

Save The Highlands

Protecting the Integrity, Character and Heritage of the Southern Highlands

April 8, 2009

General Manager
Wingecarribee Shire Council
P.O Box 141
Moss Vale 2577

Submission on Draft Local Environmental Plan 2009. Ref No. 5900/3

Sir,

We extend our thanks for the opportunity to make this submission, and commend it for your consideration. In the interests of brevity we have selected clauses of particular interest.

Save The Highlands (STH) supports the stated aims of the Wingecarribee Shire Draft Local Environmental Plan 2009 (DLEP09), and in particular endorses:

1.2 (2) Aims to:

b. maintain pattern of settlement of towns & villages

c. minimise sprawl

1.2 b and c are essential and important commitments to protecting our Shire's integrity, character and heritage. We trust WSC will be vigilant of any attempts to ignore and circumvent the intent of this aim by those who may regard our Shire as disparate and unrelated potential development sites. Accordingly we presume WSC will follow an intelligent and holistic approach to Shire planning to prevent the negation and circumvention of this emphatic DLEP09 objective.

h. develop employment hubs better accessed by public/private transport

It is hoped WSC Economic policy will reflect the fact that Wingecarribee Shire is ideally located for regional Government and corporate operations, an IT corridor, and as a cultural activities centre.

i. protect rural land

Thinly veiled attempts to surreptitiously subdivide and inappropriately commercialise rural land must be strenuously resisted.

k. protect high scenic landscape value

This Clause could serve as a legitimate basis for control of, and/or a ban on, the plantings of cypress leilandii which are undoubtedly threatening the scenic landscape values of the Shire.

l. ecologically sustainable future, including waterways, riparian land and water quality (surface and groundwater) Use of groundwater which is a resource which we know little about, and which may be depleted unwisely needs strong Council oversight. See also Land Use Table (p)

n. sustainable development opportunities

We suggest 1.2 l and n may be expanded to specifically include, encourage and protect wind and micro-hydro power generation, rights to solar access, and alternative building construction methods and materials, such as straw bale and rammed earth.

LAND USE TABLE p. 10

There is no mention of windmills. Are they included in “electricity generating works” ? They, and other alternative energy devices, should be added as “permitted with consent” in all Rural and Industrial Zones, and for residences where applicable.

o. mining balanced with urban amenity

Probable infrastructure impact and possible cost shifting must be accurately assessed.

p. protection of drinking water

STH encourages WSC to examine compliance with current commercial water extraction DAs, and consider future application in the context of Shire-wide groundwater resources, not merely on an isolated head flow basis.

2.4 UnZoned Land.

This clause causes concern. How is unzoned land defined and what is permitted? What zoning may apply to unzoned land? Does the State template specify such a classification?

2.5 Additional uses “Particular Land”

(2) “this clause has effect despite anything to the contrary in the land use table or other provision of this plan”.

We seek clarification of this clause, its intent and probable interpretation.

Zone B7: IN(1) (2) (3)

STH applauds the aims to “ensure development minimises on/off site impacts on biodiversity.” WSC planning policy should, therefore, encourage retention of local native plants and allow approved access for seed collection.

Zone RE3

Stated objectives include “noxious and environmental weed eradication,” This objective should extend to ALL landuse categories. Allowing any area to become noxious and environmental weed *nursery* is contrary to the interests of the Shire, impacts on agriculture, land values and tourism.

3.3 Environmentally sensitive areas excluded

We recommend this clause specifies that Endangered Ecological Communities are critical habitat under Threatened Species Act, p.34.

STH also seeks more specific identification of environmentally sensitive areas.

4.3 Height of buildings p. 36-37

We believe Shire residents may better understand this if some examples were provided, i.e. how many stories - 3, 4? Is there any variation to building separation requirements where these height limits are permissible. What under-croft usage is now permitted?

4.4 Floor space ratios

Clarification and specific guidelines where applicable.

5.1, 5.2 Land acquisition / classification and reclassification of public land

We urge Council to immediately name all public reserves and unnamed public land, reclassify them as community land for public parks and formulate Plans of Management.

5.9 Preservation of trees and vegetation p. 44

We seek the reintroduction and publication of the Shire Tree Register to identify and correctly classify the type/s of tree and their relationship to the local area. What is the Council’s Native Vegetation Plan of Care and Management? We ask Council to proscribe *Leilandii* specifically, and require their control or removal.

5.10 Heritage conservation

What specific measures will WSC implement to strengthen the protection of our Shire's heritage?

Section 6 Urban Release Areas 6.5(1b) p50

The implication that requisite infrastructure must precede development is circumvented by the suggestion that Developers can build infrastructure to be available as required. This would seem to be an open invitation for non-compliance, building of developments with inadequate infrastructure, and cost shifting to rate-payers.

Section 6.6 – Development Control Plan

We request that any and all DCP application be publicly and widely advertised during the application process. There would seem no ethical reason not to do so.

6.6(2)b DCP provides for transport movement

STH request that convenient, logical and maintained walkways and cycle paths be included here.

6.6(2)c Landscaping

We ask that there is a stated preference of Local Native Species, and where exotics are used that they are chosen with consideration of their longer term impact and maintenance cost. For example, leilandii's growth rates, height and width.

7.4 Environmental Conservation p. 52

STH suggest there be a requirement to maintain and sustain these designated areas (regional wildlife habitat corridor or natural waterbodies and riparian land) e.g weeding, planting replacement vegetation from native seed collected in the locality.

7.10 Flood Prone Land p. 55

Is there sufficient recognition and understanding of any new development's upstream impact storm water flow rates and potential overflow directions/consequence on downstream land. e.g. in Moss Vale building houses at the top of Villiers Road area impacted drainage system which probably caused flooding of MV TAFE College building. The community paid to repair the damage, not the developers.

Clauses 5 and 6 p. 7, Clause (3) p. 71 Clause 7 p. 70, Clause 8 p. 70, pertaining to industrial buildings etc:

Suggest requirement for landscaped strip specify Local Native Species and require land owners to maintain said strips. Additionally add requirement to specify planting of shade trees for commercial car parks.

Part 2 complying development certificate conditions p. 73,

Site Management section (2) run off and erosion controls

STH recommends the addition of a requirement for maintenance of these as required and removal at end of development.

General Comments from STH Members

1. Mandatory DA notification for all landowners/residence in the vicinity of the subject property.
2. 3D models to be mandatory for larger developments.
3. If the council can use a DCP to carve out the heart of a village for an apartment complex can they also use DCPs to protect some potential SEPP sites such as OLSH, from inappropriate development?
4. Specific regulations for the use of containers as storage sheds and housing.
5. Minimum 700 sq. mtr. block size squared should vary according to location and character.
6. Permitted higher in-fill building should be balanced by adjacent open space requirements.
7. More and better Shire sign-posting for major artery access and locales of tourist interest, similar to that used in rural Victoria
8. Do not assume high density housing zoning means affordable housing. Have specified areas for affordable housing.
9. Moss Vale is separated by a rail line which severely restricts pedestrian and traffic movements. We ask Council to make best efforts to reopen the Parkes Road crossing.

We trust the WSC Draft LEP 2009 will truly reflect its stated aims in both content and application.

Yours Faithfully,

Lyndal Breen,
Secretary & Chair Land and Environment Committee
Save The Highlands Inc.