

# Planning Proposal

To amend Wingecarribee Local Environmental Plan 2010 to change the zoning and minimum lot size of Land (described within) at the north-western corner of Bowral Street and Old South Road intersection, Bowral as follows:

- R5 Large Lot Residential to R2 Low Density Residential; and
- Reduce Minimum Lot Size from 4,000sqm to 1,000sqm

Initially prepared for Wingecarribee Shire Council by:

David Matthews, Town Planner

10 Broughton Street, Moss Vale

Email: [dma00187@bigpond.net.au](mailto:dma00187@bigpond.net.au)

On behalf of: Boardman Developments P/L

V2 amended by Council staff for Gateway Determination



Civic Centre, Elizabeth St, Moss Vale, NSW 2577.  
PO Box 141, Moss Vale. ABN 49 546 344 354  
T. (02) 4868 0888 E. [wscmail@wsc.nsw.gov.au](mailto:wscmail@wsc.nsw.gov.au)

[www.wsc.nsw.gov.au](http://www.wsc.nsw.gov.au)

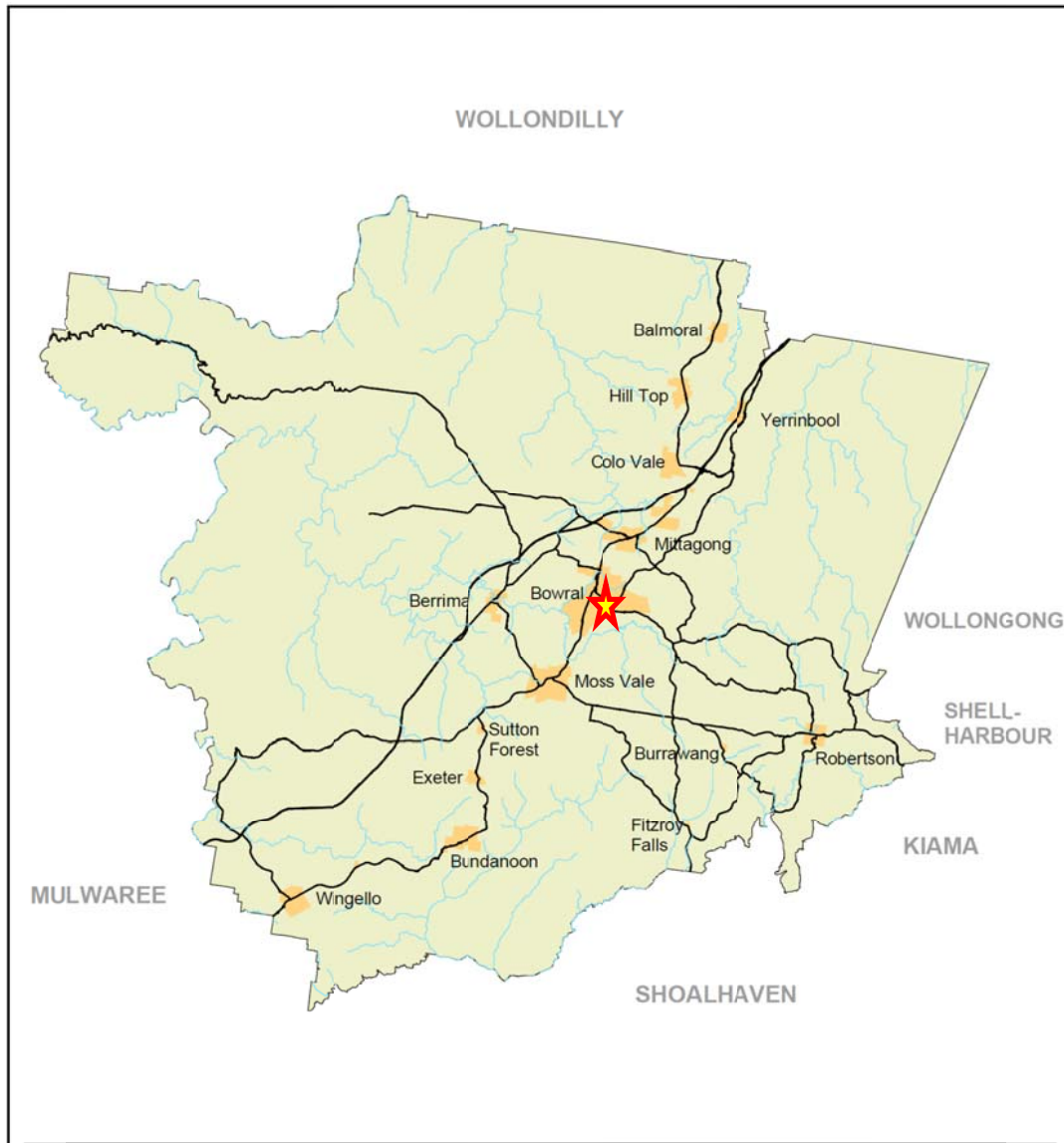
**ATTACHMENTS WHICH FORM PART OF THIS PLANNING PROPOSAL**

1	Bowral and Old South Road Planning Proposal Socio-Economic Impact Assessment, Hill PDA, July 2018
2	Set of Drawings by Nicolas Bray Landscapes
3	Delegation Request Form
4	Council Report 28 November 2018
5	Council Resolution 28 November 2018

**LOCAL GOVERNMENT AREA: WINGECARRIBEE SHIRE COUNCIL**

**ADDRESS OF LAND : North-Western Corner of Intersection of Bowral Street and Old South Road, Bowral**

**SHIRE WIDE LOCATION**



## SITE LOCATION & DESCRIPTION

The legal description of the properties (**Land**) the subject of this Planning Proposal are provided as follows:

- 190 Bowral Street, Bowral – Lots 13 and 22 Sec D DP192732 and Lot 131 DP524470;
- 196 Bowral Street, Bowral - Lot 1 DP208665
- 198 Bowral Street, Bowral - Lot 2 DP208665
- 200 Bowral Street, Bowral - Lot 3 DP208665
- 202 Bowral Street, Bowral - Lot 4 DP208665
- 146 Old South Road, Bowral – Lot 5 DP208665
- 148 Old South Road, Bowral – Lot 6 DP208665
- 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 Land is shown in Figure 1 below:

Figure 1 - The Land the subject of this Planning Proposal (Source Google Maps)



The Land is located on the eastern side of Bowral directly west of the recently completed residential subdivision known as Retford Park and fronts both Bowral Street and Old South Road. The Seventh Day Adventist Church bounds the site to the west. The Church grounds also contain a Childcare Centre. The northern part of the Land is bounded by large residential lots containing multiple dwellings; and open space for drainage purposes.

The Land itself contains several dwellings with the majority fronting Old South Road. Nevertheless, much of the land is grass paddock that may have previously been utilised for livestock grazing or equine purposes.

The surrounding locality is essentially low-density residential land uses of varying sizes and surrounding open space parklands.

Bowral Town Centre and Train Station are approximately three (3) kilometres to the west directly via Bowral Street, and David Wood Playing Fields are one (1) kilometre to the East via Boardman Road.

The site is well located for potential future residents to access retail, commercial, public and health services in Bowral. Recreation facilities are in close proximity including shared pathways to Bowral and around the East Bowral locality.

All utility services are available to site without the need for significant upgrades and include water, sewer, gas, electricity and telecommunications.

## PART 1 : OBJECTIVES OR INTENDED OUTCOMES

To amend Wingecarribee Local Environmental Plan 2010 (**WLEP 2010**) to enable low-density residential housing blocks on the Land as shown in Figure 1.

It is also intended to dedicate Lot 22 Sec D DP 192732 (**Dedication Land**) to Council free of cost. This dedication will not require any amendment to the WLEP 2010, however could form part of a Planning Agreement under Section 7.4 of the *Environmental Planning and Assessment Act 1979* (**EPA Act**) in association with the Planning Proposal or a subsequent Development Application.

## PART 2 : EXPLANATION OF THE PROVISIONS

To achieve the intended outcomes of the Planning Proposal the following WLEP 2010 maps will require amendment:

Instrument or Map Affected	Detail of Amendment
Land Zoning Map – Sheet LZN_007J	<p>Change the zoning of the properties listed as follows from R5 Large Lot Residential to R2 Low Density Residential:</p> <ul style="list-style-type: none"> <li>➤ 190 Bowral Street, Bowral – Lots 13 and 22 Sec D DP192732 and Lot 131 DP524470;</li> <li>➤ 196 Bowral Street, Bowral - Lot 1 DP208665</li> <li>➤ 198 Bowral Street, Bowral - Lot 2 DP208665</li> <li>➤ 200 Bowral Street, Bowral - Lot 3 DP208665</li> <li>➤ 202 Bowral Street, Bowral - Lot 4 DP208665</li> <li>➤ 146 Old South Road, Bowral – Lot 5 DP208665</li> <li>➤ 148 Old South Road, Bowral – Lot 6 DP208665</li> <li>➤ 150 Old South Road, Bowral – Lot 1 DP626821</li> <li>➤ 152 Old South Road, Bowral – Lot 2 DP626821</li> <li>➤ 158 Old South Road, Bowral – Lot 8 DP770871</li> <li>➤ 160 Old South Road, Bowral – Lot 7 DP786212</li> <li>➤ 164 Old South Road, Bowral, Lot 1 DP782827</li> </ul>
Lot Size Map – Sheet LSZ_007J	<p>Change the minimum lot size of the properties listed below from 'W' at 4000sqm to 'I' at 1,000sqm:</p> <ul style="list-style-type: none"> <li>➤ 190 Bowral Street, Bowral – Lots 13 and 22 Sec D DP192732 and Lot 131 DP524470;</li> <li>➤ 196 Bowral Street, Bowral - Lot 1 DP208665</li> <li>➤ 198 Bowral Street, Bowral - Lot 2 DP208665</li> <li>➤ 200 Bowral Street, Bowral - Lot 3 DP208665</li> <li>➤ 202 Bowral Street, Bowral - Lot 4 DP208665</li> <li>➤ 146 Old South Road, Bowral – Lot 5 DP208665</li> <li>➤ 148 Old South Road, Bowral – Lot 6 DP208665</li> <li>➤ 150 Old South Road, Bowral – Lot 1 DP626821</li> <li>➤ 152 Old South Road, Bowral – Lot 2 DP626821</li> <li>➤ 158 Old South Road, Bowral – Lot 8 DP770871</li> <li>➤ 160 Old South Road, Bowral – Lot 7 DP786212</li> <li>➤ 164 Old South Road, Bowral, Lot 1 DP782827</li> </ul>



Table 1 - Current WLEP 2010 Map (part extract) and Proposed

Current WLEP 2010 Maps	Proposed WLEP 2010 Maps
<b>Land Zoning Map</b>	
	
<b>Minimum Lot Size Map</b>	
	

## **PART 3 : JUSTIFICATION OF OBJECTIVES, OUTCOMES & PROCESS**

### **Section A – Need for the Planning Proposal**

#### **1. Is the Planning Proposal a result of any strategic study or report?**

This Planning Proposal is not the result of any strategic study or report. Nevertheless the Planning Proposal is considered to be consistent with the following Local and State Strategic Reports and Studies:

- South East and Tablelands Regional Plan 2036
- Southern Highlands and Tablelands Regional Action Plan 2012
- Sydney to Canberra Corridor Regional Strategy 2006 – 2031
- Wingecarribee Local Planning Strategy 2015 to 2031

The relationship between the Planning Proposal and the above listed documents is discussed in detail in Section B of Part 3.

#### **2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

Yes. The only planning option available is a planning proposal to achieve the desired outcomes for the Land. A development application via a Section 4.6 variation is not an appropriate means of achieving the low density residential subdivision sought in this instance, as the variation from 4,000sqm lots to 1,000sqm lots is significant.

Further, a Schedule 1 amendment to WLEP 2010 is also inappropriate in the circumstances of this case, as a one off variation to a prohibition is not sought.

The R2 Low Density Residential zone contains the appropriate objectives, land uses and development standards sought for by this Planning Proposal. Hence, amending the land use zone and minimum lot size maps is the only and most appropriate means of achieving the desired outcomes for the Land.

### **Section B – Relationship to strategic planning framework**

#### **3. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including draft strategies)?**

The Planning Proposal is considered to be consistent with the following State Strategic Reports and Studies:

- South East and Tablelands Regional Plan 2036
- Sydney to Canberra Corridor Regional Strategy 2006 – 2031
- Southern Highlands and Tablelands Regional Action Plan 2012

Each of the above strategies is addressed separately as follows:



### **South East and Tablelands Regional Plan 2036**

The *South East and Tablelands Regional Plan 2036 (Plan)* is the NSW Government's blueprint for the next two decades. It aims to reflect community and stakeholder aspirations and opportunities for balanced growth, while protecting the region's natural environment.

The Plan also aims to leverage the region's significant infrastructure assets. The Port of Eden, Canberra Airport, strategic transport links, and access to other global gateways such as the ports of Melbourne, Port Kembla and Botany and Western Sydney Airport are all mentioned as opportunities for economic growth in the region.

In terms of housing the Plan (Direction 25 p.53) recognises that housing growth should occur in locations that maximise infrastructure and services and doesn't create unnecessary or unsustainable urban outcomes that undermine existing strategic and local centres. That land releases are of sufficient scale and capacity to provide infrastructure at no cost to government.

The Plan also notes a \$50 million investment in the upgrading of Bowral Hospital (p.4).

In respect of the Wingecarribee (p.66) the plan states in terms of housing:

- *Strategically plan for residential growth in existing urban areas and greenfield areas.*
- *Increase housing in Moss Vale, Bowral and Mittagong.*
- *Protect the unique character of the Shire's village and rural lifestyle.*
- *Enhance the variety of housing options to cater for an aging population.*

This Planning Proposal is considered consistent with the Plan for the following reasons:

- The Land is located within the existing Bowral urban area and the resultant subdivision pattern is likely to be similar to directly adjacent residential areas
- Whilst only small in scale, the Planning Proposal will enable increased housing supply in Bowral, and is likely to be the only land release in Bowral for new housing stock. It is highly likely Retford Park will be sold out and well underway with housing construction by the time this Land will be available to the market.
- As the Land is within the existing Bowral urban area it will not have any impact on the amenity and character of the Bowral Township and surrounding rural lifestyle.
- The Planning Proposal will enable a small land release capable of supporting housing lot sizes of 1000sqm enabling a variety of housing choice in the market upon its release.
- The Planning Proposal will also result in the efficient use of land, converting R5 Large Lots in R2 Low Density Residential, which will not require any significant augmentation of utility services such as water, sewer, electricity, telecommunications roads and public transport.
- The Land is in close proximity to Bowral Town Centre, Bowral Train Station and the Bowral Hospital, which all offer retail, commercial and medical services.

### **Southern Highlands and Tablelands Regional Action Plan 2012**

The *Southern Highlands and Tablelands Regional Action Plan 2012 (Action Plan)* is positioned under the *South East and Tablelands Regional Plan 2036* and outlines the NSW Governments Actions to achieve goals and strategies of the higher order document at a more local level within the Southern Highlands and Tablelands localities.

This Action plan focuses on improving NSW State Government funded services such as health and emergency, and discusses the up grading of medical and police services throughout its pages. The Action Plan also discusses efforts to boost tourism, agriculture and retail economies of the region through various forms of job creation.

This Planning Proposal is not inconsistent with the Action Plan's objectives. The Planning Proposal, if successful, will result in subsequent construction jobs, be present in the property market (Real Estate) and result in economic multipliers through creating demand on services and creating employment opportunities. The Land is in close proximity to services to be delivered by the State Government, including a major upgrade of Bowral Hospital, a new Police Station in Moss Vale and is only 3 kilometres from the Bowral Train Station. The Land will also be within a 1-hour commute from Southern Western Sydney and the economic zones planned around Sydney's second airport.

Therefore the Planning Proposal is consistent with the objectives of the Action Plan.

### **Sydney to Canberra Corridor Regional Strategy 2006 – 2031**

The primary purpose of the Regional Strategy is to accommodate and manage growth in the corridor while ensuring that the rural landscapes and environmental settings that define the Region's character are not compromised. The Regional Strategy states it will do this by ensuring that land is available and appropriately located to sustainably accommodate the projected population growth and associated housing, employment and environmental needs over the period until 2031. The Regional Strategy acknowledges the importance of a coordinated approach to settlement, whilst taking into account demand for different types of housing and the adequacy of supply.

Part 7 of the Regional Strategy discusses Housing and Settlement. In terms of managing housing growth in Bowral the Regional Strategy states:

*“Bowral as the major regional centre should be the preferred location for infill development and redevelopment consistent with creating a vibrant centre with greater housing choice. The capacity to accommodate more intensive development and higher densities will be subject to local housing needs and general urban design/character.”*

The Regional Strategy also contains a set of Neighbourhood Planning Principles for housing growth, which are reproduced as follows:

- *Public transport networks that link bus services into the rail system and major regional centres.*
- *A range of land uses to provide the right mix of houses, jobs, open space, recreational space and green space.*
- *Easy access to major town centres with a full range of shops, recreational facilities and services along with smaller village centres and neighbourhood shops.*
- *Jobs available locally and regionally – reducing the demand for transport services.*
- *Streets and suburbs planned so that residents can walk or cycle to shops and other activity spaces for their daily needs.*
- *A wide range of housing choices to provide for different needs and different incomes. Traditional houses on their own block will be available along with smaller lower maintenance homes, units and terraces for older people and young singles or couples.*

- *Conservation lands in and around the development sites, to help protect biodiversity and provide open space for recreation.*

The Planning Proposal is considered to be consistent with the Regional Strategy as it has the potential to provide lot sizes from 1,00sqm upwards to cater for single dwelling houses with or without a secondary dwelling (granny flat) and dual occupancies. The rezoning of the land from R5 Large Lot Residential to R2 Low Density Residential creates infill development that is in close proximity to open space, commercial centres, major medical services/facilities and can be serviced by existing public transport services (bus). It is also proposed to dedicate land for open space expansion.

One of the *Actions* contained in the Regional Strategy in relation to housing is for Wingecarribee Shire Council, working with the Department of Planning and Environment, to prepare a strategy to identify additional residential land to meet demand. The result of this action was the *Wingecarribee Local Planning Strategy 2015 to 2031 (WLPS)*. The WLPS is discussed under the following item.

#### **4. Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?**

The Planning Proposal is considered to be consistent with the following Local Strategy:

##### **Wingecarribee Local Planning Strategy 2015 to 2031**

The Wingecarribee Local Planning Strategy 2015 to 2031 (**WLP Strategy**) is positioned below the State and Regional Strategies published by the NSW State Government. The WLP Strategy is Council's own local strategy for the future use of land throughout the Wingecarribee LGA including Natural Environment, Rural and Urban uses. Of particular relevance to this Planning Proposal is Part 1, Chapter 4 – *Managing Our Housing Needs* and Part 2 – *Bowral Township*. It is also noted that the NSW State Government has endorsed the WLP Strategy, other than Chapter 4. Wingecarribee Council and the State Government stand apart on some aspects of housing delivery; hence the non-endorsement of Chapter 4, as per the Deputy Secretary's letter dated 19 May 2017.

It is our opinion that this Planning Proposal is within terms that the Council and the State Government agree. This Planning Proposal is not relying on Greenfield development to create new housing. The Land is within current town boundaries and surrounded by low-density residential development and will rely upon connection to existing services with minimal augmentation.

##### **Chapter 4 – Managing Our Housing Needs**

This Planning Proposal is considered to be consistent with Chapter 4 as it takes up land that can be considered to be infill development. Chapter 4 (p.96) in respect of R5 Large Lot Residential states:

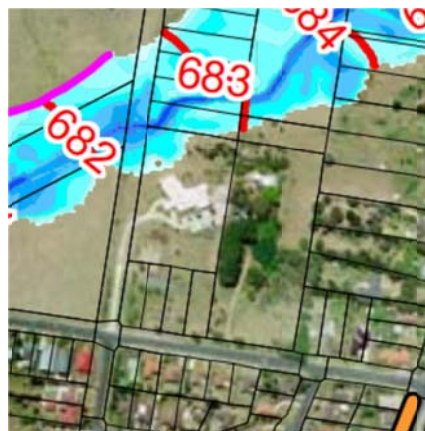
*The R5 Large Lot Residential zone (minimum lot sizes of 4 000m<sup>2</sup> – 8 000m<sup>2</sup>) applies to land which has been identified as environmentally sensitive or which has site constraints such a slope, or flood and bushfire potential. Consequently, these areas offer little opportunity for additional residential development. Council often receives requests for the subdivision of such land on the grounds of providing a 'more efficient' use of that land for residential purposes, however, generally the constraints which warranted the R5 Large Lot zoning in the first place cannot be overcome and opportunities to subdivide do not exist. However, the R5 Large Lot Residential zone does provide additional opportunities*

*for housing stock through dual occupancy development even though it cannot be subdivided.*

The Land the subject of this Planning Proposal is considered an exception to the above statement. The Land has no identified environmental constraints such as slope, flood or bushfire. The Land is relatively flat and gently falls to the north. The Land is not affected by Council's bushfire mapping either. However, whilst there is some argument on Council's behalf that the Land may be flood affected, the Land is not shown as flood affected on Council's WLEP 2010 Flood Planning Maps. Further, Civil Development Solutions (CDS) were engaged to review the flood status of the Land in respect to this Planning Proposal and has made the following comments:

### ***Flooding & Overland Flows***

*The site is located within the catchment area that has been modelled by the Bowral Flood study undertaken by Bewsher and adopted by Wingecarribee Shire Council. Figure 1 below is taken from the flood study map produced as part of the study and it can be seen that the site is completely outside the 100 year flood extents apart from a very small portion in the NW corner of the site .*



**Figure 1** – Extent of flooding from Bewsher Figure 18B – 100 Year Design Flood – Bowral Floodplain Study

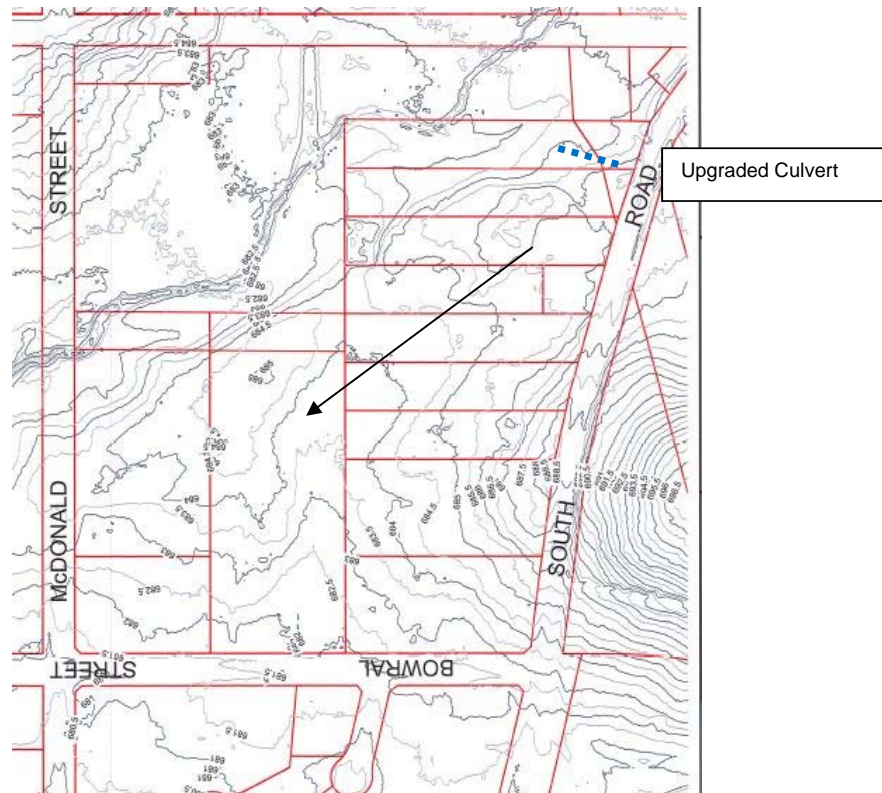
*We note that the site is shown as low flood fringe area on the flood risk precinct map. This classification allows for residential development with no restrictions or controls according to the Bowral Town DCP.*

*We have examined the site for potential impact from more localised overland flow in large events and make the following points:*

- 1. LIDAR contour data obtained for the site does show a localised depression, which runs through the site from NE to SW and joins into Bowral St. The depression corresponds with a low point of Old South Road to the East*
- 2. In previous times there has been overland flows which have created nuisance flooding for properties fronting Old South Road through this depression due to the limited capacity of a culvert which is located further north on Old South Road – refer attached mark up.*
- 3. Recently this culvert has been substantially upgraded / upsized along with reconstruction of this section of Old South Road. The eastern side of Old South*

road has also been developed as a residential subdivision and a large detention basin is located to line up with the culvert crossing to collect stormwater run off from the development

4. This combination of road upgrade and formalisation of storm water flows on the Eastern side of Old South Road will serve to prevent the flows which previously overtopped Old South Road at the start of this depression area from now entering the depression. Overland flows should be substantially reduced and limited to the flows generated from rainfall on the western side of the road only



**Figure 2 – LIDAR Contours – mark up of depression area & Culvert**

### **Stormwater Drainage**

Storm water disposal for this development could be designed to be discharged to Bowral Street and also to Mittagong Creek to the west of the site through Lot 22 DP192732 which is also owned by the registered owner of the subject site. The contours would allow a road system to be constructed such that it could provide outlets in both locations.

On site detention could be achieved by provision of infrastructure to be dedicated to Council on Lot 22 and potential at the frontage of Bowral Street.

Existing infrastructure is limited in Bowral Street and it is expected that pit and pipe and kerb and gutter would be required within Bowral Street to serve the development. The extent of this pit and pipe system would need to be confirmed by Council but may be required to run to the current culvert over Mittagong Creek to the west of the site

*It is not expected that there are constraints that would prevent the design of a suitable stormwater system to satisfy Council's engineering guidelines for residential development and to meet water quality targets set by Water NSW*

Therefore the Land is not considered to be environmentally constrained, as generally described in the WLP Strategy in terms of flooding and is certainly capable of low-density residential development and further subdivision.

In terms of meeting the Housing Recommendations (p.105) contained in Chapter 4, it is notable that these recommendations don't particularly contain any actions that result in additional housing. The recommendations are essentially to consult and monitor. Nevertheless, the Land does not contain any environmental constraints limiting further subdivision, is located within the existing town boundaries and will provide a number of different sized lots to meet demands of the market, especially lots around the 1,000sqm size that are not very prevalent in Bowral.

#### *Part 2 – Bowral Township*

The pertinent component to Part 2 – Bowral Township is the discussion on *Residential Lot Capacity*. This section outlines that Bowral and Burradoo have capacity for further dwelling supply to meet demand without any variations to current planning controls, including rezoning's. Whilst that potential maybe there as a paper exercise, in reality this is not a position that can be well supported on planning grounds, as there are many reasons why such potential may not be realised, including land form, environmental constraints, heritage impact and personal choice of land owners. As such Council must reasonably examine the merits of changing the zoning of particular land on a case-by-case basis. Retford Park is a recent example of a reasonable choice being made by Council to rezone appropriate land for residential subdivision.

It is our view that this Planning Proposal also makes a reasonable and satisfactory case for the rezoning of the Land to help meet demands in the housing market for Bowral. The *Socio-Economic Impact Assessment* by Hill PDA (ATTACHMENT 1) provides compelling evidence that the Planning Proposal has very limited short term negative impacts, whilst providing significant long term positive impacts for the Bowral community. The Planning Proposal also addresses many of the comments made by the community, as documented in the WLP Strategy for the Bowral Township as follows:

<b>Selected SWOT Community Comment</b>	<b>Planning Proposal Outcome</b>
Character of the town, low density, sense of community	The Planning Proposal does not impact upon the low density nature of the Bowral township. The Planning Proposal will result in additional low density residential lots similar in nature to surrounding development on Bowral Road to the south and East Bowral in general.
Surrounding Rural Landscape	The Land is located between existing residential areas and does not encroach into rural lands.



More footpaths improving residential access to town centre	The Land is located with close proximity to several shared pathway systems providing access to Bowral Town Centre and the East Bowral network that links several open space recreational areas.
<ul style="list-style-type: none"> <li>• More housing style flexibility</li> <li>• Develop new release areas to take pressure off town</li> <li>• More accommodation for smaller households</li> <li>• More affordable housing for small families</li> </ul>	The Planning Proposal, should it be implemented, has the potential of creating lot sizes and configurations from a minimum of 1,000sqm upwards. This enables a degree of choice for new house builders and subsequent occupiers.
More local jobs	The <i>Socio-Economic Impact Assessment</i> by Hill PDA (ATTACHMENT 1) states that the future subdivision of the land as contemplated by this Planning Proposal has the potential to create jobs both in the short and long term via initial construction jobs and increased population and additional demand.
<ul style="list-style-type: none"> <li>• Rural land is a target for greedy developers</li> <li>• Redevelopment potential is target for greedy developers seeking high density</li> <li>• Will be spoilt and end up like Sydney</li> <li>• Ugly housing and overdevelopment</li> <li>• Not enough infrastructure</li> </ul>	<p>Many of the community comments to the left are the extreme and reflect sentiment in some members of the community. This Planning Proposal and the <i>Socio-Economic Impact Assessment</i> by Hill PDA (ATTACHMENT 1), demonstrate that these are only perceived threats.</p> <ul style="list-style-type: none"> <li>• The Land is not rural and is surrounded by low density residential development and the low density nature of the proposal will be in keeping with surrounding development.</li> <li>• The Planning Proposal is not seeking high-density development, but rather a mixture of low-density residential lot sizes providing variety of choice to the housing market.</li> <li>• In terms of housing design and character, Council has significant controls under its Development Control Plan and many project home suppliers have adapted designs to suite Council's planning controls. Modern housing requirement also require new houses to be energy efficient and utilise solar access and new technologies for insulation and power supply and clean water/reuse and runoff.</li> <li>• The subsequent subdivision of the Land will be able to utilise existing infrastructure including water, electricity, telecommunications and Sewer. Further in regards to sewer, it is likely the subsequent subdivision can provide a sewerage system that is able to contain capacity for existing septic systems in the locality not currently attached to Council's reticulated sewerage network. The elimination of these individual environmental</li> </ul>

	(septic or pump out) systems can only be viewed as an environmental gain to ground water in the locality and Sydney Water Catchment on a local and regional level.
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To conclude, for the reasons discussed in this Part, this Planning Proposal is considered to reasonably satisfy the WLP Strategy in terms of providing new housing for the Bowral Township.

#### 5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

SEPP	Relevance to Planning Proposal
No.1 Development Standards	Not relevant – replaced by Clause 4.6 of WLEP2010 as the mechanism for any variation to development standards.
No.14 Coastal Wetlands	Not relevant – There are no Coastal Wetlands within the Shire.
No.19 Bushland in Urban Areas	Not relevant – SEPP does not apply to Wingecarribee Shire.
No.21 Caravan Parks	This SEPP applies to land within Wingecarribee Shire. This Planning Proposal does not intend for a Caravan Park to be developed on the subject land. The proposed R2 Low Density Residential zone does not permit Caravan Parks. The current R5 Large Lot Residential zone also prohibits Caravan Parks. As such the SEPP is not a relevant consideration for this Planning Proposal.
No.26 Littoral Rainforests	Not relevant – SEPP does not apply to Wingecarribee Shire.
No.30 Intensive Agriculture	This SEPP applies to land within Wingecarribee Shire. The SEPP is not a relevant consideration, as Intensive Agriculture is not proposed by this Planning Proposal. Further, this Planning Proposal does not restrict or reduce any land currently available for Intensive Agricultural purposes.
No.33 Hazardous and Offensive Development	This SEPP applies to land within Wingecarribee Shire. The SEPP is not a relevant consideration, as Hazardous and Offensive Development is not proposed by this Planning Proposal. Further, this Planning Proposal does not restrict or reduce any land currently available for Hazardous and Offensive Development purposes.
No.36 Manufactured Home Estates	This SEPP applies to land within Wingecarribee Shire. As the current R5 zone or proposed R2 zone do not

	permit Caravan Parks, this SEPP is not a relevant consideration in relation to this Planning Proposal.
No.44 Koala Habitat Protection	This SEPP applies to land within Wingecarribee Shire. Investigation reveals no Koala food species or habitat on the Land. Much of the trees species on the Land have been introduced with some being considered noxious. Further no Koalas sitings have been recorded on the Land. As such the SEPP is satisfied in that the Land will not impact on any existing or potential Koala habitat or food species.
No. 47 Moore Park Showground	Not relevant – SEPP does not apply to Wingecarribee Shire.
No.50 Canal Estate Development	This SEPP applies to land within Wingecarribee Shire. The Planning Proposal is consistent with the SEPP as it does not propose Canal Development.
No.52 Farm Dams and Other Works in Land and Water Management Plan Areas	Not relevant – SEPP does not apply to Wingecarribee Shire.
No.55 Remediation of Land	This SEPP applies to land within Wingecarribee Shire. Historical land uses suggest that there may be contamination issues associated with the subject site. Therefore Council would require a Preliminary Site Investigation to be provided prior to public exhibition of the Planning Proposal which would be exhibited with the Planning Proposal. Council is of the opinion that any potential contamination issues associated with the subject site can be managed.
No. 62 Sustainable Aquaculture	This SEPP applies to land within Wingecarribee Shire. The SEPP is not a relevant consideration, as Sustainable Aquaculture is not proposed by this Planning Proposal. Further, this Planning Proposal does not restrict or reduce any land currently available for Sustainable Aquaculture purposes.
No.64 Advertising and Signage	This SEPP applies to land within Wingecarribee Shire. The SEPP is not a relevant consideration in respect of this Planning Proposal as signage is not sought. Notwithstanding, any future signage that may be sought in relation to the sale of residential land, should the Planning Proposal be supported, will be the subject of separate approvals (if required) in accordance with the SEPP and Council's planning controls.
No.65 Design Quality of Residential Apartment Development	This SEPP applies to land within Wingecarribee Shire. This does not apply as the Planning Proposal, if supported by Council, will not allow Residential Apartment Development.

No.70 Affordable Housing (Revised Schemes)	Not relevant – SEPP does not apply to Wingecarribee Shire.
No.71 Coastal Protection	Not relevant – SEPP does not apply to Wingecarribee Shire.
Affordable Rental Housing 2009	This SEPP applies to land within Wingecarribee Shire. The Planning Proposal satisfies the SEPP as it may result in opportunities for Affordable Rental, should it be supported. Nevertheless, Affordable Rental Housing will be the subject of the future development applications and will need to comply with the provisions of this SEPP and or Council's local planning controls (if relevant).

Building Sustainability Index: BASIX 2004	This SEPP applies to land within Wingecarribee Shire. Should the Planning Proposal be supported, any proposed new dwellings to be erected on the Land or subsequent lots resulting from the subdivision of the land will be subject to the BASIX requirements under this SEPP.
Educational Establishments and Child Care Facilities 2017	This SEPP applies to land within Wingecarribee Shire. Childcare Facilities (home based) are currently permitted on the Land. The Planning Proposal, if supported, will broaden the permissibility of childcare centres on the Land. Should a childcare centre be proposed for the land subsequent to the Planning Proposal being supported, it will be subject to the development standards under the SEPP and Council's planning controls (if relevant).
Exempt and Complying Development Codes 2008	This SEPP applies to land within Wingecarribee Shire. Should the Planning Proposal be supported, some exempt and complying developments, beyond those currently permissible on the Land, may become permissible under the provisions of this SEPP. Nevertheless, complying developments will be subject of relevant applications in accordance with the provisions of this SEPP.
Housing for Seniors or People with a Disability 2004	Not relevant – SEPP does not apply to Wingecarribee Shire.
Infrastructure 2007	This SEPP applies to land within Wingecarribee Shire. This Planning Proposal is consistent with the SEPP as will not prevent the provision of State required infrastructure.
Integration and Repeals 2016	Not relevant – SEPP does not apply to Wingecarribee Shire.
Kosciuszko national Park -	Not relevant – SEPP does not apply to Wingecarribee

Alpine Resorts 2007	Shire.
Kurnell Peninsula 1989	Not relevant – SEPP does not apply to Wingecarribee Shire.
Mining, Petroleum Production and Extractive Industries 2007	This SEPP applies to land within Wingecarribee Shire. This Planning Proposal is consistent with the SEPP as will not impact upon any mining, petroleum production or extractive industry.
Miscellaneous Consent Provisions 2007	This SEPP applies to land within Wingecarribee Shire. The Planning Proposal is not seeking the erection of any temporary structures. Nevertheless, should the Planning Proposal be supported, temporary structures may be applied for particular purposes under the provisions of this SEPP as separate development applications.

Penrith Lakes Scheme 1989	Not relevant – SEPP does not apply to Wingecarribee Shire.
Rural Lands 2008	This SEPP applies to land within Wingecarribee Shire. The Planning Proposal does not involve the reduction of any Rural Land.
State and Regional Development 2011	This SEPP applies to land within Wingecarribee Shire. The Planning Proposal will not lead to the potential for State Significant Development on the Land.
State Significant Precincts 2005	This SEPP applies to land within Wingecarribee Shire. The Land the subject of this planning Proposal is not within a State Significant Precinct.
Sydney Drinking Water Catchment 2011	This SEPP applies to land within Wingecarribee Shire. The Planning Proposal, if supported, will result in development that will need to demonstrate that it will have a neutral or beneficial effect on water quality. It is our view that the proposal, if supported will result in a beneficial effect on water as it will allow the augmentation of Council's reticulated sewerage system to connect properties in the locality currently operating standalone in ground environmental systems. The discontinuation of these systems will provide an improvement to the local ground water.
Sydney Region Growth Centres 2006	Not relevant – SEPP does not apply to Wingecarribee Shire.
Three Ports 2013	Not relevant – SEPP does not apply to Wingecarribee Shire.
Urban Renewal 2010	This SEPP applies to land within Wingecarribee Shire. The land is not identified as an urban renewal precinct.

Vegetation in Non-Rural Areas 2017	This SEPP applies to certain zones within Wingecarribee Shire. The Planning Proposal does not propose the removal of any native vegetation. Nevertheless, a subsequent development application may require the removal of particular trees depending upon their species, location and health in relation to the proposed subdivision pattern and proposed building envelopes. A development application will address these issues in detail for Council's consideration should the Planning Proposal be supported.
Western Sydney Employment Area 2009	Not relevant – SEPP does not apply to Wingecarribee Shire.
Western Sydney Parklands	Not relevant – SEPP does not apply to Wingecarribee Shire.

## 6. Is the Planning Proposal consistent with applicable Section 117 Directions?

<b>Direction 1. Employment and Resources</b>	
1.1	Business and Industrial Zones
1.2	Rural Zones
1.3	Mining, Petroleum Production and Extractive Industries
1.4	Oyster Aquaculture
1.5	Rural Lands
<b>Assessment</b>	
The above Directions are not relevant to this Planning Proposal as it does not propose any changes to WLEP 2010 that will affect:	
<ul style="list-style-type: none"> <li>• Business and/or Industrial zoned land;</li> <li>• Rural zoned land;</li> <li>• Any land being used or set aside for Mining, Petroleum Production and/or Extractive Industries;</li> <li>• Land used for Aquaculture; and</li> <li>• Any existing or proposed rural and environment protection zones or land bordering such zones.</li> </ul>	
<b>Direction 2. Environment and Heritage</b>	
2.1	Environment Protection Zones
2.2	Coastal Protection
2.3	Heritage Conservation
2.4	Recreation Vehicle Areas
<b>Assessment</b>	
Directions 2.1, 2.2 and 2.4 do not apply to this Planning Proposal as no Environmental Protection Zones are affected; the Land is not within a Coastal Protection Zone and does not propose any use by recreational Vehicles in any environmentally sensitive areas.	
In terms of Direction 2.3 the Land is not Heritage listed either locally or by the State. Further, the Land is not known to contain any items of Aboriginal or European Heritage significance.	



<b>Direction 3. Housing, Infrastructure and Urban Development</b>
<p>3.1 Residential Zones</p> <p>3.2 Caravan Parks and Manufactured Home Estates</p> <p>3.3 Home Occupations</p> <p>3.4 Integrating Land Use and Transport</p> <p>3.5 Development Near Licensed Aerodromes</p> <p>3.6 Shooting Ranges</p>
<p><b>Assessment</b></p> <p><b>Direction 3.1</b></p> <p>This Planning Proposal is considered consistent with this direction as it meets the objectives as follows:</p> <ul style="list-style-type: none"> <li>• The reduction in minimum lot sizes will encourage a variety of housing choice for homebuyers. The land is capable of having a mix of lot sizes as demonstrated in Attachment 2. Should the Planning Proposal be supported a subsequent development application for subdivision will follow contained a refined mix of various sized residential lots.</li> <li>• The eventual subdivision of the land is capable of being serviced by existing electricity, water and telecommunications. The proposed subdivision is also capable of being added to Council's reticulated sewerage system, not only to service the new lots, but also capable of servicing other dwellings in the locality currently on stand alone environmental waste water systems (septics or pump outs).</li> <li>• The proposed subdivision is within existing town boundaries and will have minimal to no impact on the environment and resource lands. It is proposed to remove several introduced flora species on the Land should the Planning Proposal be supported and plant street trees in accordance with Council's street trees species guide.</li> </ul> <p>Further, in regards to Subsection 4 the Planning Proposal:</p> <ul style="list-style-type: none"> <li>• Will broaden the choice of building types and location available in Bowral in the housing market. Attachment 1 by Hill PDA discusses the positive social outcomes that the Planning Proposal will produce in the Bowral housing market due to current lack of new housing stock/supply;</li> <li>• Will make efficient use of existing infrastructure services in close proximity of the land including, electricity, water, telecommunications and the extension of sewerage services to not only service the land but also service other existing dwellings in the locality currently utilising stand alone environmental waste water systems;</li> <li>• Reduce the consumption of land on the urban fringe as the Land is currently a residential zone, albeit R5 Large Lot Residential, which will reduce pressure on the proposals to rezone rural or environmental protection zones; and</li> <li>• The design of the subdivision will enable housing of good design in accordance with modern planning standards for Exempt and Complying Development, Council's Development Control Plan and BASIX.</li> </ul> <p><b>Directions 3.2, 3.3, 3.4 and 3.5</b></p> <p>3.2 – This Planning Proposal does not affect any land currently used for the purposes of a Caravan Park, or restricts land that could potentially be used for the purposes of a Caravan Park.</p> <p>3.3 – Should the Planning Proposal be supported by Council, a subsequent subdivision of the Land will allow a number of dwellings to be constructed capable of supporting Home Occupations. Nothing in this Planning Proposal seeks to restrict Home Occupations.</p>

Attachment 2 by Hill PDA states that the subdivision is likely to result in some Home Occupations adding to the Bowral economy.

3.4 – The Planning Proposal is consistent with this Direction as the Land fronts Bowral Street which is currently serviced by buses, is in close proximity to existing shared paths that contain routes to Bowral Town Centre and around East Bowral. Whilst the car remains the main form of transport for low density residential subdivision, the Land is in close proximity to existing bus routes and infrastructure that provide transport alternative for potential future residents.

3.5 – This Direction is not applicable as the Land is not near a Licenced Aerodrome.

3.6 – This Direction is not applicable as the Land is not near a Shooting Range.

#### **Direction 4. Hazard and Risk**

- 4.1 Acid Sulfate Soils
- 4.2 Mine Subsidence and Unstable Land
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection

#### **Assessment**

4.1 – The Land is not affected by Acid Sulfate Soils according to WLEP 2010.

4.2 – the Land is is not known to affected by Mine Subsidence nor has it been identified as unstable land.

4.3 – The Land, other than a small section that is proposed to be dedicated to Council, is not identified as being flood prone land on the WLEP 2010 Maps. Nevertheless, Council maintains that the Land maybe subject to flooding outside of the WLEP 2010. This flooding issue is addressed in the body of this Planning Proposal Report (Section B). As such it is the opinion of the Applicant and their Engineers (CDS) that the land is no longer likely to be affected by flooding due to recent works improving drainage along Old South Road. Therefore the Planning Proposal is considered consistent with this Direction, as any flood risk has been ameliorated and the Land is only proposed to be rezoned from a large lot residential to low density residential. The only property forming part of the Land under this Planning Proposal that is affected by flooding under WLEP 2010 will remain RE1 Public Recreation zone and likely dedicated to Council at the subdivision certificate stage.

4.4 – The Land is not located within a bushfire prone area according to Council's Bushfire Prone Area Map. Nevertheless, should Council see fit, or be preparing revised bushfire prone maps that include the Land, Council must refer the Planning Proposal to the NSW Rural Fire Service should the Planning Proposal received a positive gateway determination.

#### **Direction 5. Sydney Drinking Water Catchments**

#### **Assessment**

Should Council support the Planning Proposal and it receives a positive Gateway Determination, the Planning Proposal will need to be referred to Water NSW whom will require any subdivision of the Land to have a neutral or beneficial affect. It is our opinion the subdivision of the Land will have a beneficial affect as it will enable the augmentation of the reticulated sewerage system to not only take waste water from the proposed development, but that of existing dwellings in the locality that are currently not connected and are using stand alone environmental systems (septic or pump out).

#### **Direction 5.10 Implementation of Regional Plans**

This Planning Proposal is considered to be consistent with this Direction, as it is demonstrated in the body of this report that it is considered consistent with the Regional Plans applying the

Land (refer Section B).
<b>Direction 6. Local Plan Making</b>
<b>6.1 Approval and Referral Requirements</b> <b>6.2 Reserving Land for Public Purposes</b> <b>6.3 Site Specific Provisions</b>
<b>Assessment</b> 6.1 – This Planning Proposal does not seek to contain any provisions that would require the concurrence, consultation or referral of development applications to the Minister or other public authority, that would not otherwise, or don't already apply the Land.  6.2 – This Planning Proposal does not seek to remove or change the boundary of any land currently or proposed to be reserved for public purposes. The Dedication Land is to be dedicated to Council via a Planning Agreement with the Planning Proposal or a subsequent Development Application.  6.3 – This Planning Proposal does not seek any additional development standards to be imposed on the land other than those that already apply to the R2 Low Density Residential zone that is being sought for the Land.

### Section C – Environmental, Social & Economic Impacts

**7. 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 Planning Proposal?**

The Land does not contain any Critical Habitat or threatened species, populations or ecological communities or their habitats.

**8. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?**

The Planning Proposal will not result in any foreseen negative environmental effects, as the Planning Proposal will only result in paper changes to the zoning and density of subdivision permissible on the Land. Should the Planning Proposal be supported, a subsequent development application will be lodged with Council that addresses in detail how any environmental impacts will be ameliorated, i.e. removal of trees, excavation for services extension, construction of roads and so forth.

**9. Has the Planning Proposal adequately addressed any social and economic effects?**

Included as Appendix One is a Social and Economic Study/Report by Hill PDA supporting the Planning Proposal. The report concludes that the Planning Proposal will have positive social and economic effects on the Bowral locality as it will result in greater housing choice and may help affordability in a limited market; create additional employment; enable aging in place; and create additional housing within existing town boundaries.

The Report also concludes that any potential negative impacts they may result from the Planning Proposal such as construction noise and additional vehicular movements are likely to be short lived, easily mitigated and/or negligible in the long term.

## Section D – State and Commonwealth Interests

### 10. Is there adequate public infrastructure for the Planning Proposal?

Yes. The site is well located with direct access to water, sewer, electricity, telecommunications, roads and stormwater disposal. Any subsequent low density residential subdivision resulting from the planning proposal will not require any significant augmentation of infrastructure services.

Further, it is noted many lots in the Land are currently not connected to Council's reticulated sewerage system. An environmental advantage of any subsequent low-density residential subdivision of the Land will be the likely decommissioning of many stand alone environmental waste water systems and the connection of such dwellings to the reticulated network.

## PART 4 – MAPPING

The following maps require amendment as indicated below:

(Council is the custodian of the actual WLEP 2010 Maps and are the authority capable of making the actual amendments to the Maps should this planning Proposal be supported, hence a written description is provided here only.)

Map to be amended	Detail of Amendment
Land Zoning Map – Sheet LZN_007J	<p>Change the zoning of the properties listed as follows from R5 Large Lot Residential to R2 Low Density Residential:</p> <ul style="list-style-type: none"><li>➤ 190 Bowral Street, Bowral – Lots 13 and 22 Sec D DP192732 and Lot 131 DP524470;</li><li>➤ 196 Bowral Street, Bowral - Lot 1 DP208665</li><li>➤ 198 Bowral Street, Bowral - Lot 2 DP208665</li><li>➤ 200 Bowral Street, Bowral - Lot 3 DP208665</li><li>➤ 202 Bowral Street, Bowral - Lot 4 DP208665</li><li>➤ 146 Old South Road, Bowral – Lot 5 DP208665</li><li>➤ 148 Old South Road, Bowral – Lot 6 DP208665</li><li>➤ 150 Old South Road, Bowral – Lot 1 DP626821</li><li>➤ 152 Old South Road, Bowral – Lot 2 DP626821</li><li>➤ 158 Old South Road, Bowral – Lot 8 DP770871</li><li>➤ 160 Old South Road, Bowral – Lot 7 DP786212</li><li>➤ 164 Old South Road, Bowral, Lot 1 DP782827</li></ul>

Lot Size Map – Sheet LSZ_007J	<p>Change the minimum lot size of the properties listed below from 'W' at 4000sqm to 'I' at 1,000sqm:</p> <ul style="list-style-type: none"> <li>➤ 190 Bowral Street, Bowral – Lots 13 and 22 Sec D DP192732 and Lot 131 DP524470;</li> <li>➤ 196 Bowral Street, Bowral - Lot 1 DP208665</li> <li>➤ 198 Bowral Street, Bowral - Lot 2 DP208665</li> <li>➤ 200 Bowral Street, Bowral - Lot 3 DP208665</li> <li>➤ 202 Bowral Street, Bowral - Lot 4 DP208665</li> <li>➤ 146 Old South Road, Bowral – Lot 5 DP208665</li> <li>➤ 148 Old South Road, Bowral – Lot 6 DP208665</li> <li>➤ 150 Old South Road, Bowral – Lot 1 DP626821</li> <li>➤ 152 Old South Road, Bowral – Lot 2 DP626821</li> <li>➤ 158 Old South Road, Bowral – Lot 8 DP770871</li> <li>➤ 160 Old South Road, Bowral – Lot 7 DP786212</li> <li>➤ 164 Old South Road, Bowral, Lot 1 DP782827</li> </ul>
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## PART 5 – COMMUNITY CONSULTATION

Community consultation will occur as directed in the Gateway Determination and in accordance with the Department's *Guide to Preparing LEPs*. It is noted that Council normally provides at least 28 days of public exhibition, which includes as relevant, notification by letter/email to adjoining property owners and weekly advertising in the Southern Highland News for the duration of the exhibition period. Copies of the Planning Proposal and relevant documentation are provided on Council's website, at the Customer Service Counter at the Civic Centre and at all relevant libraries including Council's Rural Outreach & Delivery Service (ROADS) Mobile Library.

Prior to community consultation any referrals required by the Gateway Determination will be undertaken. This will include referral to Water NSW.

## PART 6 – TIMELINE

It is anticipated that the Planning Proposal will progress in accordance with the following key timeline milestones. Should Council resolve to proceed with the Planning Proposal, the following indicative timeline will be completed by Council.

MILESTONE	INDICATIVE DATE
Gateway Determination	April 2019
Agency Consultation	May 2019
Public Exhibition	June 2019
Report to Council on exhibition of Planning Proposal.	July 2019

Approximate completion date (if Council continues to support the Planning Proposal)	August 2019
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## DELEGATIONS

Council has applied to exercise its delegations in respect of this Planning Proposal and the completed Delegation Request Form is attached.

**\*\*\*END\*\*\***