

Rezone and reclassify Lot 126 Anembo St, Moss Vale; rezone 45 Hoskins St, Moss Vale and part of 7 Ellen St, Bowral

Proposal Title :	Rezone and reclassify Lot 126 Anembo St, Moss Vale; rezone 45 Hoskins St, Moss Vale and part of 7 Ellen St, Bowral		
Proposal Summary :	Rezone Part Lot 10, DP 597322 (7 Ellen St), Bowral from RE1 to E2 and remove this land from the Land Reservation Acquisition Map. Rezone Lot 1, DP 781256 (45 Hoskins St) Moss Vale from RE1 to R2 and remove this land from the Land Reservation Acquisition Map. Rezone Lot 126, DP 263356 (Anembo St) Moss Vale from RE1 to R2, amend the minimum lot size from 0sqm to 700sqm and reclassify the site from Community to Operational.		
PP Number :	PP_2014_WINGE_007_00	Dop File No :	14/11195-1

Proposal Details

Date Planning Proposal Received :	23-Jul-2014	LGA covered :	Wingecarribee
Region :	Southern	RPA :	Wingecarribee Shire Council
State Electorate :	GOULBURN	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	7 Ellen Street		
Suburb :	Bowral	City :	Postcode : 2576
Land Parcel :	Lot 10, DP 597322		
Street :	45 Hoskins Street		
Suburb :	Moss Vale	City :	Postcode : 2577
Land Parcel :	Lot 1, DP 781256		
Street :	Anembo Street		
Suburb :	Moss Vale	City :	Postcode : 2577
Land Parcel :	Lot 126 DP 263356		

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DoP Planning Officer Contact Details

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DoP Project Manager Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Sydney-Canberra Corridor Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	1
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of
Conduct has been
complied with : **Yes**

If No, comment :

Have there been meetings or
communications with
registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes : **Council has reviewed 13 Council-owned properties and identified the three above are surplus to Council's open space needs.**

External Supporting Notes : **Council has reviewed Council-owned properties and identified these three are surplus to Council's open space needs.**

Adequacy Assessment

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Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The statement of objectives clearly articulates the property descriptions and changes proposed.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The explanation of provisions clearly articulates the map sheets to be amended and the changes to be made to those maps, as well as the change to be made to Schedule 4 of the LEP.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

1.5 Rural Lands

* May need the Director General's agreement

2.1 Environment Protection Zones

3.1 Residential Zones

3.2 Caravan Parks and Manufactured Home Estates

3.3 Home Occupations

3.4 Integrating Land Use and Transport

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

5.2 Sydney Drinking Water Catchments

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP (Rural Lands) 2008

Drinking Water Catchments Regional Environmental Plan No. 1

e) List any other matters that need to be considered :

In relation to SEPP 55 - Council considered the potential contamination of the Anembo St site and undertook a contamination investigation prior to lodging the planning proposal. The contamination report is included as part of the proposal's documentation. It found that there is no evidence of contamination of the site and the site is suitable for residential development.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

SECTION 117 DIRECTIONS:

1.5 RURAL LANDS: This Direction does apply to the planning proposal as it will affect land within an existing or proposed rural or environmental protection zone/proposes to change the existing minimum lot size on land within a rural or environmental protection zone.

The proposal is considered to be CONSISTENT with this direction.

2.1 ENVIRONMENT PROTECTION ZONES: This Direction does apply to the planning proposal as it will affect land within an environment protection zone or land otherwise identified for environment protection purposes.

The proposal is considered to be CONSISTENT with this direction.

3.1 RESIDENTIAL ZONES: This Direction does apply to the planning proposal as it will affect land within an existing or proposed residential zone or any other zone in which significant residential development is permitted or proposed to be permitted.

The proposal is considered to be CONSISTENT with this direction.

3.2 CARAVAN PARKS AND MANUFACTURED HOME ESTATES: Council has identified

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that this Direction applies to the planning proposal, however it does not apply as it does not relate to caravan parks or manufactured home estates.

3.3 HOME OCCUPATIONS: Council has identified that this Direction applies to the planning proposal, however it doesn't affect the permissibility of home occupations.

3.4 INTEGRATING LAND USE AND TRANSPORT: This Direction does apply to the planning proposal as it will create/alter/remove a zone/provision relating to urban land. The proposal is considered to be **CONSISTENT** with this direction.

4.4 PLANNING FOR BUSHFIRE PROTECTION: This Direction does apply to the planning proposal as it will affect land mapped as bushfire prone land.

RECOMMENDATION: The Director-General needs to be satisfied that the requirements of the Direction have been met. A condition should be included in the Gateway determination that consultation should be undertaken with the Rural Fire Service in accordance with the Direction.

5.1 IMPLEMENTATION OF REGIONAL STRATEGIES: This Direction does apply to the planning proposal as the Sydney-Canberra Corridor Regional Strategy applies to the land.

The proposal is considered to be **CONSISTENT** with this direction.

5.2 SYDNEY DRINKING WATER CATCHMENT: This Direction does apply to the planning proposal as the land is within the Sydney drinking water catchment. The proposal is considered to be **CONSISTENT** with this direction.

6.2 RESERVING LAND FOR PUBLIC PURPOSES : This Direction does apply to the planning proposal as it will create/alter/reduce existing zonings or reservations of land for public purposes and requires the approval of the relevant public authority and the Secretary of the Department.

The proposal is considered to be **CONSISTENT** with this direction as the Gateway determination will issue the necessary approval.

RECOMMENDATION: The Secretary of the Department approves of the proposal to alter the zonings of land for public purposes.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The maps are appropriate for exhibition. However, final maps will need to be prepared to complete the LEP.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council is proposing to exhibit the proposal for 28 days.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

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Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Wingecarribee LEP 2010**

Assessment Criteria

Need for planning proposal : **Council undertook a number of reports that have identified that the subject lands (being 45 Hoskins St, Moss Vale and 7 Ellen St, Bowral) are surplus to Council's needs for open space. Lot 126, DP 263356 Anembo St, Moss Vale is now considered suitable to be rezoned.**

Consistency with strategic planning framework : **The proposal is not inconsistent with the strategic planning framework.**

Environmental social economic impacts : **The benefits of Council not acquiring the 2 properties in Moss Vale and Bowral include the residents not being displaced from their homes. The funds Council saves from not acquiring these properties will be put towards other community benefits, such as the acquisition of other RE1 lands of greater value to the community or maintenance of facilities. With regard to Lot 126 Anembo St, Moss Vale, the disposal of this land will provide greater housing choice and the funds raised will be able to be used for other community benefits, such as the acquisition of other more suitable recreation lands.**

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 months** Delegation : **Nil**

Public Authority Consultation - s56(2)(d) : **NSW Rural Fire Service**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

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Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Planing Proposal Report - v2 - Gateway.pdf	Proposal	Yes
Attachment 1 - Council Report 12 Oct 2011.pdf	Proposal	Yes
Attachment 2 - Contamination Report.pdf	Proposal	Yes
Closed Report 13 Nov 2013 - Valuation Redacted.pdf	Proposal	Yes
Resolution 12 October 2011.pdf	Proposal	Yes
Anembo St Moss Vale - SLWCA sewerred.pdf	Proposal	Yes
Hoskins St Moss Vale - SLWCA sewerred.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions:

- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 3.1 Residential Zones
- 3.2 Caravan Parks and Manufactured Home Estates
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 5.2 Sydney Drinking Water Catchments
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes

Additional Information : It is **RECOMMENDED** that the General Manager, as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that an amendment to the Wingecarribee LEP 2010 to:

- a) Rezone Lot 1, DP 781256 from RE1 to R2 Low Density Residential and amend the minimum lot size to 700sqm and remove it from the Land Acquisition Map,
- b) Rezone Part Lot 10, DP 597322 from RE1 to E2 Environmental Conservation and remove it from the Land Acquisition Map,
- c) Rezone Lot 126, DP 263356 from RE1 to R2 Low Density Residential and amend the minimum lot size to 700sqm and reclassify it from Community to Operational, should proceed subject to the following conditions:

1. 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 must be made publicly available for 28 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 (Planning and Infrastructure, 2013)'.

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

- * NSW Rural Fire Service (s117 Direction 4.4)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional

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matters to be addressed in the planning proposal.

3. No public hearing is 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 (for example in response to a submission or if reclassifying land).

4. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

5. SECTION 117 DIRECTIONS - It is recommended that:

(a) The Secretary's delegate can be satisfied that the planning proposal is consistent with s117 Directions 1.5 Rural Lands, 2.1 Environment Protection Zones, 3.1 Residential Zones, 3.4 Integrated Land Use and Transport, and 5.1 Implementation of Regional Strategies.

(b) The Secretary's delegate approves the proposal to alter the existing of zoning of land reserved for public purposes under Direction 6.2 Reserving Land for Public Purposes;

(c) The Secretary's delegate can be satisfied that the planning proposal will be consistent with s117 Direction 4.4 Planning for Bushfire Protection, when Council has consulted with the Rural Fire Service prior to undertaking community consultation;

(d) The Secretary's delegate can be satisfied that the planning proposal is consistent with all other relevant s117 Directions or that any inconsistencies are of minor significance; and

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

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

Supporting Reasons :

The proposal results from Council's study into surplus lands.

Signature:

Graham Towers

Printed Name:

Graham Towers

Date:

8/8/14

