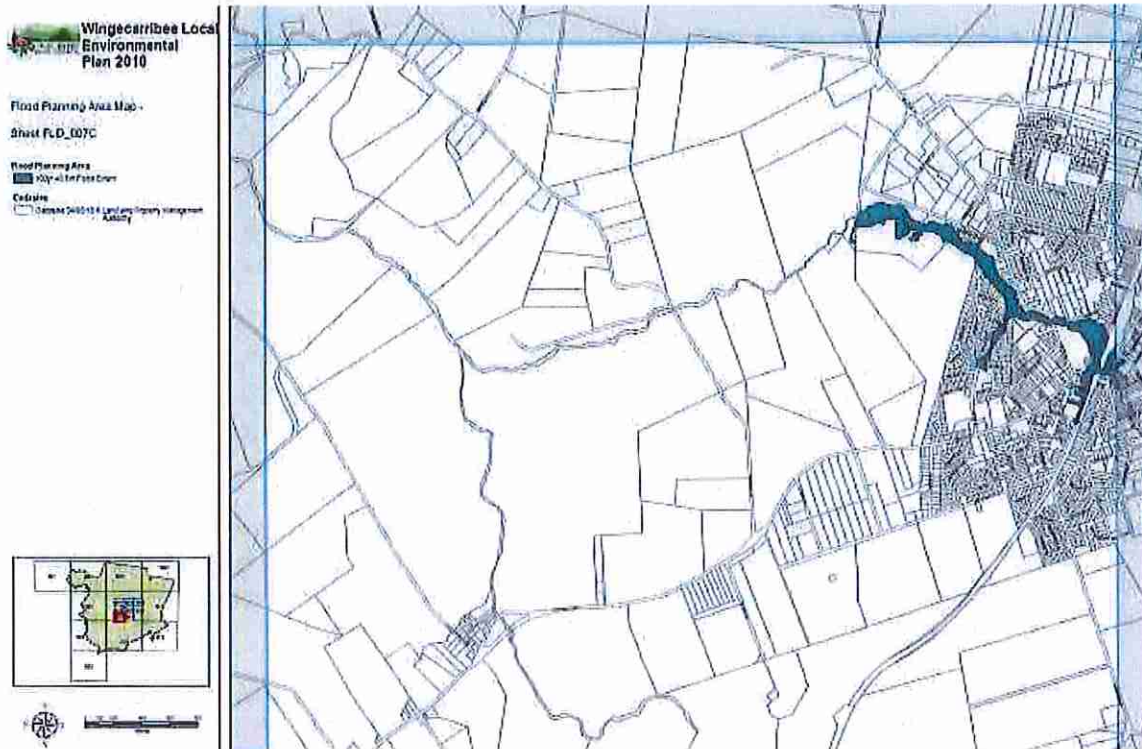
*In terms of the quality of the runoff, this site is in the Sydney Water Catchment and must comply with the requirements of SEPP (Drinking Water Catchment) 2011s. This means the water quality exiting the site postdevelopment must achieve a neutral or beneficial effect (NorBE) in comparison to pre-development water quality runoff. To achieve this, measures such as street level landscaping with bio retention swales or the provision of proprietary devices such as Gross Pollutant Traps (GPT) may be required.*

## **2.6 FLOODING**

When considering the feasibility of the proposed development in terms of flooding constraints the Moss Vale Town Plan DCP has been reviewed and advice from a Cardno flood specialist obtained.

The site is not affected by the 100 year +0.5m flood extent for the major creeks in the Wingecarribee Shire Council land as found in any flood studies undertaken by Council. A copy of the relevant Local Environment Plan (LEP) Flood Planning Area Map (FLD – 007C) is shown in Figure 3 below. The site is also classified as having a *Low Flood Risk* (see table below from the Moss Vale Town Plan DCP) with no flood planning controls applicable to the land for residential use.

FIGURE 3 – FLOOD PLANNING AREA MAP



## 2.7 SERVICING ASSESSMENT

This section reviews the availability of critical services to the site. The information provided in this section is based on verbal and written advice from Endeavour Energy, Wingecarribee Shire Council, Jemena, Telstra, 'Dial Before You Dig' inquiries.

### 2.7.1 ELECTRICITY

A formal application for a connection of load was submitted to Endeavour Energy in respect of the proposed development. The application was lodged by a Cardno accredited electrical designer. Written advice has been received from Endeavour Energy stating a network upgrade will be required to service the proposed development.

Endeavour Energy assessed the anticipated load required for the development to be in the order of 2.1MVA based on a 7kVA per lot. Given the anticipated load for the entire site is less than 2.4MVA, Endeavour Energy will fund the installation of an additional substation and supply lead-in to the site boundary. The internal reticulation is funded by the developer.

A formal application is required once DA approval has been obtained to ensure timing of the upgrade can be coordinated as there are long lead times involved in creating an additional feeder out of Moss Vale, and capacity can be reserved.

A copy of the written advice from Endeavour has been included in Appendix E of the Cardno report.

### 2.7.2 GAS

All gas infrastructure in the area is owned by Jemena. During the planning stages of the development it is the developer's responsibility to contact Jemena with details of their proposed development. Jemena will then undertake an economic analysis and consider whether it is in their interest to provide gas infrastructure to the site, and whether a contribution will be required from the developer.

Jemena has advised that there is sufficient capacity in the network to supply the proposed development. Formal application will be required once DA approval is obtained and gas load profiles are available.

There is an existing 110mm 210kPa gas main located on Broughton Street which extends from Caber Street along Broughton Street past the subject site. The main is approximately 1.2 metres from the property boundary line; a copy of the DYBD information is included in Appendix F (Cardno).

To service the development lead in mains would need to be constructed. These lead-in works would typically be funded by the supplier (Jemena). It is anticipated all gas within the development will be laid in a shared trench with the relevant telecommunications provider. The exact trench arrangement will be confirmed prior to construction.

Opportunities may be sought to undertake works concurrently with planned road upgrades as a mutually beneficial cost saving initiative. In this instance no major constraints are anticipated in gas supply to the site. Any developer contributions are likely to be minimal due to the close proximity of the supply in Broughton Street.

### 2.7.3 POTABLE WATER

Wingecarribee Shire Council is the governing authority for potable water in the area and an inquiry was made with Council to determine the feasibility of servicing the proposed lots. The response confirmed there is a 300mm potable water main running along Broughton Street which is anticipated to have sufficient capacity to service the development.

Given a road upgrade along Broughton Street is envisaged as part of the development the water main would likely be required to be lowered to allow for the construction of kerb and gutter. It is understood the existing water main is asbestos concrete and given the nature of this material it will be required to be removed from site. While there will be an additional cost to dispose of the line it is anticipated the extra-over to be isolated to the disposal and remediation required for asbestos material.

### 2.7.4 SEWER

Wingecarribee Shire Council is the governing authority for sewer in the area and an inquiry was made to Council to determine the feasibility of servicing the proposed lots. The response confirmed there is currently no capacity within the existing sewer network to service the future development and therefore a system upgrade would be required.

Wingecarribee Shire Council has advised that the neighbouring development similarly had no available sewer to service their proposed lots. In this instance the developer is looking to install two pump stations, rising mains and 6km of gravity main to connect with the existing treatment plant.

Given the similarity between the Darraby development and this site it is expected similar infrastructure would be required to service the lots.

#### **2.7.5 TELECOMMUNICATIONS**

Telecommunications services include telephone and internet services. Telstra and NBN Co. are the governing authority for these services in the area. NBN Co was contacted to determine the servicing feasibility.

It was advised that the site is serviceable with NBN and the development is within their fibre footprint. To service the development NBN require the developer to engage a designer who will be responsible for the provision of telecommunications design to NBN network standards.

#### **2.8 LAND CONTAMINATION**

The subject land has been used for grazing of cattle for a number of years and is therefore unlikely to be contaminated. As such, soil contamination is not considered to present a major impediment to the rezoning of the land for urban purposes.

A phase 1 contamination assessment, pursuant to SEPP 55 could potentially be a requirement of a Gateway Determination.

#### **2.9 HERITAGE**

Overall heritage considerations are not likely to have a significant impact on future urbanisation.

The locality has a long history of European settlement, none of which has been highlighted in past local investigations/records as being of immediate significance. Equally, the land is highly disturbed from past European occupation, as cited above and is understood to have limited indigenous significance.

No heritage items of local, state or national significance are known to be listed for the site.

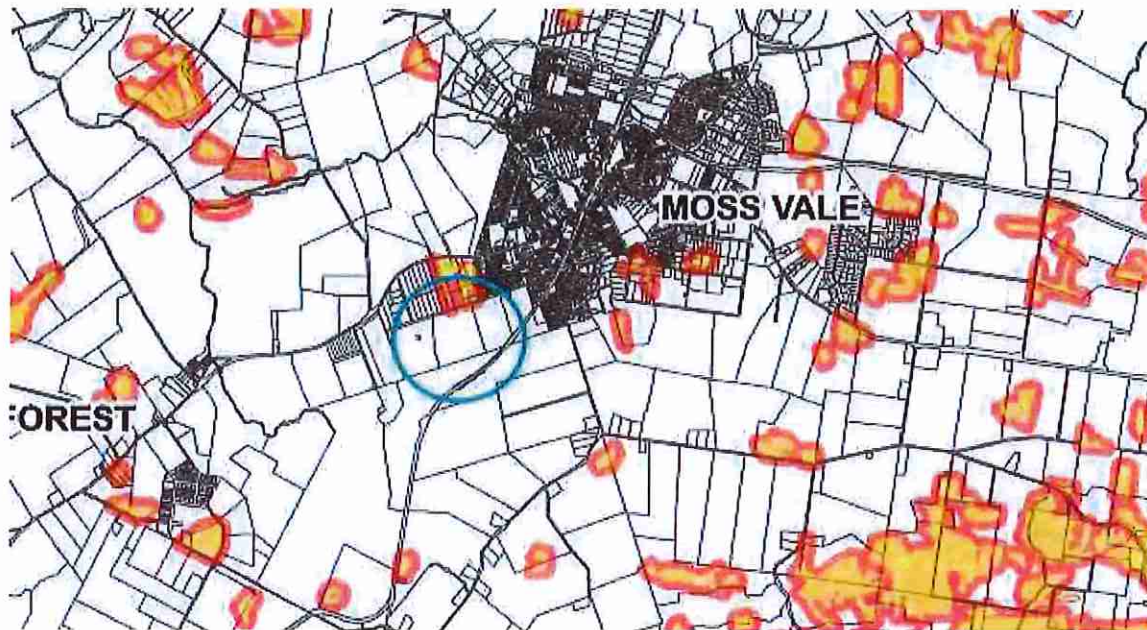
#### **2.10 BUSHFIRE HAZARD**

The proposed development will need to be designed to comply with "Planning for Bushfire Protection" 2006.

It is noted that the highly cleared nature of the site and lack of connectivity to major woodlands or similar lead to a low bushfire hazard risk classification (refer to Figure 4 below). Some threat of potential grassfires from adjoining lands is, however, present and an appropriate management strategy should accompany advancement of the Planning Proposal. The main threat is from vegetation on adjoining properties or within the road reserve.

Additionally, Council (as the Planning Authority) must consult the Rural Fire Service following the receipt of a "gateway" determination under Section 56 of the EP&A Act and have regard to any comments received.

FIGURE 4 – BUSHFIRE PRONE MAP



#### 2.11 HUMAN SERVICES/OPEN SPACE

Moss Vale and the broader Shire is well serviced with passive and active open space and recreation facilities and services and a range of community and cultural facilities and services in both public and private ownership. Base level schooling and childcare and aged care facilities and services are available; whilst a limited cycleway/pedestrian pathway network exists.

#### 2.12 ACCESSIBILITY

The subject property is well serviced by existing road infrastructure with access available from Broughton Street. The Concept Plan proposes direct access to such street, similar to that adjoining on Darraby subdivision and consistent with the urban framework pattern in the area. The internal road network is well connected and permeable and provides opportunities for connection with Darraby (refer to Figure 1 above). In terms of public transport (buses), Figure 5 below shows the service operating within Moss Vale. It would be noted that buses operate along Broughton Street just east of the subject property.

FIGURE 5 – BUS ROUTE



**Route 816**

**Moss Vale Town Service**

Effective from 30th April 2011

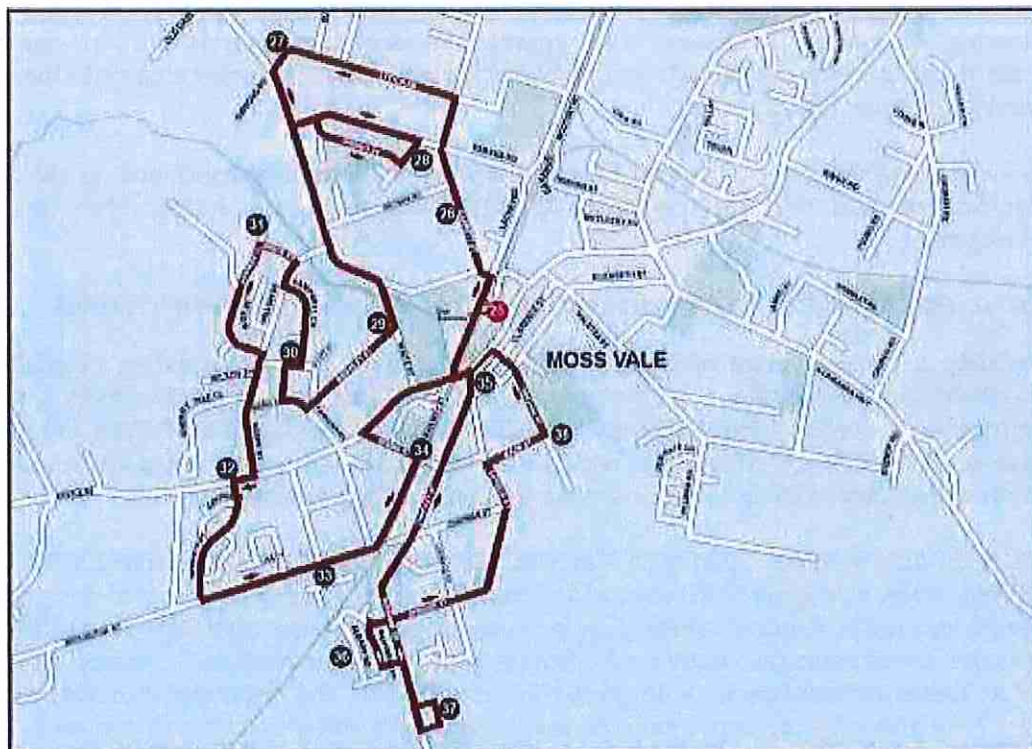
| ROUTE 816 |                             | Moss Vale Town Service                                                            |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                     |                                                                                     |                                                                                     |      |
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|           |                             | Monday - Friday                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   |                                                                                   | Saturday                                                                          |                                                                                   |                                                                                     |                                                                                     |                                                                                     |      |
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| 25        | MOSS VALE CRY HSE- depart   | 7.10                                                                              | 8.15                                                                              | 8.30                                                                              |                                                                                   | 9.50                                                                              | 10.23                                                                             |                                                                                   | 12.25                                                                             | 1.37                                                                              | 2.35                                                                              | 3.35                                                                              |                                                                                   | 5.02                                                                              | 5.42                                                                              | 8.31                                                                                | 9.25                                                                                | 1.30                                                                                |      |
| 26        | St Pauls School- Garrett St |                                                                                   | 8.17                                                                              |                                                                                   |                                                                                   | 9.53                                                                              | 10.26                                                                             |                                                                                   | 12.27                                                                             | 1.39                                                                              | 2.38                                                                              |                                                                                   |                                                                                   | 5.04                                                                              | 5.45                                                                              | 8.33                                                                                | 9.27                                                                                | 1.32                                                                                |      |
| 27        | Lyson St & Berrima Rd       |                                                                                   |                                                                                   | 8.34                                                                              | 9.10                                                                              | 9.55                                                                              | 10.28                                                                             | 11.10                                                                             | 12.29                                                                             | 1.41                                                                              | 2.40                                                                              |                                                                                   | 4.34                                                                              | 5.05                                                                              | 5.47                                                                              | 8.35                                                                                | 9.29                                                                                | 10.22                                                                               | 1.34 |
| 28        | Anemba & Amarina Avenue     |                                                                                   | 8.19                                                                              |                                                                                   | 9.12                                                                              | 9.57                                                                              | 10.30                                                                             | 11.12                                                                             | 12.31                                                                             | 1.43                                                                              |                                                                                   |                                                                                   | 4.36                                                                              | 5.05                                                                              | 5.49                                                                              | 8.37                                                                                | 9.31                                                                                | 10.24                                                                               | 1.36 |
| 29        | Wate & Browley Sts          |                                                                                   | 8.22                                                                              |                                                                                   | 9.15                                                                              | 10.00                                                                             | 10.33                                                                             | 11.14                                                                             | 12.33                                                                             | 1.44                                                                              |                                                                                   |                                                                                   | 4.35                                                                              | 5.10                                                                              | 5.51                                                                              | 8.38                                                                                | 9.33                                                                                | 10.26                                                                               | 1.38 |
| 30        | Dangar & Campbell Cres      |                                                                                   |                                                                                   |                                                                                   | 9.17                                                                              | 10.02                                                                             | 10.35                                                                             | 11.15                                                                             | 12.34                                                                             | 1.45                                                                              |                                                                                   |                                                                                   | 4.39                                                                              | 5.11                                                                              | 5.52                                                                              | 8.40                                                                                | 9.34                                                                                | 10.27                                                                               | 1.39 |
| 31        | Pilce St & Kennedy Close    |                                                                                   |                                                                                   |                                                                                   | 9.18                                                                              | 10.03                                                                             | 10.36                                                                             | 11.16                                                                             | 12.36                                                                             | 1.46                                                                              |                                                                                   |                                                                                   | 4.42                                                                              | 5.14                                                                              | 5.54                                                                              | 8.43                                                                                | 9.37                                                                                | 10.29                                                                               | 1.41 |
| 32        | Willow Drive & Argyle Sts   | 7.12                                                                              |                                                                                   |                                                                                   | 9.20                                                                              | 10.05                                                                             | 10.38                                                                             | 11.18                                                                             | 12.38                                                                             | 1.48                                                                              |                                                                                   | 3.40                                                                              | 4.45                                                                              | 5.17                                                                              | 5.56                                                                              | 8.45                                                                                | 9.39                                                                                | 10.31                                                                               | 1.43 |
| 33        | Broughton & North Sts       | 7.14                                                                              |                                                                                   |                                                                                   | 9.23                                                                              | 10.07                                                                             | 10.40                                                                             | 11.20                                                                             | 12.41                                                                             | 1.51                                                                              |                                                                                   | 3.45                                                                              | 4.48                                                                              | 5.20                                                                              | 5.59                                                                              | 8.48                                                                                | 9.42                                                                                | 10.34                                                                               | 1.46 |
| 34        | Railway & Spring Sts        | 7.16                                                                              |                                                                                   |                                                                                   | 9.24                                                                              | 10.08                                                                             | 10.42                                                                             | 11.22                                                                             | 12.43                                                                             | 1.53                                                                              |                                                                                   | 3.45                                                                              | 4.50                                                                              | 5.22                                                                              | 6.00                                                                              | 8.50                                                                                | 9.44                                                                                | 10.36                                                                               | 1.48 |
| 35        | MOSS VALE- Whytes Corner    | 7.18                                                                              |                                                                                   |                                                                                   | 9.28                                                                              | 10.11                                                                             | 10.44                                                                             | 11.24                                                                             | 12.45                                                                             | 1.55                                                                              |                                                                                   | 3.49                                                                              | 4.52                                                                              | 5.24                                                                              | 6.02                                                                              | 8.52                                                                                | 9.46                                                                                | 10.38                                                                               | 1.50 |
| 36        | Monterey Avenue             |                                                                                   |                                                                                   |                                                                                   | 9.28                                                                              | 10.13                                                                             | 10.46                                                                             | 11.26                                                                             | 12.47                                                                             | 1.57                                                                              |                                                                                   |                                                                                   | 4.54                                                                              | 5.25                                                                              | 6.04                                                                              | 8.54                                                                                | 9.48                                                                                | 10.40                                                                               | 1.52 |
| 37        | Hartigan Care- Yarrawa Road |                                                                                   |                                                                                   |                                                                                   | 9.29                                                                              | 10.14                                                                             |                                                                                   |                                                                                   | 12.48                                                                             | 1.58                                                                              |                                                                                   |                                                                                   |                                                                                   | 5.27                                                                              |                                                                                   | 8.55                                                                                |                                                                                     | 10.41                                                                               | 1.53 |
| 38        | Mack & Kirkham Sts          |                                                                                   |                                                                                   |                                                                                   | 9.32                                                                              | 10.17                                                                             | 10.47                                                                             | 11.29                                                                             | 12.51                                                                             | 2.01                                                                              |                                                                                   |                                                                                   | 4.56                                                                              | 5.29                                                                              | 6.05                                                                              | 8.56                                                                                | 9.50                                                                                | 10.44                                                                               | 1.56 |
| 25        | Leighton Gardens- Argyle St | 7.18                                                                              | 8.34                                                                              |                                                                                   | 9.33                                                                              | 10.18                                                                             | 10.49                                                                             | 11.31                                                                             | 12.53                                                                             | 2.03                                                                              |                                                                                   | 3.50                                                                              | 4.55                                                                              | 5.30                                                                              | 6.07                                                                              | 8.00                                                                                | 8.52                                                                                | 10.46                                                                               | 1.58 |

**Notes:**

Accessible services

Routes so marked will generally be serviced by a fully wheelchair accessible bus. Periodic maintenance may affect availability. Please check prior to journey.

For additional timetable information please contact: Berrima Buslines phone 4871 3211



## **2.13 HUMAN SERVICES/OPEN SPACE**

Moss Vale and the broader Shire is well serviced with passive and active open space and recreation facilities and services and a range of community and cultural facilities and services in both public and private ownership. Base level schooling and childcare and aged care facilities and services are available; whilst a limited cycleway/pedestrian pathway network exists.

## **2.14 POPULATION GROWTH AND INCREASED HOUSING DEMAND**

Council's Demographic and Housing Study provides direction for the future growth in population within the Wingecarribee Shire LGA. The following provides excerpts from that document that are relevant for the rezoning of part of the land for residential purposes. The study provided the following series of objectives and actions.

### **2.14.1 DWELLING MIX OF NEW HOUSING**

A population mix that is diverse in terms of income and wealth helps to create a rich social and cultural landscape, as well as enabling the efficient economic functioning of the area. Council should strive to encourage a range of housing options to enable the local area to continue to accommodate a diverse and growing population.

#### **2.14.1.1 PREPARE PLANNING CONTROLS THAT PROMOTE A MIX OF HOUSING TYPES**

Planning controls should be reviewed to facilitate the delivery of a mix of housing types. Large developments can offer particular opportunities. For all developments an appropriate mix of one, two and three bedroom dwellings should be encouraged.

Allowing secondary dwellings, with appropriate planning controls and in appropriate locations can provide additional smaller dwellings without a significant change to the existing character of lower density areas.

The current regular review process for planning controls should be continued, to ensure early identification and forward planning of additional areas for longer term residential development.

#### **2.14.1.2 ENCOURAGE PROVISION OF MEDIUM DENSITY ACCOMMODATION IN CENTRES**

Providing a diverse range of housing options is a key step in improving affordability as households are more likely to be able to rent or purchase housing which suits their circumstances. Furthermore, provision of medium density housing in the LGA's larger centres (Bowral, Moss Vale and Mittagong) will reduce the spread of existing urban areas and protect the rural character of the LGA while accommodating future population growth.

This is in line with the Sydney to Canberra Corridor Strategy. It recommends that within Wingecarribee, new greenfield areas and medium density housing be focussed in and around Bowral, as a major regional centre. This is to ensure the environmental impact of settlement is managed, to reinforce the centre's role providing higher order retail and commercial services, and to 'create a vibrant centre with greater housing choice'. The major towns of Mittagong and Moss Vale also play an important role and together the three centres will accommodate the majority of the Shire's growth.

Council should review existing planning instruments to ensure that there are no significant barriers to the development of medium density housing (such as maximum lot sizes for subdivision, increased densities in centres and public transport infrastructure, minimum dwelling sizes, excessive car parking requirements, and the permissibility of shop-top housing development).

Potential incentives that encourage medium density housing in centres and mixed use developments combining retail, office and residential uses should be investigated. This could be through consultation with the development industry to gain insight into the ability, desirability, returns and practical incentives required to make these types of development feasible.

Closely integrate planning controls that enable medium density development in centres with environmental, urban design and heritage consideration to ensure that the character of centres such as Bowral, Moss Vale and Mittagong is not jeopardised.

#### **2.14.1.3 CONDUCT A DETAILED AFFORDABLE HOUSING STUDY ASSESSING HOUSING STRESS AND PRICE THRESHOLDS IN THE LGA**

Affordable housing, where less than 30 percent of a household's gross income is used towards rental or mortgage repayments, should be provided for a full spectrum of household income levels and cover a range of assistance including State housing, community housing, shared equity, National Rental Affordability Scheme, and lower priced homes for purchase.

In addition to increasing the capacity of residents to afford housing, well located affordable housing also helps to attract and retain key workers, such as staff of local aged care facilities, in the area.

Comparing the results of an affordable housing study against the current market offer may suggest a role for Council in encouraging development of a greater share of low cost and affordable housing. This may involve actions such as:

- collaborating with not-for-profit organisations and community housing providers to facilitate construction of affordable housing (for example, assisting in identification of development opportunities and providing planning and concept development advice, as well as infrastructure provision and community engagement)
- partnering with government agencies to secure state and federal funding for affordable housing delivery, to identify potential development sites, and to ensure that opportunities for construction and renewal of public housing stock are maximised
- planning for affordable housing on rezoned sites
- investigating the potential for implementation of an inclusionary zoning provision, if not already in place, or negotiated agreements with developers on a case-by-case basis.

#### **2.14.1.4 IDENTIFY SUITABLE SITES FOR RURAL LIVING DEVELOPMENT**

SGS's modelling showed that within the rural submarket, some areas are expected to attract considerably higher demand for housing development. However, development in these areas may not necessarily be desirable from a planning perspective.

Suitable sites to accommodate demand for rural residential development should therefore be identified to allow Council to respond to growth rates and development needs in a timely manner. This process will need to take into account development sensitivities and design considerations, and balance the requirements for servicing and infrastructure provision.

#### **2.14.1.5 ASSESS FEASIBILITY ISSUES WHICH MAY CONSTRAIN FUTURE DEVELOPMENT**

Further work should be undertaken by Council to explore how much of the capacity calculated by SGS is likely to be feasible for development. This should consider the realistic potential for redevelopment of existing properties as well as economic feasibility issues that may reduce the potential to achieve the theoretical capacity, for example the cost of infrastructure upgrades and provision of new roads.

It would also consider the feasibility of smaller development forms. This study has shown that there is sufficient capacity beyond 2031 but an assessment of the feasibility of such development on specific sites is recommended.

#### **Comment**

It is considered that the proposal is not inconsistent with the above study of providing greenfield sites in Moss Vale.

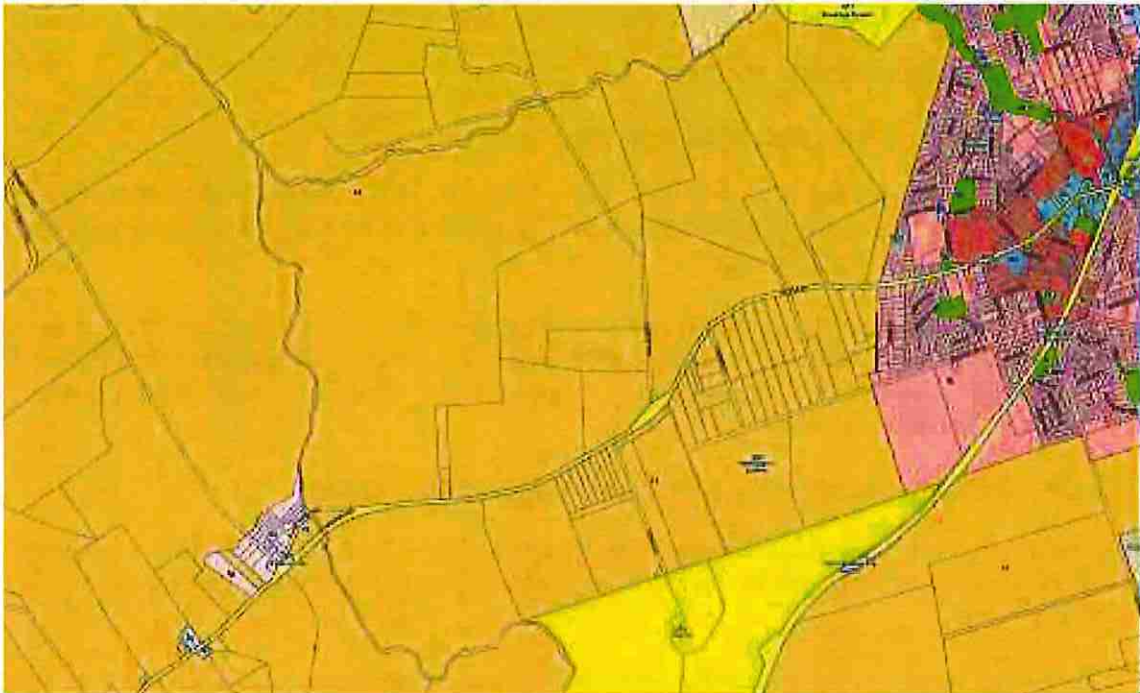
### **3 Prevailing Planning**

#### **3.1 LOCAL PLANNING CONTROLS**

##### **3.1.1 WINGECARRIBEE LOCAL ENVIRONMENTAL PLAN 2010**

The subject property is zoned namely E3 – Environmental Management under WLEP 2010. Figure 6 below is an extract from the WLEP 2010 Land Zoning Map. It is proposed that the subject site be rezoned R2 – Low Density Residential and RE1 – Public Open Space.

**FIGURE 6 – LAND ZONING MAP FROM WINGECARRIBEE SHIRE LEP 2010**



### **3.1.2 WINGECARRIBEE RURAL LANDS DEVELOPMENT CONTROL PLAN**

This plan details a series of management principles and landuse specific controls for the diverse rural lands/landscapes comprising Wingecarribee Shire.

The plan has little relevance to the urban underpinning of the subject PP. It does, however, provide important information for understanding interface/edge effect management and natural systems management, in the event of rezoning of the subject land.

### **3.1.3 WINGECARRIBEE MOSS VALE TOWN PLAN 2012**

This Plan applies to land within the Moss Vale Township and interfaces with the subject land holding. It includes a comprehensive suite of objectives, management principles and controls at a general level, a landuse specific level and a precinct level.

The general objectives/principles in respect of ecologically sustainable development, development on flood liable land, vegetation management (including tree preservation), subdivision and siting, and development and design have been considered in this PP and the Concept Plan, as to have the residential development and precinct specific principles/controls/requirements, where relevant.

### **3.1.4 MOSS VALE ENTERPRISE CORRIDOR DEVELOPMENT CONTROL PLAN**

This Development Control Plan was adopted by Council in August 2008. This corridor is located on Berrima Road generally on the interface with the Moss Vale Township. This corridor provides for a mix of industrial uses and is a significant area for developments that will act as an "Inland Port" for transport related uses, given the location near the Hume Highway.

An employment zone of this size will need ready access to a workforce population. The rezoning of the lands will provide a residential population close to this corridor, which will be serviced by a bus service. This is consistent with State Government Policy.

### **3.2 LOCAL PLANNING STRATEGIES**

#### **3.2.1 WINGECARRIBEE STRATEGIC PLAN 2002**

This Plan represents the principal community inspired/locally derived directional strategy for Wingecarribee Shire. It established a framework for facilitating balanced growth/conservation outcomes for the ensuing decade.

Such plan is importantly the subject of an extensive review process that has been undertaken over recent years and is nearing completion. The review is importantly informed by community aspirations, contemporary demographic analysis, and Metropolitan and Regional/Subregional planning influences.

#### **3.2.2 WINGECARRIBEE DEMOGRAPHIC AND HOUSING STUDY 2012**

This Study was commissioned by Wingecarribee Shire Council to establish a platform for making informed decisions in respect of accommodating housing demand over the ensuing 20 year period.

The Study, however, is respectfully suggested to have certain limitations as an accurate base for projecting future housing needs. Its significant focus on housing for retirees appears to be at the expense of understanding the needs and demonstrated demand for detached housing for all ages and stages of residential lifecycle.

It contains no detailed analysis of the needs and desires of young families, although the report infers young families will continue to comprise at least 50% of households arriving in the area and identifies a strong demand in the community generally for traditional detached housing, as is reinforced by reference to the local Real Estate Agent consultation. Indeed, the Study makes several references to free-standing cottage development being the main type of housing sought by all ages of home-seeking.

The existing capacity analysis has a disproportionate focus on medium density housing (MDH), but is silent on the reality of all land that permits residential development, particularly in the form of MDH in centres, ever being developed for this purpose.

If the Real Estate Agents views of detached housing demand are accurate, the 50% nominally established MDH supply will see excess demand for detached housing manifest itself in inflated housing costs and increased stress, particularly amongst low income home seekers.

The Darraby release of approximately 300 allotments, together with the limited release of approximately 50 allotments at Lyton Road will clearly not satisfactorily address the Moss Vale demand for variable product detached housing beyond the short term.

The planning and "lead time" for releasing the subject land for urban purpose is such that a decision must be made now to address affordable balanced medium and longer term diverse product housing supply in Moss Vale.

### 3.3 REGIONAL PLANNING STRATEGIES

#### 3.3.1 SYDNEY CANBERRA CORRIDOR REGIONAL STRATEGY

The Sydney-Canberra Corridor Regional Strategy was published by the Department of Planning and Infrastructure in 2008. It applies to the LGAs of Wingecarribee, Goulburn, Mulwaree, Upper Lachlan, Yass Valley, Palerang and Queanbeyan, and provides strategic direction and a broad planning framework for the Corridor for the period 2006 to 2031, to ensure that future population growth within the Region is supported by required services and infrastructure.

The Strategy projected a growth in the Shire population of 16,400 by 2031 and a commensurate demand for 8,700 dwellings over such period.

The challenge of accommodating population pressure and migration from Sydney (of the nature inferred above) whilst maintaining rural landscape is highlighted in the Strategy. The focus of growth in the Shire is identified to be the principal centres of Mittagong, Bowral and Moss Vale; with Moss Vale and Mittagong identified to perform a major greenfield development role.

The Strategy identified the provision of 1,400 lots for Moss Vale in the short to medium term. This figure included the Chelsea Gardens proposal located adjoining the Moss Vale Golf Course. It further identified the need to identify and plan for additional greenfield development areas to cater for longer-term demand.

To meet the expected demand for dwellings in the Shire the Strategy identifies the need for an additional 3,000 dwellings in addition to the planned growth identified by Council at the time, to 2016. The overarching need to ensure that residential development and growth generally is sustainable is highlighted in the Strategy's focus on:

- Rural lands and primary industry;
- Economic development and employment growth;
- Regional transport;
- Natural environment;
- Water and energy resources, and
- Cultural heritage.

and similar criteria detailed below for greenfields development in the Metropolitan Strategy.

#### 3.3.2 SYDNEY CANBERRA CORRIDOR (2010 UPDATE)

This update identifies growth in Wingecarribee Shire of 1,000 people or 1.16% (average annual growth rate) in the period 2006-2008. The progress in the rezoning of 1,400 new lots at Moss Vale in the Comprehensive LEP process is highlighted as potentially helping to achieve dwelling targets identified in the regional Strategy. Wingecarribee Shire Council also has a sustainability criteria for new release areas that should be addressed in relation to this Corridor. This criteria is addressed in Annexure D.

## 4 Part 1 – Statement of Objectives or Intended Outcomes of the Planning Proposal

This section of the Planning Proposal sets out the objectives and intended outcomes of the proposed amendment to Wingecarribee Shire LEP 2010.

This Planning Proposal has the express purpose of facilitating the development of the land for residential purposes. The intended outcome of the Planning Proposal is to be incorporated into Wingecarribee Shire LEP 2010 as outlined below.

### Overarching Objective

To facilitate the comprehensive subdivision for residential purposes of land contiguous with the township of Moss Vale (Darraby subdivision) in an integrated manner, in accordance with its environmental capacity and capitalising on the ability to augment existing infrastructure and contribute to enhanced management of the upper reaches of the creek system.

### Specific Objectives

To amend the minimum lot size map applicable to the subject land by reducing the minimum lot size from 40 hectares to the minima indicated on the Concept Plan (refer to Annexure A).

To amend the relevant land zoning maps to reflect the proposed residential and open space purposes as indicated on the Concept Plan.

### Outcomes

In delivering the foregoing objective, it is intended that the following outcomes be realised:

- Elements of the natural landscape will be conserved and enhanced.
- A sustainable and coordinated expansion of the Moss Vale community will be achieved.
- Existing physical and human infrastructure will be utilised and embellished.
- A framework will be established for more detailed planning.

The stated objectives or intended outcomes of the R2 – Low Density Residential zone are as follows:

- To provide for the housing needs of the community within a low density residential environment.

**Response:** The rezoning of the land would provide housing needs for the community.

- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

**Response:** It is not proposed to provide other landuses other than permitting home businesses.

The proposed Land Zoning Map is shown in Figure 7 below.

FIGURE 7 – PROPOSED LAND ZONING MAP



## 5 Part 2 – Explanation of Provisions

The Wingecarribee Shire Local Environmental Plan 2010 will be amended in the following way:

- Amendment of Wingecarribee Shire LEP 2010 Land Zoning Map – Wingecarribee Shire LZN\_007D R2 Low Density Residential and RE1 Public Recreation.
- Amendment of Wingecarribee Shire LEP 2010 Lot Size Map – Wingecarribee Shire LSZ\_007D to reflect the requirements of the Lot Size Map to G – 450m<sup>2</sup> and Q – 700m<sup>2</sup>.
- Amendment of Wingecarribee Shire LEP 2010 Urban Release Area – Wingecarribee Shire FSR\_007A.

It is considered that the proposed amendments are consistent with the prevailing LEP 2010.

## **6 Part 3 – Justification**

### **6.1 INTRODUCTION**

This overview establishes the case for the zoning change proposed in the LEP amendment. It should be noted that the level of justification is commensurate with the impact of the rezoning proposal and an acknowledgement of the need for future preparation of the specific studies, if required by the Gateway Determination.

#### **6.1.1 STRATEGIC OVERVIEW**

Wingecarribee Shire Council in seeking to review the prevailing Shire Strategic Plan - Wingecarribee Our Future Strategic Plan (2002), and to provide a contemporary insight into a relevant Growth Management Strategy has embarked upon a Local Planning Strategy Exercise<sup>2</sup>.

The subject exercise is firmly founded upon extensive community consultation workshops across the breadth of the Shire, including; inter alia, Moss Vale and the Community Strategic Plan exercise<sup>3</sup>. More recently it has been informed by the Wingecarribee Demographic and Housing Study (May, 2012).

Importantly, the concept of balance, in creating opportunities for future living and maintaining the highly cherished qualities of the Shire, established in the 2002 Strategic Plan, has been commonly echoed in the current strategic planning initiatives and related community engagement exercises.

### **6.2 SECTION A – NEED FOR THE PLANNING PROPOSAL**

#### **6.2.1 IS THE PLANNING PROPOSAL A RESULT OF ANY STRATEGIC STUDY OR REPORT**

Wingecarribee Shire Council has prepared a number of strategy documents that inform the future of Wingecarribee Shire's growth and were addressed above in Section 3.1.

#### **6.2.2 IS THE PLANNING PROPOSAL THE BEST MEANS OF ACHIEVING THE OBJECTIVES OR INTENDED OUTCOMES, OR IS THERE A BETTER WAY?**

The current zoning permits rural residential use on land that currently adjoins land being developed for residential purposes and opposite to the northeast land developed a number of years ago for residential use. In particular it provides an opportunity to integrate with this existing community.

It represents the most logical way of achieving the intended objective and outcomes, with there being no readily available and better alternative under the prevailing legislation.

<sup>2</sup> With a 2010-2031 time horizon

<sup>3</sup> Culminating in the compilation of the Wingecarribee Community Strategic Plan - Wingecarribee 2031 (+): Our Future, Our Choice. A plan which includes at Goal 3.4, the provision of diverse housing options.

### 6.2.3 IS THERE A NET COMMUNITY BENEFIT?

The following Table 1 addresses the evaluation criteria for conducting a "net community benefit test" assessed under the criteria set out in the Department of Planning and Infrastructure's Draft Centres Policy (2009), as required by the guidelines for preparing a Planning Proposal.

There is unlikely to be a negative community benefit arising out of these circumstances as pre-community consultation has been undertaken to evaluate the nearby community reaction to the land being rezoned as proposed by this Planning Proposal. The other community benefits have been espoused in a number of sections of this PP.

TABLE 1 - COMMUNITY BENEFIT CRITERIA

| Evaluation Criteria                                                                                                                                                                            | Y/N | Comment                                                                                                                                                                                                                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800m of a transit node)? | Y   | The proposed rezoning is considered to be compatible with the Local Strategic Planning Framework, as detailed elsewhere in this Report. Further, the land is proximate to a local bus route (refer to Figure 4), with Moss Vale Railway Station also accessible. |
| Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?                                  | N   | The subject Site is not identified within a key strategic centre. However, Wingecarribee is within the Sydney-Canberra Regional Strategy and is contiguous with areas being developed for residential purposes and proximate to the Township.                    |
| Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landowners?                                                                             | N   | The proposed rezoning is unlikely to create a precedent within the locality or change the expectations in respect of the land, particularly having regard to the Strategy addressed above.                                                                       |
| Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?                                                    | Y   | All other spot rezonings before Council in the Wingecarribee Shire Local Government Area generally comply with Council's strategic direction.                                                                                                                    |
| Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?                                                                                    | Y   | The site is not zoned to facilitate employment, nor will it result in a loss of employment land. The agricultural employment "loss" is far outweighed by the enhanced urban employment opportunities.                                                            |

| Evaluation Criteria                                                                                                                                                                                                                                          | Y/N | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                              |     | <p>The proposal will create employment through the civil works and construction jobs to install the infrastructure and build the homes therefore delivering an economic benefit to the community. The subject land is also accessible to the Moss Vale Enterprise Corridor, which provides a range of industrial uses in accordance with the zoning of these lands.</p> <p>Some modest home business opportunities and tradesman residency opportunities will accrue.</p> |
| Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?                                                                                                                                                      | N   | <p>The proposal will have a positive impact on the residential supply by adding to the amount of available residential, as detailed in the Demographic and Housing Study.</p> <p>The proposal will therefore contribute to meeting local residential targets, with Moss Vale identified as supplying greenfield development.</p>                                                                                                                                          |
| Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future transport? | Y   | <p>The existing public infrastructure is capable of meeting the needs of the proposal.</p> <p>The development and subsequent housing will support Wingecarribee Shire businesses. The site is accessible to the Railway Station. Local buses service the area; although an infrequent service and mainly operating during peak periods (refer to Figure 4).</p>                                                                                                           |
| Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?                                          | N   | <p>The Planning Proposal is seeking to increase housing opportunities in an area reasonably served by higher order transit nodes (trains).</p>                                                                                                                                                                                                                                                                                                                            |

| Evaluation Criteria                                                                                                                                                                                                                    | Y/N | Comment                                                                                                                                                                                                                                                                                                                            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                        |     | It is envisaged that public transport would be used by residents of the development given the location of the bus route in Broughton Street.                                                                                                                                                                                       |
| Are there significant Government investments in infrastructure or services in the area where patronage will be affected by the proposal? If so, what is the expected impact?                                                           | N   | The proposal does not require significant further investment in public infrastructure and will utilise the existing infrastructure and services. The developer will extend and upgrade infrastructure to service the development at no cost to government and Council.                                                             |
| Will the proposal impact on land that the Government has identified a need to protect (e.g. and with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding? | N   | The site is zoned E3, which is the same as lands within the area. The land is not identified to be flood prone, although localised flooding may occur through the land in the creekline area, but can be controlled through engineering practices. Such will be further documented and is unlikely to be a significant constraint. |
| Will the LEP be compatible or complementary with surrounding adjoining land uses? What Is the impact on the amenity in the location and wider community?<br>Will the public domain improve?                                            | Y   | The proposal is generally compatible with adjoining land uses. The site is reasonably serviced by existing infrastructure.<br><br>The site is not an isolated residential development and is proximate to the Township and adjoins land being developed for residential purposes.                                                  |
| Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?                                                                                                    | N/A | N/A                                                                                                                                                                                                                                                                                                                                |
| If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?                                                                                                               | N/A | N/A                                                                                                                                                                                                                                                                                                                                |
| What are the public interest reasons for preparing the draft plan? What Are the implications of not proceeding at that time?                                                                                                           | Y   | The proposal will provide additional housing to assist in the delivery of meeting the housing growth and local strategies.                                                                                                                                                                                                         |

| Evaluation Criteria             | Y/N | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|---------------------------------|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                 |     | <p>If the rezoning was not supported, the site would remain in a rural “holding pattern” and the provision of additional housing would not be realised. In addition, the land may not be maintained and over time could detract from the amenity of the locality; whilst the riparian zone would unlikely be subject to conservation initiatives. Alternatively, attempts to farm it intensively could result in significant rural/urban conflicts.</p> <p>Further, the holistic urbanisation of the precinct would not be realised.</p> |
| Will the public domain improve? | Y   | <p>Section 94 Contributions or Voluntary Planning Agreement commitments will be required in respect of open space/community facilities and any road works. The owners are committed into entering into a VPA or making necessary contributions, once the land is rezoned.</p>                                                                                                                                                                                                                                                            |

Overall, the proposal will provide a net community benefit for the following reasons:

- It constitutes a balanced and appropriate use of land and is in keeping with the emerging residential character for housing in the Wingecarribee Shire LGA. Wingecarribee Shire has been sought for housing due to the closeness to adjoining residential land.
- The proposal will contribute to Council’s requirement to facilitate new dwelling growth in accordance with the above Studies.
- The proposal will provide housing choice and lifestyle to meet the needs of the community, particularly within this setting overlooking the golf course.
- The proposal will not result in any significant adverse environmental impacts.
- It is located within the existing town catchment of Moss Vale and has opportunities to amplify infrastructure to support the development and contribute to the embellishment of local community infrastructure.
- The proposal will create a number of jobs in the short-term for construction of civil and building works to benefit the local economy.

This is consistent with a number of Strategies discussed below.

### 6.3 SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

#### 6.3.1 IS THE PLANNING PROPOSAL CONSISTENT WITH THE OBJECTIVES AND ACTIONS CONTAINED WITHIN THE APPLICABLE REGIONAL OR SUB-REGIONAL STRATEGY?

#### 6.3.2 REGIONAL PLANNING

The Regional planning context has been briefly detailed at 3.3.1 and 3.3.2 above. The subject precinct, together with other similarly positioned lands, offers prospects of addressing in part the projected dwelling demand in a structured and sustainable manner.

#### 6.3.3 IS THE PLANNING PROPOSAL CONSISTENT WITH LOCAL COUNCIL'S COMMUNITY STRATEGIC PLAN, OR OTHER LOCAL STRATEGIC PLAN?

The local strategic planning context was summarised at 3.1.2 above and clearly identifies the growth that will occur in Wingecarribee Shire in the ensuing years.

The subject planning framework has importantly identified opportunities for the development in Wingecarribee Shire, leveraging off the existing infrastructure and the prevailing sense of community, but does not identify the subject land.

#### 6.3.4 IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE STATE ENVIRONMENTAL PLANNING POLICIES?

The following State Environmental Planning Policies (SEPPs) applies to the Planning Proposal and are noted below in Table 2:

TABLE 2 – APPLICABLE STATE POLICIES

| SEPP                                                                                                                      | Comment                                                                                                                                      |
|---------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| State Environmental Planning Policy No 1 – Development Standards                                                          | Not applicable. (As referenced in Wingecarribee Shire LEP, 2010. Clause 4.6 of LEP makes provision for variations to development standards). |
| State Environmental Planning Policy No 4 – Development without Consent and Miscellaneous Exempt and Complying Development | Not inconsistent (As referenced in Wingecarribee Shire LEP, 2010).                                                                           |
| State Environmental Planning Policy No 6 – Number of Storeys in a Building                                                | Not inconsistent.                                                                                                                            |
| State Environmental Planning Policy No 15 – Rural Landsharing Communities                                                 | Not applicable (Wingecarribee Shire is not included in the land applicable schedule).                                                        |
| State Environmental Planning Policy No 19 – Bushland in Urban Areas                                                       | Not applicable (Wingecarribee Shire is not included in the land applicable schedule).                                                        |
| State Environmental Planning Policy No 21 – Caravan Parks                                                                 | Not applicable (Caravan Parks are prohibited under the proposed R2 and RE1 zones as currently prevailing in Wingecarribee Shire LEP, 2010).  |
| State Environmental Planning Policy No 22 – Shops and Commercial Premises                                                 | Not applicable.                                                                                                                              |
| State Environmental Planning Policy No 26 – Littoral Rainforests                                                          | Not applicable.                                                                                                                              |

| SEPP                                                                                                          | Comment                                                                 |
|---------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|
| State Environmental Planning Policy No 29 – Western Sydney Recreational Area                                  | Not applicable.                                                         |
| State Environmental Planning Policy No 30 – Intensive Agriculture                                             | Not applicable.                                                         |
| State Environmental Planning Policy No 32 – Urban Consolidation (Redevelopment of Urban Land)                 | Not applicable.                                                         |
| State Environmental Planning Policy No 33 – Hazardous and Offensive Development                               | Not applicable.                                                         |
| State Environmental Planning Policy No 36 – Manufactured Home Estates                                         | Not applicable.                                                         |
| State Environmental Planning Policy No 44 – Koala Habitat Protection                                          | Not applicable.                                                         |
| State Environmental Planning Policy No 50 – Canal Estate Development                                          | Not applicable.                                                         |
| State Environmental Planning Policy No 52 – Farm Dams and Other Works in Land and Water Management Plan areas | Not applicable.                                                         |
| State Environmental Planning Policy No 53 – Metropolitan Residential Development                              | Not applicable.                                                         |
| State Environmental Planning Policy No 55 – Remediation of Land                                               | Not inconsistent.                                                       |
| State Environmental Planning Policy No 59 – Central Western Sydney Regional Open Space                        | Not applicable (Land not located in Central Western Sydney).            |
| State Environmental Planning Policy No 60 – Exempt and Complying Development                                  | Limited application.                                                    |
| State Environmental Planning Policy No 62 – Sustainable Aquaculture                                           | Not applicable.                                                         |
| State Environmental Planning Policy No 64 – Advertising and Signage                                           | Not inconsistent.                                                       |
| State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development                    | Not inconsistent.                                                       |
| State Environmental Planning Policy No 70 – Affordable Housing (revised schemes)                              | Not inconsistent.                                                       |
| State Environmental Planning Policy No 71 – Coastal Protection                                                | Not applicable.                                                         |
| State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004                               | Not inconsistent (The relevant principles will inform building design). |
| State Environmental Planning Policy (Exempt and Complying Codes) 2008                                         | Not inconsistent.                                                       |
| State Environmental Planning Policy (Housing for Seniors or People with a                                     | Not inconsistent.                                                       |

| SEPP                                                                                              | Comment           |
|---------------------------------------------------------------------------------------------------|-------------------|
| Disability) 2004                                                                                  |                   |
| State Environmental Planning Policy (Infrastructure) 2007                                         | Not inconsistent. |
| State Environmental Planning Policy (Major Development) 2005                                      | Not inconsistent. |
| State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 | Not inconsistent. |
| State Environmental Planning Policy (Rural Lands) 2008                                            | Not inconsistent. |
| State Environmental Planning Policy (Sydney Region Growth Centres) 2006                           | Not applicable.   |
| State Environmental Planning Policy (Temporary Structures) 2007                                   | Not applicable.   |
| State Environmental Planning Policy (Western Sydney Employment Area) 2009                         | Not applicable.   |
| State Environmental Planning Policy (Western Sydney Parklands) 2009                               | Not applicable.   |
| Deemed State Environmental Planning Policy No 20 (SREP 20)                                        | Not inconsistent. |
| Deemed State Environmental Planning Policy No. 9 (No.2) (Extractive Industries)                   | Not applicable.   |
| State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011                        | Consistent.       |

### 6.3.5 IS THE PLANNING CONSISTENT WITH APPLICABLE MINISTERIAL DIRECTIONS (s 117 DIRECTIONS)?

Table 3 is a compliance table addressing these Directions.

| s.117 Direction Title                                      | Applicable | Consistent | Comments                                                                                                                                                                                                                                                                                                                                |
|------------------------------------------------------------|------------|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1. Employment &amp; Resources</b>                       |            |            |                                                                                                                                                                                                                                                                                                                                         |
| 1.1 Business and Industrial Zones                          | N/A        |            | Not applicable                                                                                                                                                                                                                                                                                                                          |
| 1.2 Rural Zones                                            | Y          | No         | The proposal will result in the loss of land zoned for rural landscape purposes, not prime agricultural land, given its generally modest soil qualities, relative lack of access to secure water supplies, size of the holding and relationship (and potential incompatibility) with adjoining urban areas. (Refer also to Section 2.2) |
| 1.3 Mining, Petroleum Production and Extractive Industries | N/A        |            | N/A                                                                                                                                                                                                                                                                                                                                     |

| s.417 Direction Title                                    | Applicable | Consistent                                                                                                                                                                                                                                                                                                                                                                                                                       | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|----------------------------------------------------------|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.4 Oyster Aquaculture                                   | N/A        |                                                                                                                                                                                                                                                                                                                                                                                                                                  | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 1.5. Rural lands                                         | Y          | No                                                                                                                                                                                                                                                                                                                                                                                                                               | The proposal will not meet the subject objectives. It is, however, considered to be justified and is consistent with Regional planning and the previously described rural land qualities.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>2. Environment &amp; Heritage</b>                     |            |                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 2.1 Environment Protection Zones                         | Y          | No                                                                                                                                                                                                                                                                                                                                                                                                                               | The Proposal is however, consistent with the objective in that none of the land is identified to be of high environmental sensitivity. The riparian zone will, however, be rehabilitated and enhanced.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 2.2 Coastal protection                                   | N/A        |                                                                                                                                                                                                                                                                                                                                                                                                                                  | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 2.3 Heritage Conservation                                | N/A        |                                                                                                                                                                                                                                                                                                                                                                                                                                  | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 2.4 Recreation Vehicle Areas                             | N/A        |                                                                                                                                                                                                                                                                                                                                                                                                                                  | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>3. Housing Infrastructure &amp; Urban Development</b> |            |                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 3.1 Residential Zones                                    | Y          | <p>The objectives of this Direction are to:</p> <p>(a) encourage a variety and choice of housing types to provide for existing and future housing needs;</p> <p>(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services; and</p> <p>(c) to minimise the impact of residential development on the environment and resource lands.</p> | <p>The objectives are met in that:</p> <ul style="list-style-type: none"> <li>• The proposal does not seek to reduce the amount of residential land but rather contributes to additional lands that may assist Wingecarribee Shire in reaching its housing targets, particularly in respect of housing diversity and affordability, in addition to mere housing numbers.</li> <li>• The site is located adjacent to urban development and is also proximate to surrounding urban infrastructure and the Moss Vale town centre and related community infrastructure.</li> <li>• The site is serviced with an appropriate road frontage and utility infrastructure which can be readily augmented/amplified to enable residential development.</li> <li>• The relevant infrastructure and DCP provisions are contained in Wingecarribee LEP, 2010.</li> <li>• No areas of environmental sensitivity will be adversely impacted, with appropriate conservation and enhancement strategies implemented where required/desired.</li> </ul> |

| s.117 Direction Title                           | Applicable | Consistent                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Comments                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-------------------------------------------------|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                 |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <ul style="list-style-type: none"> <li>The development will be compatible with subsurface mining, if such ever occurs in the future.</li> </ul>                                                                                                                                                                                                                                                                                      |
| 3.2 Caravan Parks and Manufactured Home Estates | N/A        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 3.3 Home Occupations                            | Y          | The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Consistent with the terms of this Direction. Home occupations are permitted without consent within the R1 Zone.                                                                                                                                                                                                                                                                                                                      |
| 3.4 Integrating Land Use & Transport            | Y          | <p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <ul style="list-style-type: none"> <li>improving access to housing, jobs and services by walking, cycling and public transport,</li> <li>increasing the choice of available transport and reducing dependence on cars,</li> <li>reducing travel demand including the number of trips generated by development and the distances travelled, especially by car,</li> <li>supporting the efficient and viable operation of public transport services, and</li> <li>providing for the efficient movement of freight.</li> </ul> | <p>The Planning Proposal is considered to be consistent with this Direction because:</p> <ul style="list-style-type: none"> <li>The site is proximate to the Moss Vale town centre which is serviced by public transport.</li> <li>The site is contiguous with existing urban development and urban infrastructure.</li> <li>The site is accessible to public bus services (although irregular) on the surrounding roads.</li> </ul> |
| 3.5 Development near licensed aerodromes        | N/A        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 3.6 Shooting Ranges                             | N/A        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                      |

| s.117 Direction Title                                                             | Applicable | Consistent | Comments                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-----------------------------------------------------------------------------------|------------|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>4. Hazard &amp; Risk</b>                                                       |            |            |                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 4.2 Mine Subsidence and Unstable land                                             | N/A        |            |                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 4.3 Flood Prone Land                                                              | N/A        |            | The land is not identified on Council's Flood Control Lot Maps as being Flood Prone.                                                                                                                                                                                                                                                                                                                                           |
| 4.4 Planning for Bush Fire Protection                                             | N/A        |            |                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>5. Regional Planning</b>                                                       |            |            |                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 5.1 Implementation of Regional Strategies                                         | N/A        |            |                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 5.2 Sydney Drinking Water Catchments                                              | Y          | Y          | <p>The subject land is situated within the drinking water catchments of Sydney and nearby to an existing urban settlement.</p> <p>To ensure appropriate water quality outcomes it is proposed to rehabilitate a reconfigured riparian area and introduce the principles of WSUD in managing stormwater throughout the proposed subdivision. Additionally, the proposed development will be connected to reticulated sewer.</p> |
| 5.3 Farmland of State and Regional Significant on the NSW Far North Coast         | N/A        |            |                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 5.4 Commercial and Retail Development along the Pacific Highway, North Coast      | N/A        |            |                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)  | N/A        |            |                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1) | Y          | Y          | Wingecarribee is located within this Corridor.                                                                                                                                                                                                                                                                                                                                                                                 |
| 5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)               | N/A        |            |                                                                                                                                                                                                                                                                                                                                                                                                                                |

| a.117 Direction Title                       | Applicable | Consistent                                                                                                                                                                                                                                                                                                                                           | Comments                                                                                                                                                                                                                                                                                                    |
|---------------------------------------------|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5.8 Second Sydney Airport: Badgerys Creek   | N/A        |                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                             |
| <b>6. Local Plan Making</b>                 |            |                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                             |
| 6.1 Approval and Referral Requirements      | Y          | The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.                                                                                                                                                                                                                  | Consistent with the terms of this direction.                                                                                                                                                                                                                                                                |
| 6.2 Reserving Land for Public Purposes      | N          | The objective of this direction is to facilitate the provision of public services and facilities by reserving land for public purposes. 6.2 (4) states a Planning Proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without approval of the relevant public authority and the Director General. | The PP does not propose to create, alter or reduce existing zonings or reservations of land for public purposes, but for the dedication of proposed open space areas in accordance with related zoning initiatives. Any land required for such purpose will be further refined as the Proposal is advanced. |
| 6.3 Site Specific Provisions                | N/A        |                                                                                                                                                                                                                                                                                                                                                      | The PP will rezone the site to already existing zones in Wingecarribee LEP, 2010 that allows the land use without imposing any development standards or requirements in addition to those contained in that zone and amendments to minimum lot size provisions.                                             |
| <b>7. Metropolitan Planning</b>             |            |                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                             |
| Implementation of the Metropolitan Strategy | Y          | The objective of this direction is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036.                                                                                                                                                           | The subject land is not directly subject to the influence of the Metropolitan Strategy. It should, however, be noted that an element of migration from the Metropolitan Area will be absorbed by the Shire in urban areas such as that proposed.                                                            |

#### **6.4 SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT**

##### **6.4.1 IS THERE ANY LIKELIHOOD THAT CRITICAL HABITAT OR THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES, OR THEIR HABITATS, WILL BE ADVERSELY AFFECTED AS A RESULT OF THE PROPOSAL?**

The site does not present elements of an endangered ecological community (vegetation).

##### **6.4.2 ARE THERE ANY OTHER LIKELY ENVIRONMENTAL EFFECTS AS A RESULT OF THE PLANNING PROPOSAL AND HOW ARE THEY PROPOSED TO BE MANAGED?**

###### **6.4.2.1 BUSHFIRE HAZARD**

The subject site is bushfire prone (refer to Figure 4 above).

###### **6.4.2.2 ACID SULPHATE SOIL**

The subject site is not known to be subject to acid sulphate soils. However, the buildings and infrastructure can be designed to such a standard. Technical studies required as part of the Gateway process will address this aspect.

###### **6.4.2.3 SOIL STABILITY AND SUBSIDENCE**

The land does not present elements of any soil instability and is not located in a Mines Subsidence District.

###### **6.4.2.4 WATER QUALITY**

The principles of Water Sensitive Urban Design (WSUD) will be incorporated in the development application stage to ensure the quality of receiving waters is improved with a reduction in pollutant loads being the target of the design. Modelling would be undertaken using the MUSIC Model or similar model that assesses water quality.

###### **6.4.2.5 STORMWATER MANAGEMENT**

At the development application stage, a detailed stormwater management system will be prepared having regard to the catchment area and the capacity of downstream stormwater infrastructure. The proposal may require on site detention (OSD) to ensure that the maximum discharge from the post-development site not exceeding the pre-development flows for all storm up to and including the 1% AEP (1 in 100 year flood event). This will involve modelling of the area and to ensure downstream properties are not impacted by the development.

###### **6.4.2.6 FLOODING**

A creek traverses the land and this creek system may be subject to flooding. All the preceding potential impacts are importantly manageable and will inform the final design and development and implementation of management guidelines.

##### **6.4.3 HOW HAS THE PLANNING ADEQUATELY ADDRESSED ANY SOCIAL AND ECONOMIC EFFECTS?**

The PP has addressed the current land supply limitations and move toward fulfilling the accommodation needs attached to the population and housing projections.

The proposal has positive social and economic contributions as discussed above in the various Strategies by providing much needed housing choice in the LGA, particularly within a setting that adjoins the golf course.

Indeed, under the proposed scenario, no adverse social and/or economic impacts are foreshadowed, but rather positive impacts will accrue in this regard.

#### **6.4.4 SOCIAL AND CULTURAL CONSIDERATIONS**

##### **6.4.4.1 HERITAGE IMPACT**

The subject site does not adjoin land that has been identified as a heritage item or within a conservation area.

##### **6.4.4.2 ABORIGINAL ARCHAEOLOGY**

The subject site has been used for agricultural purposes. It is unlikely that there would be any artefacts located on this part of the land. However, this will be the subject of further investigation.

#### **6.5 SECTION D – STATE AND COMMONWEALTH INTERESTS**

The “Gateway” determination will identify any consultation required with State or Commonwealth Public Authorities. This may include:

- consultation required under section 34A of the EP&A Act where the Responsible Planning Authority (RPA) is of the opinion that critical habitat or threatened species populations, ecological communities or their habitats will or may be adversely affected by the PP;
- consultation required in accordance with a Ministerial Directions under Section 117 of the EP&A Act; and
- consultation that is required because in the opinion of the Minister (or delegate), a State or Commonwealth public authority will or may be adversely affected by the proposed LEP.

##### **6.5.1 IS THERE ADEQUATE PUBLIC INFRASTRUCTURE FOR THE PLANNING PROPOSAL?**

Public infrastructure will be required to be augmented to support the development of the subject land as communicated in this PP. The nature and extent of augmentation will be finally determined having regard to more detailed investigations as part of the continued “evolution” of this PP. As a minimum, the existing reticulated water system in the area will need to be extended. Detailed liaison will need to occur with the service provider in this regard, namely Wingecarribee Shire Council. The logistics (physical and economic) of providing such requisite infrastructure are considered to be realisable to service the proposed development, as detailed in the Cardno report.

The nature of the land is such that a comprehensive stormwater management plan predicated upon the principles of Water Sensitive Urban Design can be readily designed and implemented as part of the envisaged development scheme.

Reticulated electricity and telecommunications facilities will also be provided as service infrastructure.

Amplification/enhancement of offsite infrastructure, including community infrastructure, will involve relevant contributions pursuant to Section 94 (EP&A Act) and/or a Voluntary Planning Agreement. Such contributions will be determined in response to more detailed planning actions as the PP progresses.

#### **6.5.2 WHAT ARE THE VIEWS OF STATE AND COMMONWEALTH PUBLIC AUTHORITIES CONSULTED IN ACCORDANCE WITH THE GATEWAY DETERMINATION?**

Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act 1979, as amended:

- NSW Office of Environment and Heritage (Environment Branch);
- Department of Education and Communities;
- Department of Family and Community Services;
- Health Department of NSW;
- Department of Primary Industries;
- Department of Trade and Investment;
- Roads and Maritime Services;
- Telstra;
- Essential Energy;
- Rural Fire Service.

### **7 Part 4 – Mapping**

Maps will be prepared in accordance with the Standard Technical Requirements for LEP maps.

### **8 Part 5 – Community Consultation**

Community consultation remains an important element of the Plan making process. The companion document “A Guide to Preparing Local Environmental Plans” outlines community consultation parameters.

The subject provisions in respect of notification and the exhibition materials to support the consultation will be observed.

Before proceeding to public exhibition, the Director General of Planning (or delegate) must approve the form of the Planning Proposal as being consistent with the “Gateway” determination (EP&A Act 57(2)).

It is envisaged that further community consultation would occur through the public exhibition of detailed documents lodged with the development application for the development proposal.

This further consultation will, at a minimum include, advertising in local papers, exhibition material provided at Wingecarribee Shire Council administration buildings and libraries and Wingecarribee Shire Council’s webpage and the required written notifications that would ordinarily be required.

Once Council is satisfied with the amended Planning Proposal following determination at the Gateway, it is recommended that it will be publicly exhibited for a period of 28 days.

## 9 Conclusion

The preceding commentary has clearly established a case for the limited review the planning provisions as they pertain to the subject land.

Council is accordingly requested to take the necessary steps to commence the process of rezoning the subject lands as detailed in this submission at section 4.

Limited additional environmental and infrastructure investigations will need to be undertaken and broad commitments to infrastructure provision made as the PP is advanced.

Council, as the responsible Planning Authority, is requested to support and forward this PP to the Department of Planning and Infrastructure for progressing through the "Gateway" in an expedient manner.

SINCERELY YOURS,

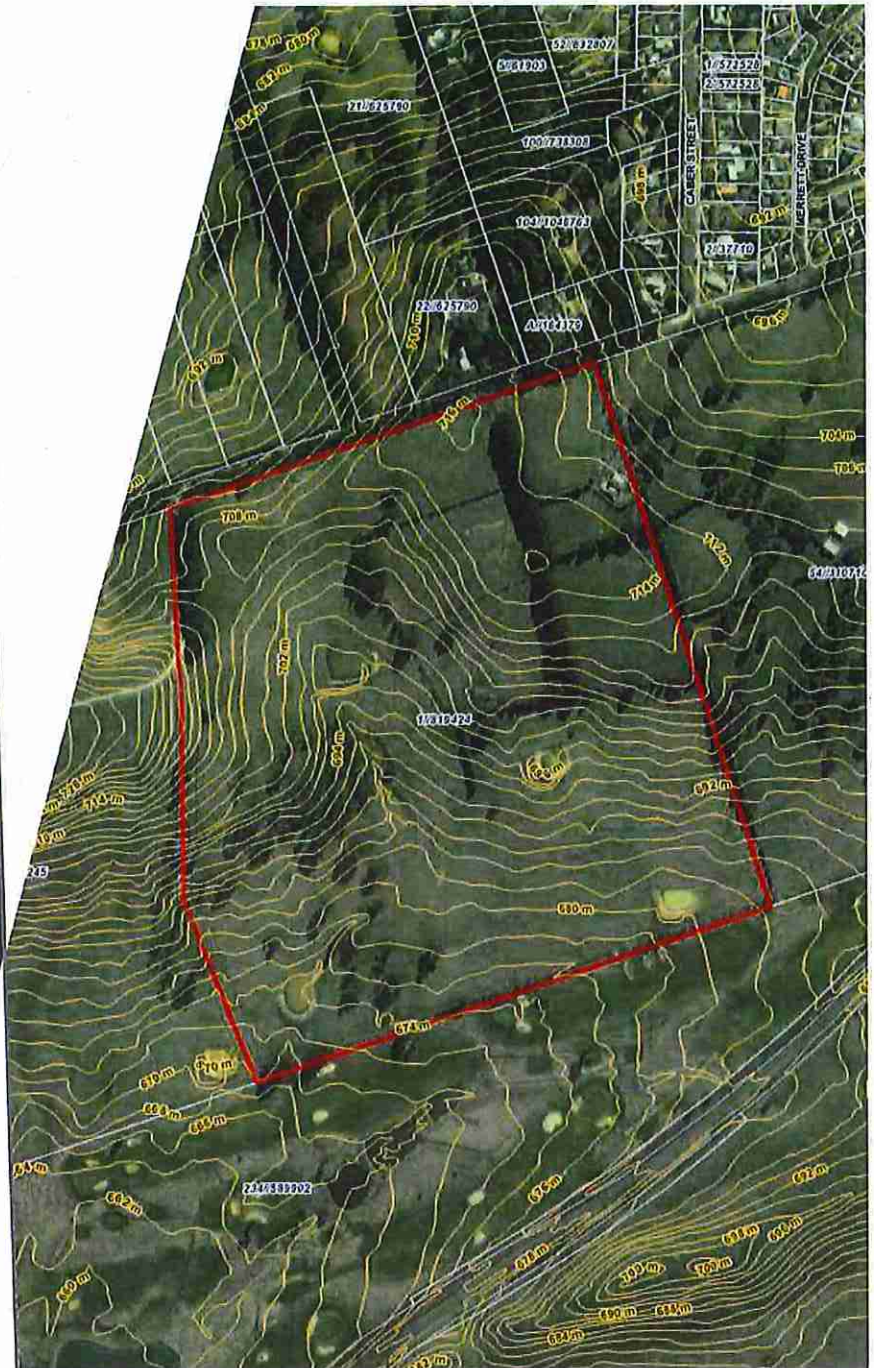


M J BROWN  
DIRECTOR  
MICHAEL BROWN PLANNING STRATEGIES

## Annexure "A" Feasibility Study - Cardno

# Moss Vale Feasibility Study

Feasibility Study for  
Proposed  
Subdivision Works  
at Broughton  
Street, Moss Vale



Prepared for Michael Brown  
Planning Strategies  
September 2013

## Document Information

Prepared for      Michael Brown Planning Strategies  
Project Name      Broughton Street, Moss Vale  
File Reference     NA50613049 [13-0239]  
Date                September 2013

## Document Control

| Version | Date       | Author     | Author Initials | Reviewer          | Reviewer Initials | Status            |
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| 1       | 05.08.2013 | Gemma King | GK              | Matthew Zollinger | MZ                | For Client Review |
| 2       | 27.09.2013 | Gemma King | GK              | Matthew Zollinger | MZ                | Planning Proposal |

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## Appendices

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# Introduction

## Background

This Feasibility Study report has been prepared by Cardno (NSW/ACT) Pty Ltd for Michael Brown Planning Strategies in accordance with the fee proposal dated 21 May 2013.

The objective of the report is to advise on the feasibility of subdividing the site, outlining the potential risks and opportunities associated with development of the land. The report also reviews the availability of critical services to the site.

This report will assist a proposal to rezone the land from Environmental Protection Zone – E3 to either Residential Zone – R2 or R3. The adjacent lot to the east, known as Darraby has recently been rezoned R2 and it is our understanding they are seeking to reduce the minimum lot size to 500m<sup>2</sup>.

The infrastructure assessed in this report comprises stormwater, electricity, gas, potable water, sewer and telecommunications services. The approval authority for the site is Wingecarribee Shire Council (WSC).

## Information Sources and Limitations

The information provided in this report is based primarily on our engineering judgment given our experience in subdivision design, and conversations and service enquiries made with Endeavour Energy, Wingecarribee Shire Council, Jemena and Telstra.

Our findings have been based on the following:

- Review of Wingecarribee Shire Council's Development Control Plan for Moss Vale, September 2012;
- Review of "Dial Before You Dig" information provided by Telstra, Endeavour Energy, Jemena and Wingecarribee Shire Council;
- Review of Wingecarribee Shire Council Local Environment Plan (LEP) maps;
- Specialist advice from in-house drainage designers and civil engineers;
- Verbal advice from Wingecarribee Shire Council regarding potable water and sewer servicing feasibility;
- Written advice from Jemena, and Endeavour Energy; and
- Site inspection on 6 June 2013.

## Site Context

The subject site is located within Wingecarribee Local Government Area. The site – Lot 1 DP 819424 – is 30.19 Ha and is bound by Broughton Street to the north and located approximately 2km from Moss Vale town centre. The site's eastern boundary is defined by a lot of similar size known as 'Darraby' that is in the process of being subdivided into 316 lots. The site is immediately north of the Mount Broughton Golf and Country Club and in the adjacent lot to the west there is a Sydney Water tower on the crest of the hill.

The existing site is largely clear and contains an area of established trees scattered in the south-west quarter, some established hedges and 4 dams. There is an existing dwelling on the site approximately 100m off Broughton Street.

Figure 1 shows the site within its immediate surroundings. Site photos are included in Appendix A.



Figure 1 Subject site and its immediate surrounds

## Planning Constraints

A desktop review of the available documentation relating to the site has been conducted to determine the planning constraints for consideration in developing this site. The Moss Vale Town Plan Development Control Plan (DCP), effective from 5 September 2012, and the Wingecarribee Local Environment Plan maps have been used as source documents for most of the controls and objectives discussed below.

The site is currently zoned E3 - Environmental Protection Zones as shown in Appendix B. We understand a rezoning application is sought to achieve an R2 – Low Density Residential zoning. The adjacent lot known as Darraby underwent a successful rezoning in 2012<sup>1</sup> from E3 to R2 and as such we have considered the planning constraints applicable to R2 in this report.

In terms of lot size R2 typically allows a minimum of 700m<sup>2</sup> however it is our understanding developers of Darraby have applied to reduce this to 500m<sup>2</sup>. Their masterplan on exhibition at the NSW Planning & Infrastructure shows 169 of the 316 lots under sized 700m<sup>2</sup> and we have applied a similar mix of lot sizes in our lot layout.

When considering the planning constraints from the Local Environment Plan (LEP) maps there are no specific constraints for the site for: environmental, archaeological, conservation, landscape, general heritage, minerals or extractive resources. The site is not affected by the 100 year +0.5m flood extent for the major creeks in the Wingecarribee Local Government Area (LGA) as indicated in the Flood Planning Area map. Copies of these maps are included in Appendix C.

The Wingecarribee Shire Council Bushfire Prone Land Map (shown below and in Appendix C) zones the northern boundary at the site as "vegetation buffer". This means the development must maintain an approved hazard asset protection zone (APZ). To determine the exact requirements of this APZ a report

<sup>1</sup> Wingecarribee Council Report, 24 October 2012, p167

would need to be commissioned and assessed by the Rural Fire Service (RFS), we would expect the constraints to be in the order of higher specification building requirements and/or lot set backs. However, there is a risk some of the front lots may be lost reducing the yield of the site.

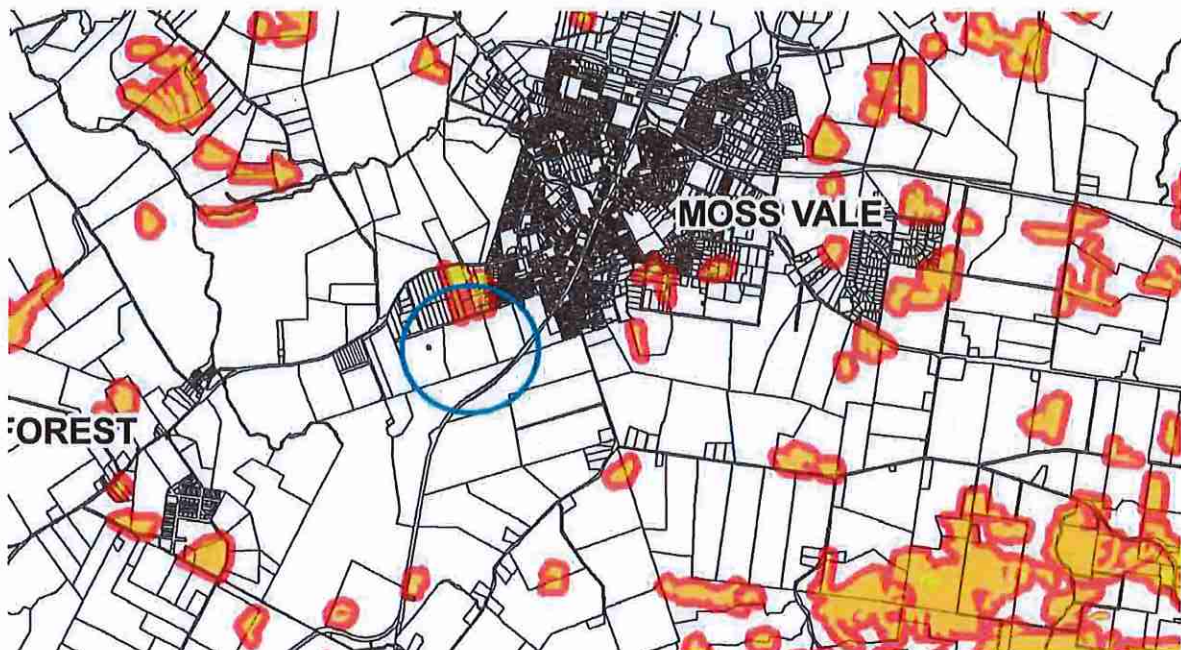


Figure 2 Subject site as shown on Wingecarribee Shire Council Bushfire Prone Land Map

The site is located within the Sydney Water Catchment and the Moss Vale Town Plan DCP states the site must comply with the requirements of SEPP (Drinking Water Catchment) 2011<sup>2</sup>. This is discussed in our strategic drainage strategy in this report.

Wingecarribee Shire Council express in the DCP their general objectives for development in the area. These notably include residential diversity i.e. promoting a mix of housing types, protection of public views and vistas and ensuring that areas of public open space are safe and attractive. The proposed layout of this site adheres to these objectives.

## Preliminary Lot Layout

Following our inspection on the 6 June 2013 and our desktop review of the adjacent residential areas, a preliminary lot layout has been formed for the purposes of assessing the potential yield from the site (Appendix D). The minimum lot size allowable is shown in Wingecarribee Shire Council "Lot Size Map" in the LGA (Appendix C).

The concept design demonstrates the ability to develop approximately 260 lots, varying in size from 510m<sup>2</sup> to 1440m<sup>2</sup> providing a mix of housing types. In general, the lot layout seeks to maximize the lot yield and provide for a majority of lots at 700m<sup>2</sup>. We have assumed it will be possible to obtain minimum lot sizes of 500m<sup>2</sup> however, it is possible a minimum lot size of only 700m<sup>2</sup> can be achieved. We have assumed a smaller minimum lot size will be sought to revise the current zoning from AB2 – see Appendix C for current zoning maps. If the minimum lot size cannot be reduced to 500m<sup>2</sup> and only a 700m<sup>2</sup> (zone Q) is achieved, it would be prudent to assume the loss of approximately 23 lots.

The purpose of diversifying the lot sizes is to capitalize on a wider market and to move away from a regimented development layout. In our experience this is also a common requirement of approving authorities and Wingecarribee Shire Council has specified this principle as desirable in their DCP.

<sup>2</sup> Moss Vale Town Plan DCP A3.6.3, p23

The road network has been designed to follow natural drainage paths where possible. This allows as much of the existing landform to be retained and minimizes the degree of bulk earthworks required to develop the site. The road network has been designed to include a collector road which is suitable for buses to enter the site, and joins existing roads in the adjacent Darraby development to the east. The same principle that is shown in the Darraby development was followed. However, it is likely that the collector road would need to be extended within the site. This increased width is not likely to affect the number of lots.



Figure 3 Collector roads for buses to enter the site

The existing site also includes multiple small dams which will need to be removed or relocated under the proposed layout. We have included approximately 36,000m<sup>2</sup> of open space in the conceptual layout. We understand the Darraby development directly adjacent does not currently show any designated open space as part of their proposal. However, good urban planning and approving authorities generally require open space allowances for this size development. To this end there does not appear to be specific requirements in the Wingecarribee Shire Council DCP that relates to open space requirements and as such an opportunity exists to potentially increase the lot yield. The open spaces have been used as part of the concept drainage strategy to treat urban runoff. The open space area includes a stand of existing trees and vegetation on the western boundary, this area is steep and difficult to develop and contains a well developed treed area.

## Review of Site Access

A desktop review of site access in relation to the proposed development has been conducted. The site currently has one access point – a single frontage to the north via Broughton Street. Broughton Street is a collector road that follows on from the end of Railway Street in the east and becomes a single carriage, unsealed road heading west, fronting the subject site (see Figure below).



Figure 4 Image of site access along Broughton Street

On review of current cadastral information Broughton Street continues beyond the site as a paper road that connects in the west to another paper road, however, there is currently no physical connectivity. A paper road is a road laid out in a development or subdivision plan that may never be developed but has legal existence. In the future, should these roads be constructed this will improve traffic connectivity to the site.

Broughton Street will require an upgrade to service the site. The stub entering the site off Broughton Street in our proposed layout (see Fig. 3) has been designed as a collector road with a 21m road reserve, allowing a bus route to service the lots. There is also the potential for two lead-in roads to the site from the adjoining development to the east known as Darraby. These are local roads and have been designed to connect with the Darraby masterplan. Typical local and collector road sections are shown in the drawings below.

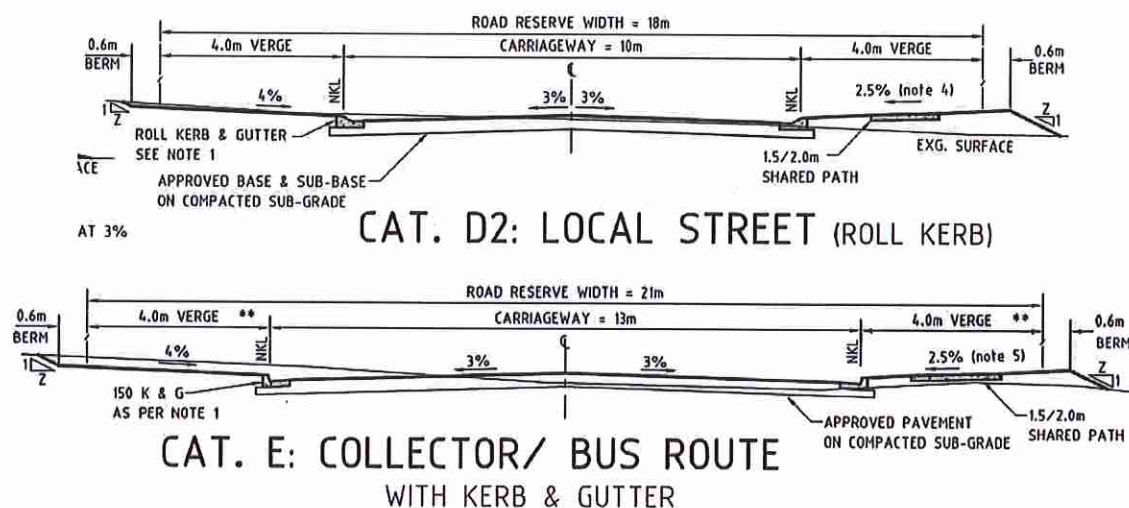


Figure 5 Typical cross sections of local and collector roads

A traffic report would be required as part of the rezoning application to consider the impact of traffic generated by the development on the surrounding network. However, we do not anticipate any major infrastructure upgrades will be required as a result.

## Concept Drainage Strategy

A drainage strategy is required to manage the site drainage in terms of quality and quantity so that there is no negative impact on the surrounding areas as a result of development. Increased runoff is generated from hard surfaces such as roofs and roads and measures are required to control this runoff before the water exits the land.

Based on an initial assessment by a Water Sensitive Urban Design specialist the site can be designed to meet compliance criteria. Council requires the development to not increase the peak flow from the existing site. There is a small catchment at the west end of Broughton Street that may be untreated however other catchments can be over-treated to compensate. It has been estimated two 5,600m<sup>2</sup> areas would be needed to provide on-site detention. This includes space for batters, access ramps, weirs and stilling ponds and would form part of the 36,000m<sup>2</sup> of open space incorporated into the proposed lot layout.

In terms of the quality of the runoff, this site is in the Sydney Water Catchment and must comply with the requirements of SEPP (Drinking Water Catchment) 2011<sup>3</sup>. This means the water quality exiting the site post-development must achieve a neutral of beneficial effect (NorBE) in comparison to pre-development water quality runoff. To achieve this, measures such as street level landscaping with bio retention swales or the provision of proprietary devices such as Gross Pollutant Traps (GPT) may be required.

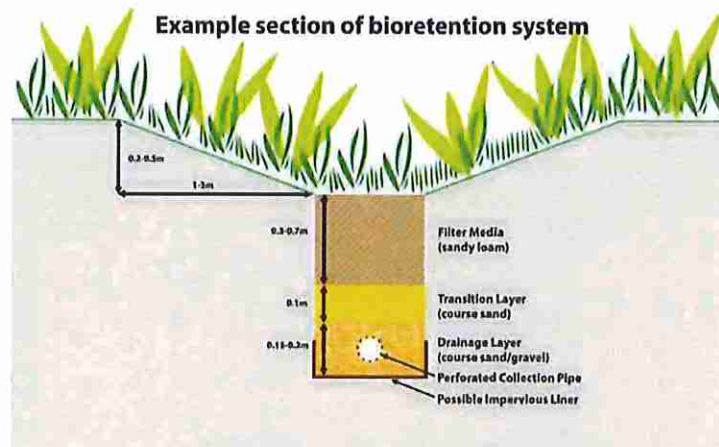


Figure 6 Bio retention system diagram

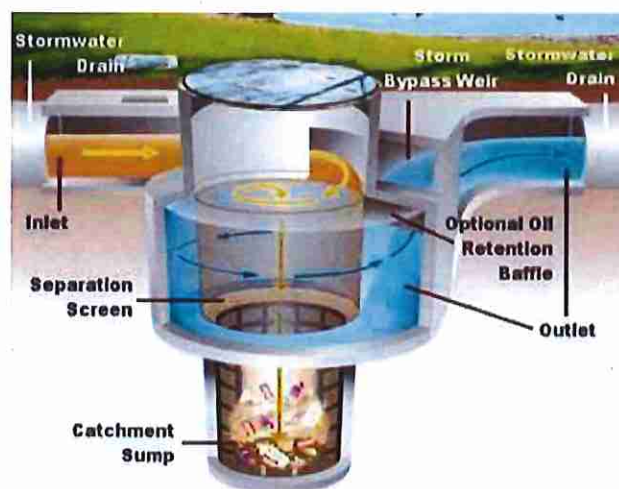


Figure 7 Gross Pollutant Trap diagram

<sup>3</sup> Wingecarribee Shire Council DCP A3.6.3, p23

## Potential Flooding Constraints

When considering the feasibility of the proposed development in terms of flooding constraints the Moss Vale Town Plan DCP has been reviewed and advice from a Cardno flood specialist obtained.

The site is not affected by the 100 year +0.5m flood extent for the major creeks in the Wingecarribee Shire Council land as found in any flood studies undertaken by Council. A copy of the relevant Local Environment Plan (LEP) Flood Planning Area Map is shown in Appendix C. The site is also classified as having a *Low Flood Risk* (see table below from the Moss Vale Town Plan DCP) with no flood planning controls applicable to the land for residential use.

Prescriptive Controls

Flood Risk Precincts (FRP's)

Planning Consideration

| Low Flood Risk                | Fringe-Low Flood Risk       | Medium Flood Risk           | High Flood Risk             |           |         |           |           |           |         |
|-------------------------------|-----------------------------|-----------------------------|-----------------------------|-----------|---------|-----------|-----------|-----------|---------|
| Critical Uses & Facilities    | Critical Uses & Facilities  | Critical Uses & Facilities  | Critical Uses & Facilities  |           |         |           |           |           |         |
| Sensitive Uses & Facilities   | Sensitive Uses & Facilities | Sensitive Uses & Facilities | Sensitive Uses & Facilities |           |         |           |           |           |         |
| Residential                   | Residential                 | Residential                 | Residential                 |           |         |           |           |           |         |
| Commercial & Industrial       | Commercial & Industrial     | Commercial & Industrial     | Commercial & Industrial     |           |         |           |           |           |         |
| Recreation & Non-Urban        | Recreation & Non-Urban      | Recreation & Non-Urban      | Recreation & Non-Urban      |           |         |           |           |           |         |
| Concessional Development      | Concessional Development    | Concessional Development    | Concessional Development    |           |         |           |           |           |         |
| Floor Level                   | 3                           | 2,6,7                       | 5,6,7                       | 1,6       | 4,7     | 2,6,7     | 5,6,7     | 1         | 4,7     |
| Building Components           | 2                           | 1                           | 1                           | 1         | 1       | 1         | 1         | 1         | 1       |
| Structural Soundness          | 3                           | 2                           | 2                           | 2         | 2       | 2         | 2         | 2         | 2       |
| Flood Effects                 | 2                           | 2                           | 2                           | 2         | 2       | 2         | 2         | 2         | 2       |
| Car Parking & Driveway Access | 1,3,5,6,7                   | 1,3,5,6,7                   | 1,3,5,6,7                   | 2,3,4,6,7 | 6,7,8   | 1,3,5,6,7 | 1,3,5,6,7 | 2,3,4,6,7 | 6,7,8   |
| Evacuation                    | 2                           | 2                           | 1 or 2                      | 3         | 2       | 2         | 1 or 2    | 3         | 2       |
| Management & Design           | 1,4,5                       | 1,4,5                       | 1                           | 1,2,3,5   | 1,2,3,5 | 1,2,3,5   | 1         | 1,2,3,5   | 1,2,3,5 |

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Figure 8 Flood Liable Land table from Moss Vale Town Plan DCP. The Green shaded boxes = No Controls; the red = Unsuitable Development Type. The numbers refer to specific controls specified in Figure A4.2 in the Moss Vale Town Plan DCP.

There is one 1st order creek running through the land as illustrated on the lot layout which will need to be assessed when setting floor levels for the development. However, given the location it is not likely to cause any concerns.

## Services Assessment

This section reviews the availability of critical services to the site. The information provided in this section is based on verbal and written advice from Endeavour Energy, Wingecarribee Shire Council, Jemena, Telstra, 'Dial Before You Dig' inquiries.

### Electricity

A formal application for a connection of load was submitted to Endeavour Energy in respect of the proposed development. The application was lodged by a Cardno accredited electrical designer. Written advice has been received from Endeavour Energy stating a network upgrade will be required to service the proposed development.

Endeavour Energy assessed the anticipated load required for the development to be in the order of 2.1MVA based on a 7kVA per lot. Given the anticipated load for the entire site is less than 2.4MVA, Endeavour Energy will fund the installation of an additional substation and supply lead-in to the site boundary. The internal reticulation is funded by the developer.

A formal application is required once DA approval has been obtained to ensure timing of the upgrade can be coordinated as there are long lead times involved in creating an additional feeder out of Moss Vale, and capacity can be reserved.

A copy of the written advice from Endeavour has been included in Appendix E.

### Gas

All gas infrastructure in the area is owned by Jemena. During the planning stages of the development it is the developer's responsibility to contact Jemena with details of their proposed development. Jemena will then undertake an economic analysis and consider whether it is in their interest to provide gas infrastructure to the site, and whether a contribution will be required from the developer.

We have contacted Jemena and been advised there is sufficient capacity in the network to supply the proposed development. Formal application will be required once DA approval is obtained and gas load profiles are available.

There is an existing 110mm 210kPa gas main located on Broughton Street which extends from Caber Street along Broughton Street past the subject site. The main is approximately 1.2 metres from the property boundary line; a copy of the DYBD information is included in Appendix F. To service the development lead in mains would need to be constructed. These lead-in works would typically be funded by the supplier (Jemena). It is anticipated all gas within the development will be laid in a shared trench with the relevant telecommunications provider. The exact trench arrangement will be confirmed prior to construction.

Opportunities may be sought to undertake works concurrently with planned road upgrades as a mutually beneficial cost saving initiative.

In this instance we anticipate no major constraints in gas supply to the site. Any developer contributions are likely to be minimal due to the close proximity of the supply in Broughton Street.

### Potable Water

Wingecarribee Shire Council is the governing authority for potable water in the area and an inquiry was made with Council to determine the feasibility of servicing the proposed lots. The response confirmed there is a 300mm potable water main running along Broughton Street which we anticipate to have sufficient capacity to service the development.

Given a road upgrade along Broughton Street is envisaged as part of the development we were advised the water main would likely be required to be lowered to allow for the construction of kerb and gutter. We understand the existing water main is asbestos concrete and given the nature of this material it will be required to be removed from site. While there will be an additional cost to dispose of the line we anticipate the extra-over to be isolated to the disposal and remediation required for asbestos material.

A copy of the DBYD information is included in Appendix G.

## **Sewer**

Wingecarribee Shire Council is the governing authority for sewer in the area and an inquiry was made to Council to determine the feasibility of servicing the proposed lots. The response confirmed there is currently no capacity within the existing sewer network to service the future development and therefore a system upgrade would be required.

In speaking to Wingecarribee Shire Council we were advised the neighbouring development similarly had no available sewer to service their proposed lots. In this instance the developer is looking to install two pump stations, rising mains and 6km of gravity main to connect with the existing treatment plant. Given the similarity between the Darraby development and this site we would expect similar infrastructure would be required to service the lots.

## **Telecommunications**

Telecommunications services include telephone and internet services. Telstra and NBN Co. are the governing authority for these services in the area. NBN Co. were contacted to determine the servicing feasibility.

We were advised the site is serviceable with NBN and the development is within their fibre footprint. To service the development NBN require the developer to engage a designer who will be responsible for the provision of telecommunications design to NBN network standards. This is done in much the same way electrical works are undertaken by independent accredited 3<sup>rd</sup> parties with designs submitted to NBN for review and approval. Once the design has been approved NBN take ownership of the network and are responsible for funding the cable reticulation.

A copy of the telecommunications DBYD information is contained in Appendix H.

## Conclusion

This feasibility report documents preliminary findings for the land capability for the site. The report proposes a concept lot layout and highlights potential risks and opportunities for the site. This report may also support a proposal to rezone the land from Environmental Protection Zone (E3) to Residential Zone (R2) and to progress the development towards lodgment of a Development Application.

This feasibility assessment has been provided in good faith and whilst every care has been taken in the development of this assessment, it should be used as a guide only and not be solely relied upon. If a more detailed feasibility is required Cardno are happy to provide one, however a minimum of four weeks will be required to allow further site inspections and time to liaise with the authorities.

If you have any questions please do not hesitate to contact Matthew Zollinger or Gemma King on 9496 7700.

*Note: All information provided herein is provided in good faith based upon readily available information, and Cardno cannot confirm this as an exhaustive review. Cardno do not make recommendations on purchases of land, and any buyer should fully inform themselves of all issues prior to purchase. Cardno do not warrant any information contained herein.*

*Any quantities presented in this review are an indicative engineering estimate. They are based on our engineering experience on similar projects. These quantities are not Quantity Surveyor quantities or estimates. Cardno do not warrant the accuracy of these quantities or estimates in any way and they should only be used for indicative purposes.*

Moss Vale Feasibility  
Study

APPENDIX

A

SITE PHOTOS

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**Description**

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View looking south



---

**Description**

---

Cluster of trees on the western boundary



---

**Description**

---

Existing dam



---

**Description**

---

View looking west



Moss Vale Feasibility  
Study

APPENDIX

B

CONSTRAINT MAPPING



## Site Plan

LOT 1 DP 819424  
BROUGHTON ST, MOSS VALE

### Legend

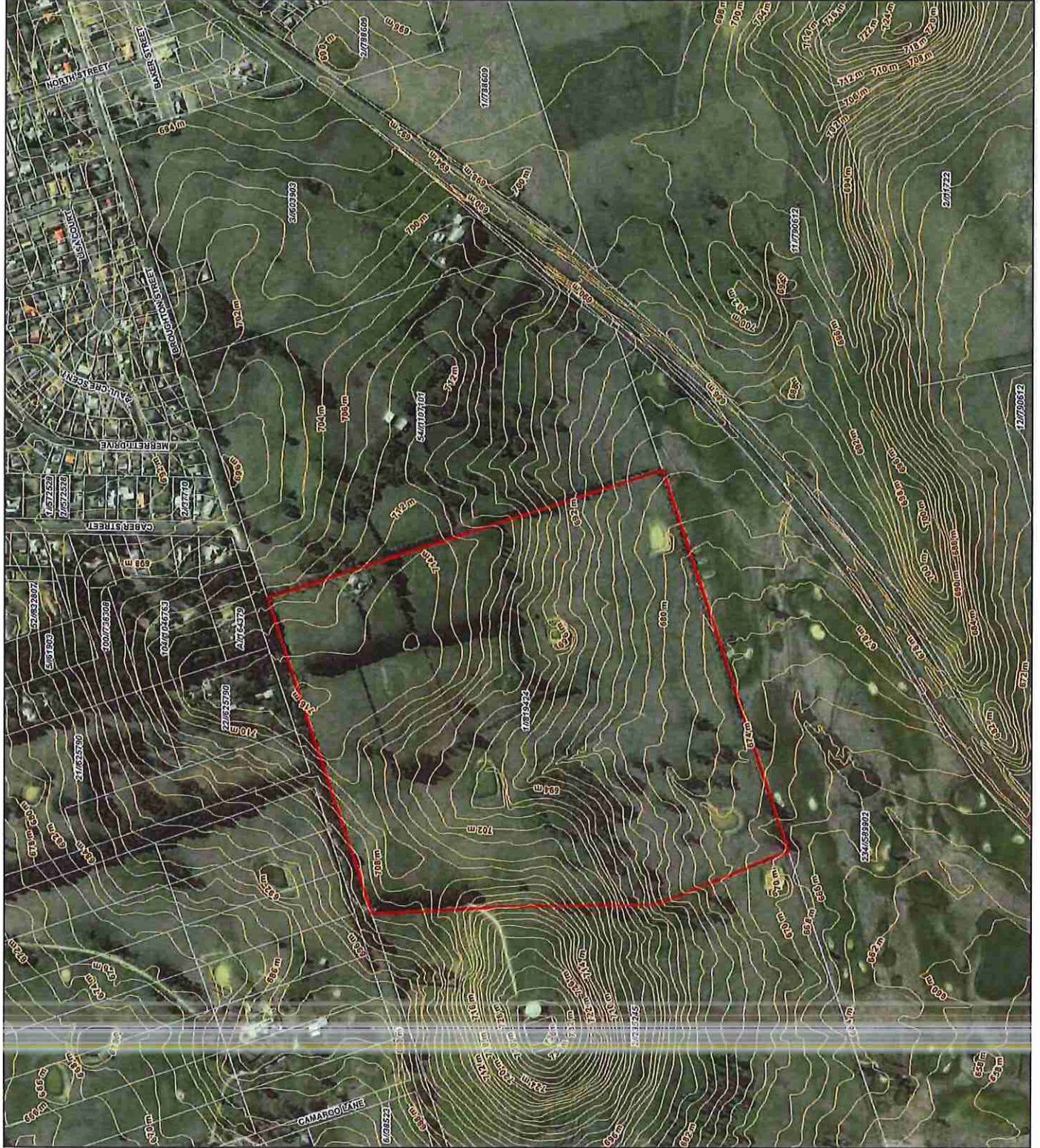
- Site Boundary (30.19 ha)
- 2m Contours (LPI)
- Cadastral (LPI, 2011)



1:5,000 Scale at A3



Map Produced by Cardno NSWMACT Pty Ltd (WOL)  
Cardno is a registered provider of the  
Coordinate System: GDA 1984 MGA Zone 56  
Project: M505/3000-011  
Map: G100\_LitePlan\_BroughtonSt.mxd  
Aerial Imagery supplied by Google Earth Pro  
and associated third party suppliers (April 2010)





## Current Zoning

LOT 1 DP 819424  
BROUGHTON ST, MOSS VALE

### Legend

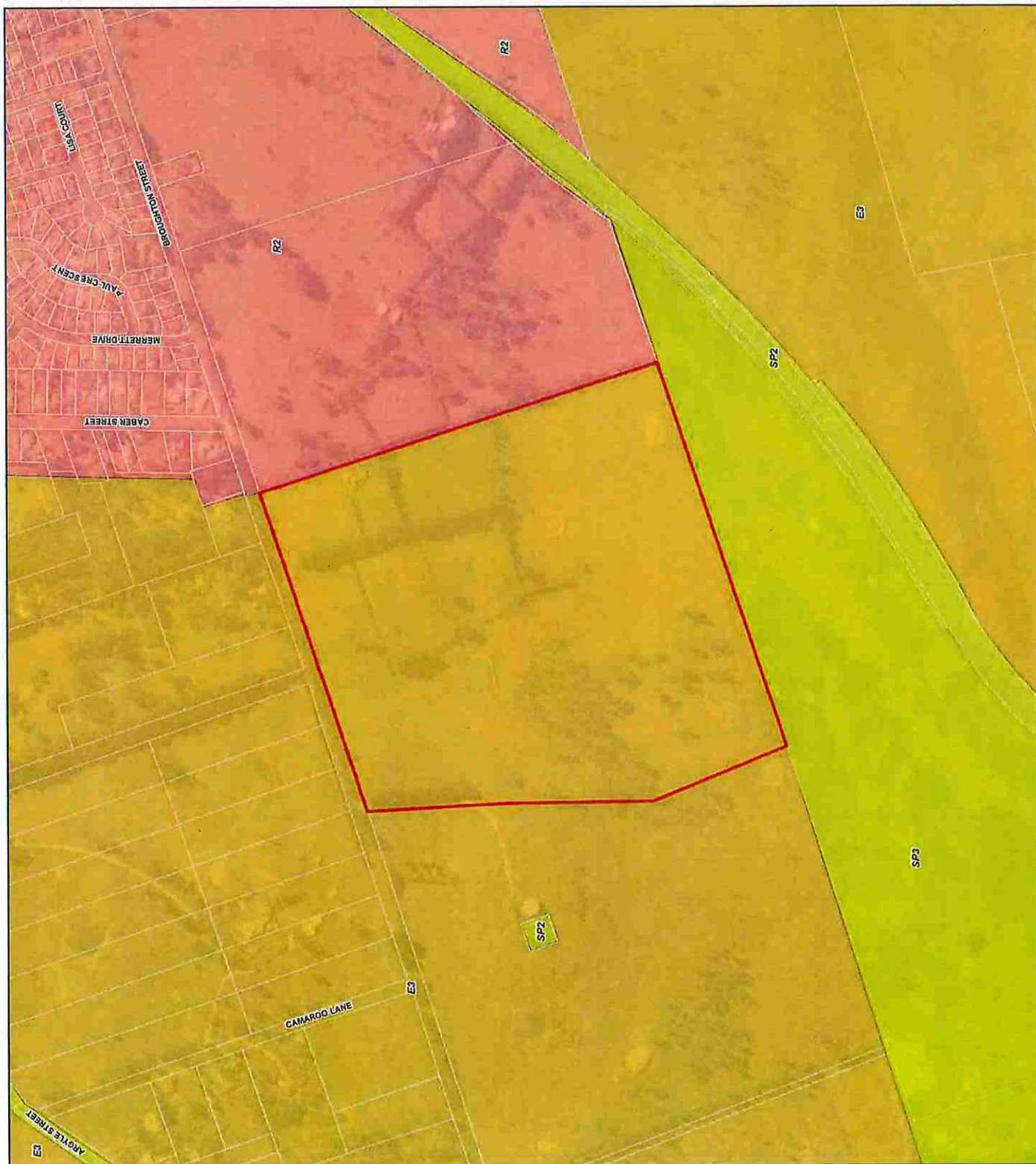
- Site Boundary (30.19 ha)
- Cadastre (LPI, 2011)
- Wingecarribee LEP 2010**
- E3 - Environment Protection Zones
- R2 - Residential Zones
- SP2 - Special Purpose Zones
- SP3 - Special Purpose Zones



1:5,000 Scale at A3



Map Produced by Cardno NSMPACT Pty Ltd (NCL)  
Date: 2013-05-14  
Coordinate System: GDA 1984 MGA Zone 56  
Project: NAC0910000-011  
Map: G1010\_Cardno\_EarthProDocume\_01  
Aerial Imagery supplied by Google Earth Pro  
and associated third party suppliers (April 2010)





## Constraints

LOT 1 DP 819424  
BROUGHTON ST, MOSS VALE

### Legend

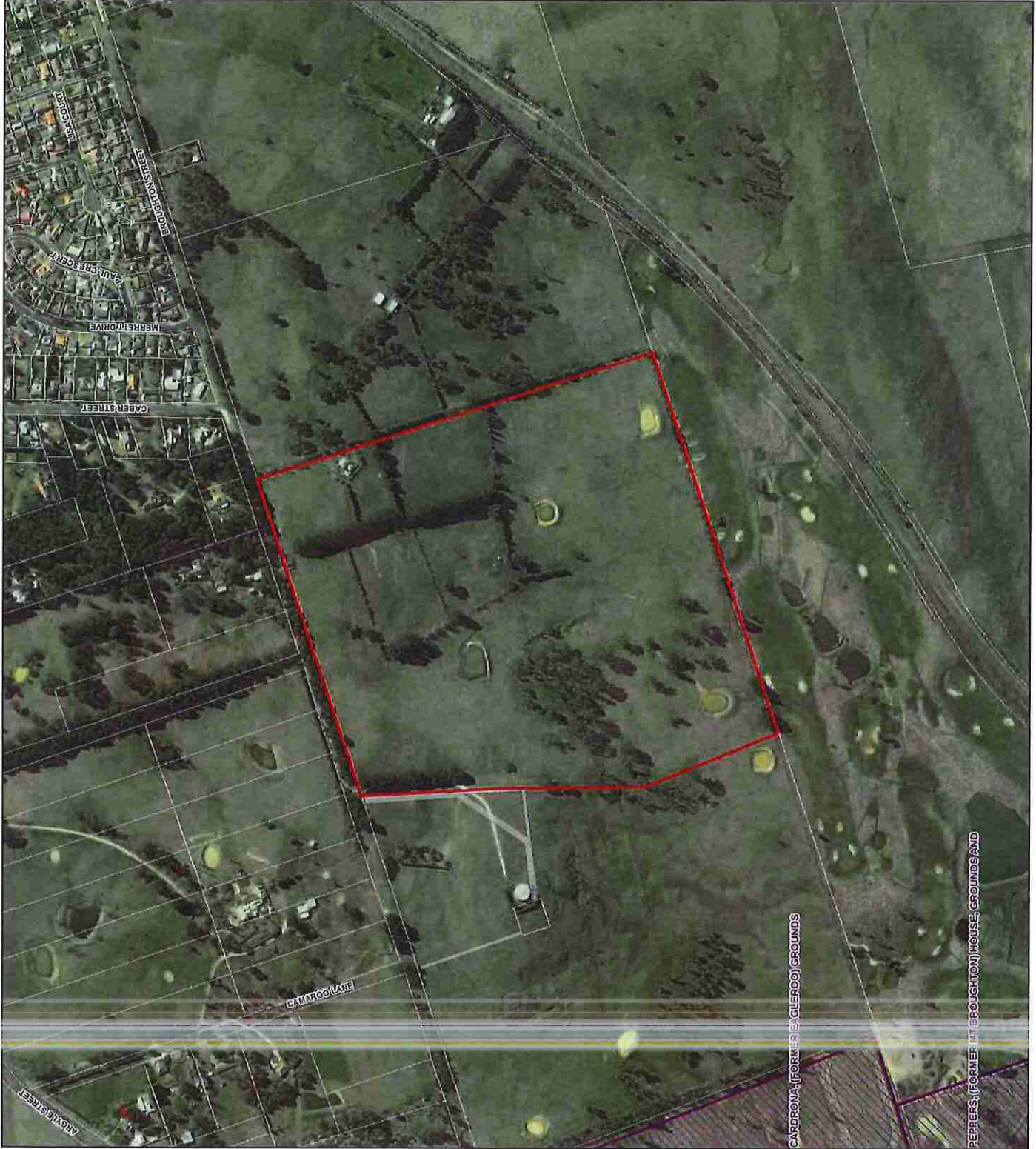
-  Site Boundary (30.19 ha)
-  Easement (LPI)
-  Heritage Items (LEP)
-  Cadastre (LPI, 2011)

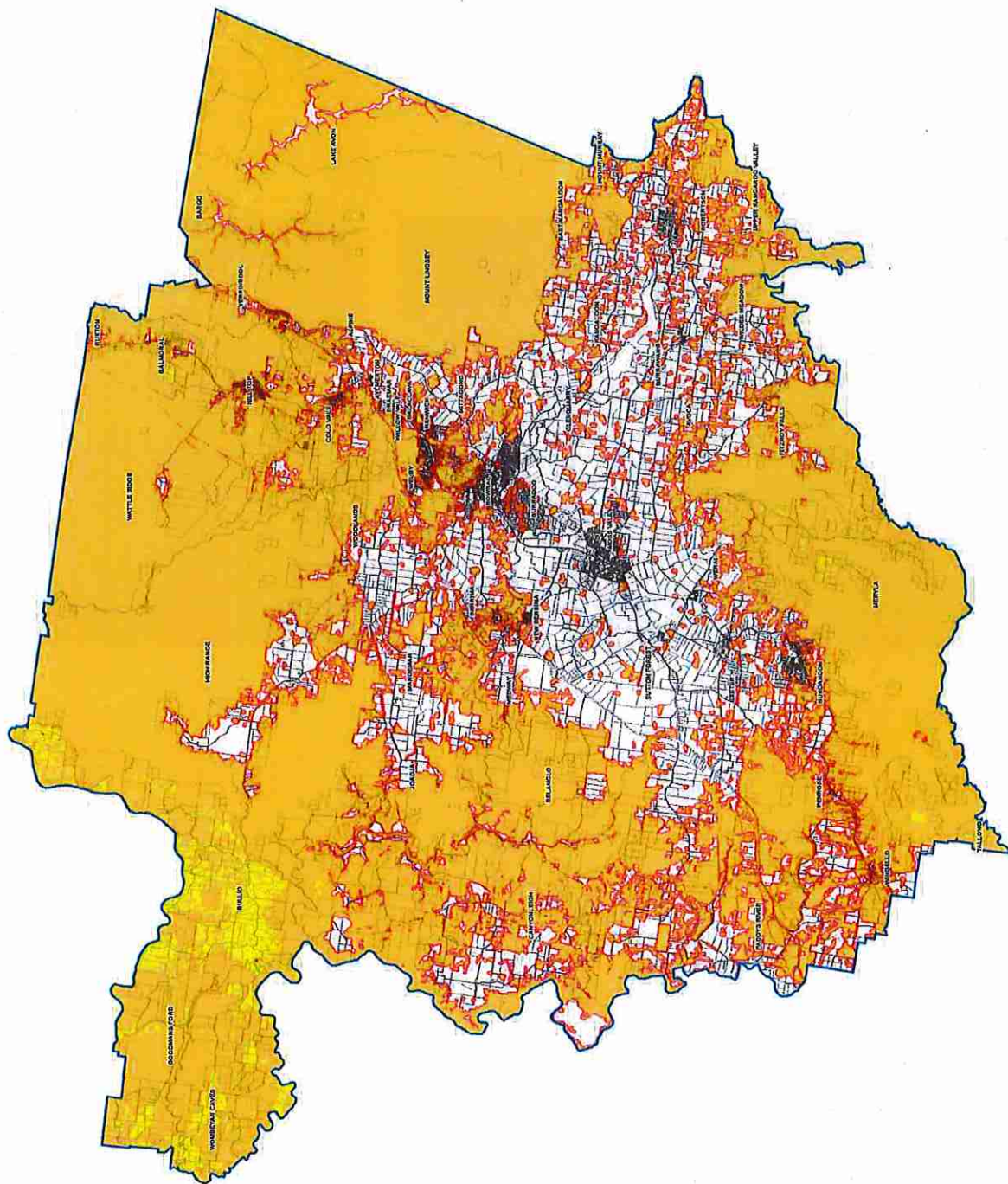


1:5,000 Scale at A3



Map Produced by Cardno NSWACT Pty Ltd (VOLI)  
Date: 2015-05-14  
Coordinate System: GDA2011 MGA Zone 56  
Project: M450013003-01  
Map: GDA\_M\_Constraints\_BroughtonSt.mxd 01  
Aerial imagery supplied by Google Earth Pro  
and associated third party suppliers (April 2010)





Rob Rogers, AFPM  
Director Operational Services  
NSW Rural Fire Service

Date: 2nd November 2011

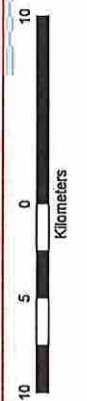
**Wingecarribee Shire Council ~ Bushfire Prone Land Map**



| Theme                      | Source            | Date |
|----------------------------|-------------------|------|
| Property Information       | NSW LPI           | 2012 |
| Bush Fire Prone Vegetation | NSW RFS / Council | 2011 |
| Bush Fire Prone Buffer     | NSW RFS / Council | 2011 |
| Local Government Boundary  | NSW LPI           | 2011 |



**Bushfire Prone Land**  
 Vegetation Category 1  
 Vegetation Category 2  
 Vegetation Buffer

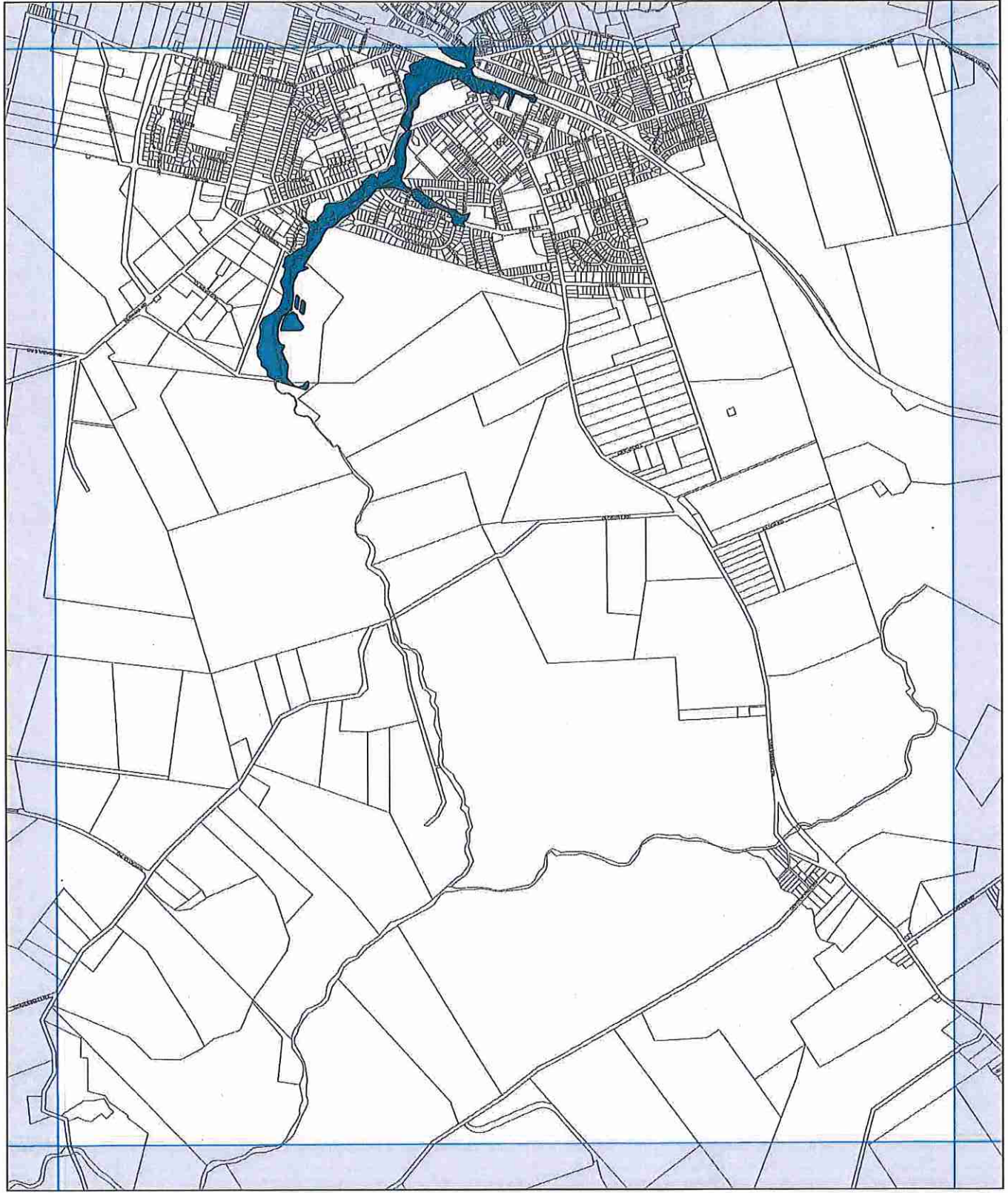


Moss Vale Feasibility  
Study

APPENDIX

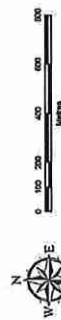
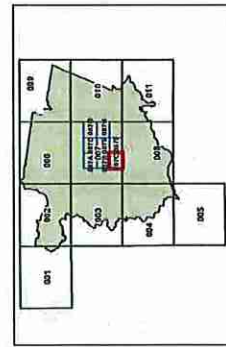
C

WINGECARRIBEE SHIRE COUNCIL LGA  
MAPS



**Flood Planning Area Map -  
Sheet FLD\_007C**

**Flood Planning Area**  
 100yr ~0.5m Flood Extent  
**Cadastral**  
 Cadastral 04/05/10 © Land and Property Management Authority



Scale 1:20,000 @ A3  
 Projection: MGA  
 (GDA94) Zone 56

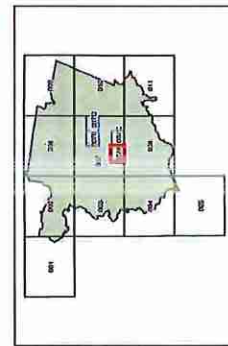
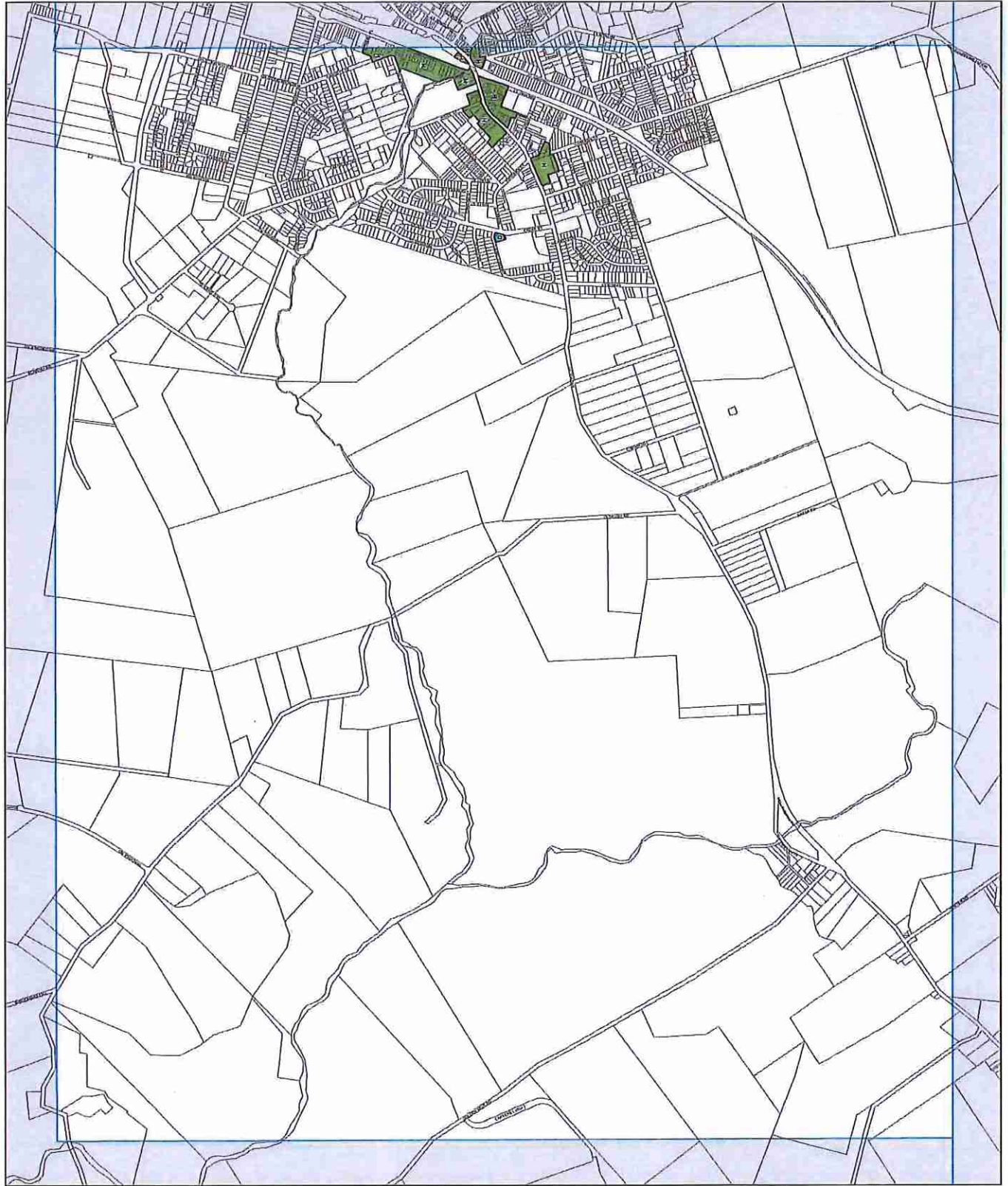
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Maximum Floor Space Ratio (m:1)



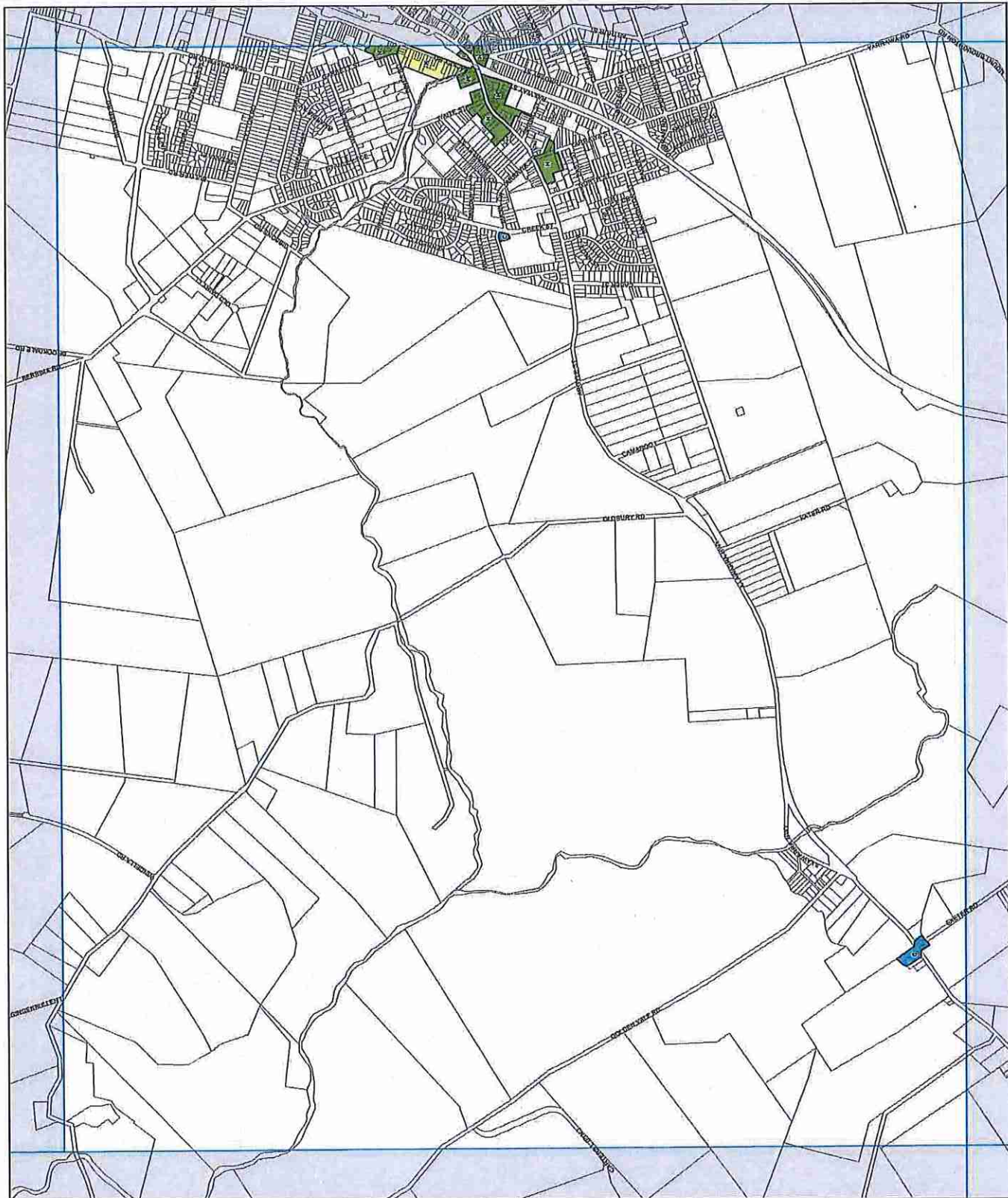
Cadastral

 Cadastral 04/11/11 © Land and Property Information (LPI)



Projection: UTM  
 Datum: Zone 56  
 Scale: 1:50,000 @ A3

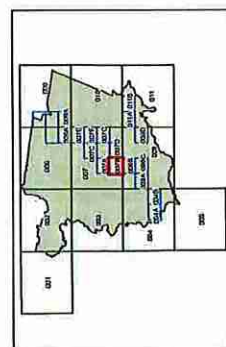
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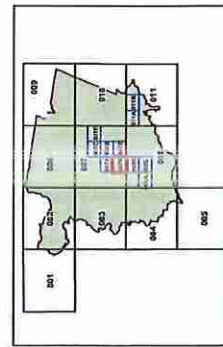
Maximum Building Height (m)



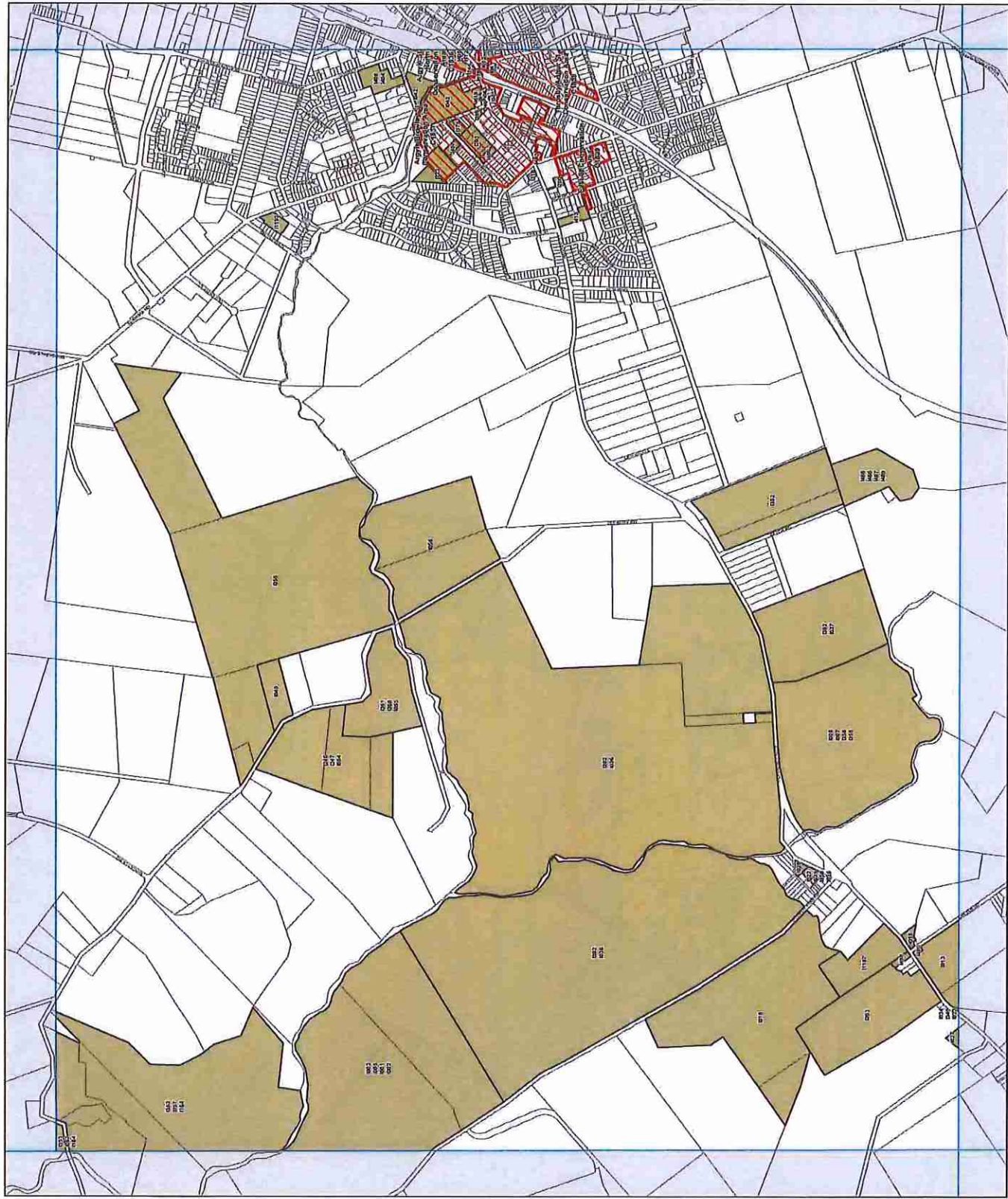
**Cadastral**  
 Cadastral 0508/11 © Land and Property Information

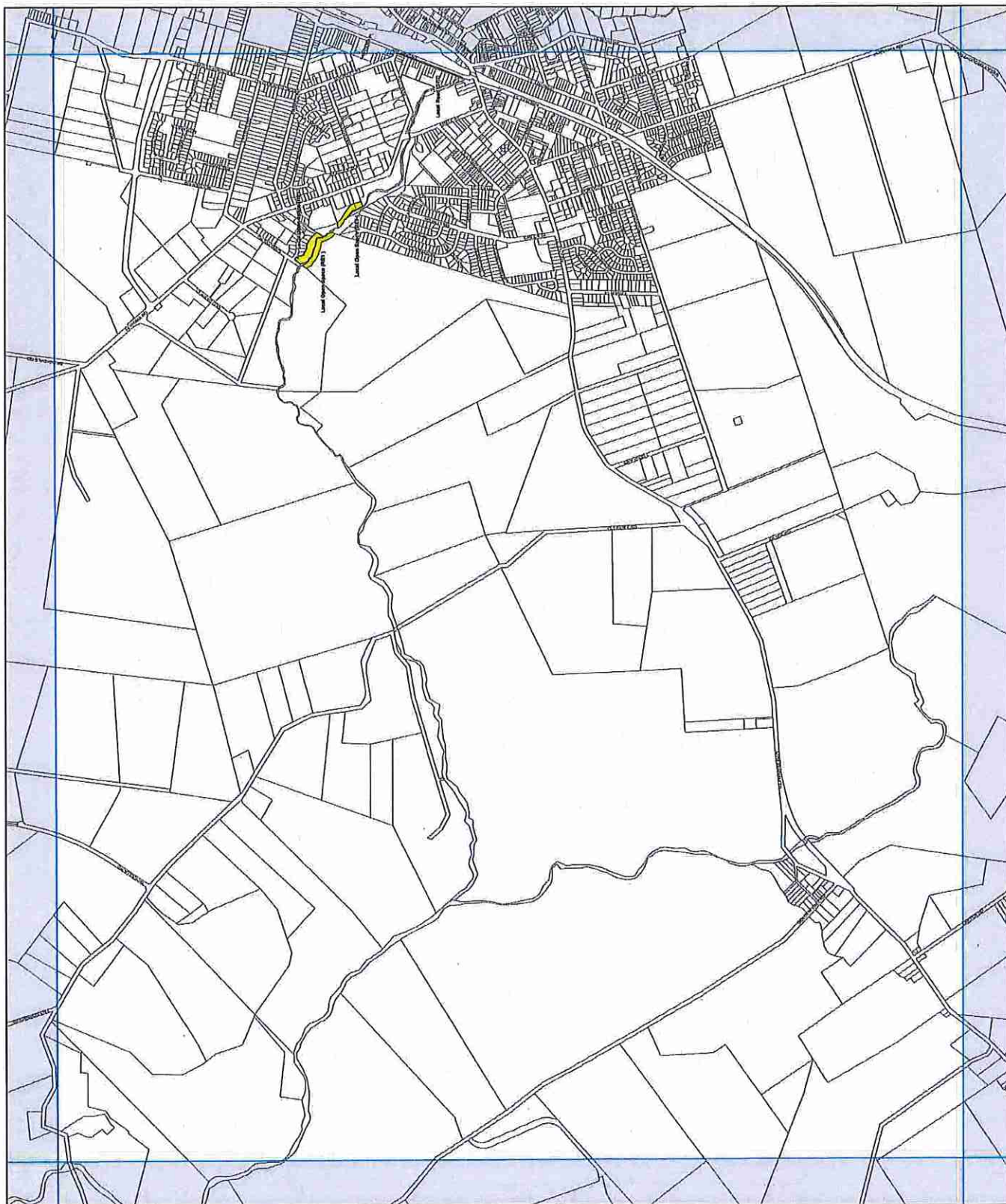


- Heritage**
-  Conservation Area - General
  -  Conservation Area - Landscape
  -  Item - Archaeological
  -  Item - General
  -  Item - Landscape
- Cadastral**
-  Cadastral 04/05/10 © Land and Property Management Authority



Projection: UTM,  
 GDA2000 Zone 56  
 Map identifier number:  
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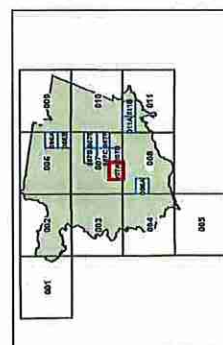




**Wingecarribee Local  
Environmental  
Plan 2010**

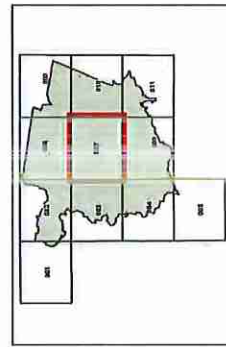
Land Reservation  
Acquisition Map - Sheet LRA\_007A

- ☐ Classified Roads (SP2)  
☐ Local open space (RE1)  
☐ Local road (SP2)
- Cadastre  
☐ Cadastre 04/05/10 © Land and Property Management Authority



1:20,000 @ A3

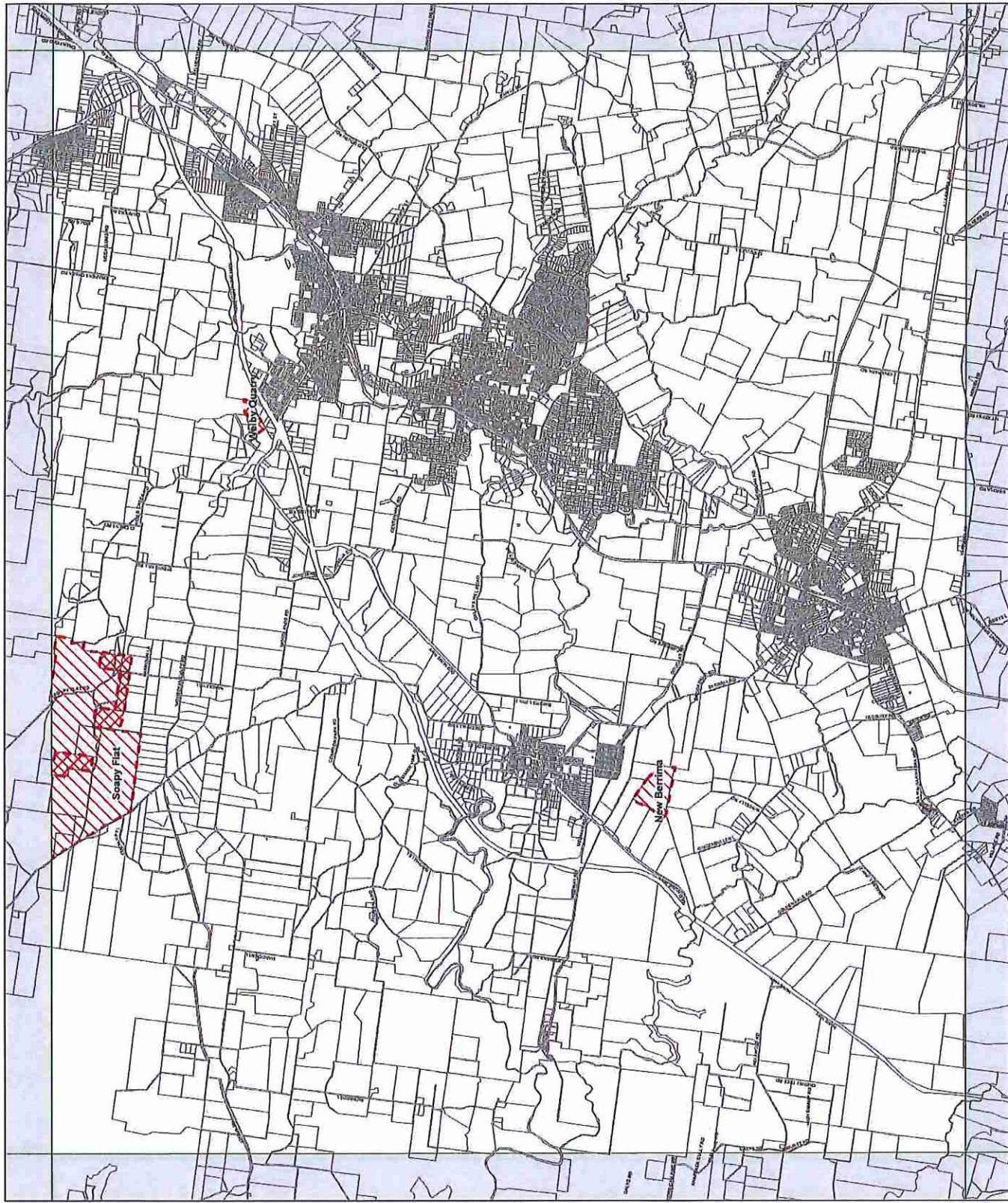
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Scale 1:100,000 @ A3

Projection: MGA  
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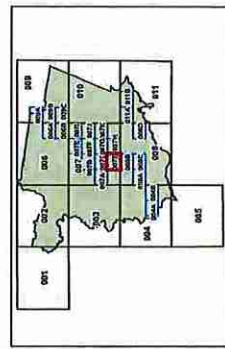
Lot Size Map - Sheet LSZ\_007D

Minimum Lot size (sq m)

|     |     |     |     |      |      |      |      |              |              |              |              |                |                |
|-----|-----|-----|-----|------|------|------|------|--------------|--------------|--------------|--------------|----------------|----------------|
| 300 | 450 | 700 | 800 | 1000 | 2000 | 4000 | 8000 | 10000 (1 ha) | 20000 (2 ha) | 40000 (4 ha) | 80000 (8 ha) | 100000 (10 ha) | 400000 (40 ha) |
| A   | B   | C   | D   | E    | F    | G    | H    | I            | J            | K            | L            | M              | N              |

Cadastral

□ Cadastral 05/08/11 © Land and Property Information



Scale 1:20,000 @ A3

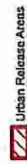
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(GDA94) Zone 56

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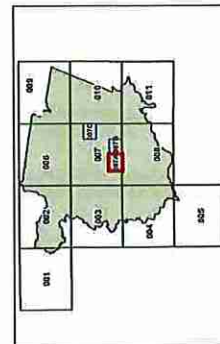


## Urban Release Areas Map - Sheet URA\_007A



## Cadastre

☐ Cadastre 04/05/10 © Land and Property Management Authority



Scale 1:20,000 @ A3

Projection: MGA  
KODJ40 Zone 40  
Scale 1:20,000 @ A3

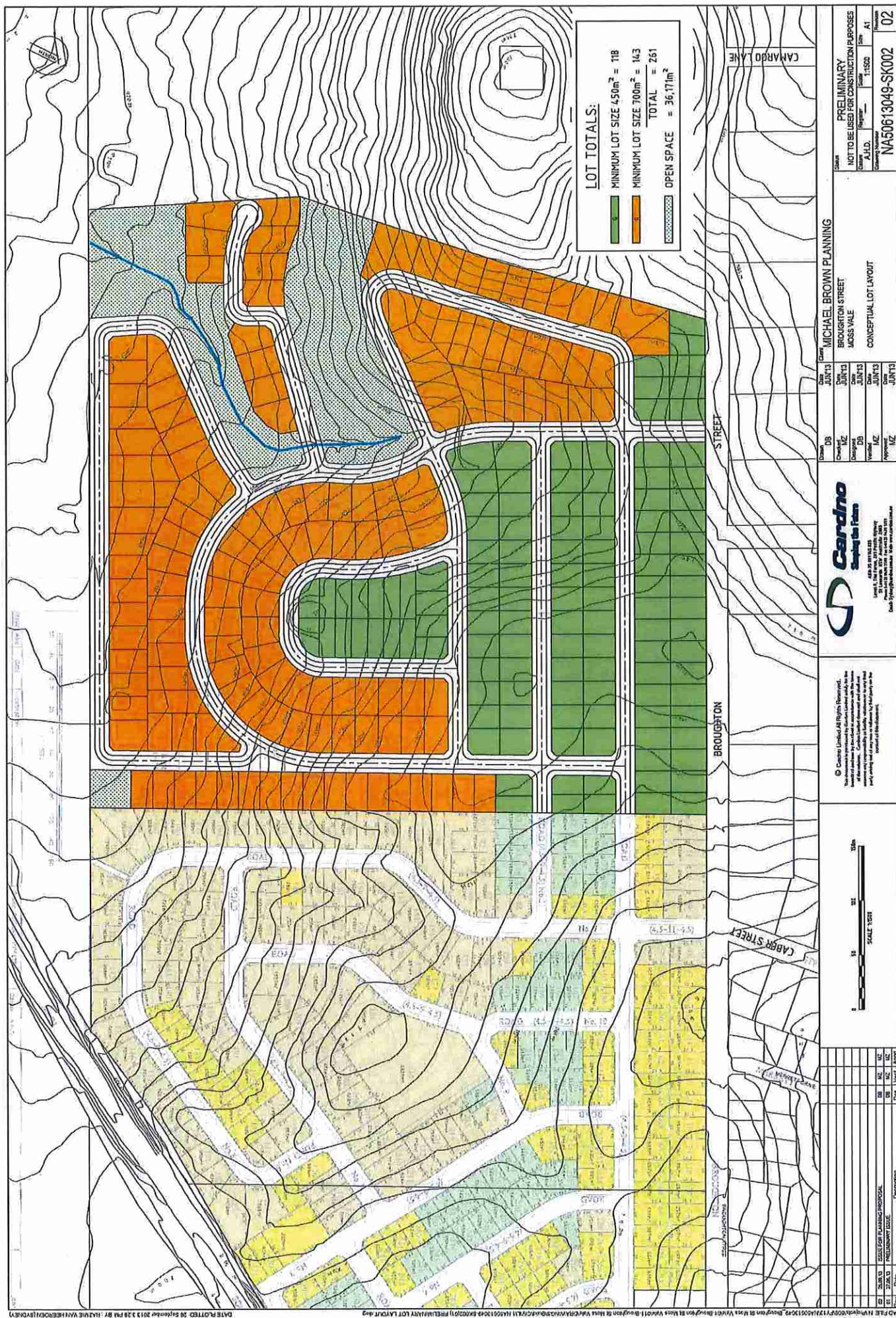
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Moss Vale Feasibility  
Study

APPENDIX

D

LOT LAYOUT



Moss Vale Feasibility  
Study

APPENDIX

E

ELECTRICAL SERVICING ADVICE  
ENDEAVOUR

## Gemma King (Sydney)

---

**From:** David Ho <David.Ho@endeavourenergy.com.au>  
**Sent:** Thursday, 1 August 2013 12:33 PM  
**To:** Brendon Hince (Sydney)  
**Cc:** Gemma King (Sydney)  
**Subject:** ENL2111 - Proposed Residential Subdivision | Lot 1 DP 819424, Broughton Street MOSS VALE [Filed 01 Aug 2013 14:15]

Dear Brendon,

Thank you for your enquiry regarding electricity supply to proposed development at above location. This enquiry has been registered under Customer Application Process (CAP) Number ENL2111; please quote this number for all future correspondence.

Endeavour Energy acknowledges that proposed development is proposing to yield 250 to 300 lots in several stages and initial supply connection will require in March 2015.

Endeavour Energy has assessed the anticipated load required for the proposed development will be in an order of 2.1MVA based on 7kVA per lot and would advise that there will have limited spare capacity and voltage regulation issues for a total proposed mature load of entire development when connected to either 11kV feeder MVD2 or MVH2 ex Moss Vale ZS.

In addition, there is another big subdivision on adjacent lots of which only stage 1 being 32 lots has been approved to be supplied. Hence, there is not enough capacity in the distribution network to supply the total mature load of the proposed subdivisions in this area. As capacity cannot be reserved there is no guarantee that will be capacity for an initial stage and this will need to be determined when a firm application is made. It is envisaged that significant distribution works will be required to create another feeder out of Moss Vale ZS as there are long lead times involved.

Therefore we may allow additional lots to connect supply from existing network until the loads of the captioned feeders reach up to maximum firm capacities. It is a good to have your master plan of your development in order to determine our timeframe of installing a new feeder to the site.

Please note that the advice provided is in response to an enquiry only and does not constitute a formal method of supply. Only once supply application is received and subsequent designs have been certified or approvals granted will Endeavour Energy reserve capacity on the network.

If you have any questions regarding this matter, please contact me.

Regards,

David Ho

Contestable Projects Manager | Network Connections | Network Operations

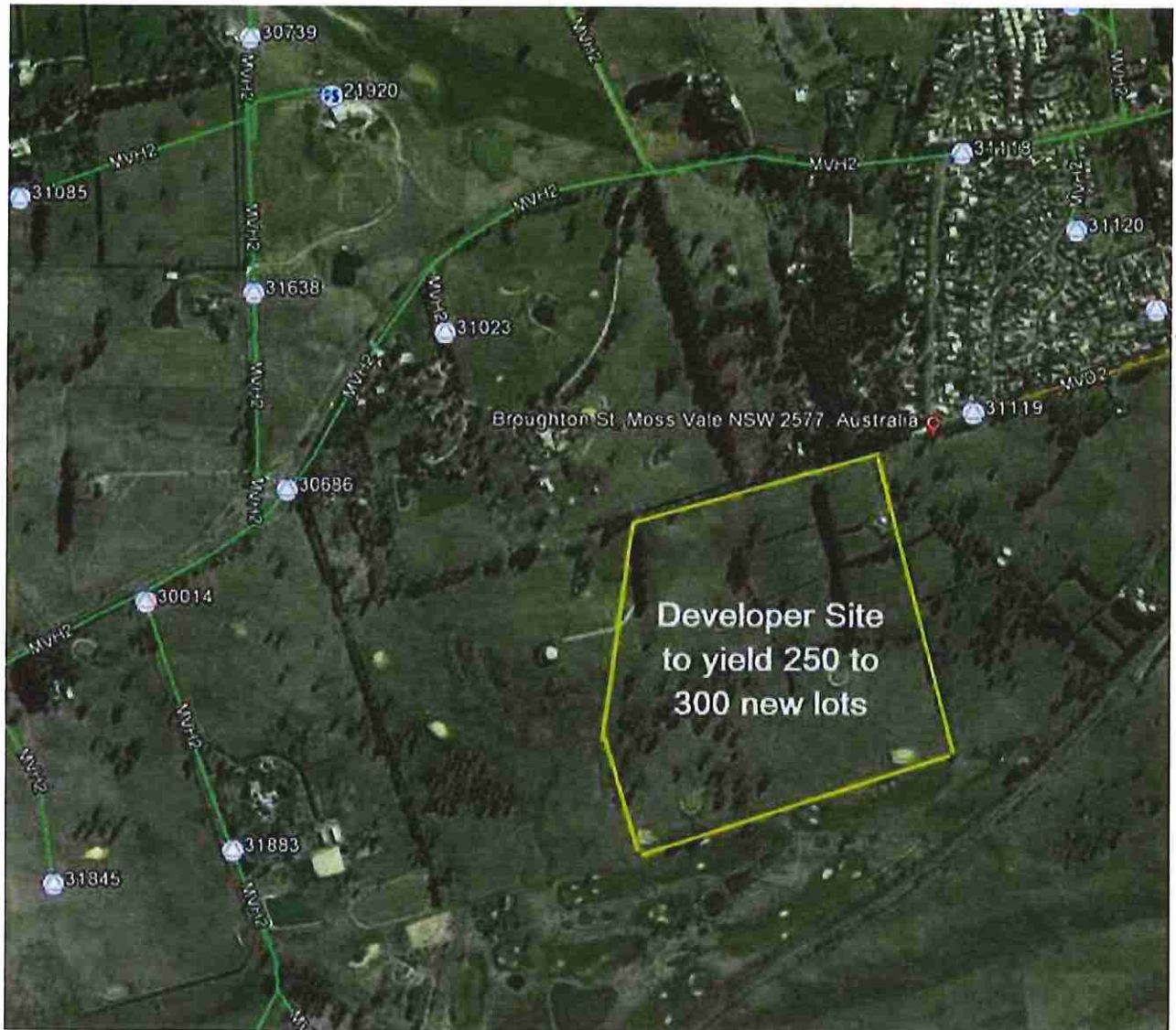
☎ Direct: (02) 9853 7901 | 📠 Fax: (02) 9853 7903

✉ Email: [david.ho@endeavourenergy.com.au](mailto:david.ho@endeavourenergy.com.au)

PO Box 811, Seven Hills 1730

51 Huntingwood Drive, Huntingwood NSW 2148





.....  
Think before you print. This message is intended for the addressee named and may contain confidential information. If you are not the intended recipient, please delete it and notify the sender. Views expressed in this message are those of the individual sender and not necessarily the views of the business.  
.....

Moss Vale Feasibility  
Study

APPENDIX

F

GAS DBYD INFORMATION



Moss Vale Feasibility  
Study

APPENDIX

G

POTABLE WATER & SEWER DBYD  
INFORMATION

# Wingecarribee Shire Council WATER & SEWER RETICULATION MAP



## LEGEND

| Water                  |  | Sewer                  |  |
|------------------------|--|------------------------|--|
| Water Hydrants         |  | Sewer Nodes            |  |
| Water Valves           |  | GENERAL NODES          |  |
| AIR                    |  | LAMP                   |  |
| SCOU                   |  | VENT                   |  |
| SOU                    |  | Sewer Manholes         |  |
| STOP                   |  | Sewer Meters           |  |
| Water Nodes            |  | Sewer Valves           |  |
| Water Pump Stations    |  | AIR                    |  |
| Water Meters           |  | SCOU                   |  |
| Water Sources_Dams     |  | STOP                   |  |
| DAM                    |  | Sewer Pump Stations    |  |
| Road_CL                |  | Sewer Service Lines    |  |
| Water Service Lines    |  | Sewer Mains            |  |
| Water Mains            |  | RETI                   |  |
| RETI                   |  | RISE                   |  |
| TRUN                   |  | TRUN                   |  |
| Water Treatment Plants |  | Sewer Treatment Plants |  |
| Water Reservoirs       |  |                        |  |



### Note:

Some areas contain significant mismatch of up to 20m between Land Parcel boundaries and Water & Sewer GIS layers.

THIS PLAN SHOULD NOT BE USED TO MEASURE THE LOCATION OF WATER AND SEWER ASSETS RELATIVE TO PROPERTY BOUNDARIES.

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Moss Vale Feasibility  
Study

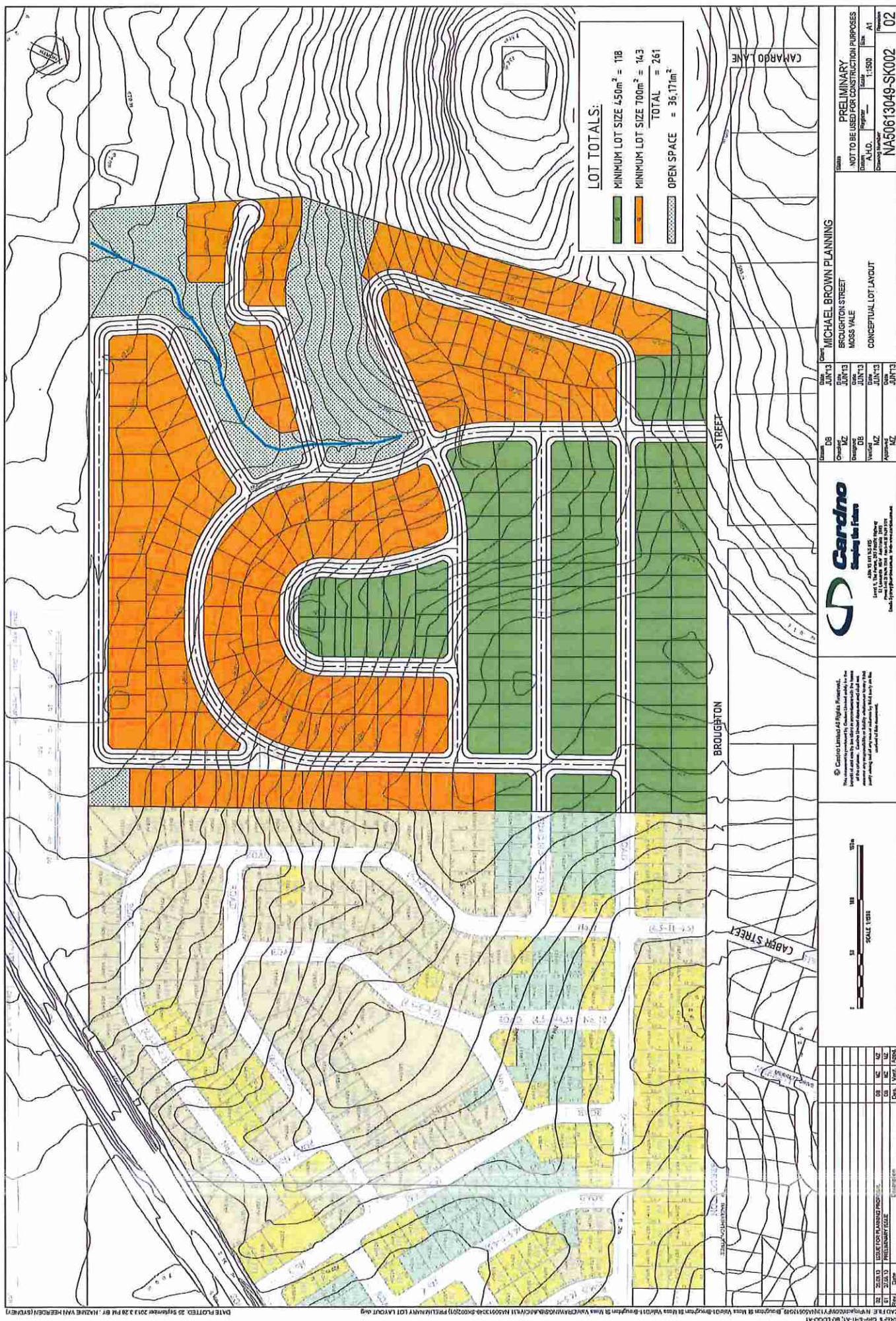
APPENDIX

H

TELECOMMUNICATIONS DBYD  
INFORMATION



**Annexure "B"**  
**Indicative Concept Subdivision Plan**



**Annexure "C"**  
**Sustainability Criteria for New Land Releases (Metropolitan Strategy  
2005)**

(This commentary is provided in the absence of more relevant sustainability criteria)

## 1. INFRASTRUCTURE PROVISION

Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient manner.

*A. Development is consistent with any relevant residential development strategy, regional infrastructure plan and Metropolitan Strategy.*

The proposal is consistent with the Sydney-Canberra Regional Strategy and the identification of the subject land as an Urban Release Area in Wingecarribee LEP, 2010.

*B. The provision of infrastructure (utilities, transport, open space and communications) is costed and economically feasible based on Government methodology for determining infrastructure contribution.*

The proposed development will require enhanced utility services and contribute to the need for accessibility upgrades. The scale of augmentation, reticulation and enhancements is likely to be eminently affordable.

*C. Preparedness to enter into development agreement.*

The owners are prepared to enter into development agreements to pay reasonable infrastructure contributions and the like.

## 2. ACCESS

Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provide.

*A. Accessibility of the area by public transport and appropriate road access.*

### **i. Location/Landuse; to existing networks and related activity centres.**

The land is proximate to existing networks and activity centres, including existing and planned railway stations.

### **ii. Networks; the areas potential to be serviced by economically efficient public transport systems.**

The development prospects, even coupled with other development, are at best likely to lead to increased patronage of bus services.

### **iii. Catchment; the areas ability to contain or form part of the larger urban area which contains adequate transport services. Capacity for landuse/transport patterns to make a positive contribution to achievement of travel and vehicle use goals.**

The proposal is likely, together with other development, to contribute to the base for enhanced bus service provision.

*B. No net negative impact on performance of existing sub-regional road, bus, rail, ferry and freight network.*

The proposed development will have some impact upon the local and subregional road network, as detailed in the previous studies. Further, investigations will need to be undertaken.

### 3. HOUSING DIVERSITY

Provide a wide range of housing choices to ensure a broad population can be housed.

*A. Contributes to the geographic market spread of housing supply, including any government targets established for aged, disabled or affordable housing.*

The proposal will contribute to the level and diversity of housing supply with prospects of varied occupancy.

### 4. EMPLOYMENT LANDS

Provide regional/local employment opportunities to support Sydney's role in the global economy.

*A. Maintain or improve the existing level of subregional employment self containment.*

Few employment opportunities are produced by the land in its current form. Some home based business opportunities may emerge and/or local tradesmen take up residence, together with construction phase related employment.

*B. Meets subregional employment category targets.*

The development only contributes in the manner described above.

#### **i. Employment related land is provided in appropriately zoned areas.**

The proposal does not facilitate the creation of employment land which can be provided more strategically at a subregional level elsewhere, particularly along the New Line Road Corridor.

### 5. AVOIDANCE OF RISK

Landuse conflicts and risk to human health and life avoided.

*A. Available safe evacuation (Flood and Bushfire)*

Flooding does not have a significant adverse impact upon the proposed development. Further, the principles contained in "Planning for Bushfire Protection" can be met.

*B. No residential development within 1:100 floodplain*

The land is subject to minor flooding impact associated with the creeks. The reconfiguration of such area and integration with a controlled urban stormwater management system will minimise such impact to an acceptable level.

*C. Avoidance of physically constrained land: high slope, highly erodible*

The site, apart from the riparian areas and elevated slope, does not include physically constrained land. Further, detailed review of such limited sensitivity will influence the final subdivision layout, yield and guide future residential development parameters.

*D. Avoidance of landuse conflicts with adjacent, existing or future landuse and rural activities as planned under regional strategy*

The proposal will be consistent with existing/proposed residential development and will in effect reduce the prospects of landuse conflict between urban and rural/rural-residential uses.

## 6. NATURAL RESOURCES

Natural resource limits not exceeded/environmental footprint minimised.

*A. Demand for water does not place unacceptable pressure on infrastructure capacity to supply water and environmental flows.*

Infrastructure will need to be amplified in response to the development, with such cost being met by developers. A total water cycle management strategy will be developed and include a Water Sensitive Urban Design focused stormwater management strategy. Standard BASIX water conservation measures will be introduced.

*B. Demonstrates most effective/suitable use of land.*

### i. Avoids significant agricultural land

The land does not have a classification as prime agricultural land. Further, to achieve viability would require intensive operations and major capital investment. Such investment is not likely to be forthcoming given the inherent value of the land and typical rural/urban conflicts.

### ii. Avoids impacts on productive resource lands; extractive industries, coal, gas and other mining and quarrying.

No adverse impacts on such resources are occasioned by the proposed development. Sub surface mining can occur, subject to surface development observing relevant mine subsidence parameters.

### iii. Demand for energy does not place unacceptable pressure on infrastructure capacity to supply energy; requires demonstration of efficient and sustainable supply solution.

Augmentation of local energy supply will be required. Developer funding will meet such costs and produce a sustainable supply solution.

## 7. ENVIRONMENTAL PROTECTION

Protect and enhance biodiversity, air quality, heritage and waterway health.

*A. Consistent with Government approved Regional Conservation Plan (if available).*

No Conservation Plan exists or is proposed. The retained remnant vegetation will be better managed and the riparian zone enhanced.

*B. Maintains or improves areas of regionally significant terrestrial and aquatic biodiversity (as mapped and agreed by DEC and DPI). This includes regionally significant vegetation communities; critical habitat; threatened species populations; ecological communities and their habitats.*

There is no known Conservation Management Zones identified (refer to A above).

*C. Maintain or improve existing environmental condition for air quality.*

No urban release could claim to have no adverse impact. Any impact associated with the proposed development is likely to be minimal.

The development, together with other local development, will contribute to the potential provision of enhanced local bus services, which will also provide a means of alternative movement for some residents.

*D. Maintain or improve existing environmental condition for water quality and quantity.*

**i. Consistent with community water quality objectives for recreational water use and river health (DEC and CMA).**

Application of Water Sensitive Urban Design (WSUD) principles to proposed development will improve the current situation in pursuit of the subject objectives, inclusive of rehabilitation of the riparian zone.

**ii. Consistent with catchment and stormwater management planning (CMA and local Council).**

Achievable through application of principles of WSUD and riparian zone enhancement initiatives.

*E. Protects areas of Aboriginal cultural heritage value (as agreed by DEC).*

Limited sensitivity identified to date will be further addressed as the PP is progressed and appropriate management strategies developed, if required.

## **8. QUALITY AND EQUITY IN SERVICES**

Quality health, education, legal, recreational, cultural and community development and other government services accessible.

*A. Available and accessible services.*

**i. Do adequate services exist?**

**ii. Are they at capacity or is some available?**

**iii. Has Government planned and budgeted for service provision?**

Capacity thresholds may be approached in respect of some services. It is clear in such context that the proposed development will impact upon social infrastructure provision beyond the site. Appropriate and reasonable developer contributions are critical to the required enhancement.

B. *Developer funding for required upgrade/access is available.*

Commitment to reasonable developer funding is central to the development proposal

**Annexure "D"**  
**Wingecarribee Sustainability and Design Criteria for New Release Areas**

| Criteria                                                                                                                                                       | Considerations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Comment                                                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
| <b>Infrastructure Provision</b><br>Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient way | <ul style="list-style-type: none"> <li>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.</li> <li>Preparedness to enter into a planning agreement as per current Council Policy.</li> </ul>                                                                                                                      | Infrastructure provision can be provided, as detailed in the Cardno assessment, with appropriate contributions made. |
| <b>Diversity of Housing and Allotment Sizes</b><br>Provide a range of housing choices to ensure a broad cross section of the community can be accommodated     | <ul style="list-style-type: none"> <li>Contribute to the market spread of housing supply, including for the provision of aged, disabled and affordable housing.</li> <li>Provide a range of individual lot sizes and dwelling types</li> </ul>                                                                                                                                                                                                                                                            | The subdivision will add to housing choice for the LGA.                                                              |
| <b>Urban Design</b><br>Provide for a well-planned and connected community                                                                                      | <ul style="list-style-type: none"> <li>Subdivision layouts provide for efficient access for pedestrians, vehicle movement and public transport.</li> <li>Significant natural features on the site are retained and used as focus points within the subdivision.</li> <li>Subdivision does not encroach onto any ridge lines on site.</li> <li>The development is visually attractive when viewed from outside of the area.</li> <li>Suitable buffer between urban release area and rural area.</li> </ul> | The subdivision layout is permeable and connects to other subdivisions.                                              |
| <b>Natural Resource Management</b><br>Natural resource limits not exceeded and environmental footprint minimised                                               | <ul style="list-style-type: none"> <li>Demand for water is within infrastructure capacity to supply water and does not place unacceptable pressure on environmental flows.</li> <li>Best practice water sensitive urban design practices integral to the development.</li> <li>Demand for energy does not place unacceptable pressure on infrastructure capacity to supply energy – requires demonstration of efficient and sustainable supply solution as</li> </ul>                                     | Service provision can be augmented to meet the needs to the subdivision.<br><br>WSUD practices will be employed.     |

| Criteria                                                                                                       | Considerations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Comment                                                 |
|----------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|
|                                                                                                                | well as energy efficient building designs.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                         |
| <b>Environmental Protection</b><br>Protect and enhance biodiversity, air quality, heritage and waterway health | <ul style="list-style-type: none"> <li>• 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.</li> <li>• Maintain or improve existing environmental condition for air quality.</li> <li>• Maintain or improve existing environmental condition for water quality consistent with catchment and stormwater management planning.</li> <li>• Protects areas of Aboriginal and Cultural heritage value.</li> <li>• Landscaping of the site promotes the reestablishment of local endemic species and communities.</li> <li>• Light spillage from public and private areas is minimised.</li> </ul> | The riparian and vegetated areas will be protected.     |
| <b>Natural Hazards</b><br>Risk to human health and life are avoided                                            | <ul style="list-style-type: none"> <li>• No residential development within 1:100 floodplain.</li> <li>• Avoidance of physically constrained land e.g. high slopes and highly erodible land.</li> <li>• Where relevant, available safe evacuation route for flood and bushfire risk areas.</li> <li>• Appropriate early investigation to avoid issues associated with potentially contaminated land.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                        | The subject land is not known to be subject to hazards. |



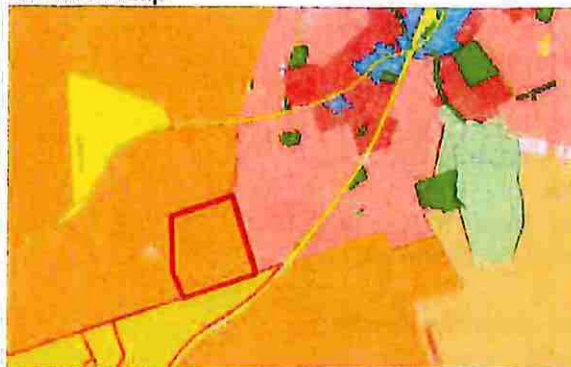
# Moss Vale Township Precinct Plan

MOSS VALE - 4

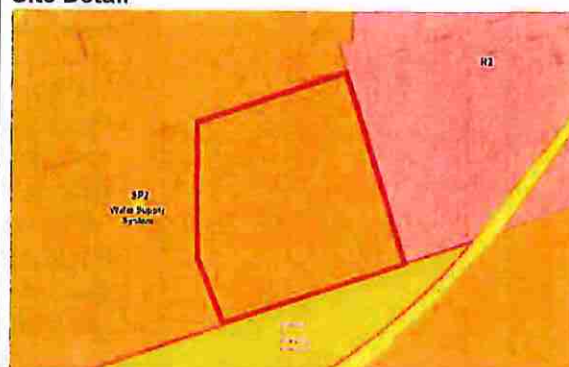
PN: 267200

ADDRESS: Lot 1 DP 819424, Darraby Lodge, Broughton Street, MOSS VALE NSW 2577

Location Map



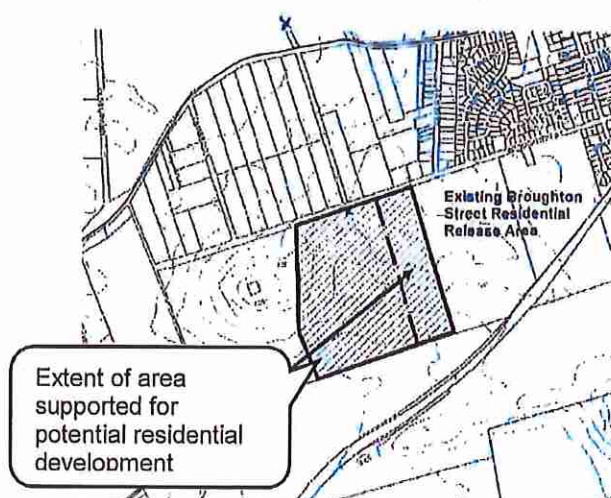
Site Detail



## SITE ANALYSIS

Zoned E3 Environmental Management with a minimum lot size of 40ha. The site covers an area of approximately 30ha. The site has a frontage to Broughton Street of some 455 metres. There is one portion of Endangered Ecological Community located in the south west quarter of the site. The site is bushfire prone along some  $\frac{3}{4}$  of the Broughton Street boundary. The site slopes upwards from east to west. The property is adjacent to the existing Darraby residential release area to the east which is zoned R2 Low Density Residential with a minimum lot size of 500m<sup>2</sup>.

A submission for the rezoning for residential purposes of the site was considered by Council during the exhibition of the 2009 draft LEP at which time Council resolved THAT the subject area be included for further investigation in the Local Planning Strategy as a potential future urban release area. At that time only the lower portion of the site adjacent to the Darraby residential area was identified for future residential development, as indicated on the map below.



5. The reduction in the minimum lot size to 20 hectares of the area identified in the map contained in the Assessment Report be supported for inclusion in the Colo Vale Precinct Plan of the adopted Wingecarribee Local Planning Strategy 2015-2031.

6. The rezoning to B4 Mixed Use under WLEP 2010 of the leased portion of the SP2 Rail Infrastructure land at Mittagong railway station be supported for inclusion in the Mittagong Precinct Plan of the adopted Wingecarribee Local Planning Strategy 2015-2031.

7. Lot 115 DP 1067955, 105-119 Bong Bong Road and Lot 1 DP 1140914, 21 Mary Street, Mittagong, and Lot 11 DP 1067256, 949 Old South Road remain zoned part RU2 Rural Landscape and part E3 Environmental Management with a minimum lot size of 40 hectares under WLEP 2010 and THAT the rezoning of Lot 2 DP 157625, 19 Mary Street, Mittagong to R5 Large Lot Residential with a minimum lot size of 4,000m<sup>2</sup> be supported for inclusion in the Mittagong Precinct Plan of the adopted Wingecarribee Local Planning Strategy 2015-2031.

8. The request to reduce the minimum lot size of Lot 107 DP 15496 15 Gibraltar Road, Mittagong, to 1 hectare be supported for inclusion in the Mittagong Precinct Plan of the adopted Wingecarribee Local Planning Strategy 2015-2031 AND THAT as part of any subsequent Planning Proposal additional lots in the vicinity of the subject site also be considered for a reduction in minimum lot size to 1 hectare.

9. The rezoning of Lots 1-6 & 8 DP 502535, 71 Beaconsfield Road & Lot 2 DP 502535, 77 Beaconsfield Road, Moss Vale to RU4 Primary Production Small Lots with a minimum lot size range from 2000m<sup>2</sup> to 4000m<sup>2</sup>, be supported for inclusion in the Moss Vale Precinct Plan of the adopted Wingecarribee Local Planning Strategy 2015-2031.

10. The rezoning of Lot 11 DP 1084421, 74-76 Beaconsfield Road, Moss Vale, to RU4 Primary Production Small Lots with a minimum lot size range from 4000m<sup>2</sup> to 8000m<sup>2</sup> be supported for inclusion in the Moss Vale Precinct Plan of the adopted Wingecarribee Local Planning Strategy 2015-2031.

11. A reduction in the minimum lot size to part 2000m<sup>2</sup> and part 4000m<sup>2</sup> of Lot 1 DP 812628, 69 Bulwer Road, Moss Vale be supported for inclusion in the Moss Vale Precinct Plan of the adopted Wingecarribee Local Planning Strategy 2015-2031.

12. Lot 1 DP 819424, Darraby Lodge, Broughton Street, Moss Vale be included in the Moss Vale Precinct Plan of the adopted Wingecarribee Local Planning Strategy 2015-2031 for further consideration to rezoning all or part of the site for residential development. \*

13. The rezoning to R2 Low Density Residential with a minimum lot size of 2000m<sup>2</sup> of that portion of Lot 42 DP 1058534 fronting Penrose Road between Lot 13 DP 11288 and Lot 41 DP 1058534, being approximately 4000m<sup>2</sup> in area, be supported for inclusion in the Penrose Precinct Plan of the adopted Wingecarribee Local Planning Strategy 2015-2031 and THAT the rezoning to R2 Low Density Residential with a minimum lot size of 2000m<sup>2</sup> of Lot 41 DP 1058534 and the rezoning to R2 Low Density Residential with a minimum lot size of 2000m<sup>2</sup> of Lot 22 DP 11288 be supported for inclusion in the Penrose Precinct Plan of the adopted Wingecarribee Local Planning Strategy 2015-2031.

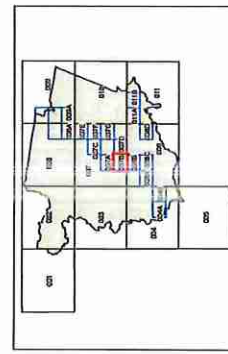
14. The rezoning to IN2 Light Industrial of Lot 2 DP 1149654, 4 Tyree Place, Braemar to permit development for the purposes of a bulky good premises be supported for inclusion in the Braemar Precinct Plan of the adopted Wingecarribee Local Planning Strategy 2015-2031.



Height of Buildings Map - Sheet HOB\_007B



**Cadastrø**  
☐ Cadastrø 05/08/11  Land and Property Information

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**16015 MOSS VALE  
KERRY J MARSHALL**

UD:06  
10/06/2016

**PROPOSED HOB**  
A 1:19922.46@A3

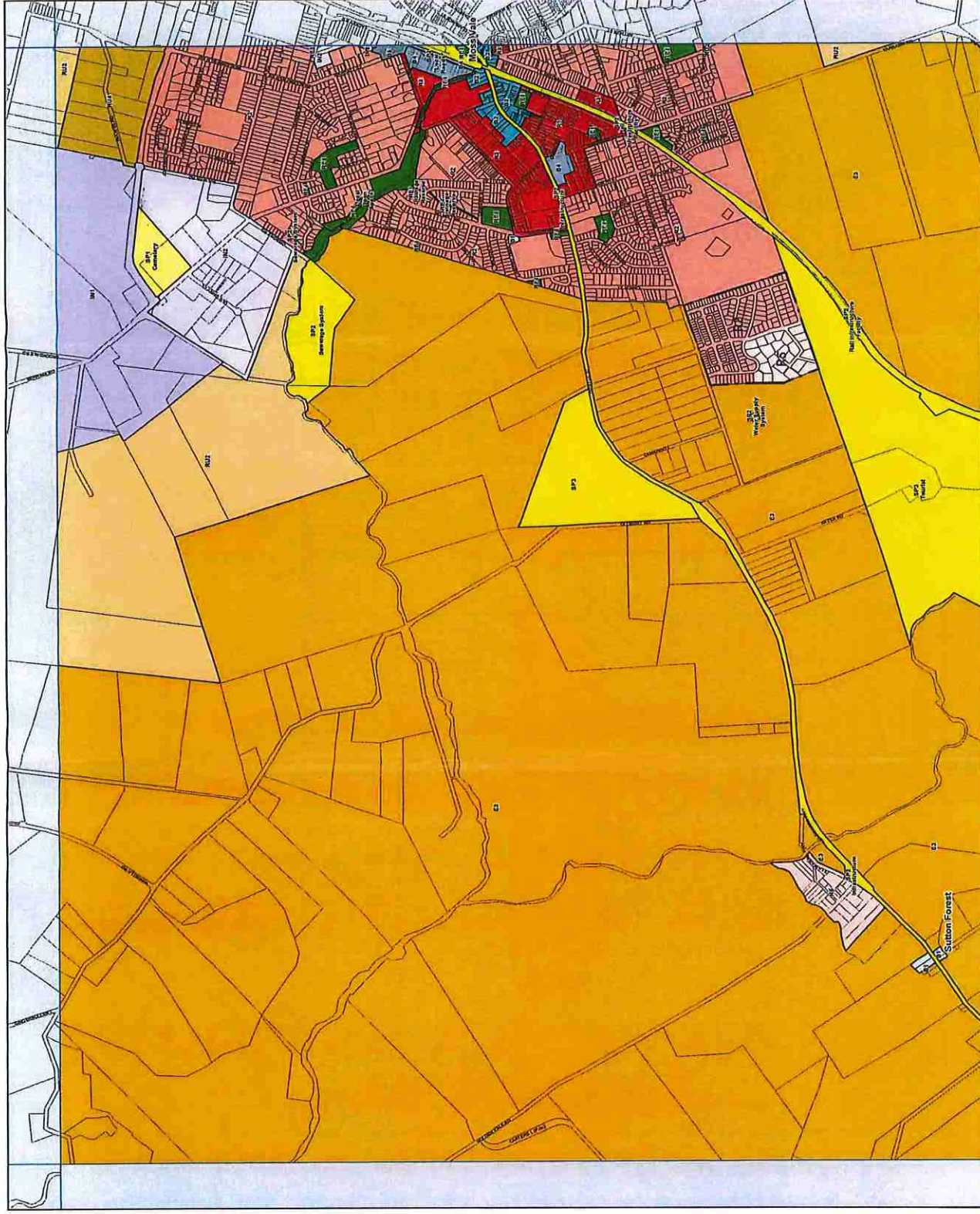
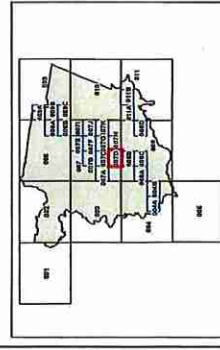


# Wingecarribee Local Environmental Plan 2010

Land Zoning Map - Sheet LZN\_007D

- Zone**
- B1** Neighbourhood Centre
  - B2** Local Centre
  - B4** Mixed Use
  - B5** Business Development
  - B7** Business Park
  - E1** National Parks and Nature Reserves
  - E2** Environmental Conservation
  - E3** Environmental Management
  - E4** Environmental Living
  - IN1** General Industrial
  - IN2** Light Industrial
  - IN3** Heavy Industrial
  - R2** Low Density Residential
  - R3** Medium Density Residential
  - RS** Large Lot Residential
  - RE** Public Recreation
  - PR** Private Recreation
  - PU** Primary Production
  - RL** Rural Landscape
  - FR** Forestry
  - SP** Primary Production Small Lots
  - SP1** Special Activities
  - SP2** Infrastructure
  - SP3** Tourist

**Cadastral**  
☐ Cadastral 07/11/14 © Land and Property Information (LPI)



**Saturday Studio**

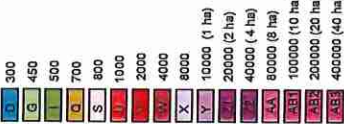
SATURDAYSTUDIO.COM.AU  
**16015 MOSS VALE**  
**KERRY J MARSHALL**

**UD:07**  
 10/06/2016

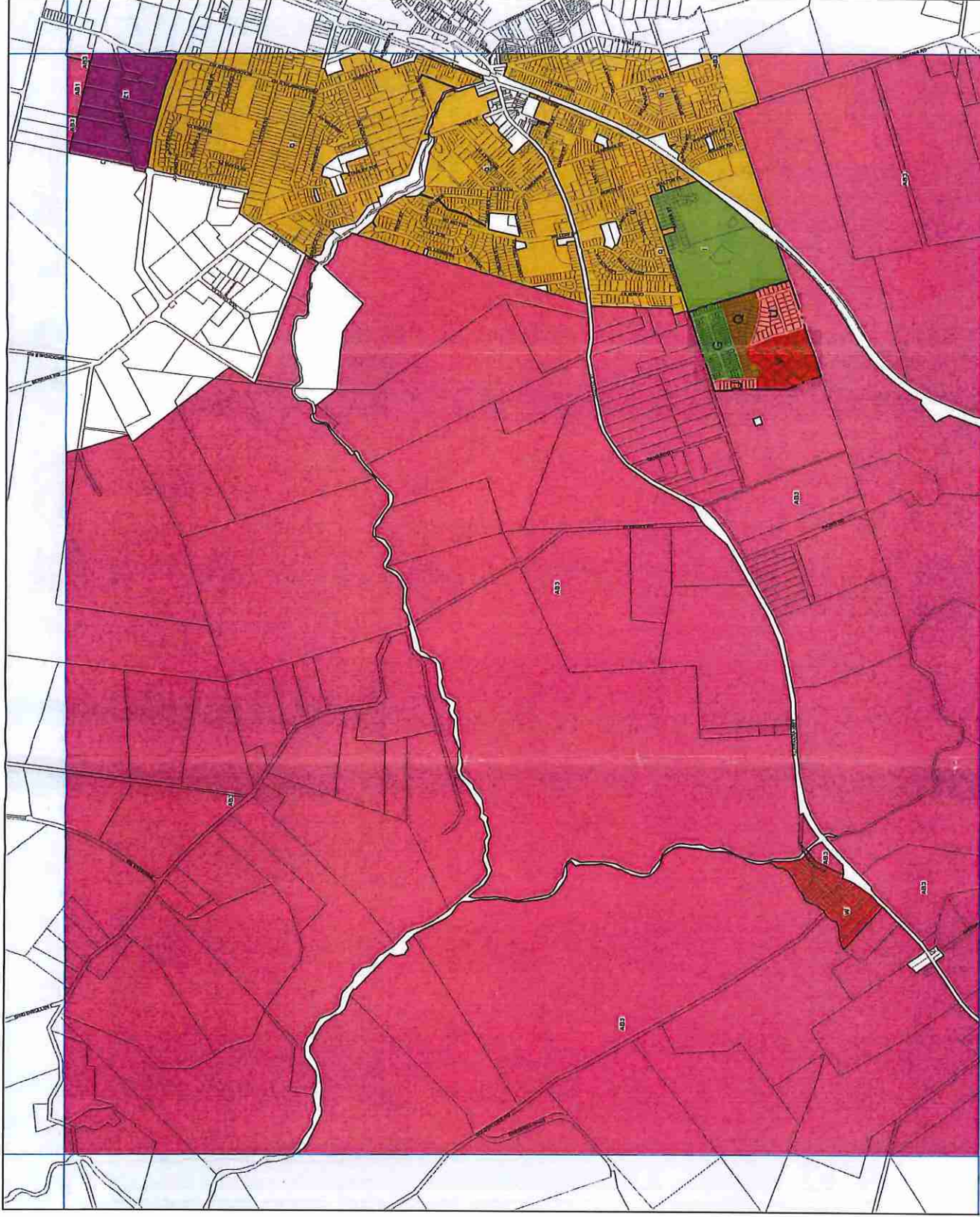
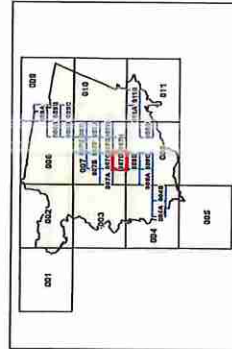
**PROPOSED ZONING**  
 A 1:20447.63@A3



Minimum Lot Size (sq m)



Cadastre  
☐ Cadastre Owners @ Land and Property Information (LPI)







## DESIGN NOTES

- 1 Potential shale woodland within lots
- 2 Riparian revegetation (20m)
- 3 Biofiltration basins
- 4 Main streets defined with larger deciduous trees
- 5 Road threshold to define laneway entry
- 6 Minor streets defined by small ornamental trees

## INDICATIVE TREE LIST

| Symbol | Botanical Name                         | Common Name      |
|--------|----------------------------------------|------------------|
| ●      | <i>Fraxinus angustifolia</i> 'Raywood' | Claret Ash       |
| ●      | <i>Liriodendron tulipifera</i>         | Tulip Tree       |
| ●      | <i>Prunus x bireana</i>                | Purple Leaf Plum |
| ●      | <i>Malus floribunda</i>                | Crab Apple       |
| ●      | <i>Pyrus Chanticleer</i>               | Ornamental Pear  |



*Fraxinus angustifolia* 'Raywood'



*Liriodendron tulipifera*



*Malus floribunda*



*Pyrus Chanticleer*



*Prunus x bireana*



## LANDSCAPE CONCEPT PLAN

Object: Broughton Street, Moss Vale  
 Date: 09.06.2016  
 Drawing No: SK01  
 Revision: 8  
 Client: Kerry J Marshall

Scale: 1:2500 @ A3



Saturday TaylorBrammer  
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