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Rochester Park, Bundanoon—Heritage Planning Proposal Summary of Public Exhibition Submissions

Public exhibition of the Rochester Park Planning Proposal commenced on Wednesday 14 October 2020 and concluded on Tuesday 17 November 2020. Due to an omission from the version of the Planning Proposal as exhibited, the Planning Proposal was amended and re-exhibited from Wednesday 18 November 2020 to Wednesday 20 January 2021.

There was a total of 4 submissions and all but one were submitted to the first exhibition. All persons were re-notified of the second exhibition. Two of the submissions were from, or on behalf of, the property owner and objected to aspects of the Planning Proposal, particularly in relation to procedure and the proposed minimum lot size. The two community submissions supported the Planning Proposal.

As the Planning Proposal was publicly exhibited twice, the submissions received are differentiated into first and second public exhibition, as some of the comments regarding the first public exhibition were rectified for the subsequent public exhibition. The content of each submission is summarised below and an officer comment is provided on each issue.

FIRST PUBLIC EXHIBITION (14 OCTOBER – 17 NOVEMBER 2020)

Submission from	Summary of submission	Council Response
1. Solicitor on behalf of 'Rochester Park' property owner.	<u>Exhibition error – lot size map</u> a) Indicative minimum lot size map in Planning Proposal showed incorrect colouring; Different versions of the Planning Proposal were exhibited at different times in the exhibition. b) Any submissions made cannot confirm the version of the Planning Proposal on which comments are made. c) Proposal should be re-exhibited.	a) The mapping error was identified a couple of days after the commencement of public exhibition. The Planning Proposal was subsequently amended and the corrected version (version 2.2) was uploaded to the public exhibition page to replace the incorrect version (version 2) and printed copies at the Civic Centre were likewise amended. The wording of the proposed change to the minimum lot size (from 700m ² to 1 hectare) was correct in both versions. This was not considered to

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		<p>be a major issue. However, public exhibition was extended from 13 to 17 November to accommodate this error.</p> <p>b) As no submissions were received before the amended version of the Planning Proposal was uploaded, and none of the subsequent public exhibitions specifically referred to the minimum lot size, it is not considered necessary to disregard any submissions to the initial exhibition of the Planning Proposal.</p> <p>c) The Planning Proposal was re-exhibited from 18 November 2020 to 20 January 2021 with all aspects of the minimum lot size indicative map and wording correct.</p>
	<p><u>Re-exhibition</u></p> <p>a) Savings provision required by the Gateway Determination was not included in the Planning Proposal.</p> <p>b) Planning Proposal did not include updates on development applications and a Land and Environment Court determination.</p>	<p>a) Acknowledged. This was a further oversight, and the Planning Proposal was amended to include a reference to the required savings provision to apply to any development applications lodged but not determined.</p> <p>b) The re-exhibited version of the document, which made a number of updates (version 2.3), included a table of amendments (from previous version 2.2) and all changes to the document were indicated by coloured shading. This version included updated information about DAs applying to the site and the judgment by the Court.</p>
	<p><u>Objection to proposed minimum lot size</u></p> <p>a) Minimum lot size of 1 hectare considered to be excessive and contrary to heritage experts' opinions who agreed during Court proceedings that site is capable of subdivision.</p>	<p>a) The 1 hectare minimum lot size, which was recommended as part of the heritage assessment undertaken by Council staff and Heritage Advisor and reported to Council on 14 August 2019. That report demonstrated that in 2005 around two-thirds of the estate remaining at that time were subdivided to create over 30 lots. It was the expert opinion of Council's heritage officers that the subdivision potential of the site had already been realised and that further subdivision within the curtilage of the existing site and its gardens (Lot 32 DP 1205423) would result in a loss of heritage significance and intactness.</p>

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	<p>b) 900m² minimum lot size is considered to be more appropriate.</p> <p>c) Planning Proposal should be re-exhibited with 900m² minimum lot size.</p>	<p>b) Given the above reasons, it is maintained that the 1 hectare minimum lot size is still appropriate. However, the owner now has Court approval to undertake a subdivision of the site. Should that approval lapse, it is considered appropriate that the 1 hectare minimum lot size be in place to prevent future subdivision proposals.</p> <p>c) The Planning Proposal would not be able to be re-exhibited with a change in minimum lot size without reconsideration by Council. Since Council officers do not support a reduced minimum lot size, a report to Council was not considered to be warranted.</p>
<p>2. Bundanoon History Group</p>	<p>a) Supports the heritage listing of the site.</p> <p>b) Assumes that heritage listing will protect the house, driveway, garden and trees in a larger area. Considers the curtilage to be important.</p> <p>c) Understands that the Interim Heritage Order will extend until the listing is final.</p> <p>d) Suggests a number of other properties in Bundanoon that should be heritage listed.</p>	<p>a) Acknowledged.</p> <p>b) Heritage listing will protect the site and the heritage controls will ensure that changes to the property are appropriate in design and scale. However, since the Court has approved a further subdivision of the site, that consent is operable by the owner until such time as the consent were to lapse if not acted on.</p> <p>c) Unfortunately, the Interim Heritage Order has lapsed. However, the site is a draft heritage item and certain restrictions are now in place which help to protect the site until the Planning Proposal is finalised and the amendment to Wingecarribee Local Environmental Plan 2010 is published.</p> <p>d) Additional sites have been noted for future investigation.</p>
<p>3. Local property owner/resident</p>	<p>Supports the Planning Proposal for heritage listing as the site has heritage and environmental value and listing is long overdue.</p>	<p>Acknowledged.</p>

SECOND PUBLIC EXHIBITION (18 NOVEMBER 2020 – 20 JANUARY 2021)

Submission from	Summary of submission	Council Response
4. Property owner	<p>a) Acknowledges the re-exhibition and the inclusion of the required savings provision.</p> <p>b) Submissions to the first exhibition should be disregarded for the purpose of the second exhibition because they were based on a set of inaccurate documents. The community might not have been aware of the status of DAs and Court decisions.</p> <p>c) Court recommended that 1000m² minimum lot size is acceptable and to pursue 1 hectare would be contrary to the agreement of independent experts and the findings of the Land and Environment Court. 900m² minimum lot size should be imposed on the site.</p>	<p>a) Noted.</p> <p>b) Disagree. None of the submissions from members and groups in the community referred to the minimum lot size or the Court proceedings (which were mentioned in the re-exhibition version of the Planning Proposal). In any case, all those that made submissions to the first exhibition were notified of the second exhibition and invited to re-examine the documents. None chose to make a further submission.</p> <p>c) This has been previously addressed. See “objection to minimum lot size” in submission number 1, above.</p>