



**Planning Proposal to
Rezone Part of Lot 22 DP1163429, Old South Road,
Bowral from E3 Environmental Management to R2 Low
Density Residential and amend the minimum lot size
from 40ha to 1000sqm (west end); and Rezone Part of
Lot 22 DP1163429, Old South Road, Bowral from E3
Environmental Management to R5 Large Lot Residential
and amend the minimum lot size from 40ha to 8000sqm
(east end); and Add Lot 22 DP1163429 to the Urban
Release Area Maps.**

Planning Proposal

LOCAL GOVERNMENT AREA: WINGECARRIBEE SHIRE COUNCIL

ADDRESS OF LAND: Lot 22 DP1163429, Old South Road, Bowral. The area of the subject site is 56.05 hectares.

PART 1 - OBJECTIVES OR INTENDED OUTCOMES OF PLANNING PROPOSAL

The Planning Proposal has two separate parts to the east and west of Lot 22. Refer to maps in Part 4 of this Planning Proposal.

The eastern proposal is to rezone part of the subject property from E3 Environmental Management to R5 Large Lot Residential with an 8000m² minimum lot size; and the western proposal is to rezone part of the subject property from E3 Environmental Management to R2 Low Density Residential with a minimum lot size of 1000m². The number of lots proposed for each subdivision are as follows:

- West site – 151 Low Density Residential Lots
- East Site – 21 Rural Residential Lots

PART 2 – EXPLANATION OF PROVISIONS

The provisions of the Planning Proposal will amend Wingecarribee Local Environmental Plan 2010 by amending the maps as follows:

Map to be amended	Nature of map amendment
Sheet LZN_007K	Amend the zoning of Part of Lot 22 DP 1163429 from E3 Environmental Management to R5 Large Lot Residential (east) and to R2 Low Density Residential (west)
Sheet LZN_007J	Amend the zoning of Part of Lot 22 DP 1163429 from E3 Environmental Management to R2 Low Density Residential
Sheet LSZ_007K	Amend the minimum lot size of Part Lot 22 DP 1163429 from AB2 40ha to X 8000sqm (east) and to U 1000sqm (west)
Sheet LSZ_007J	Amend the minimum size of Part Lot 22 DP 1163429 from AB2 40ha to U 1000sqm
Sheet URA_007C	Amend the sheet to include Lot 22 DP 1163429 as an Urban Release Area
New Sheet URA_007?	Create a new sheet to include Lot 22 DP1163429 an Urban Release Area

PART 3 - JUSTIFICATION

The Planning Proposals were lodged with Council in November 2011 but were held in abeyance pending the completion and adoption of the Wingecarribee Demographic and Housing Study. The Demographic and Housing Study was received and accepted by Council in July 2012. However, as the previous Council entered caretaker mode for the then local government elections, it was untimely to submit the proposal to the Council during that time period.

The Planning Proposals submitted to Council proposed Urban Release Areas in Bowral. No land is identified for Urban Release in Bowral under the WLEP 2010. The Demographic and Housing Strategy has predicted that approximately up to 2000 new dwellings will be in demand for Bowral from 2011 to 2031. The Planning Proposal goes some way to meeting those housing demands.

Further, the applicant is supposing in their Planning Proposal that should the eventual sales from the land releases meet particular monetary expectations, that they would gift the adjoining locally listed heritage House, Grounds and Outbuildings known as Retford Park to a public trustee in perpetuity. It is supposed that a particular amount of funds would also be gifted as a monetary trust with the property, from which the interest earned from the trust would fund the upkeep of the buildings and the grounds.

The applicant also requested that a preliminary public consultation process be undertaken prior to Council considering the Planning Proposals for Gateway determination.

Thus, the newly elected Council considered a report on the Planning Proposals at its Ordinary Meeting of 13 February 2013 and made the following resolution:

1. **THAT Council support the Applicant's proposal to undertake preliminary community consultation at their cost and this feedback be reported to Council at a later date.**
2. **THAT the Applicant be advised of Council's decision.**

The preliminary community consultation was undertaken by Council and the Applicant from 27 February to 22 March 2013. Further an information forum was conducted on 11 March 2013 from 1pm to 7pm, which a Council Strategic Planning staff member was present.

Over 1500 property owners in proximity to the subject land were notified in writing of the Planning Proposal, approximately 60 people attended the information forum and 10 written submissions were received by Council.

Council then considered a report following the public exhibition period at its Ordinary Meeting of 24 April 2013 where it made the following resolution:

1. **THAT Council receives the report on Retford Park Planning Proposal – Lot 22 DP 1163429 Old South Road, Bowral.**

2. ***THAT prior to Council proceeding with the application, the applicant meet with Council's LEP Sunset Steering Committee to discuss a proposed Voluntary Planning Agreement.***
3. ***THAT discussions also resolve the handing over of Retford Park historic property to public ownership and the financial management of the heritage item via a trust account and a conservation management plan.***
4. ***THAT following on the discussions with the applicant, the matter be referred back to Council.***

In accordance with the resolution, representatives of the applicant met with Council's LEP Sunset Steering Committee Working Group on 15 May 2013 to discuss a Voluntary Planning Agreement and the proposal by the applicant to eventually entrust the Heritage Site to a public trustee.

The Applicant's representatives explained to the LEP Sunset Steering Committee Working Group that a Voluntary Planning Agreement could not be entered into at this stage, especially regarding the future of Retford Park house and outbuildings, due to legal advice from the Applicant's solicitors. The LEP Sunset Steering Committee Working Group were informed that the Applicant was not prepared to provide Council with that advice as it involves matters of extreme confidential and sensitive nature.

The presentation to the Working Group was noted and it was recommended by the Working Group that the report be returned to Council on 12 June 2013 for consideration. Council then considered a report on 12 June 2013 and made the following resolution:

1. ***THAT a Planning Proposal be prepared in accordance with the Department of Planning and Infrastructure Guidelines to amend Wingecarribee Local Environmental Plan 2010, for the property identified as Retford Park, Lot 22 DP1163429, Old South Road Bowral, to:***
 - (a) ***Rezone the western part of the site to R2 Low Density Residential and reduce the minimum lot size to 1000m²; and***
 - (b) ***Rezone the eastern part of the site to R5 Large Lot Residential and reduce the minimum lot size to 8000m²***
 - (c) ***Amend the Urban release Area Map to include the subject lands.***
2. ***THAT a Draft Retford Park Development Control Plan incorporating the Masterplans of Subdivision for the subject site, as provided in Figure 4 in the report, be brought to Council for consideration following Gateway Determination.***
3. ***THAT the owner of the subject site be informed of Council's decision.***
4. ***THAT the persons who made submissions be advised of Council's decision.***

5. ***THAT Council write to the applicant and seek a commitment from them to commence negotiating a Voluntary Planning Agreement (VPA) following the Gateway determination which then allows the planning proposal to proceed AND THAT the draft Voluntary Planning Agreement (VPA) be exhibited in conjunction with the planning proposal.***

Section A – Need for the Planning Proposal

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

The Planning Proposal does not result from a particular strategic study, however it does meet some of the housing demands identified for the Wingecarribee Shire by the *Sydney-Canberra Corridor Regional Strategy 2006 to 2031*¹ by the NSW Department of Planning and Infrastructure and the later *Wingecarribee Demographic and Housing Study (May 2012) – Final Report*² by SGS Economics and Planning on behalf of Wingecarribee Shire Council.

The Planning Proposal is however the result of a report considered by Council on 12 June 2013 (Attachment 1), which Council made the following resolution:

1. ***THAT a Planning Proposal be prepared in accordance with the Department of Planning and Infrastructure Guidelines to amend Wingecarribee Local Environmental Plan 2010, for the property identified as Retford Park, Lot 22 DP1163429, Old South Road Bowral, to:***
 - (a) ***Rezone the western part of the site to R2 Low Density Residential and reduce the minimum lot size to 1000m²; and***
 - (b) ***Rezone the eastern part of the site to R5 Large Lot Residential and reduce the minimum lot size to 8000m²***
 - (c) ***Amend the Urban release Area Map to include the subject lands.***
2. ***THAT a Draft Retford Park Development Control Plan incorporating the Masterplans of Subdivision for the subject site, as provided in Figure 4 in the report, be brought to Council for consideration following Gateway Determination.***
3. ***THAT the owner of the subject site be informed of Council's decision.***
4. ***THAT the persons who made submissions be advised of Council's decision.***
5. ***THAT Council write to the applicant and seek a commitment from them to commence negotiating a Voluntary Planning Agreement (VPA) following***

¹ 8,700 new dwellings in Wingecarribee Shire – NSW Dept. of Planning's Fact Sheet, July 2008 in relation to the *Sydney-Canberra Corridor Regional Strategy 2006 to 2031*.

² Figure 13, page 29 approximates demand for 1001 to 2000 new dwellings in Bowral up to year 2031

the Gateway determination which then allows the planning proposal to proceed AND THAT the draft Voluntary Planning Agreement (VPA) be exhibited in conjunction with the planning proposal.

In accordance with the above resolution Council will seek a Voluntary Planning Agreement with the Applicant on various matters, including the eventual hand over of the Heritage Site located on Lot 23 DP1163429.

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

In respect of making the property available for use as an Urban Release Area, there are no alternatives to a Planning Proposal as appropriate zones and minimum lot sizes for residential development need to be identified on the land to enable such development to occur. The only process available for amending zones and minimum lot size maps in a Local Environmental Plan are Planning Proposals under Section 55 Division 4 Part 3 of the Environmental Planning and Assessment Act 1979.

In respect of gifting the Retford Park Heritage listed site on Lot 23 to a public trustee, a Planning Proposal is not required. There are many legal and fiscal avenues the applicant could utilise. It must be noted though that Lot 23 is not part of the Planning Proposal, as no changes to the Zone or Minimum lot size are proposed in respect of the property. All required changes to WLEP 2010 are proposed on Lot 22 DP1163429.

Notwithstanding, both Council and the Department of Planning and Infrastructure must consider the potential impact of the Planning Proposal on the adjoining Retford Park Heritage listed site (Lot 23), which the applicant has made statements in their Planning Proposal, that they may hand over Lot 23 to a Public Trustee should certain monetary targets be met from the development of Lot 22.

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 consistent with the objectives and actions contained in the *Sydney-Canberra Corridor Regional Strategy 2006 to 2031* as published by the NSW Department of Planning and Infrastructure.

The Strategy recognises Bowral as a Major Regional Centre (p. 13-14) and states that the majority of growth in both housing and employment is to occur. Currently no land is identified under WLEP 2010 in Bowral as an Urban Release Area. Pages 32 and 33 of Strategy qualify that Bowral will be a preferred location for infill development and that Mittagong and Moss Vale will cater for release area growth, whilst additional Greenfield development areas will need to be identified. The Retford Park proposals meet some of the need in respect of identifying further Greenfield development areas for the longer term.

Further, the subject sites have a limited impact upon the expansion of the Bowral town boundaries. The Strategy (p.32) identifies that the Towns of Mittagong, Bowral and Moss Vale have their unique characters and the rural landscape between these towns needs to be preserved. Should the Planning Proposal be successful, the sites would form a formal northern boundary on the eastern side of Bowral. Further the master plans of subdivision provide that significant landscaping will be provided on the northern boundaries of the western site, much of which is the existing driveway of the Heritage site Retford Park, which is proposed to be preserved as part of the Proposal. In respect of the eastern proposal, the master plan of subdivision proposes significantly larger rural residential lots which will form a transition between the smaller 8000sqm lots and the adjoining rural landuses.

In respect of 'Actions' regarding housing growth in the Wingecarribee, p.39 of the Strategy states that,

"Additional housing areas outside of those set out in this Regional Strategy and supporting local environmental plans are only to be supported if they can satisfy the Sustainability Criteria in Appendix 1"

The sustainability criteria in Appendix 1 of the strategy for housing states,

"Contributes to the geographic market spread of housing supply, including any government targets established for aged, disabled or affordable housing"

The Planning Proposal meets the above criteria as it will contribute to the geographic market spread of housing in Bowral, as there are currently no identified urban release areas in Bowral under WLEP 2010 and the location of the proposal will not have an adverse impact on the expansion of the Bowral town boundaries.

The Retford Park Heritage Listed site located on Lot 23, located between the eastern and western proposal, has significant links to the past agricultural grazing industry of the region. The Planning Reports from the Applicant prepared by Ingham Planning Pty Ltd, contain detailed heritage reports – Appendix 6, 7 & 8 (western site) and Appendix 2, 3 & 4 (eastern site). The Strategy recognises that the cultural heritage of the region is significant and needs to be preserved. An 'action' of the Strategy (p.50) states:

"The Department of Planning and councils will work on heritage provisions that will identify significant historic properties and building and provide mechanisms for their protection within a 'working farm' context."

The Retford Park locally significant heritage listed site is no longer a working farm. However, the Applicant is supposing the handing over of the property to a public trustee and the financial means for that trustee to manage the property, should the Planning Proposals be approved and certain profits made from the sale of the residential land. Whilst there is no certainty at this stage that this will occur, the Planning Reports by Ingham Planning discuss this proposal in greater detail on p.19 of the eastern proposal report and p.18 of the western proposal report. Council has is also resolved to pursue a

Voluntary Planning Agreement with the Applicant following Gateway determination to create some certainty in respect of the future ownership and management of the site.

The Planning Proposals are therefore considered consistent with the housing, population growth and heritage aspects of the *Sydney-Canberra Corridor Regional Strategy 2006-2031*.

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

Wingecarribee Our Future 2002

The Planning Proposals are not consistent with the Wingecarribee Our Future 2002 - Strategic Plan, as it is not one of the sites identified for future urban release under that Strategy. Part 2 (p.27) of the Strategy recommended that Council investigate 4 sites as future urban release areas:

- East Mittagong (Renwick)
- West Mittagong (Gibbergunyah)
- South East Moss Vale and
- West New Berrima

Noting that the Strategy is now 11 years on, only one of the above sites has reached a stage where housing is being provided. East Mittagong (Renwick) has reached a stage where housing is now being provided, although only approximately half of the development has been released. South East Moss Vale has only recently received development approval for 33 new residential lots which are now under construction at the site known as "Darraby", Broughton Street, Moss Vale. The other proposed urban release areas have not been supported and are not included as urban release areas under WLEP 2010.

A new Local Planning Strategy is proposed to be developed as part of the introduction of the new Planning Act, currently proposed by the release of the recent White Paper by the Department of Planning and Infrastructure.

Wingecarribee Demographic and Housing Study – Final Report 2012

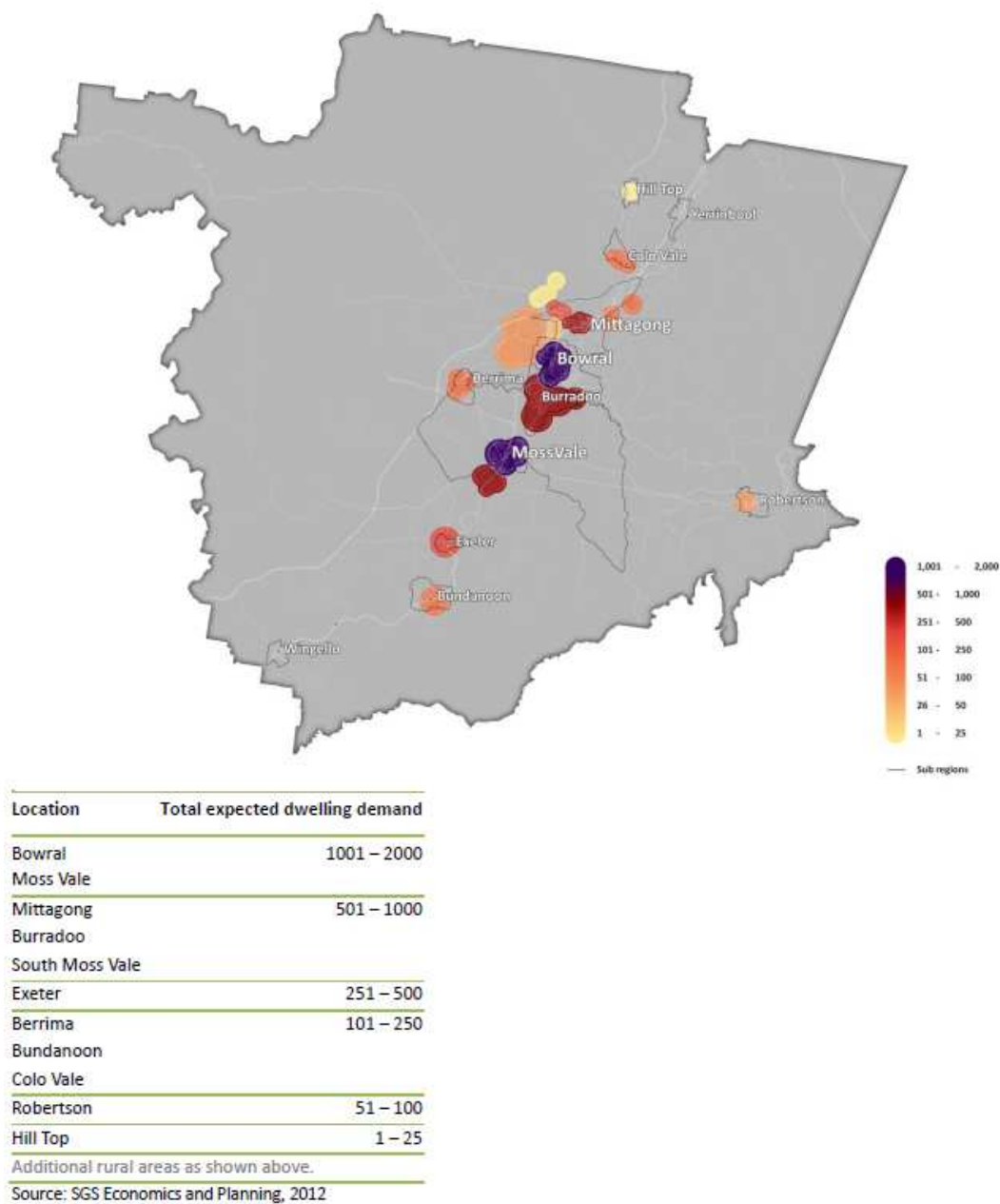
Notwithstanding, Council adopted the *Wingecarribee Demographic and Housing Study – Final Report* (May 2012) published by SGS Economics and Planning on behalf of Council. The Study (p.29) provides information on the expected demand for housing in the Wingecarribee up to and including the year 2031. Figure 13 (p.29) from the Strategy is reproduced over page.

Figure 13 shows that Bowral and Moss Vale are both each likely to experience demand for approximately 1001 to 2000 dwellings over the next 20 year period.

The Planning Proposal for Retford Park is the only urban release area of significance that has the potential to help meet the demand for housing in Bowral as predicted by the Demographic and Housing Study.

This space is intentionally blank

FIGURE 13. LOCATIONS OF EXPECTED DEMAND TO 2031 (NO. OF DWELLINGS)



Wingecarribee Community Strategic Plan 2031+

Further, the Wingecarribee Community Strategic Plan 2031+ has many goals relating to the provision of housing within the Shire. They are addressed as follows:

People

Goal 2.1.3 – Council actively facilitates and supports the coordinated use of existing public and private facilities to ensure equitable access. (p.14)

Comment: The Planning Proposals, should they be supported, will help facilitate Retford Park, a significant heritage item being handed over to the public in trust, which would also result in controlled public access to the site.

Goal 2.4.1 – Proactively value, attract and hold a diverse population of young people, families, cultures and socio-economic backgrounds to the Shire to ensure a balance community. (p.15)

Comment: Greenfield residential land of larger lot sizes will attract families to the locality and other persons looking for a lifestyle offered by larger residential allotments.

Places

Goal 3.2.3 – Ensure the growth of towns and villages does not compromise separation distance between those towns and villages. (p.18)

Comment: The two sites proposed to be used for residential development will not compromise the separation distance between Bowral and other Towns and Villages as they are located adjacent to current residential development to the south and west and will fill in an area within the natural town boundary and will also not be visually prominent.

Goal 3.3.2 - Ensure future development respects the character of the area in which it is located, and reinforce that character with appropriately sited and designed new development. (p.19)

Comment: The eastern site respects the character of the area in which it is located as it proposes to extend the existing large lot rural residential area and provides blocks with paddock area backing onto the boundary of Retford Park (Lot 23) and the adjoining E3 Environmental Management lands. These larger blocks with paddocks effectively form a buffer between the proposed rural residential development and the adjoining land uses effectively forming the township boundary that would unlikely be extended.

The western site respects the character of the area in which it is located as it proposes larger residential lots (minimum 1000m²) adjacent to residential areas to the south (800m² minimum), west (4000m² minimum) and southwest (700m² minimum). The 1000m² minimum provides a good transition between these adjacent residential localities. Further, the larger lots will also provide for the ability for larger setbacks between dwellings and greater areas of landscaping to fit into the park land setting of Retford Park.

Goal 3.4 – Wingecarribee housing options are diverse (p.19)

Comment: The Planning Proposals are offering two types of Greenfield residential development, large lot rural residential (8000m² minimum) and low density residential (1000m² minimum).

Goal 3.5.3 - Recognise where the Shire's cultural heritage contributes to its character and manage change appropriately to reinforce local distinctiveness. (p.19)

Comment: Should the Planning Proposal be supported and the subdivision of the two sites commenced, it is proposed by the Applicant that Retford Park will be handed over to either the National Trust or Historic Houses Trust of NSW and a Trust Account established to fund the maintenance of the property. This should ensure this significant Heritage Item is preserved, reinforcing local distinctiveness of Bowral and the Southern Highlands.

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

State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP 44)

SEPP 44 requires Council to consider, for any application where the SEPP applies, whether or not the land is a potential koala habitat. Flora and Fauna reports were conducted by Joy Hafey Environmental Consultant for both sites in September and October 2011 and are included in the Appendices of both planning reports prepared by Ingham Planning. Both reports found that neither site contains potential Koala Habitat.

State Environmental Planning Policy (Rural Lands) 2008

Section 117 Direction 2.1 requires Council to consider whether or not the Planning Proposal is consistent with the Rural Planning Principles and Rural Subdivision Principles of the Rural Lands SEPP. The Planning Proposals are not consistent with the principles of the Rural Lands SEPP, as the Land is to be rezoned from E3 Environmental Management to R5 Large Lot Residential and R2 Low Density Residential. However, the discussions under the 117 Directions explain that the Planning Proposal is justifiably inconsistent with the SEPP Principles, as it meets the objectives of the Sydney-Canberra Corridor Regional Strategy 2006-2031.

Further, the *Sydney-Canberra Corridor Regional Strategy 2006-2031* gives significant consideration to the protection of Heritage in the Region. The Planning Proposals, should they be approved, should result in the gifting of the heritage listed Retford Park to a publicly owned Trust and a method of financing the maintenance and up keep of the property by that Trust.

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

In accordance with the Section 117 Directions the planning proposal was referred to the Sydney Catchment Authority (SCA) on 27 June 2013 for comment. Attachment 5 contains the submission from the SCA in its entirety; however, in summary the SCA identified that if both proposed residential developments were connected to reticulated

sewer that they would only pose a low to moderate risk to water quality, with some areas of high risk. The SCA also recommends that Council considers how to deal with extra volume of storm water run-off that would occur from the decreased permeability of the sites once developed.

As the SEPP applies, Council must ensure any future development results in a neutral or beneficial effect on water quality resulting from the site once developed. Such detail will likely be submitted with a future development application; however it may be preferable for the applicant to provide a Water Cycle Management Study post Gateway Determination for initial assessment to assist in determining the suitability of the site for future residential and rural residential development.

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

A comprehensive assessment of the 117 Directions is provided as follows:

- 1.1 Business and Industrial Zones – Not relevant
- 1.2 Rural Zones – Not relevant
- 1.3 Mining Petroleum Production and Extractive Industries – Not relevant
- 1.4 Oyster Aquaculture – Not relevant
- 1.5 Rural Lands – Justifiably Inconsistent

This Direction applies as the Planning Proposal will affect the boundary of, and will change the minimum lot size on, the land that is currently zoned E3 Environmental Management. In the case of this Planning Proposal, Council must determine whether it is consistent with the Rural Planning Principles and Rural Subdivision Principles contained in *State Environmental Planning Policy (Rural Lands) 2008*. An assessment of the SEPP is provided in the section above. Notwithstanding, the Planning Proposal is considered to be justifiably inconsistent as Council can satisfy the Director General (DG) of DP&I or a nominated Officer of the DG that the Planning Proposal can be justified by the *Sydney-Canberra Corridor Regional Strategy 2006-2031* that gives consideration to the objectives of this Direction, in that the Planning Proposal will fulfill in part some of the new housing demand predicted for the Wingecarribee local government area (LGA) by the strategy without having a significant impact on the rural landscapes between Bowral and Mittagong.

Further, the *Sydney-Canberra Corridor Regional Strategy 2006-2031* gives significant consideration to the protection of Heritage in the Region. The Planning Proposal, should it be approved should result in the gifting of the Heritage listed Retford Park to a publicly owned Trust and a method of financing the maintenance and up keep of the property by that Trust.

2.1 Environment Protection Zones – Justifiably Inconsistent

This Direction applies as the subject land is zoned E3 Environmental Management. When this Direction applies Council must ensure that the environmental protection standards that apply to the land must not be reduced. The Planning Proposal by changing the zoning will reduce the environmental protection standards as previously prohibited uses, namely low density residential subdivision and related uses would become permitted with consent. Therefore the Planning Proposal is not consistent with this Direction.

However, a Planning Proposal may be justifiably inconsistent with this Direction if Council is able to satisfy the DG or a nominated Officer of the DG that a Planning Proposal is justified by a Regional Strategy prepared by the DP&I such as the *Sydney-Canberra Corridor Regional Strategy 2006-2031*.

The Planning Proposal is justified by the *Sydney-Canberra Regional Strategy 2006-2031*, as discussed in Section B Question 3 above.

The Planning Proposal is therefore considered to be justifiably inconsistent with this Direction.

2.2 Coastal Protection – Not relevant

2.3 Heritage Conservation – Consistent

This Direction is relevant as the subject land is listed under Schedule 5 of WELP 2010, as it contains a local heritage significant house, grounds and out buildings known as “Retford Park”.

In accordance with this direction Council must ensure that the Planning Proposal contains provisions that facilitate the conservation of the heritage significant house, grounds and outbuildings. As the Planning Proposal does not impact on these items, but only the adjoining rural paddocks, it is considered to be consistent with the terms of this Direction at this stage in the process. Should Gateway resolve to endorse the Planning Proposal, it is recommended that Council’s Heritage Advisor and the Department of Environment and Heritage be referred a copy of the Planning Proposal for assessment and comment prior to the public consultation process.

2.4 Recreation Vehicle Areas – Not relevant

3.1 Residential Zones – Justifiably Inconsistent

This Direction is relevant as the Planning Proposal, if supported, will affect the alteration of two residential zone boundaries being R5 Large Lot Residential (Eastern Proposal) and R2 Low Density Residential (Western Proposal).

The Planning Proposal is considered to be consistent with this direction in so far that it:

- Will broaden the choice of building types and locations available in the Bowral housing market,
- Make efficient use of existing infrastructure and service,
- Is of good design; and
- Will not contain provisions that will reduce the permissible residential density of land.

However, the Direction also states that Council must ensure that a Planning Proposal reduces the consumption of land for housing and associated urban development on the urban fringe. As this particular Planning Proposal will consume land on the urban fringe that is currently not zoned residential, it is not consistent with this requirement of the Direction. As the Planning Proposal could be justified by the *Sydney-Canberra Corridor Regional Strategy 2006-2031*, as discussed previously, Council can satisfy the DG or a nominated Officer of the DG that this Planning Proposal is justifiably inconsistent with this Direction.

3.2 Caravan Parks and Manufactured Home Estates – Not relevant

3.3 Home Occupations – Consistent

This Direction applies as the Planning Proposal will extend R5 Large Lot Residential zone and R2 Low Density Residential Zone. The Planning Proposal is considered consistent with this Direction as it does not proposed any restrictions on home occupations.

3.4 Integrated land Use and Transport – Consistent

This Direction applies as the Planning Proposal will create new residential zoned land. The Planning Proposal is considered to be consistent with this Direction as the Master Plan of subdivision will allow for the circulation of buses within the subsequent development and will likely incorporate bike paths linking in with an existing network.

3.5 Development Near Licensed Aerodromes – Not relevant

3.6 Shooting Ranges – Not relevant

4.1 Acid Sulfate Soils – Not relevant

4.2 Mine Subsidence and Unstable Land – Not relevant

4.3 Flood Prone Land – Not relevant

4.4 Planning for Bushfire Protection – Justifiably Inconsistent

This Direction applies as the subject land is identified as being partly bushfire prone. This Direction requires that following Gateway Determination the Planning Proposal is to be referred to the NSW Rural Fire Service (NSW RFS) for comment. Following comment from the NSW RFS Council can determine if the Planning Proposal is consistent, inconsistent or justifiably inconsistent with this Direction.

It is recommended that the Planning Proposal be forwarded to the NSW RFS, following Gateway determination (if supported), prior to the public consultation process.

5.1 Implementation of Regional Strategies – Consistent

This direction applies to the Planning Proposal in respect of the *Sydney-Canberra Corridor Regional Strategy 2006-2031*. The Planning Proposal is considered consistent with the Strategy, as addressed previously in this report under Section B, Question 3.

5.2 Sydney Drinking Water Catchment – Consistent

In accordance with the Section 117 Directions the planning proposal was referred to the Sydney Catchment Authority (SCA) on 27 June 2013 for comment. Attachment 5 contains the submission from the SCA in its entirety, however, in summary the SCA identified that if both proposed residential developments were connected to reticulated sewer that they would only pose a low to moderate risk to water quality, with some areas of high risk. The SCA also recommends that Council considers how to deal with extra volume of storm water run-off that would occur from the decreased permeability of the sites once developed.

As the SEPP applies, Council must ensure any future development results in a neutral or beneficial effect on water quality resulting from the site once developed. Such detail will likely be submitted with a future development application; however it may be preferable for the applicant to provide a Water Cycle Management Study post Gateway Determination for initial assessment to assist in determining the suitability of the site for future residential and rural residential development.

5.3 Farmland of State and Regional Significance on the NSW Far North Coast – Not relevant.

5.4 Commercial and Retail Development along the Pacific Highway, North Coast – Not relevant

5.8 Second Sydney Airport: Badgerys Creek – Not relevant

6.1 Approval and Referral Requirements – Consistent

This direction applies to all Planning Proposals. The Planning Proposal is considered consistent with this Direction as it will not create designated development or allow development that will require significant concurrence, consultation or referral to the Minister of Planning and Infrastructure.

6.2 Reserving Land for Public Purposes – Consistent

This direction applies to all Planning Proposals. The Planning Proposal is considered consistent with this direction as it will not result in the loss of any public land. A subsequent result of the Planning Proposal, should it be approved, will be a gain of public land. However that will occur via the development application process as the subdivisions are developed.

6.3 Site Specific Provisions – Consistent

This Direction applies to the Planning Proposal as rezoning is required. The Planning Proposal is considered consistent with this Direction as the rezoning and changes to the minimum lot size maps are the same as those already contained in WLEP 2010, i.e. the Planning Proposal will not be imposing any further development standards that are not already contained in WLEP 2010.

7.1 Implementation of the Metropolitan Plan for Sydney 2036 – Not Relevant

This space is intentionally blank

Section C – Environmental, social and economic impact

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?

Flora and Fauna Reports by Joy Hafey are provided in the Appendices of the Planning Reports prepared by Ingham Planning – Appendix 1 (western site) and Appendix 10 (eastern site). Each of the sites is addressed as follows:

Western Site

Council's vegetation maps do not identify any significant vegetation on the site. The report by Joy Hafey supports the mapping. Hafey's Executive summary states:

The flora and fauna survey conducted in December, January and July found that the site is predominantly cleared with sparsely, scattered native trees, characteristic of the endangered ecological community of the Southern Highlands Shale Woodland (SHSW), and linear strands of planted native and exotic trees. It was further noted that the threatened plant species Eucalyptus macarthurii (Paddy's River Box) was identified on the subject site. The site provides habitat for 111 flora species, 37 native and 74 exotic, and 37 fauna species.

Assessments of Significance ("7 part test") were undertaken to look at the impact the proposed development would have on the SHSW and threatened species occurring or possibly occurring on the subject site. It was concluded that the proposed development would not have a significant impact on the endangered ecological community or the threatened species or their habitats.

It was concluded that while constraints existed on the subdivision and clearing within the SHSW area, no constraints, on the cleared ecologically degraded areas exist. Ameliorating measures, e.g. weed control and regeneration, were recommended to minimise potential impacts of proposed development. The proposed development would take place on land predominantly exotic pastures adjacent to existing urban development.

Eastern Site

Council's vegetation maps identify significant vegetation along the southern boundary of the site. The report by Joe Hafey supports the mapping. Hafey's Executive summary States:

The flora and fauna survey conducted in December 2010 and January 2011 found that the site contains a degraded remnant of the SHSW. It was further noted that the threatened plant species Eucalyptus macarthurii (Paddy's River Box) was identified adjacent to the subject site. The site provides habitat for 116 flora species, 51 native and 67 exotic, and 43 fauna species.

Assessments of Significance ("7 part tests") were undertaken to look at the impact the proposed development would have on the SHSW and threatened species occurring or possibly occurring on the subject site. It was concluded that the proposed development would not have a significant impact on the endangered ecological community of the threatened species or their habitats.

It was concluded that while constraints existed on the subdivision and clearing within the SHSW area, no constraints, on the cleared ecologically degraded areas exist. Ameliorating measures, e.g. weed control and SHSW regeneration, were recommended to minimise potential impacts of proposed development. The proposed development would take place on land predominantly exotic pastures adjacent to existing urban development to the south.

The finding of Hafey's reports are supported, nevertheless it is considered that, due to the heritage significance of the adjoining Retford Park on Lot 23, the Planning Proposal should be forwarded to the Department of Environment and Heritage for assessment and comment, should the Gateway determination be successful, prior to the public consultation process. Further, assessments will also need to be undertaken for the purposes of a future development application, which may require management plans for the preservation and/or regeneration of significant vegetation. The management of such vegetation may also form part of any Voluntary Planning Agreement settled upon by the Developer and Council.

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

Other likely environmental effects may result from bushfire management, i.e. the creation of Asset Protect zones may require the removal of significant vegetation. Parts of the site are bushfire prone to the north and south east. It is recommended that should the a Gateway determination of the Planning Proposal be supportive, that a bushfire assessment of the site and proposed master plan be undertaken and then referred to the NSW Rural Fire Service for Assessment prior to any public consultation process.

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

The Planning Proposal has the potential to have significant impacts on the heritage significance of the subject site. However the Planning Report by Ingham Planning supporting the proposal has provided comprehensive Heritage Reports and Conservation Management Plans as Appendices to the reports.

Part of the conservation management plan is that the applicant is offering to hand over the property to a public trustee should certain conditions be met from the sale of the residential developments proposed.

Notwithstanding, it is recommended that the Proposal be referred to the Department of Environment and Heritage for assessment should the Gateway determination be supportive.

Section D – State and Commonwealth interests

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

This proposal is not considered to be of a scale that would affect public infrastructure. Notwithstanding, water, sewer and stormwater services will require extension; road infrastructure in the locality is capable of servicing the likely additional traffic generation and Council has Section 94 Development Contributions Plans and Section 64 Developer Servicing Plans in place to help meet the costs of providing additional infrastructure and services that experience additional demand from an increasing population base.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

Further public authority consultation will occur through the exhibition period as required in the Gateway Determination.

This space is intentionally blank

PART 4 – MAPPING

The following maps provide the context of the site in its current form and the proposed WLEP amendments.

Figure 1 - Aerial Photo of Subject Site

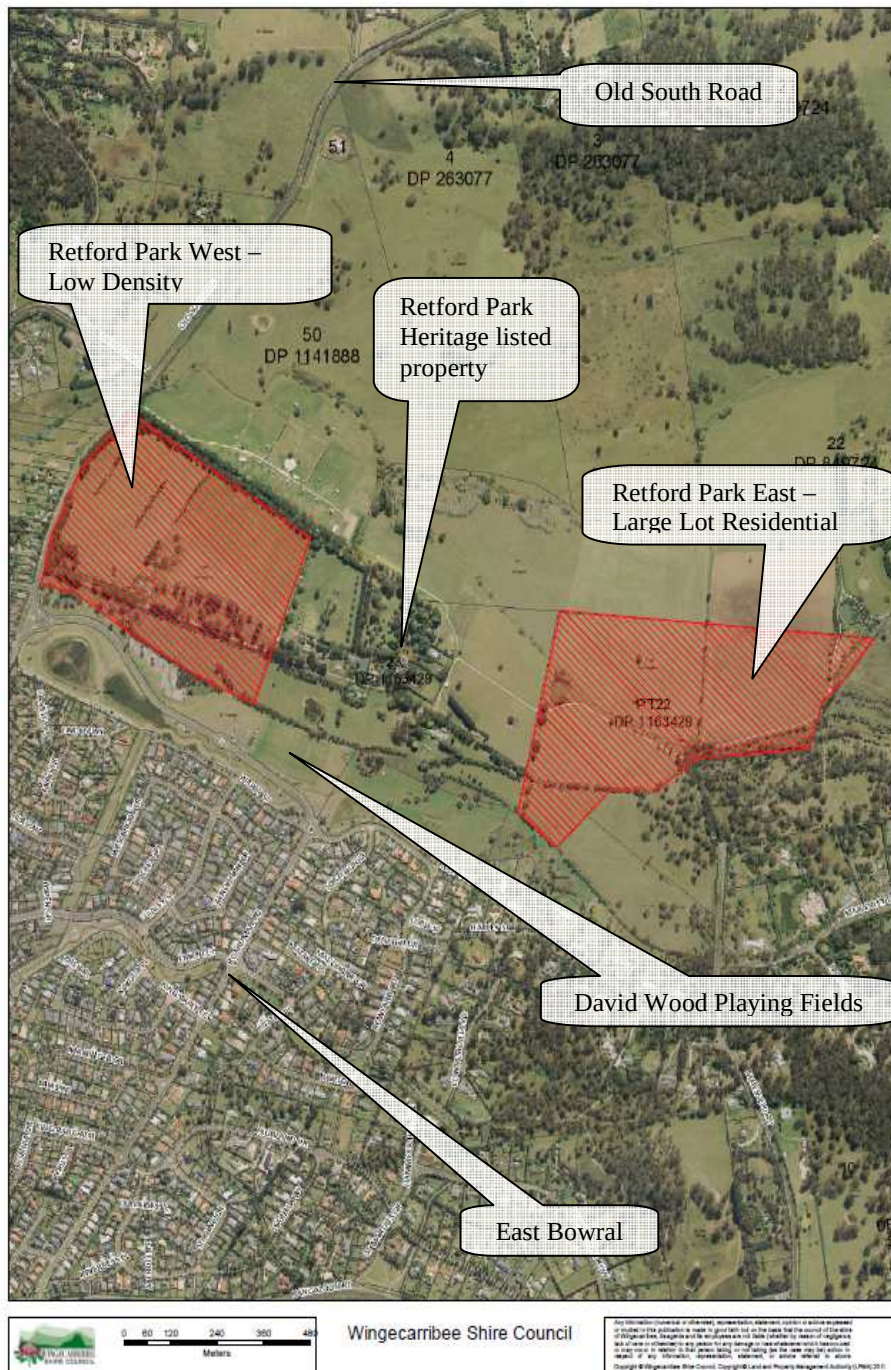
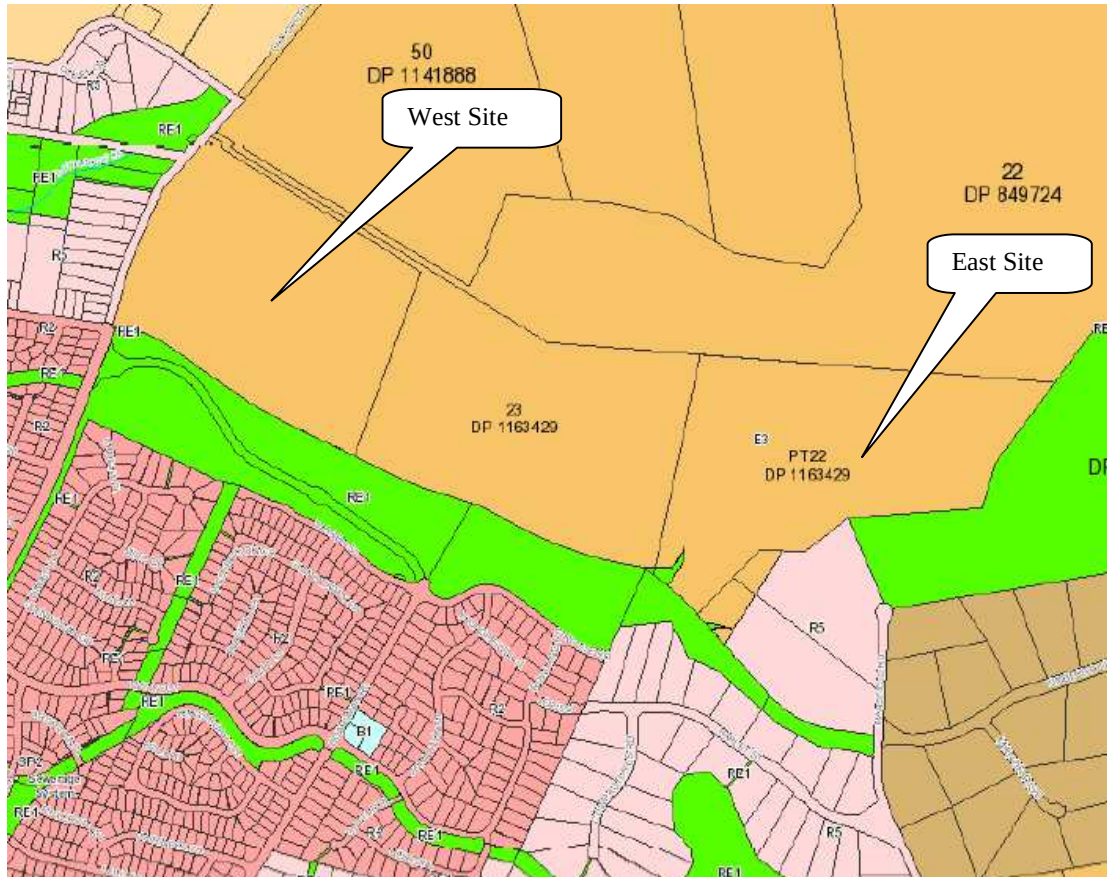


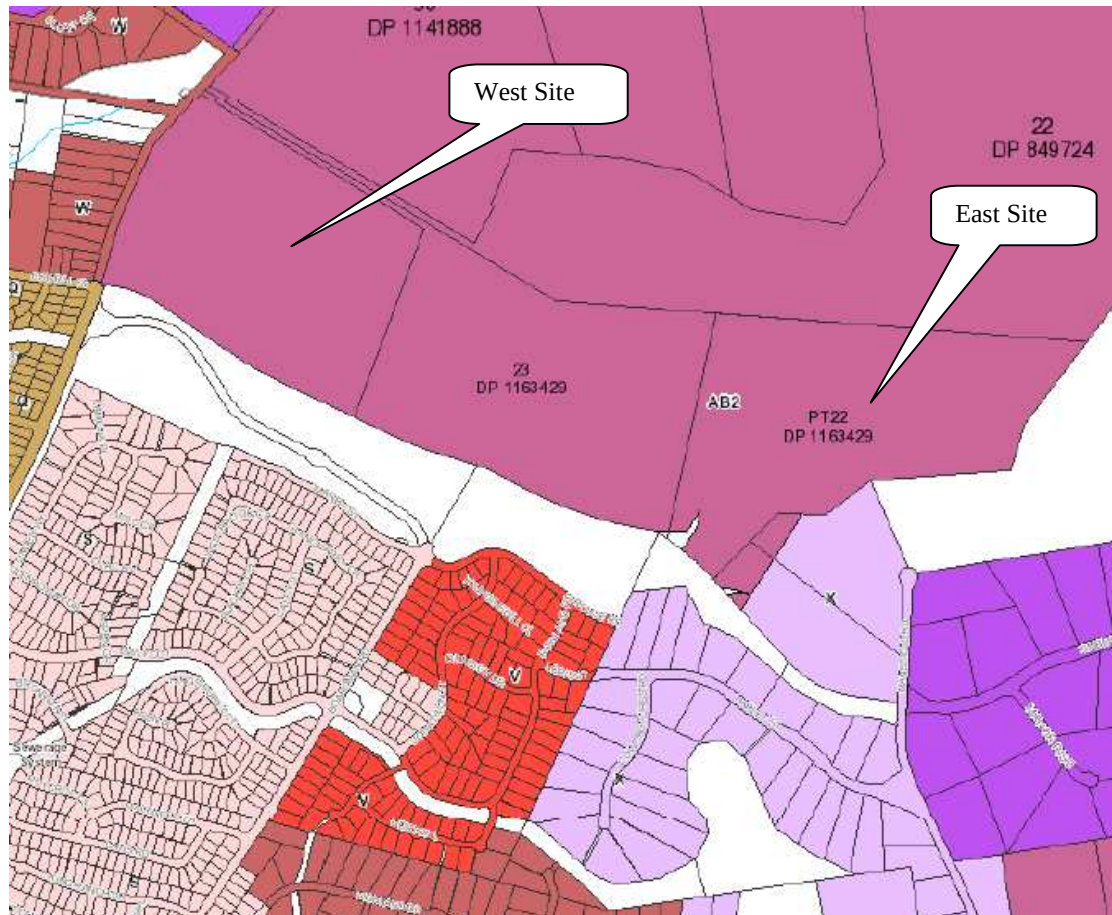
Figure 2 - Current Zone Map



Zoning Key:

R2 Low Density Residential	B1 Neighbourhood Centre
R3 Medium Density Residential	B2 Local Centre
R5 Large Lot Residential	B4 Mixed Use
RE1 Public Recreation	B5 Business Development
RE2 Private Recreation	B7 Business Park
RU1 Primary Production	E1 National Parks and Nature Reserves
RU2 Rural Landscape	E2 Environmental Conservation
RU3 Forestry	E3 Environmental Management
RU4 Rural Small Holdings	E4 Environmental Living
SP1 Special Activities	IN1 General Industrial
SP2 Infrastructure	IN2 Light Industrial
SP3 Tourist	IN3 Heavy Industrial

Figure 3 - Current Minimum Lot Size Map

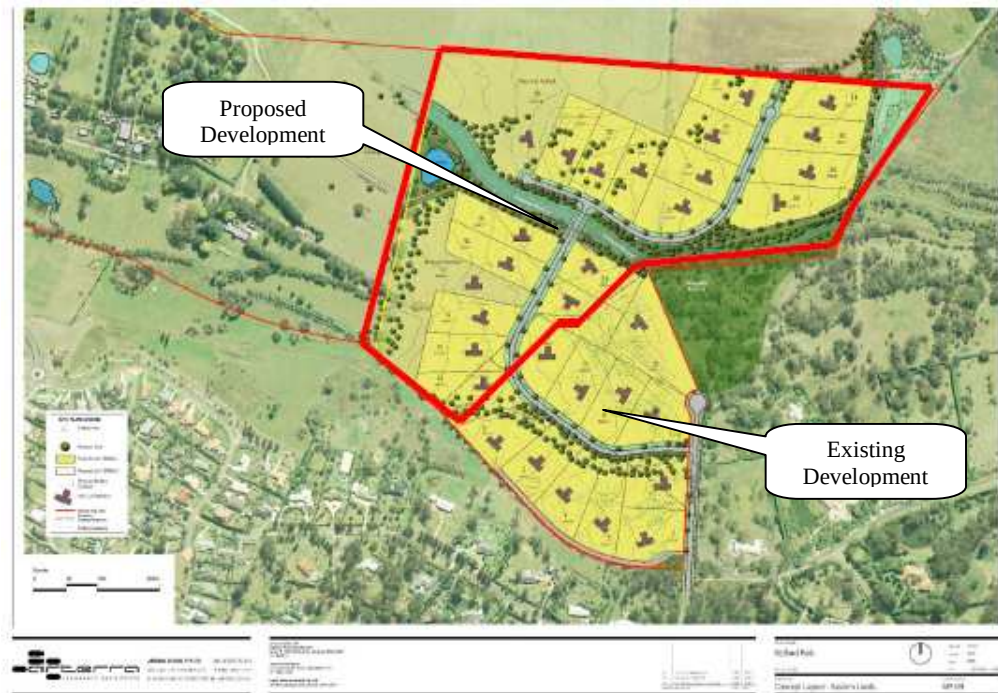


Minimum Lot Size Key: (note subject site is AB2)

Minimum Lot size (sq m)

D	300
G	450
Q	700
S	800
U	1000
V	2000
W	4000
X	8000
Y	10000 (1 ha)
Z1	20000 (2 ha)
Z2	40000 (4 ha)
AA	80000 (8 ha)
AB1	100000 (10 ha)
AB2	400000 (40 ha)

Figure 4 - Subdivision Master Plans
East Site – 21 Lots



West Site – 151 Lots



Figure 5 - Current Vegetation Mapping

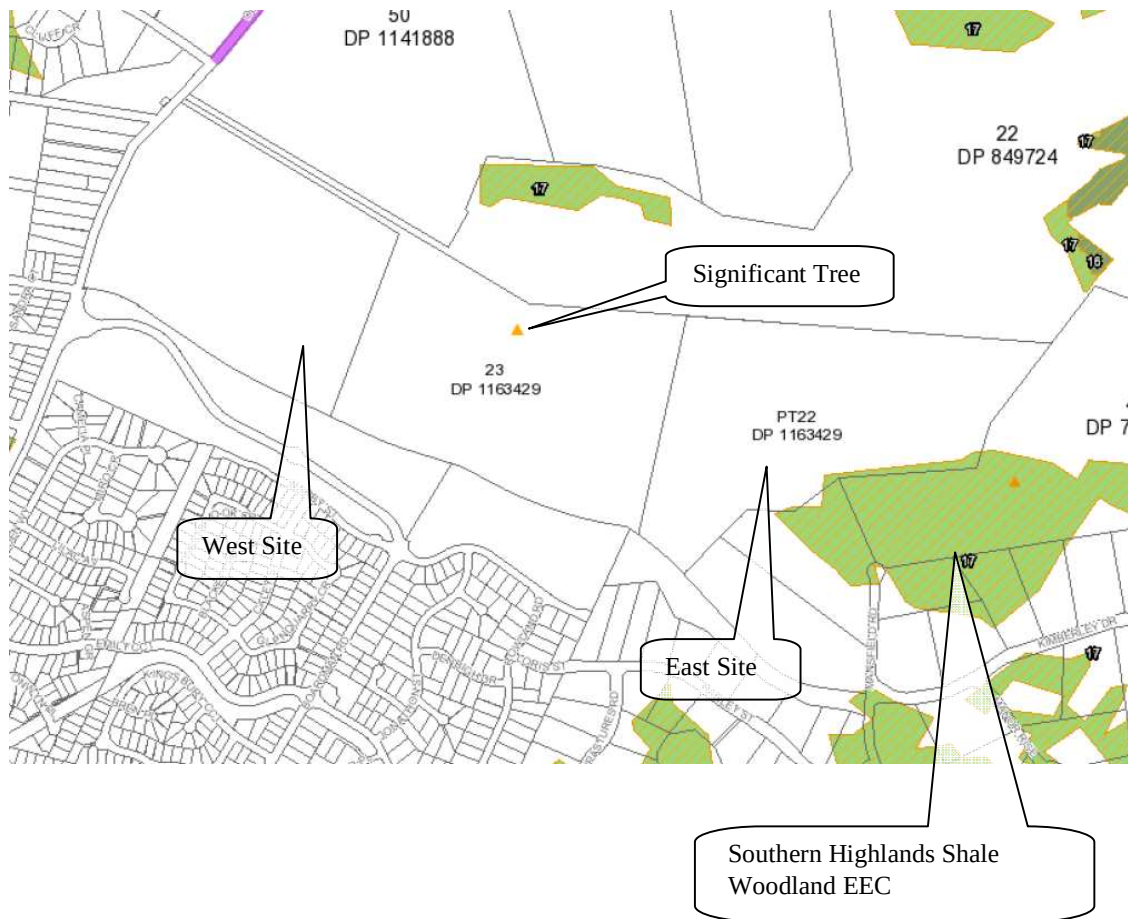
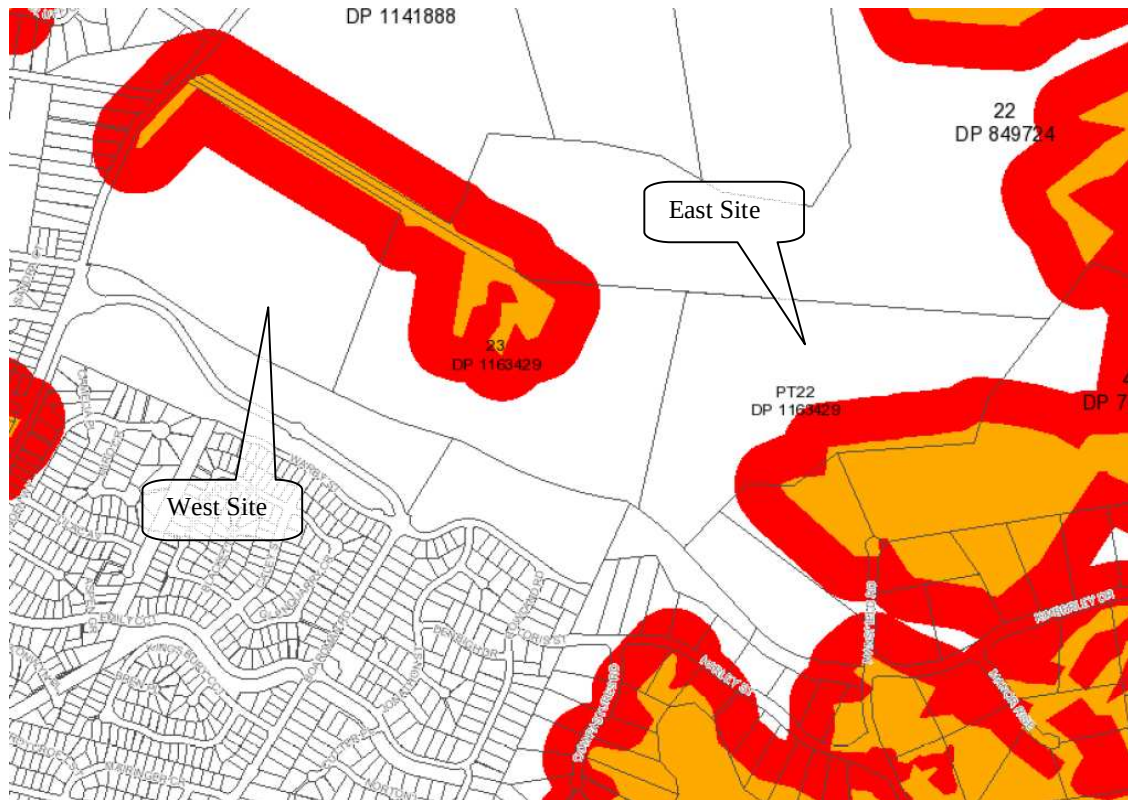


Figure 6 – Current Bushfire Map



This space is intentionally blank

Figure 7 - Proposed Zoning Map

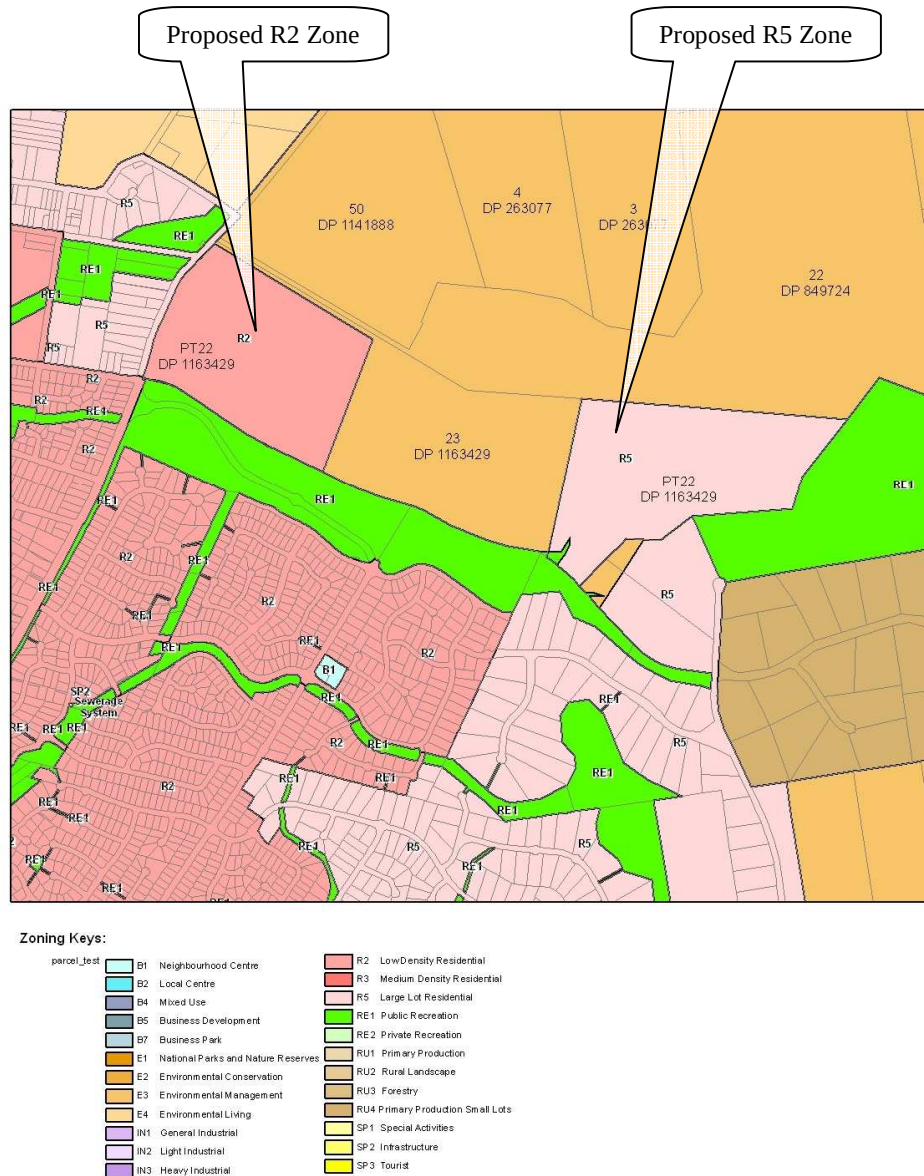
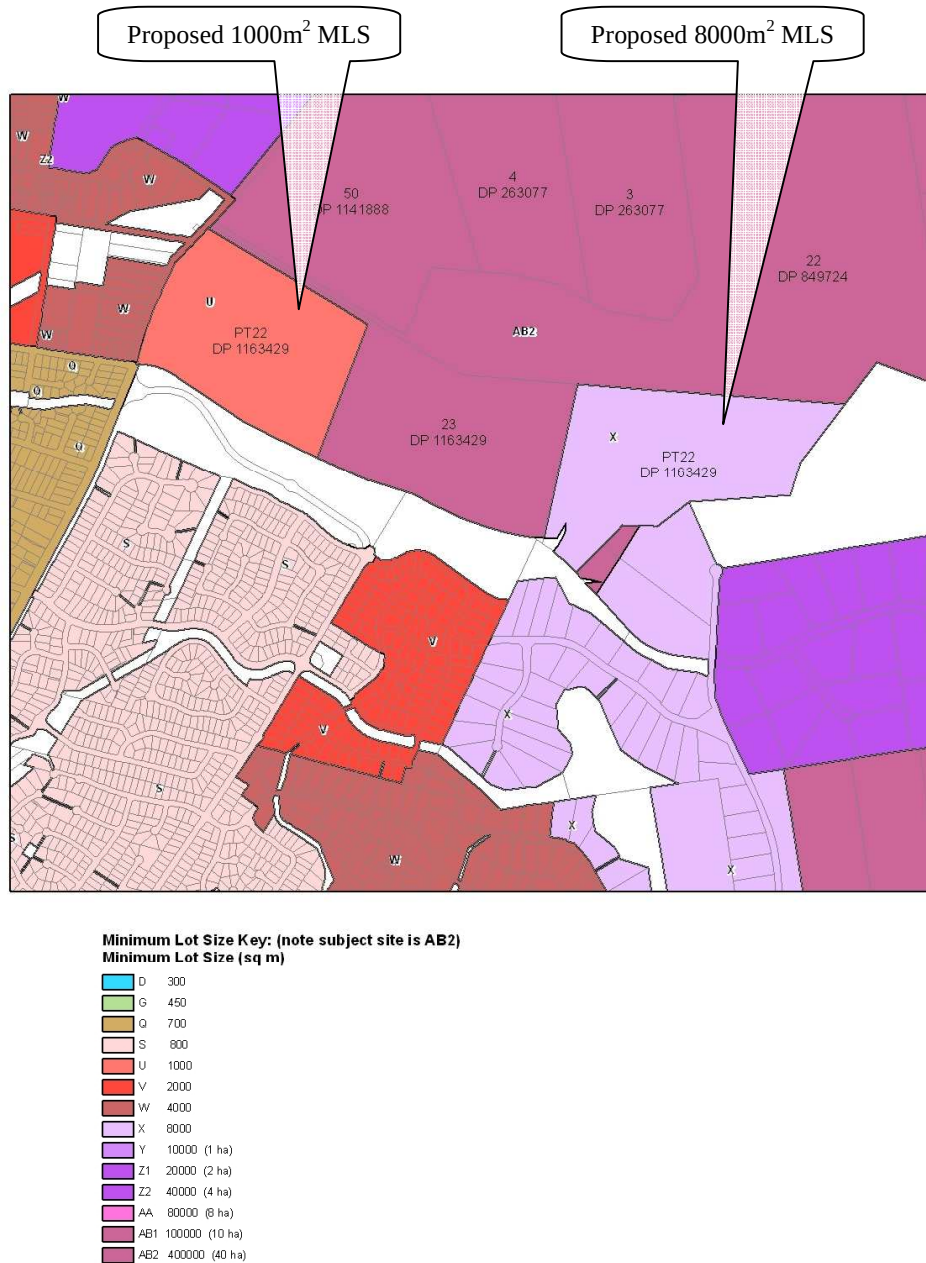


Figure 8 - Proposed Minimum Lot Size Map



PART 5 – COMMUNITY CONSULTATION

It is recommended that the Planning Proposal be publicly exhibited for a period of 42-days.

Council proposes to consult with the following Government agencies:

- NSW Rural Fire Service
- Department of Environment and Heritage

Council intends to place the planning proposal on public exhibition by advertising in the local newspaper, making it available on Council's website, carrying out a mail out to adjoining residential areas and possibly carrying out a public information workshop.

However, it is recommended that the public consultation process take following comments being received from the above listed government agencies.

PART 6 – PROJECT TIMELINE

- | | |
|---|-----------------------|
| • Approximate Gateway Determination | August/September 2013 |
| • Consultation with government agencies | October/November 2013 |
| • Public Exhibition | February/March 2014 |
| • Report to Council following Public Exhibition | April/May 2014 |
| • Consultation under delegated authority to make WLEP amendment | July 2014 |
| • Approximate completion date | September 2014 |

DELEGATIONS

Council is applying to use its delegation to complete this Planning Proposal and an Evaluation Form has been attached for consideration.

LIST OF ATTACHMENTS

Please find attached the following:

Attachment 1 – Council report 12 June 2013

Attachment 2 – Council resolution 12 June 2013

Attachment 3 – Planning Report for eastern proposal by Ingham Planning

Attachment 4 – Planning Report for western proposal by Ingham Planning

Attachment 5 – Comments from Sydney Catchment Authority (SCA)

Attachment 6 – Delegation Evaluation Form

This space is intentionally blank