

Rezone land at Bowral St & Moss Vale Rd, Bowral from B4 to R3

Proposal Title : **Rezone land at Bowral St & Moss Vale Rd, Bowral from B4 to R3**

Proposal Summary : **Rezone Lot 1, DP 406617, Lot 15, DP 740276, Lot 6 Section E, DP 3807, and Lot 1, DP 513337, Bowral from B4 Mixed Use to R3 Medium Density Residential; apply a 700sqm lot size; and remove floor space ratios and height of building limitations from the site.**

PP Number : **PP_2013_WINGE_008_00** Dop File No : **13/10615-1**

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions : **1.1 Business and Industrial Zones
3.1 Residential Zones
5.1 Implementation of Regional Strategies
5.2 Sydney Drinking Water Catchments
6.1 Approval and Referral Requirements
6.3 Site Specific Provisions**

Additional Information : **It is recommended that the delegate of the Minister for Planning and Infrastructure determine under section 56(2) of the EP&A Act, that an amendment to the Wingecarribee LEP 2010 to provide for a rezoning of Lot 1, DP 406617, Lot 15, DP 740276, Lot 6, Section E, DP 3807, and Lot 1, DP 513337, Bowral from B4 Mixed Use to R3 Medium Density Residential, should proceed subject to the following conditions:**

**1.(a) the planning proposal is to be made publicly available for 14 days; and
(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A guide to preparing local environmental plans (Department of Planning and Infrastructure 2013).**

2. Consultation is required with the following public authority under section 56(2)(d) of the EP&A Act:

*** Sydney Catchment Authority (s117 Direction 5.2)**

The public authority is to be provided with a copy of the planning proposal and any relevant supporting material. The authority is to be given at least 21 days to comment on the proposal or to indicate that it will require additional time to comment on the proposal. The authority may request additional information or additional matters to be addressed in the planning proposal.

3. No public hearing required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing.

4. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination.

5. Council be offered the Minister's plan making delegation under sections 59(2),(3)&(4) of the Environmental Planning and Assessment Act 1979.

6. SECTION 117 DIRECTIONS - It is recommended that:

(a) The Director General can be satisfied that the planning proposal is consistent with s117 Direction 3.1 Residential Zones, 3.4 Integrating Land Use and Transport, 5.1 Regional Strategies and 5.2 Sydney Drinking Water Catchment (when the above consultation has occurred), 6.1 Approval and Referral Requirements, 6.3 Site Specific

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Provisions;

- (b) The Director General can be satisfied that inconsistencies with the s117 Direction 1.1 Business and Industrial Zones is justified as it is considered of minor significance;
- (c) The Director General can be satisfied that inconsistencies with any other relevant s117 Directions are only of minor significance; and

(c) no further consultation or referral is required in relation to s117 Directions while the planning proposal remains in its current form.

7. The planning proposal is considered to be consistent with all relevant SEPPs.

Supporting Reasons :

The proposal is considered minor and should be delegated back to council. The inconsistency with S117 Direction 1.1 is considered justifiable and minor.

There are no other issues to be addressed in the conditions.

Panel Recommendation

Recommendation Date : 19-Sep-2013

Gateway Recommendation : Passed with Conditions

Panel

Recommendation :

The planning proposal should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to include existing and proposed land zoning, lot size and other applicable maps, which are at an appropriate scale and clearly identify the subject lands.
2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013) and must be made publicly available for a minimum of 14 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).
3. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Plan making delegation:

The Minister delegated his plan making powers to councils in October 2012. Council has requested to be issued with delegation for this planning proposal. Council's request to be issued with plan making delegation should be supported.

Signature:



Printed Name:

NEIL SELMAN

Date:

25/09/13