



**APPLICATION TO REZONE
THE WESTERN PART OF LOT 22 DP 1163429
FRONTING OLD SOUTH ROAD, BOWRAL**



PREPARED BY INGHAM PLANNING PTY LTD

for

MR. J.O. FAIRFAX - NOVEMBER 2011

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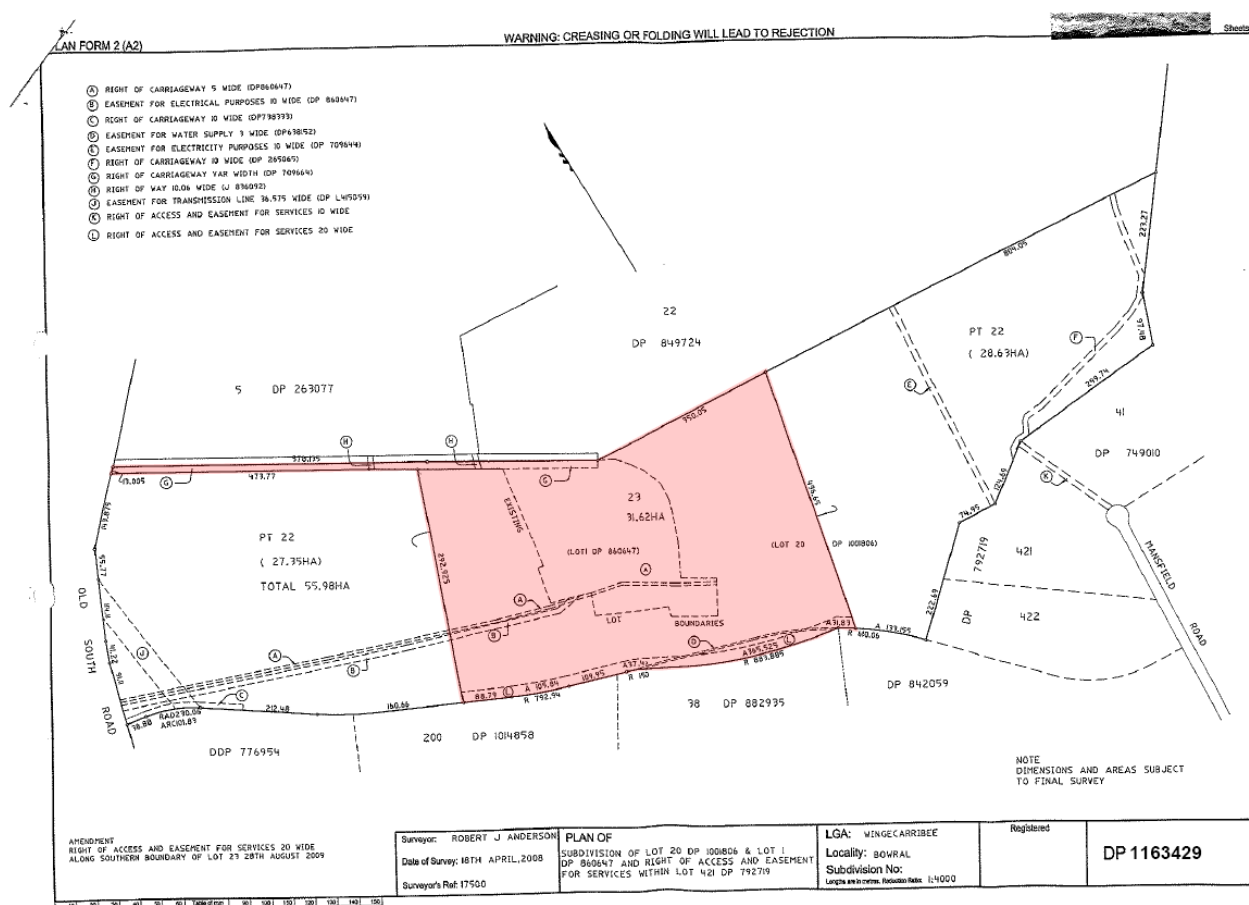
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1. INTRODUCTION

This application to rezone land has been prepared to discuss and support the rezoning of that part of Lot 22 DP 1163429 which lies between the existing Retford Park House and its curtilage and Old South Road. This part of Lot 22 is separated physically from the eastern part of Lot 22 by the parcel of land (Lot 23 DP 1163429) which contains the Retford Park House and its curtilage. The land is roughly rectangular in shape and contains a total area of 27.35 hectares. A small sliver of land running along the northern boundary is not intended to have its zoning changed, as it is proposed to widen the entrance driveway to Retford Park to allow for additional planting and screening of the driveway from future development on the site.

2. THE SITE & SITE ZONING

The land proposed to be rezoned for urban residential purposes is located to the east of Old South Road and to the west of the Retford Park House and curtilage. A heritage study has identified the area of land around the Retford Park House which needs to be reserved and protected as the curtilage of the historic house. The area to be protected is Lot 23 DP 1163429 (see **Plan 1**).



Plan 1 - Lot 23 DP 1163429

The site, at its closest point, is about 320m from the Retford Park House. In addition, apart from the landscaping along the driveway and the screen planting along the common boundary between Retford Park and the site, the garden of Retford Park generally is removed by about 160m from the site. Furthermore, the Retford Park House faces north and is not visible from the site, although it has extensive views over grazing land to the north and north-east (see **Photograph 1**).



Photograph 1 - Retford Park House

The subject land is generally elevated and free from any flooding problems. A ridge runs generally east-west through the centre of the land, with a small watercourse with very limited catchment running east-west through the northern part of the site. The land rises from a low point adjacent to Old South Road from a level about RL 687.0 to a high point central to the site at about RL 701.0. The land is not steep, although a steeper section does occur towards the south-western corner of the site. The northern part of the land is relatively flat (see **Photographs 2 and 3**).



Photograph 2 - View over site to north-west



Photograph 3 - View over site to north

There are two older workers cottages on the land located centrally but to the south of the ridge (see **Photographs 4 and 5**). There is also a driveway, which provides access to these two dwellings and to the workshops and ancillary buildings of Retford Park which exists across the southern part of the site from near the intersection of Old South Road and Bowral Street. This secondary access to Retford Park is proposed to be discontinued.



Photograph 4 - Part of the Site & Existing Workers Cottages



Photograph 5 - Existing Workers Cottage on site

The site contains a number of existing non indigenous planted trees which are identified in the flora and fauna report of Joy Hafey (**Appendix 1**) and also in the landscape statement of Arterra Design Pty Ltd (**Appendix 2**). The majority of the existing radiata pines along Old South Road, along the existing secondary access to Retford Park and along the main driveway are over-mature radiata pines (see **Photograph 6, 7, 8 and 9**). There are a few windbreaks on the land together with a number of scattered trees. The vast majority of the existing trees will be retained in the development of the site, although the radiata pines will require removal and replacement by an alternative species over time.



Photograph 6 - Radiata Pines along Old South Road



Photograph 7 - Radiata Pines along Old South Road



Photograph 8 - Gates to Main Retford Park Entrance



Photograph 9 - Vegetation along Main Retford Park Driveway

Planting of a belt of additional trees for screening purposes, beyond the existing trees has already taken place along the main driveway. To ensure that these trees will not be affected by the development of the land it is proposed to widen the main driveway by 10m and to leave the zoning of the widened area within the current Environmental Management zone.

To the south of the site the David Wood Sporting Fields exist. These sporting fields are associated with a large parking area and associated buildings.

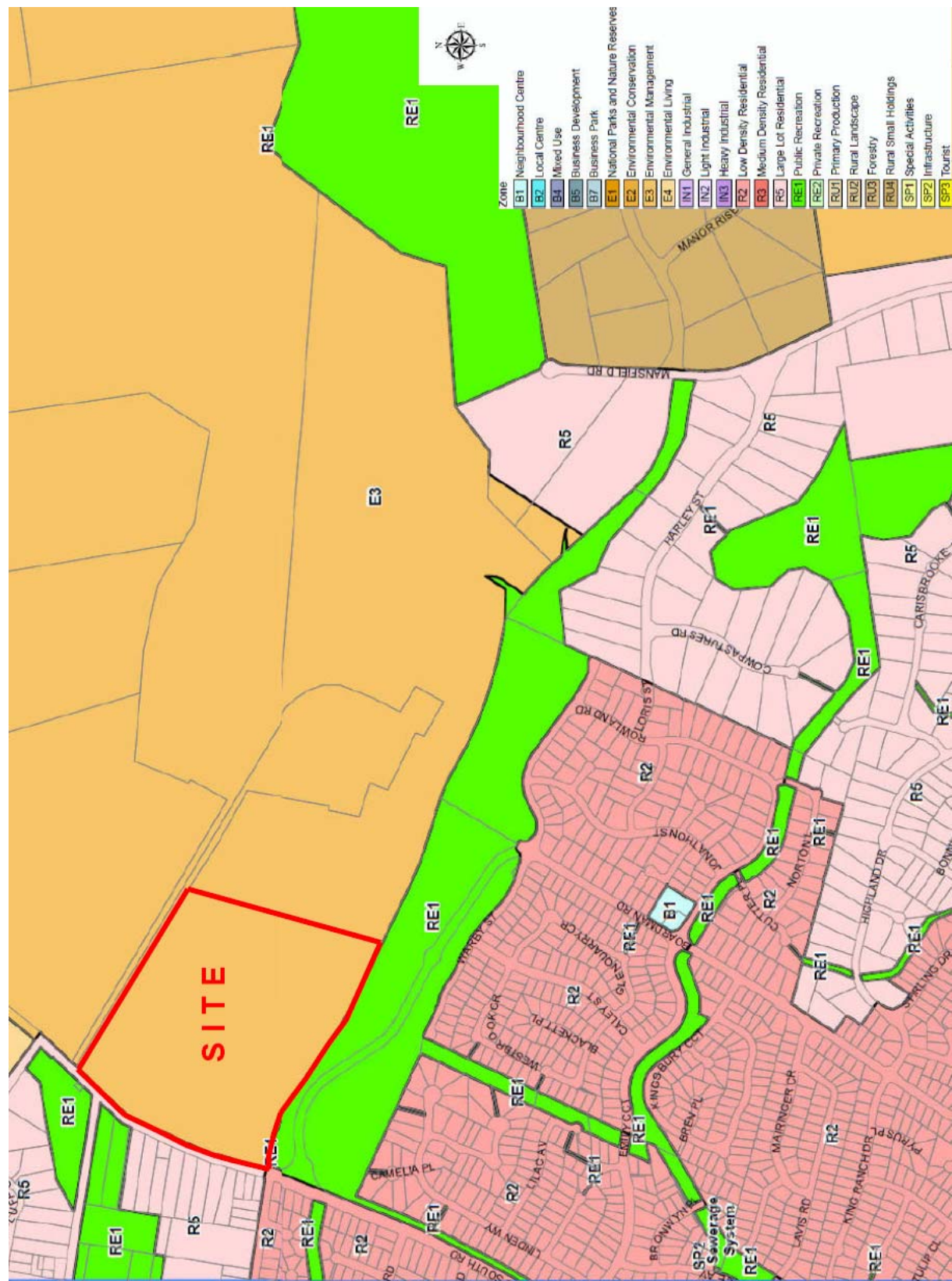
3. THE CONTEXT OF THE PROPOSED REZONING

The site lies to the north of Boardman Avenue and the David Wood Sporting Fields. It is wholly to the east of Old South Road and lies to the south of the main driveway to Retford Park and is west of the identified curtilage to Retford Park. Retford Park is a heritage item within the State Register of NSW of significant buildings and items. It is also identified within the list of heritage items under Wingecarribee LEP 2010. "A History of Retford Park" dated September 2011 has been prepared by Dr Sue Rosen and is attached as **Appendix 7**.

The land to the west of the site and adjacent to Old South Road is developed with dwelling houses and is within a Residential R5 zone. This zone extends, with Open Space along Mittagong Creek, about 80 metres north of the north-western extremity of the subject site. Indeed, with the area to the east of the Retford Park lands being zoned Large Lot Residential R5 and Public Recreation, the present proposal to rezone part of Retford Park appears to fill in a gap to complete the urban development and zoning of this part of Bowral. The south-western part of the site is adjacent to Residential R2 land to the south-west.

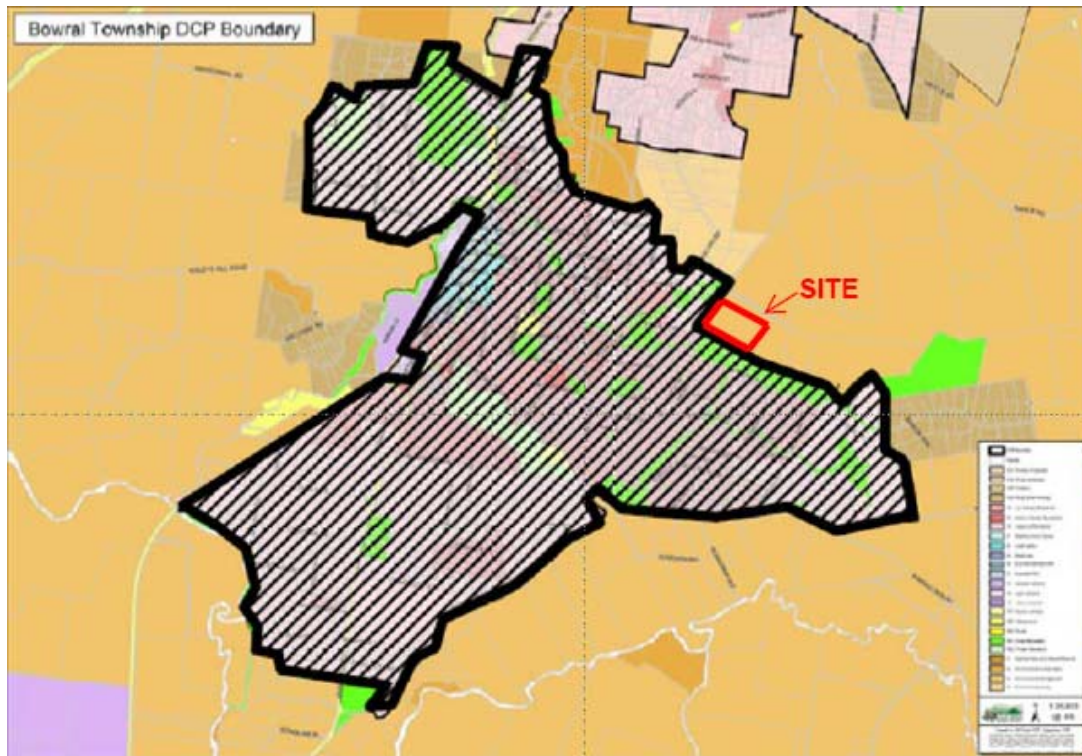
To the north of the land to be rezoned, the land is used for grazing purposes and is zoned Environmental Management E3.

To the south of the land is a large Public Recreation RE1 area of land with a very extensive area of Low Density Residential R2 zoned land beyond. The existing zoning of the land and the surrounding area is shown on **Plan 2**.



Plan 2 - Existing zoning of the land and the surrounding area

The town centre of Bowral is about 2km to the west, with access being along Bowral Street or Shepherd Street. The site is significantly closer to the Bowral town centre than a vast area of residential development to the south and south-east as identified on **Appendix 3** and **Plan 3**.



Plan 3 - Bowral Township DCP Boundary

While the proposed rezoning application could be viewed as an extension of the urban boundary of Bowral, it is in reality, an infill created by an indent in the existing town boundary.

The site has an electricity transmission line running across the south-western corner of the land. This matter has been raised with Integral Energy who have advised that this transmission line can be undergrounded for a specific cost (see **Appendix 4**). It is the intention of the owner that this power line and the accompanying poles be removed from the land to ensure that there is no stigma to living on the future estate.

The site at present has two points of access to Old South Road, although the northern access is exclusively for access to Retford Park. The Heritage Council requires that this access remain and that it be the main access into the future (see Photographs 7 and 8). The Heritage Council also requires that this northern driveway not provide any access onto the site.

The second point of access at present is towards the south-western corner of the land. Council officers have already advised that this point of access must be removed and any future access to the site should be from Boardman Avenue.

Views from the site are predominantly to the north and north-west and to the south across the existing urban area of East Bowral. The view to the north and north-west is of beautiful grazing land leading up to Mt Gibraltar. It is to be noted that the proposed rezoning and development of the land will not impact upon any views which presently exist from any urban area of Bowral. Furthermore, there is no impact on views from the historic Retford Park House.

4. THE PROPOSED REZONING

The proposal set out in this application is to rezone the western part of Lot 22 DP 1163429 as shown on **Plan 2**. The application is for the land to be rezoned to Low Density Residential R2 providing for large residential lots of a minimum of 1,000 sqm. The maximum lot size is proposed at 1,380 sqm. This would provide for a clearly identifiable high quality residential estate with only one vehicle access to Boardman Avenue. The lot size would also ensure that subdivision into smaller lots could not occur, particularly if Council placed the land within a minimum lot size of 1,000 sqm on the Lot Size Map.

A concept plan of the anticipated subdivision of the land is shown on **Plan 4** and **Appendix 5**. This concept provides for 151 residential lots of about 1,200 sqm average, three (3) open space lots, including a central park and two areas adjoining Old South Road. The whole subdivision provides good access to the Retford Park House land, which may come into public ownership on the death of Mr James Fairfax, subject to funds being available to provide for the maintenance of the historic site (see Section 7 of this Report).

The purpose of the large average lot size is to provide a quality of housing which is not apparent in the East Bowral area to the south. Lots significantly larger than 1,400 sqm would allow further subdivision complying with Council's minimum standards, which is not desirable in a quality development.

The other features of the concept plan are as follows:-

- * simple and legible road layout.
 - * extremely good views from the central ridge road.
 - * dual carriageway on entrance road from Boardman Avenue, with central planted median.
 - * round-a-bout on ridge terminating the entrance road which divides into 3 subsidiary roads.
 - * retention of existing tree belt in the south-western corner of the land to provide a visual barrier to people driving along Old South Road.
 - * creation of an open space area reasonably central to the western boundary of the site to allow the construction of a detention pond and the planting of additional vegetation.
-



- * removal of the transmission line through the site. This transmission line is proposed to be underground around the site.
 - * creation of a screening belt of trees along the whole western boundary of the site and the removal, over time, of the over-mature pinus radiata where appropriate. To protect these trees an easement 20m wide is proposed to be created along Old South Road.
 - * retention of two existing cottages on the land.
 - * retention of existing trees forming wind breaks on the site. One or two trees may require removal to provide for a dwelling to be erected.
 - * tree planting is proposed on all of the new roads.
 - * pedestrian access is proposed from two culs-de-sac adjacent to the southern boundary providing access to the Council's open space and the David Wood Sporting Fields.
 - * pedestrian access is also available to Old South Road through the proposed open space linking the internal road system with Old South Road.
 - * there are no separate bikeways within the concept plan. However, a marked bikeway will be provided along the entrance road and other road pavements will serve as bikeways owing to the limited amount of traffic on the roads and the slow speed of traffic created by the design. Children are to be protected by use of the pathway provided on one side of each road.
 - * bikes are also proposed to be able to use the pedestrian pathways out of the site which are not associated with roads.
 - * a 260 metre section of an existing secondary entrance to Retford Park House is to be retained as an access corridor between the entrance road and the Retford Park boundary. In part this access corridor will provide for pedestrian movement and bicycles and in one section gives vehicular access to three lots.
 - * there are two battleaxe lots proposed within the estate.
 - * two points of access to the Retford Park site and House are proposed from the eastern internal road, one along the eastern alignment of an existing secondary access, and one along the alignment of an earlier access.
 - * a widening of the existing main access to Retford Park is proposed along the whole of the northern boundary of the site. This widening is proposed to be 10 metres and is part of the site which is not intended to be rezoned.
 - * the majority of proposed lots will have excellent views to the north, south or north-west. The lots are large enough to allow flexible design, with the average frontage being over 20 metres.
 - * housing on lots adjoining the main driveway to Retford Park House will be limited to one storey in height.
 - * the majority of trees which presently exist on proposed lots will be retained, although it must be said that the majority of the site has been used for grazing and is currently devoid of trees.
 - * the central public park on the site is located on the best land of the site and will be utilised as a local children's playground and meeting place for parents.
 - * it is not proposed to have any activity or use on the land which would conflict with residential use.
-

The land, apart from a narrow strip along the northern boundary, is proposed to be rezoned R2 Low Density Residential, with a minimum lot size of 1,000 sqm. **Plan 2** and **Appendix 5** illustrate the proposed zoning and lot size in the context of the surrounding lands.

5. ENVIRONMENTAL CONSIDERATIONS

5.1 Heritage Issues

The land is located adjacent to the heritage item of Retford Park. The curtilage of Retford Park has been determined by Tanner & Associates, Architects with special expertise in heritage matters. The curtilage of Retford Park has been determined following discussion and negotiation with Council officers and the Heritage Office of NSW. A copy of the Report of Tanner & Associates is attached at **Appendix 6**.

The report includes the following statement;-

"The proposed western subdivision will have no impact on the heritage significance of Retford Park for several reasons:

- The historical association of this land with the Retford Park Estate during the occupation of James Fairfax is negligible. The land contains only two items of low heritage significance (two early twentieth century brick dwellings). It is associated with an ongoing process of land sales and accretions that took place during the 1980s and 1990s. The bulk of this land was acquired in the second half of the 1990s.*
- The proposed subdivision is to take place outside immediate areas of the site that contain significant components of the Retford Park Estate, including buildings, trees and landscaping, and contribute to the historical setting of the place;*
- The two early twentieth century dwellings that are in the southern section of the land are to be retained and conserved;*
- The protective controls that have been developed for the subdivision will minimise impacts of the subdivision and the future development that will take place on Retford Park by means of buffer planting, management of existing trees, specific setbacks for all new dwellings to fix the locations of houses;*
- The subdivision will allow interpretation of the service road that links Retford Park Estate to Old South Road and will retain a portion of it."*

Other information which relates to heritage issues is attached to this report as **Appendix 7** which is a report prepared by Dr Sue Rosen "A History of Retford Park".

In addition a Conservation Management Plan (CMP) has been prepared relating to the whole of Redford Park site (see **Appendix 8**). This CMP has been prepared by Tanner Architects in association with Arterra Landscape Architects for discussion with the

Department of Planning and Infrastructure and the Heritage Office. It is included here for Information.

5.2 Drainage Issues

The land has very limited catchments which are generally limited to parts of the site. On the southern part of the land, drainage will be taken along road reservations before discharging into the David Wood Recreation Reserve.

The northern part of the land falls into one catchment area which will be controlled by stormwater pipes along the northern road within the estate. This stormwater will discharge into a detention basin within the western open space, which will then discharge into the existing stormwater under Old South Road.

There is no potential for flooding to occur on any of the lots, with the northern internal road forming the overland flood path for storms beyond the 1 in 20 year event.

There is no requirement to consult with the Office of Water about any of the minor watercourses on the site (see **Appendix 9**).

5.3 Sewer & Water

It is intended, subject to Council agreement, that the sewer will be a reticulated system flowing by gravity into the local system. The need for pumping stations would be determined by Council. However, the subdivision is divided into 2 or 3 sewerage catchments, one or two flowing south and the other flowing north and west.

The southern area is divided into at least 3 sub-catchments so that only 150mm pipes will be required to serve the area. The northern catchment has a wider catchment with 150mm pipes being required to Old South Road. A plan showing the Council's existing sewerage system is attached in **Appendix 10**, together with a Concept Plan of Sewerage Catchments prepared by LandTeam.

The provision of water will be made within the road reservation from the south, where the Council has a reticulated water supply system. It is inevitable that the buildings on Retford Park will also be supplied with water at the boundary of the site.

5.4 Electricity & Telephone

The existing high tension power line passing through the south-western part of the site is to be removed and placed underground outside the subject land. The development is then to be provided with an underground system of supply to each of the lots. Authority for relocation of the existing high tension line has been given by Integral Energy (see **Appendix 4**). An estimate of the costs of this relocation has been provided by Picton Power Lines Pty Ltd (see **Appendix 11**).

Telephone will be provided via an underground system using the same trench as for electricity. There is no town gas available in the vicinity of the site.

5.5 Roads and Access

The roads within the estate, as shown on the Concept Layout Plan (see **Appendix 5**) are as follows:-

- (1) The main access road, from Boardman Avenue, will be 23.5 metres in width (reservation), providing for one 4 metre verge and one 5 metre verge. The 5 metre verge will contain a 2.0m wide footpath and bicycle system together with a 2.10m landscaping area for the planting of significant trees. This would also occur within the 4.0 metre verge. A central landscape median is also proposed to be 3.5m wide and would contain the street lighting cables. This road will be provided with typical kerb and gutter (see typical road sections - **Appendix 12**).

The need for a round-a-bout at the intersection with Boardman Avenue is a matter for Council to determine. A round-a-bout is proposed where this road meets the other internal roads on the ridge.

- (2) The main circuit (loop) road from the ridge running around the northern part of the estate is proposed to be 18 metres in width (reservation), with 2 x 4.5 verges and a carriageway width of 9 metres providing 2 x 4.5 metres traffic lanes. This width allows for a marked bicycle way on one side of the road and allows for vehicle parking on the other side.

It is intended that the verges will be planted and that a footpath will be provided on one side of the road (see typical road sections - **Appendix 12**).

These same dimensions apply to the road which extends directly from the round-a-bout on the ridge in a northerly direction to link with the loop road, and the two other through roads. They also apply to the cul-de-sac adjacent the central open space.

- (3) The culs-de-sac proposed are the minor roads (except for the one adjacent to the central park) within the estate being 15 metres in width (reservation). Each of these roads provides for pedestrian and bicycle access from the head of the cul-de-sac, thus ensuring that there is an alternative means of egress from each road.

These roads have 4.0 metres verges and a carriageway of 7 metres. The verges are intended to be planted. These roads have such low volumes of traffic that bicycles are intended to use the unmarked pavement and children are likely to play within the turning circle of the cul-de-sac head.

The roads proposed provide good circulation, good access to lots without any significant excavation, and ideal sites for residential housing.

5.6 Flora & Fauna Issues

A flora and fauna report provided by Joy Hafey, ecologist, is attached as **Appendix 1**. This report deals generally with the whole Retford Park lands owned by Mr J Fairfax, and deals specifically with the western land, the subject of this application.

This report has determined the following from field investigation:-

- “• *There is a lack of diversity of species and structural diversity on the subject site to provide a greater diversity and abundance of micro habitats*
- *There are limited number of old growth trees with hollows etc. for roosting, breeding or nesting sites.*
- *Exotic grasses have replaced native species thereby reducing food resources, shelter sites and suppressing juvenile recruitment of native species.*
- *There are no fallen trees and litter debris to provide habitat for fauna eg reptiles and invertebrates*
- *There are no rocks, caves, overhangs or crevices to provide habitat.*
- *There are limited spreading canopies of mature and old growth trees to provide important habitat for fauna.*
- *There is little juvenile recruitment of native tree species occurring. The only section where juvenile recruitment was occurring was adjacent to the adjoining nature reserve where grazing and pasture improvement was restricted.*
- *There are limited riparian areas eg dams, to provide habitat.*
- *The planting of native canopy species in shelterbelts, within the subject site has provided important habitat for avifauna.”*

Because the land has been used for grazing purposes for about 150 years, prior to the purchase by Mr J Fairfax, and because the planting of pines along Old South Road and along the main entrance driveway, have not encouraged natural species growth, there is little on the subject land which can be regarded with any great interest or affection. The land is predominantly covered with exotic grasses and many of the pines are over-mature and dangerous for people. They are intended to be replaced over time by a more appropriate species.

The result of the flora and fauna investigation is that there is no impact upon any native flora and fauna that would arise because of the proposed development of the land.

5.7 Landscape Issues

The landscaping proposed is set out in **Appendix 2**, prepared by Arterra Landscape Architects, and is described as a “Statement of Landscape Intent”. This report identifies the key elements of the landscape as being:-

- “• *Consideration and retention of virtually all existing high retention value trees*
- *Protection and additional screening of the Retford Park core heritage areas*
- *Retention and protection of the Main Driveway planting associated with the formal and historical entry to Retford Park*
- *Creation of a high quality streetscape and public landscaping that will soften and enhance the development and complement the association and proximity to the Retford Park estate*

- *Design of relatively generous housing lots and the use of defined building envelopes to allow setback of the new houses from the street and rear and side boundaries and the ultimate promotion of private landscaping and larger tree planting amongst the new housing."*

Other information relating to trees and landscaping of the land is set out in a "Pre-development tree assessment - Retford Park Western Paddock" report prepared by Arterra Landscape Architects and attached to this report as **Appendix 13**.

5.8 Contamination

The subject land has always, since European settlement, been used for grazing purposes. There are no workshops, storage areas or locations where animals have been dipped on the land. The use of the land over the preceding 34 years is discussed in the statement of A R Butcher dated September 2011 (see **Appendix 14**). This statement, together with the research of Sue Rosen is sufficient to indicate that there is no contamination of the land.

5.9 The Satisfaction of Environmentally Sustainable Development Principles

The concept of Environmentally Sustainable Development (ESD) as set out by the Hon Justice Brian J Preston, revolve around six principles which are as follows:-

- 1. *principle of sustainable use*
- 2. *principle of integration*
- 3 *precautionary principle*
- 4. *inter-generational and intra-generational equity*
- 5. *conservation of biological diversity and ecological integrity*
- 6. *internalisation of external environmental costs.*

The proposed development is discussed below having regard to the above principles.

The principle of sustainable use requires the land to be used in a manner which will be sustainable into the future and is prudent or rational or wise or appropriate. The proposed development will provide for housing that will improve the total quality of life in a way that maintains ecological processes on which life depends. There is no use of the land at present, or in the immediate past which suggests that some species depends upon the land for its existence. The use of this land adjoining the urban area of Bowral is located where travel to schools and shops (and potentially work) is minimised. Development for housing will provide human existence, into the future, in a sustainable manner.

The principle of integration requires consideration of the effective integration of social, economic and environmental considerations. In the present proposal environmental considerations have been investigated, and the development concept for the site has properly considered the natural environment. Each of these matters has been given due consideration in the evaluation of the concept plan for the site.

The precautionary principle is satisfied as there is no threat of serious or irreversible damage on the site or to any adjacent property. Indeed the proposed development has taken great pains to ensure that there is no adverse impact upon the heritage Retford

Park or upon any flora or fauna on the land. There is no lack of scientific certainty about the consequences of housing on the site.

The inter-generational and intra-generational equity is satisfied because of the following:-

- the health, diversity and productivity of the environment (the site) will be maintained and enhanced by providing a direct benefit to the future occupants of the land. The present generation will be no poorer because of it.
- The present generation will have access to housing on the land in the same way that any resident has the right to purchase or lease housing. All residents of Australia will have equitable rights.
- The consideration of biological diversity and ecological integrity have been ensured by the studies which have been undertaken on the land. There is no issue of threatened or endangered species of flora or fauna on the site being affected by the proposal. Furthermore, the majority of trees which do exist are being protected by the development. The over mature radiata pines which exist will be sequentially removed and replaced by species which will have the same screening impact, but which are more suited to the site. Some additional screening from the main Retford Park driveway has already been instigated.

In addition, the discharge of stormwater from the site will be controlled, detained and treated prior to discharge into the Council's stormwater system. This will ensure that there will be no adverse impact upon downstream areas, either by flooding or pollution.

The internalisation of external environmental costs has been given full consideration in the development as proposed. The site contains its own catchment area and discharges of stormwater and sewer will be fully controlled. The proposed road system, pedestrian system and bicycle system will be fully linked into the Council's existing network. Local open space will be provided adjacent to the proposed housing and residents will have the benefit of pure, clean air with the potential for beautiful views from their dwelling.

From this discussion it may be seen that the principles of environmentally sustainable development are fully met.

6. POPULATION & HOUSING DEMAND

The Sydney Canberra Corridor Regional Strategy, which embraces the Wingecarribee Shire within it, identified that between the years of 2008 and 2031 there would be a need in the Shire for an additional 8,700 dwellings. It is postulated that the additional population in these 8,700 dwellings would be 16,400 people. This means that there would be an additional 16,400 people living within the 8,700 dwellings at an average occupancy rate of 1.885 persons per dwelling.

This method of analysing population growth and housing needs does not take account of the decline in occupancy rates which has been occurring throughout the existing urban area of Australian cities and towns for the last 40 years.'

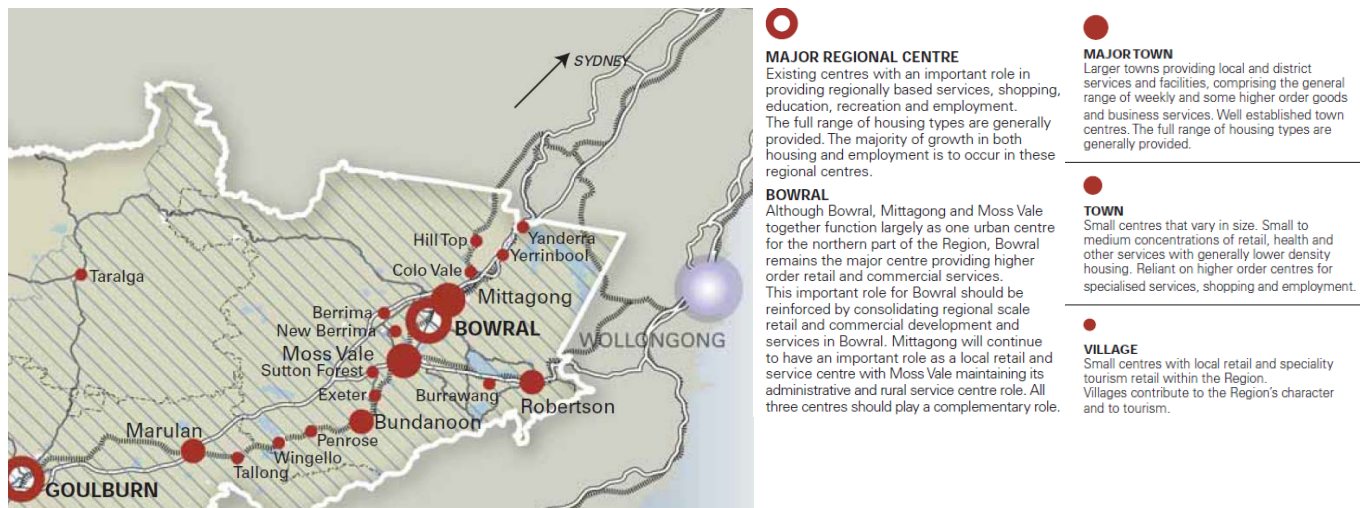
Within Wingecarribee the increase in population between 2001 and 2006 for every additional dwelling erected (allowing for demolitions) was only 0.88 persons. This means that, on the basis of extrapolating trends and assuming this marginal occupancy rate is correct, the 8,700 dwellings would only provide for a Shire population increase of 7,650, not the 16,400 projected by the Department of Planning.

The situation within Wingecarribee is even more critical. The Sydney-Canberra Corridor Regional Strategy projects the availability of 5,700 new additional lots within the existing urban areas and within new release areas of Mittagong and Moss Vale identified to satisfy the need. On the basis of the marginal occupancy rate identified above, these 5,700 lots will only bring about an increase in population of 5,010. If this is the case, then it only allows for 30% of the projected need, even when fully developed and occupied. Regardless of the acceptability of the method of identifying housing need, it is clear that there is a very significant deficiency in the projected supply.

The situation within Wingecarribee Shire and within Bowral in particular is becoming critical for the following reasons.

- The supply of land currently identified for housing growth will only provide somewhere between 30% and 65% of the projected demand to accommodate 16,400 additional persons.
 - On the basis of evaluating the Shire as a whole, and allowing for the declining occupancy rate within the existing urban areas of the Shire, there will be a need for an additional 8,700 to 18,640 new dwellings to accommodate 16,400 persons.
 - On the basis the present provision for potential new dwellings in the Shire (5,700), the population increase within the Shire will only be between 5,010 additional people and 10,750 additional people. This is at best only 65% of the projected demand.
 - The development of any Greenfield housing subdivision, even when the land is available for sale, usually takes about 10 years or more to be fully developed. With the rezoning of land and the requirement for a subdivision approval the lag in housing completions is ever larger.
 - There is no Greenfield land for subdivision available in or adjacent to Bowral, thus reducing the prominence of this Major Regional Centre.
 - The Sydney-Canberra Corridor Regional Strategy identifies that there is a deficiency of 3,000 dwellings in the potential supply of dwellings. Even if this projection is considered to be high due to the downturn in housing completions within NSW, analysis using more embracing dwelling occupation figures (the marginal occupancy rate) illustrates that there is, in reality, a significant undersupply of dwellings beyond the 3,000 as indicated in the Strategy.
 - The lack of residential lots has the effect of increasing the price of land, thus making it more difficult for first home buyers to enter the market.
 - To retain the significance of Bowral as the Major Regional Centre for the Wingecarribee Shire, it is highly desirable for some greenfields subdivision to take place adjacent to the Bowral urban area.
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The proposed rezoning of the subject land and the development of it for good quality dwelling house accommodation is therefore highly desirable.



Note - The above plan and notes are taken from the Sydney Canberra Corridor Regional Strategy.

7. FUTURE MANAGEMENT OF THE HERITAGE AREA EMBRACING RETFORD PARK HOUSE

It is the plan of Mr Fairfax, the current owner of the property, that subject to his request for rezoning of certain lands being approved and subsequently sold at anticipated values, then a sum of money would be set aside into a special Trust Account to be invested to earn income out of which the heritage property (Lot 23) could be maintained. Initially, this fund will be administered by Mr Fairfax or at his direction, following his death, by his Executors, and in the longer term by a body appointed by his Executors, which most likely would be a body having a special interest, for example, the Historic Houses Trust of NSW or the National Trust. Mr Fairfax reserves the right to transfer the heritage property and the associated fund to such a body during his lifetime on such terms as he may determine, but in any case, the property and the Trust Fund would be preserved. Discussions have already been held with Historic Houses Trust of NSW (HHT) about the possibility of the property and the Trust Fund being transferred to HHT during Mr Fairfax' lifetime, but that transfer could only proceed following an appropriate (from Mr Fairfax' view) re-zoning being approved and a satisfactory land sale process taking place.

The amount to be set aside into the Trust Fund would be determined at 12% of the gross sales proceeds net of all costs associated with the development and sale of the property since the beginning of 2008, but excluding the value of the underlying land. The initial calculations indicate that the net proceeds determined in the above manner will amount to approximately \$37 million, 12% of which is \$4.4 million.

Concerning the costs, a summary of the actual expenditure on the Retford Park house and garden from 1 July 2007 to 30 June 2010 is available together with a long term

budget for such costs, noting the revenue received from cottages on Lot 23, in circumstances where Mr Fairfax is not living in the property, including some costs for supervision, which net costs amount to \$335,000p.a. It should be possible to raise some additional revenue from use of the property and/or to reduce certain costs. Costs here are to maintain the garden and house at the reasonable level that they are at today but without involving any new work in the garden or the house. It is also anticipated that over a period of time, the large 100 year old trees along driveways and along Old South Road could be replaced by a staging process.

It is reasonable to anticipate a return of funds invested of 8% p.a. which on \$4.4 million would produce income of \$352,000p.a., sufficient for the requirements.

In the event that the re-zoning is approved in an acceptable form and the subsequent land sale process is satisfactory Mr Fairfax agrees that he will follow the recommendations found in the section of the "Landscape Conservation Management Plan" Report from page 81 to page 109.

It is proposed that initially the 12% of net revenues referred to above will be placed in a separate bank account styled "Retford Park Heritage Maintenance Account" or similar and those funds would be treated as a separate financial entity and managed accordingly. The funds would initially be the property of Mr James Fairfax but be used for the above purpose only. If Mr Fairfax passed away whilst those funds were still in his ownership, they would pass to his executors, the funds would be available to the owner, from time to time, of the property who had the responsibility for its maintenance and rules will be drafted to preserve those funds for that purpose and to ensure that the capital is adequately preserved.

(Note: the documents referred to in this Section are voluminous, but can be supplied if required.

8. PROPOSED DRAFT AMENDMENT TO WINGECARRIBEE LEP 2010

This application is seeking Council's support for the rezoning of the subject land to Low Density Residential R2, apart from a 10m strip along the whole of the northern boundary which is proposed to remain in the Environmental Management E3 zone, to allow the widening of the main Retford Park Driveway in order to embrace and protect the recent planting of photinias along this boundary.

It is also intended to ensure a high quality development of housing on this land by requiring a minimum lot size of 1,000 sqm.

A suggested form of Amendment to Wingecarribee Local Environmental Plan 2010 is attached as **Appendix 15**.

9. CONCLUSION

The analysis which has been undertaken in the preparation of this Rezoning Application has been extensive and provides substantially more justification than would normally be required. The owner, Mr James Fairfax, is concerned to ensure that the future of the land is fully addressed so that the future of the Retford Park House and curtilage is guaranteed.

We look forward to a satisfactory outcome of this application. We are prepared to meet with Council officers or the Council at any appropriate time to discuss this application or any matters which arise because of it.

We thank Council for the opportunity of lodging this application and we look forward to a positive response.

Appendix 1

Flora and Fauna Report by Joy Hafey

APPENDIX 2

Statement of Landscape Intent by Arterra Design Pty Ltd

APPENDIX 3

The Site & Context

APPENDIX 4

Response from Integral Energy concerning relocation of
overhead power line

APPENDIX 5

Site Concept Plan of Subdivision

APPENDIX 6

Heritage Report of Tanner & Associates

APPENDIX 7

Report prepared by Dr Sue Rosen
“A History of Retford Park” dated September 2011

APPENDIX 8

Conservation Management Plan
prepared by Tanner Architects

APPENDIX 9

Plan showing watercourses along which Riparian Corridors
may be required by the Office of Water

APPENDIX 10

Sewerage Catchment Plans

APPENDIX 11

Costs of relocation of power line
provided by Picton Power Lines Pty Ltd

APPENDIX 12

Typical Road Sections within Proposed Subdivision

APPENDIX 13

Pre-development tree assessment -
Retford Park Western Paddock" report
by Arterra Design Pty Ltd

APPENDIX 14

Statement of A R Butcher dated September 2011

APPENDIX 15

Proposed Draft Amendment to Wingecarribee LEP 2010
