

13.3 Planning Proposal to rezone and amend the minimum lot size of land at Old South Road and Bowral Street, Bowral

Reference:	5901
Report Author:	Senior Strategic Land Use Planner
Authoriser:	Coordinator Strategic Land Use Planning
Link to Community Strategic Plan:	Provide a mixture of housing types that allow residents to meet their housing needs at different stages of their lives and support affordable living

PURPOSE

The purpose of this report is to present to Council the assessment of a Planning Proposal to rezone land at Bowral Street and Old South Road, Bowral from R5 Large Lot Residential to R2 Low Density Residential, and reduce the minimum lot size from 4000m² to 500m². This report recommends supporting the rezoning but at a minimum lot size of 1000m².

RECOMMENDATION

THAT Council submit a Planning Proposal to the Department of Planning and Environment for a Gateway Determination to amend WLEP 2010 to rezone to R2 Low Density Residential and apply a minimum lot size of 1000m² to the following lots:

- 190 Bowral Street, Bowral – Lots 13 and 22 Sec D DP192732 and Lot 131 DP524470;
- 196 Bowral Street, Bowral - Lot 1 DP708665;
- 198 Bowral Street, Bowral - Lot 2 DP708665;
- 200 Bowral Street, Bowral - Lot 3 DP708665;
- 202 Bowral Street, Bowral - Lot 4 DP708665;
- 146 Old South Road, Bowral – Lot 5 DP708665;
- 148 Old South Road, Bowral – Lot 6 DP708665;
- 150 Old South Road, Bowral – Lot 1 DP626821;
- 152 Old South Road, Bowral – Lot 2 DP626821;
- 158 Old South Road, Bowral – Lot 8 DP770871;
- 160 Old South Road, Bowral – Lot 7 DP786212, and
- 164 Old South Road, Bowral - Lot 1 DP782827.

REPORT

BACKGROUND

In September 2018 a Planning Proposal was lodged with Council by David Matthews, Town Planner, on behalf of Boardman Developments Pty Ltd, the owner of 190 Bowral Street, Bowral.

The purpose of the Planning Proposal is to rezone several lots located at Bowral Street and Old South Road Bowral in the vicinity of 190 Bowral Street from R5 Large Lot Residential to R2 Low Density Residential and amend the minimum lot size from 4000m² to 500m². The affected lots are:

- 190 Bowral Street, Bowral – Lots 13 and 22 Sec D DP192732 and Lot 131 DP524470;
- 196 Bowral Street, Bowral - Lot 1 DP708665
- 198 Bowral Street, Bowral - Lot 2 DP708665
- 200 Bowral Street, Bowral - Lot 3 DP708665
- 202 Bowral Street, Bowral - Lot 4 DP708665
- 146 Old South Road, Bowral – Lot 5 DP708665
- 148 Old South Road, Bowral – Lot 6 DP708665
- 150 Old South Road, Bowral – Lot 1 DP626821
- 152 Old South Road, Bowral – Lot 2 DP626821
- 158 Old South Road, Bowral – Lot 8 DP770871
- 160 Old South Road, Bowral – Lot 7 DP786212
- 164 Old South Road, Bowral, Lot 1 DP782827

The Planning Proposal forms **Attachment 1** to this report. The location of these nominated lots is identified in **Figure 1** below. Council understands that the owner of 190 Bowral Street has consulted with the owners of a number of adjoining lots included within this Planning Proposal. Details of that consultation are not known.

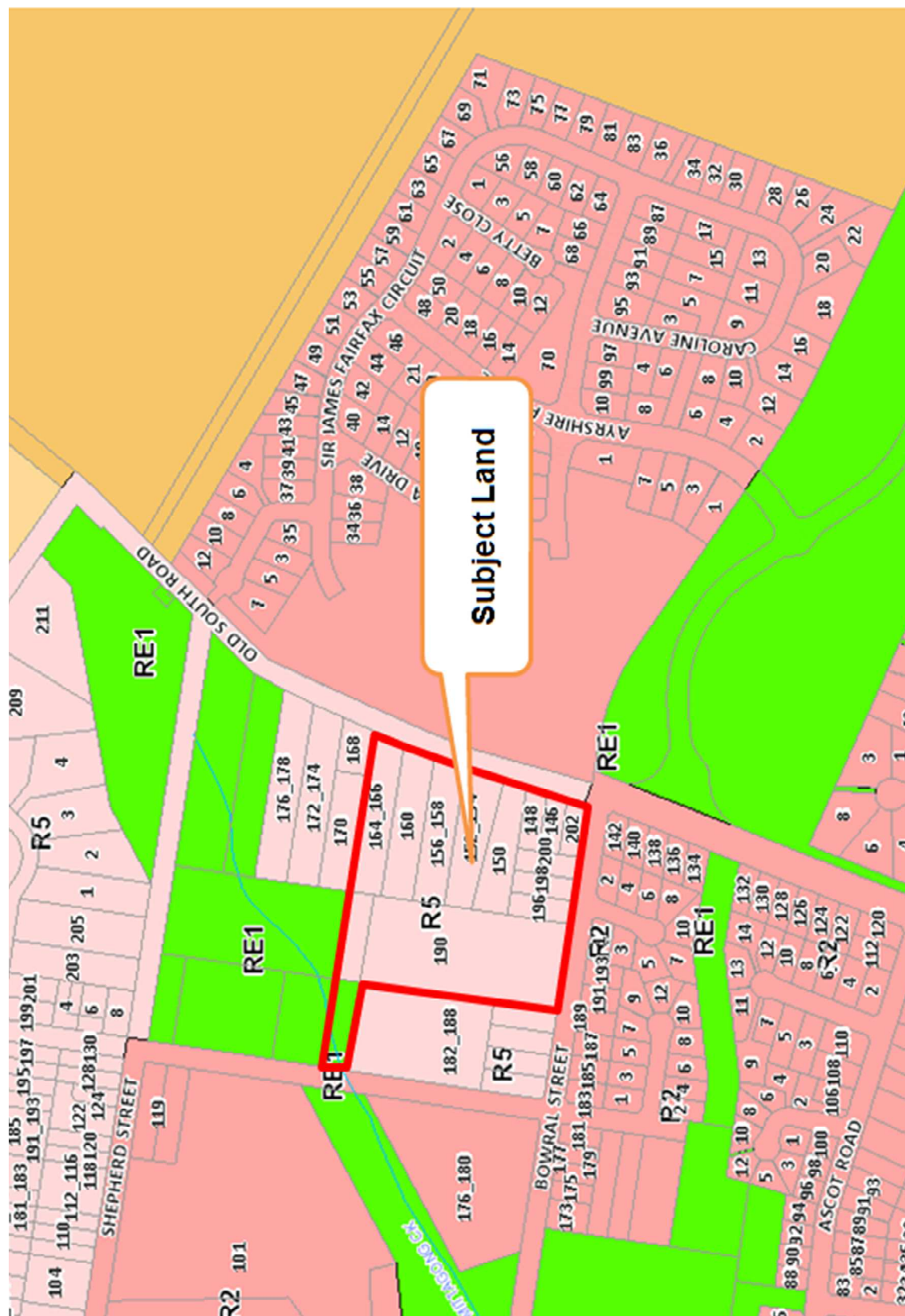


Figure 1 Location of Lots which comprise the Planning Proposal (enlarged at Attachment 2)

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 28 November 2018

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



It is noted that one of three lots (Lot 22 Sec D DP192732) which comprise 190 Bowral Street is zoned RE1 Public Recreation due to flood affectation from Mittagong Creek. The proponent's Planning Proposal excludes this lot from the 'subject land' and advises that this lot would be dedicated to Council should a Planning Proposal proceed.

The subject land as indicated in the Planning Proposal is shown in **Figure 2** below.

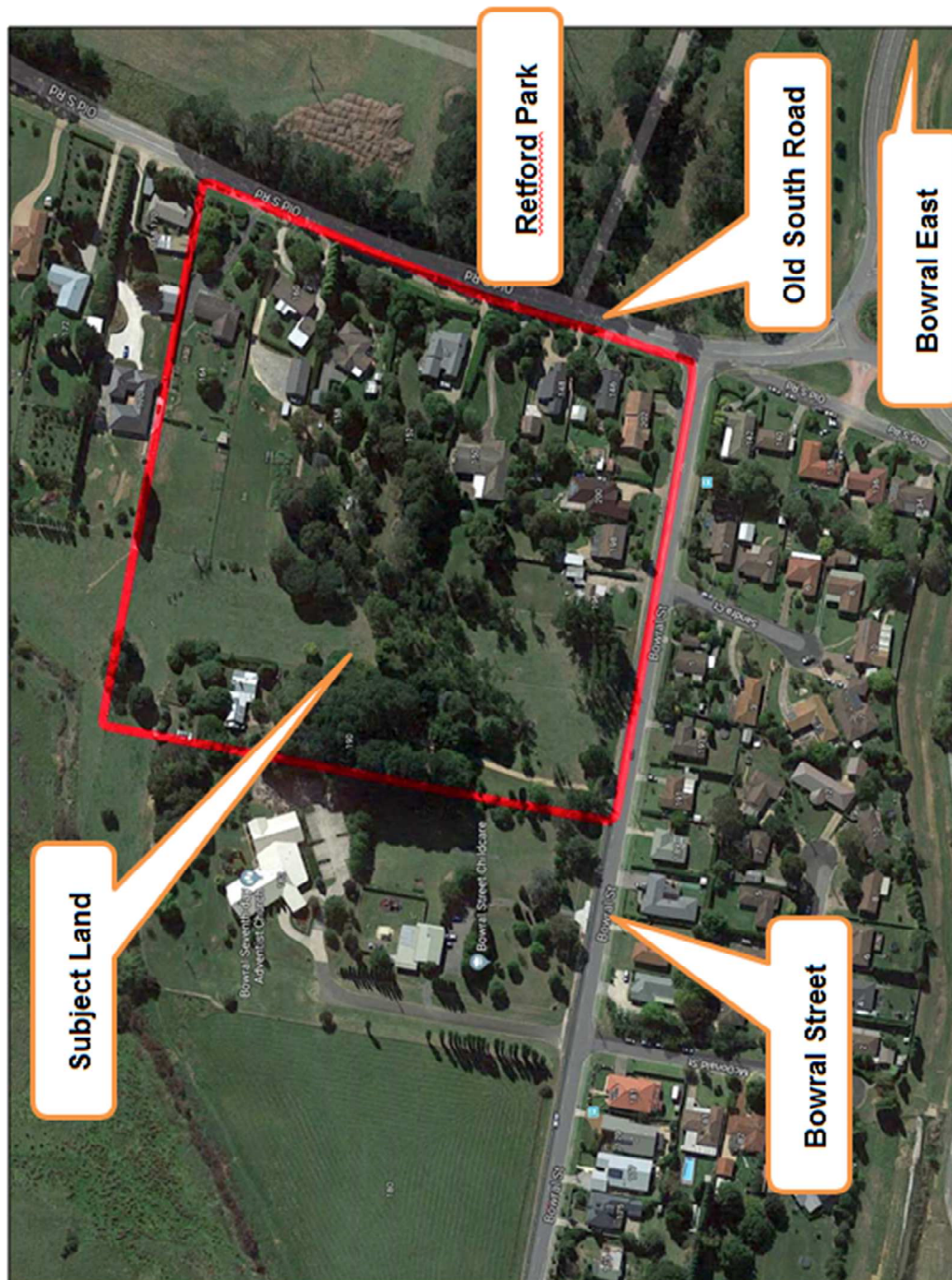


Figure 2 Location of Subject Area (enlarged at Attachment 3)

The broader locality context of the subject land is indicated in **Figure 3** below.

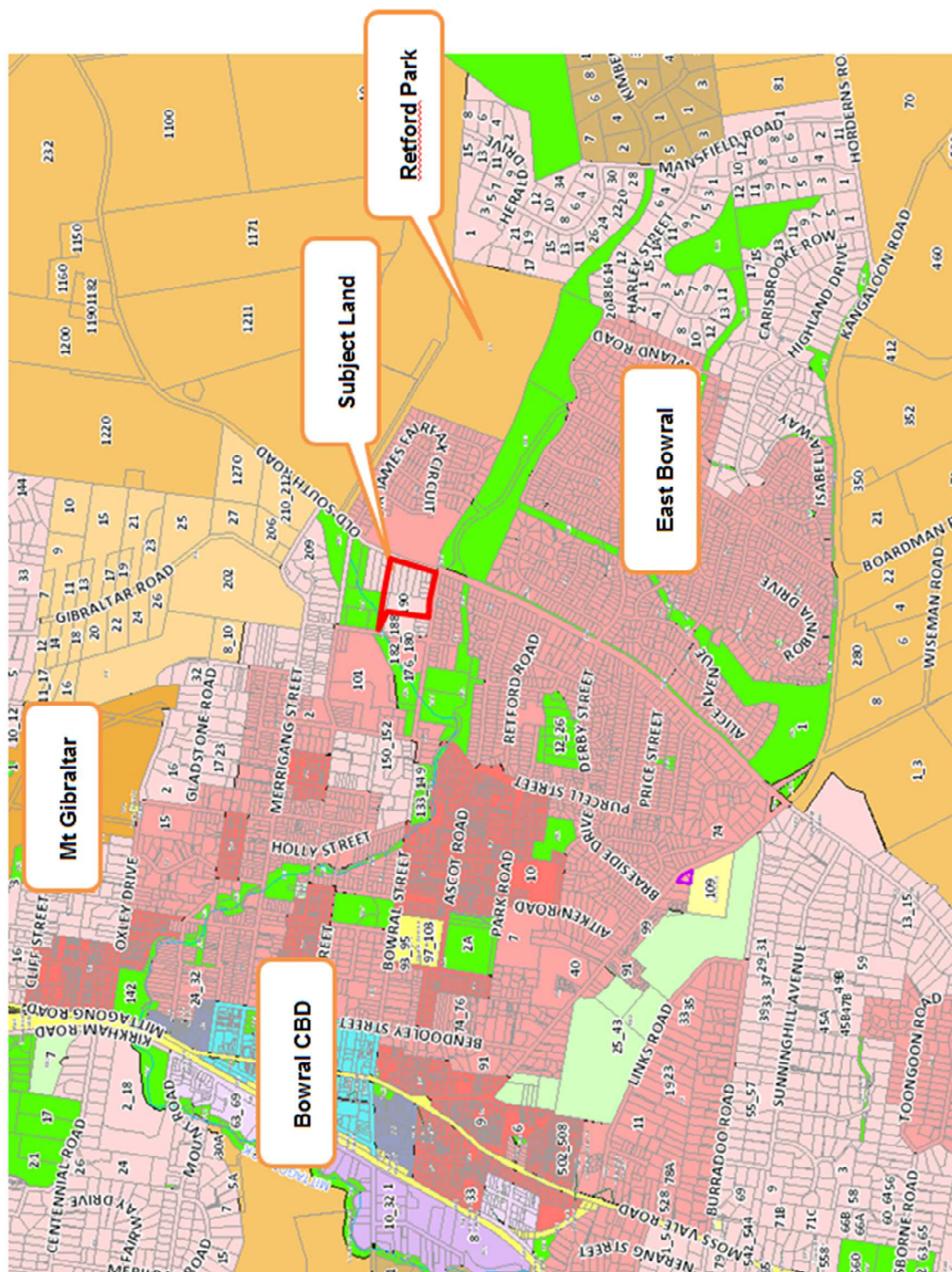


Figure 3 Locality context of Subject Land (enlarged at Attachment 4)

REPORT

As Figure 3 above indicates, the subject land comprises an area of R5 Large Lot Residential zoned land in the north east sector of the Bowral township. Apart from land to the immediate north, the land is largely surrounded by R2 Low Density Residential zoned land.

The rezoning of the former Retford Park site across Old South Road in September 2014 (WLEP 2010 Amendment 23) effectively extended the East Bowral component of the Bowral township to the north, resulting in a more central location of the subject land within this northern area of the township than was previously the case.

A section of RE1 Public Recreation zoned land extends through this area of the Bowral township area as indicated in **Figure 4** below.



Figure 4 Extent of RE1 Public recreation zone in the vicinity of the Subject Land (enlarged at Attachment 5)

The RE1 Public Recreation zone reflects the course of the Mittagong Creek and its flood potential as indicated in **Figure 5** below. This mapping indicates that none of the R5 Large Lot Residential zoned land in the subject area is flood affected.

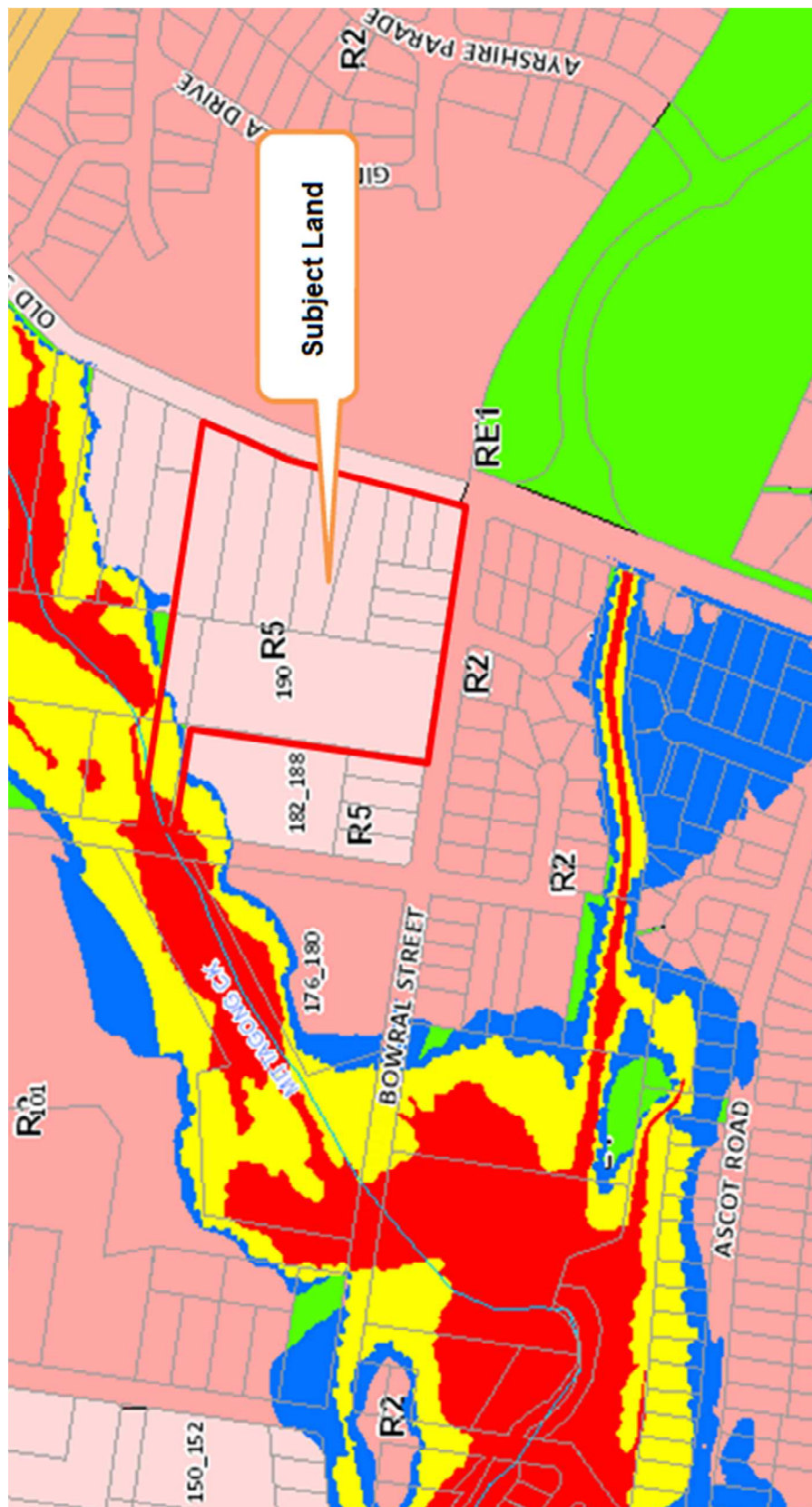


Figure 5 Flood hazard affection from Mittagong Creek in the vicinity of the Subject Land (enlarged at Attachment 6) (Red=High flood hazard, Yellow = Medium flood hazard, Blue= low flood hazard)

The minimum lot size of the subject land and land in the immediate vicinity is indicated in **Figure 6** below.

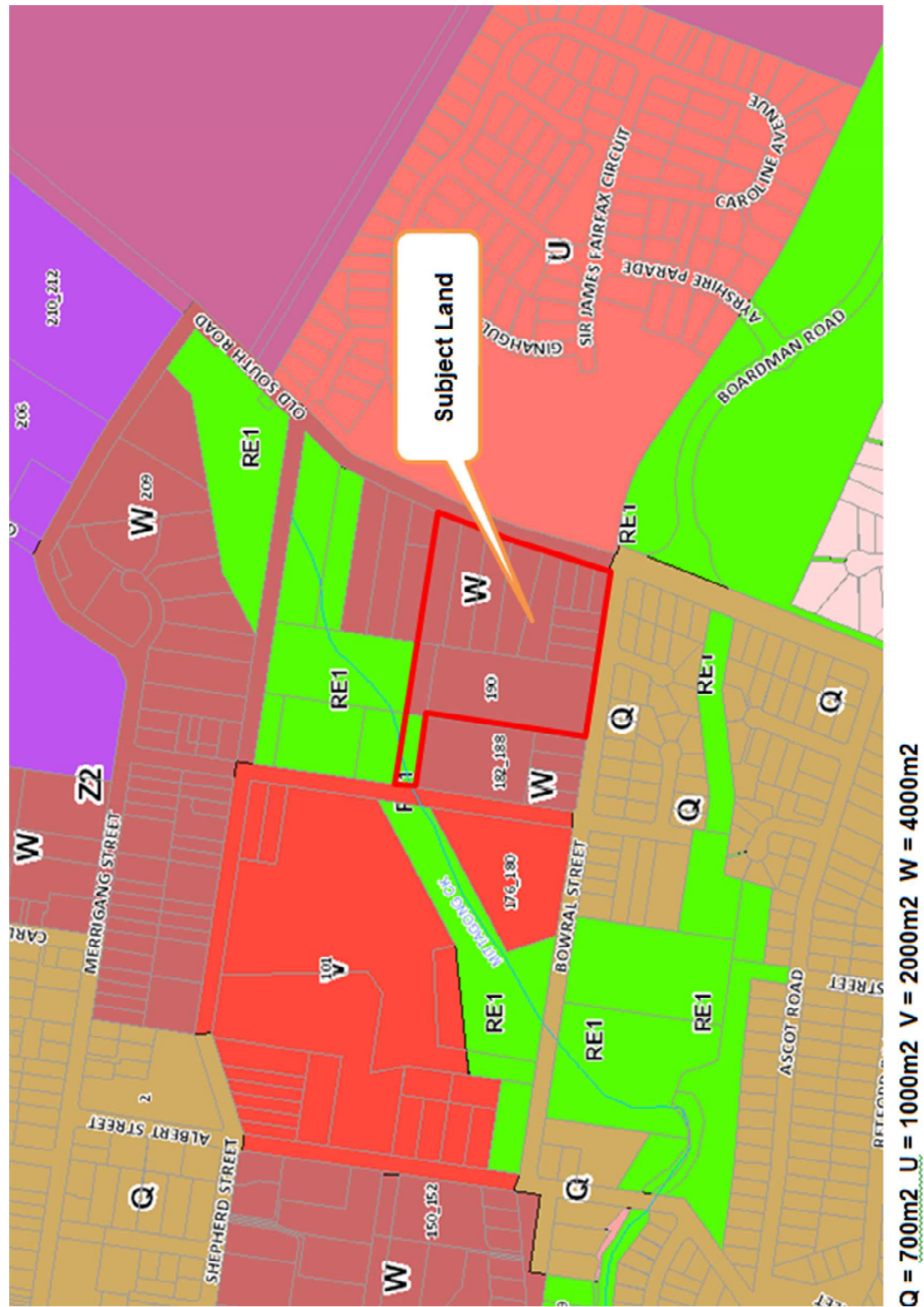


Figure 6 Current Minimum Lot Sizes (enlarged at Attachment 7)

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 28 November 2018

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



The subject land has a minimum lot size of 4000m². Lots in the northern portion of the subject land are at or above this minimum, while lots on Old South Road near Bowral Street and in Bowral Street itself are closer to 1000m².

The R2 zoned land on the eastern side of Old South Road in the Retford Park West development has a minimum lot size of 1000m² and lots have been subdivided to that standard.

To the west of the subject land a minimum lot size of 2000m² applies to R2 zoned land which is flood affected. South of Bowral Street and into the older parts of Bowral township closer to the business centre, a minimum lot size of 700m² applies.

This lot pattern is indicated in **Figure 7** below.



Figure 7 Approximate current lot sizes (enlarged at Attachment 8)

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 28 November 2018

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



The largest lot within the subject land, comprising the R5 zoned portion of 190 Bowral Street, is some 18,000m² in area and the primary purpose of the Planning Proposal appears to be to create subdivision potential for this lot.

The Planning Proposal seeks to apply a minimum lot size of 500m² across the subject land which could result in some 35 additional lots as, at that standard, even the existing 1000m² lots on Bowral Street would be capable of subdivision.

A draft plan of subdivision for such a scenario accompanies the Planning Proposal and is reproduced at **Figure 8** below.

However, to achieve this outcome there would need to be a degree of consolidation, or at the very least, co-operation, to achieve the design outcome beyond that proposed for 190 Bowral Street.

It is considered that a 500m² minimum lot size is not appropriate as this would create an inconsistent standard compared with land to both the east (1000m²) and west (2000m²).

It is considered that a 1000m² minimum lot size would be more appropriate. This standard would enable some infill development as supported in the Planning Proposal while maintaining a consistent minimum lot size north of Bowral Street.

Consideration was also given to rezoning of the remaining R5 land to the immediate north and west of the subject land. Both areas adjoin the RE1 zone and are potentially more flood prone. It is therefore concluded that they remain zoned R5 Large Lot Residential with a minimum lot size of 4000m².

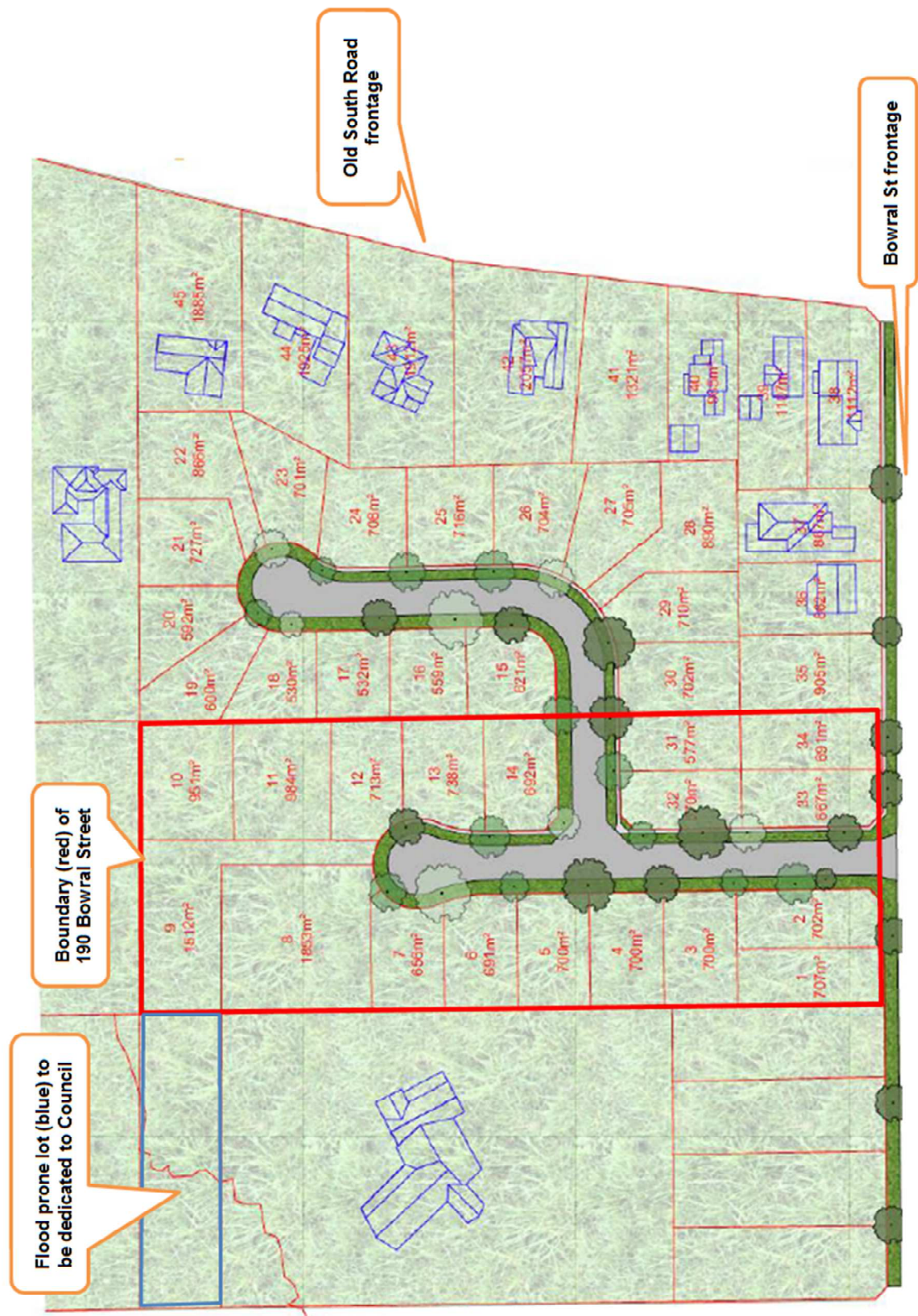


Figure 8 Potential plan of subdivision from Planning Proposal submission (enlarged at Attachment 9)

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

There are no implications on Council's Fit for the Future Improvement Plan resulting from this report.

COMMUNICATION AND CONSULTATION

Community Engagement

No community consultation has occurred at this stage.

Internal Communication and Consultation

Consultation has occurred with Council's Drainage Engineer.

External Communication and Consultation

No external consultation has occurred at this stage.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no bushfire or ecological impacts associated with this report.

- **Social**

A social-economic report accompanies the Planning Proposal.

- **Broader Economic Implications**

A social-economic report accompanies the Planning Proposal.

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

Should Council resolve to proceed with the Planning Proposal it would be processed in accordance with legislative requirements.

COUNCIL BUDGET IMPLICATIONS

There are no budget implications associated with this report.

RELATED COUNCIL POLICY

There are no other related Policies associated with this Planning Proposal.

OPTIONS

The options available to Council are:

Option 1

Support the recommendation of this report to allow subdivision to a minimum of 1000m².

Option 2

Support the Planning Proposal as submitted to allow subdivision to a minimum of 500m².

Option 3

Not support the Planning Proposal.

Option 1 is the recommended option to this report.

CONCLUSION

The Planning Proposal seeks firstly to amend WLEP 2010 to rezone the subject land to R2 Low Density Residential. This proposal is supported. The development of the Retford Park West residential area has effectively created an R5 Large Lot Residential zone between two R2 Low Density Residential zones. Such R5 Large Lot Residential zones generally reflect site specific constraints such as slope, environmental sensitivity or flooding. There do not appear to be any such site constraints associated with the subject land.

The Planning Proposal also seeks to apply a minimum lot size of 500m². This is not supported. A minimum lot size of 1000m² is considered more appropriate, consistent with existing lot sizes on Bowral street within the subject area and immediately adjacent, as well as with the Retford Park standard to the east. A 1000m² standard is also consistent with the 2000m² minimum lot size applicable to flood affected land to the west of the subject area.

ATTACHMENTS

1. Bowral Street Planning Proposal - *circulated under separate cover*
2. Figure 1 - Location of Subject Land - *circulated under separate cover*
3. Figure 2 - Location of Subject Area - *circulated under separate cover*
4. Figure 3 - Locality context of subject land - *circulated under separate cover*
5. Figure 4 - Extent of RE1 Public Recreation zone - *circulated under separate cover*
6. Figure 5 - Extent of mapped flood affectation - *circulated under separate cover*
7. Figure 6 - Minimum Lot Sizes - *circulated under separate cover*
8. Figure 7 - Approximate current lot sizes - *circulated under separate cover*
9. Figure 8 - Potential plan of subdivision - *circulated under separate cover*