

Rezoning land at Retford Park, Bowral to R2 and R5

Proposal Title :	Rezoning land at Retford Park, Bowral to R2 and R5		
Proposal Summary :	The planning proposal involves rezoning part Lot 22, DP 1163429 to R2 Low Density Residential and rezoning another part of the lot to R5 Large Lot Residential and amending the Lot Size Map to reflect appropriate lot sizes for those areas. The proposal also includes adding these lands to the Urban Release Area Map.		
PP Number :	PP_2013_WINGE_014_00	Dop File No :	13/12456-1

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
 - 2.3 Heritage Conservation
 - 3.1 Residential Zones
 - 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
 - 6.3 Site Specific Provisions

Additional Information : It is recommended that the Deputy Director General as 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 rezone part Lot 22, DP 1163429 to R2 Low Density Residential and R5 Large Lot Residential; amend the Lot Size Map from 40 ha to 1,000sqm and 8,000sqm respectively; and amend the Urban Release Area Map to include part Lot 22, DP 1163429 as it applies to the western part of the lot, should proceed subject to the following conditions:

1. Prior to public exhibition Council should be requested to:
 - (a) resolve to amend Schedule 5 and the associated Heritage Map sheet of the Wingecarribee LEP 2010 to reflect the current lot and DP changes to the site and the amended curtilage of the heritage item to only apply to Lot 23, DP 1163429, and
 - (b) amend the planning proposal to not include the proposed R5 Large Lot Residential area (eastern part Lot 22, DP 1163429) on the Urban Release Area Map as it is not of a scale to warrant inclusion, these provisions are not intended to apply to R5 Large Lot Residential development and the adjoining R5 subdivision is not included on the Map.
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 to be made publicly available for at least 42 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).
3. Consultation is required with:
 - NSW Rural Fire Service in relation to s117 Direction 4.4; and
 - Office of Environment and Heritage in relation to the heritage aspects of the

proposal.

4. 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.

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

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

7. **SECTION 117 DIRECTIONS** - It is recommended that:

(a) The Director General can be satisfied that the Planning Proposal is consistent with s117 Directions 3.4 Integrating Land Use and Transport, 5.1 Implementation of Regional Strategies, 5.2 Sydney Drinking Water Catchments, 6.3 Site Specific Provisions;

(b) The Director General can be satisfied that the inconsistencies with s117 Direction 1.5 Rural Lands, 2.1 Environmental Protection Zones, 3.1 Residential Zones are justified as they are considered of minor significance and/or justified by a study supporting the proposal;

(c) The Director General can be satisfied that the planning proposal is consistent with s117 Direction 2.3 Heritage Conservation when Council amends Schedule 5 and the associated Heritage Map sheet of the Wingecarribee LEP 2010 to reflect the restricted heritage curtilage of Retford Park to only Lot 23;

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

(e) no further consultation or referral is required in relation to s117 Directions while the planning proposal meets the conditions of the Gateway Determination.

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

Supporting Reasons :

The planning proposal is considered to be inconsistent with s117 Direction Heritage Conservation as Council is currently proposing to rezone a heritage item for residential development. Council has argued that the curtilage of the item is justifiably restricted to only the new Lot 23, but it has not proposed to amend Schedule 5 and the associated heritage maps of the LEP. Without the amendments to the heritage provisions of the LEP, the proposal will remain inconsistent with the s117 Direction. In addition, the heritage listing of the item will be technically incorrect in the LEP as the lot and DP no longer exist.

Panel Recommendation

Recommendation Date : **15-Aug-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 amend the planning proposal to advise that Schedule 5 - Environmental Heritage and the Heritage Map of Wingecarribee LEP 2010 will be amended to reflect the change to the lot and DP numbers of the site and the amended heritage curtilage of Retford Park to only apply to Lot 23 DP1163429.
2. Prior to undertaking public exhibition, Council is to amend the planning proposal to remove the proposal to include the eastern part of Lot 22 DP 1163429, which is proposed to be zoned R5 Large Lot Residential, on the Urban Release Areas Map because the proposed R5 zoned land is not of a scale considered to warrant consideration for State infrastructure.
3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

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- (a) the planning proposal must be made publicly available for a minimum of 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 LEPs (Department of Planning & Infrastructure 2013).

4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:

- NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
- Office of Environment and Heritage (S117 Direction 2.3 Heritage Conservation)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

5. 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).

6. The timeframe for completing the LEP is to be 12 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:

MEN Nelson

Date:

24/8/13