



**Planning Proposal to Amend
'Schedule 4 Classification and reclassification
of public land' of
Wingecarribee Local Environmental Plan 2010
to include Five (5) Properties**

Planning Proposal

LOCAL GOVERNMENT AREA: WINGECARRIBEE SHIRE COUNCIL

ADDRESS OF LAND: The Planning Proposal affects the following five (5) sites:

1. Lot 1 DP1128360, Public Reserve, Hume Highway Paddy's River
2. Lot 6 DP 249793, Old Hume Highway Berrima
3. Lot 8 DP 241836, Beavan Place Bowral
4. Lot 42 DP 911852, 16 Una Street, Bowral
5. Lot A DP 158069, 2 Queen Street (Car Park), Moss Vale

PART 1 - OBJECTIVES OR INTENDED OUTCOMES OF PLANNING PROPOSAL

The Planning Proposal comprises three (3) components:

1: Amend *Schedule 4 Classification and reclassification of public land – Part 1 – Land classified, or reclassified, as operational land – no interests changed*, of Wingecarribee Local Environmental Plan 2010 to reclassify from 'Community' land to 'Operational' the following properties:

- **Site 1** - Lot 1 DP1128360, Public Reserve, Hume Highway Paddy's River
- **Site 2** - Lot 6 DP 249793, Old Hume Highway Berrima
- **Site 3** - Lot 8 DP 241836, Beavan Place Bowral
- **Site 4** - Lot 42 DP 911852, 16 Una Street, Bowral

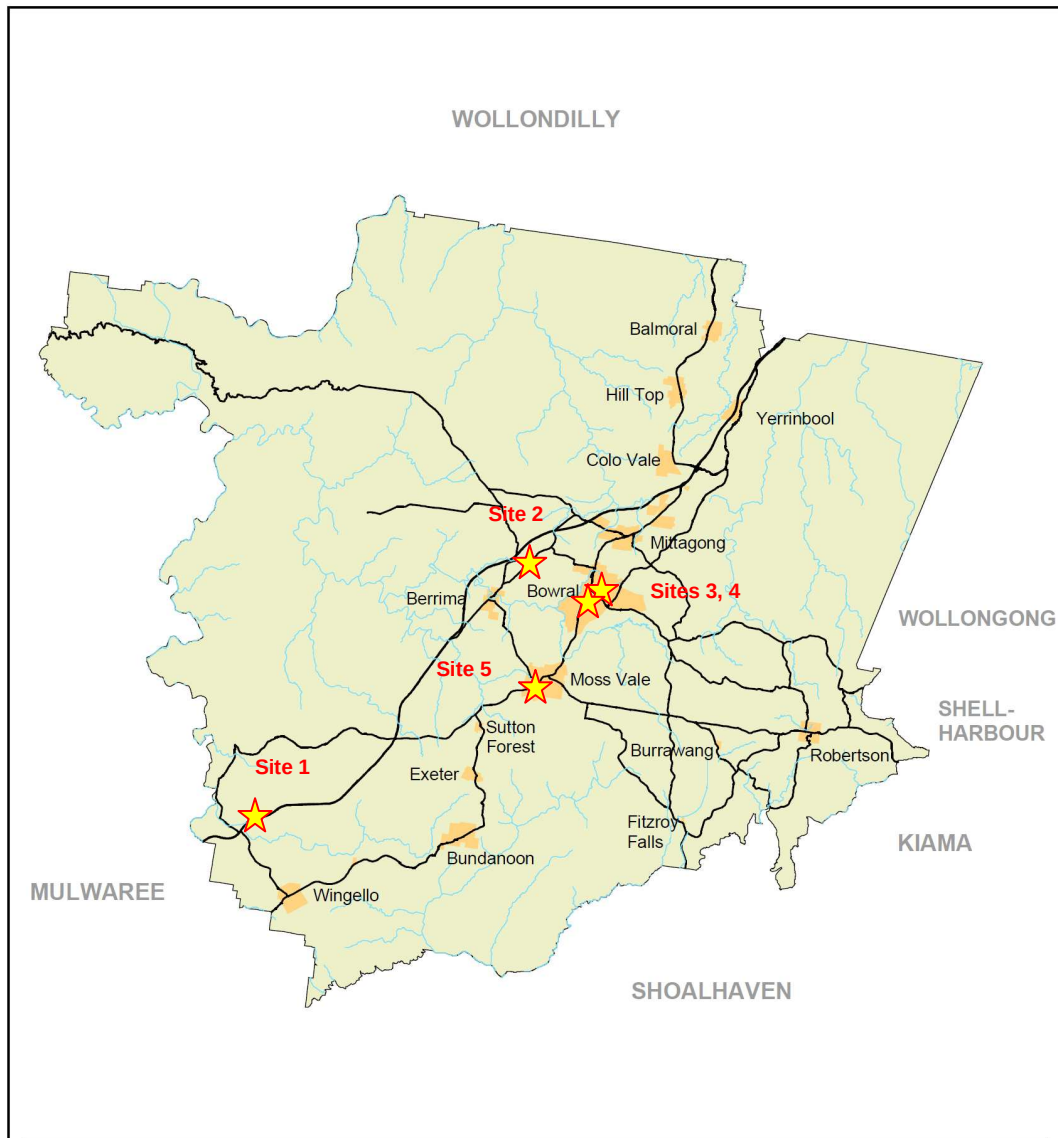
2: Amend *Schedule 4 Classification and reclassification of public land – Part 3 – Land classified, or reclassified as community land*, of Wingecarribee Local Environmental Plan 2010 to reclassify from 'Operational' land to 'Community' land the following site:

- **Site 5** - Lot A DP 158069, 2 Queen Street (Car Park), Moss Vale

3: Amend Wingecarribee Local Environmental Plan 2010 to rezone and amend the minimum lot size for the following properties:

- **Site 3** - Lot 8 DP 241836, Beavan Place Bowral – Rezone Part of Lot 8 DP 241836 from RE1 Public Recreation to R2 Low Density Residential and amend the Minimum Lot Size to Q (700 sqm).
- **Site 4** - Lot 42 DP 911852, 16 Una Street, Bowral - Rezone from RE1 Public Recreation to R2 Low Density Residential and amend the Minimum Lot Size to Q (700 sqm).

SHIRE WIDE LOCATION MAP



1- Land to be reclassified from ‘Community’ to ‘Operational’

Site 1	Lot 1 DP1128360, Public Reserve, Hume Highway Paddy’s River.
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This property is proposed to be reclassified to ‘Operational’ to enable registration of a Right of Access and compliance with the conditions of consent for an approved quarry (08-0230) for Rocla Pty Ltd approved by the Minister for Planning 21 June 2013.

The subject land is currently classified as ‘Community’ land, zoned E2 Environmental Conservation under Wingecarribee Local Environmental Plan (LEP) 2010 and has an area of 7560 sqm. The subject land is proposed to be included in *Part 1 of Schedule 4 of Wingecarribee LEP 2010 as operational land - no interests changed* so as to enable registration of an easement granting Right of Access to adjoining land upon which the Green Valley Sand Quarry will operate.

No further amendment to Wingecarribee LEP 2010 is required as part of this reclassification.

On 26 September 2012 Council resolved as follows:

1. ***THAT preparation of a planning proposal to reclassify Lot 1 in DP 1128360, Public Reserve, Hume Highway, Paddy’s River from “Community” land to “Operational” land be commenced in accordance with the provisions of the Local Government Act 1993, the Environmental Planning and Assessment Act 1979 and the Guide to Preparing Local Environmental Plans.***
2. ***THAT following the formal public exhibition period, a Public Hearing be held in accordance with the provisions of the Environmental Planning and Assessment Act 1979 and the Guide to Preparing Local Environmental Plans.***
3. ***THAT following the public consultation process, the matter be reported back to Council.***

The site is Bushfire affected (Figure 1.4) and contains no identified critically endangered species or communities.

PLANNING PROPOSAL TO AMEND SCHEDULE 4 OF WINGECARRIBEE LOCAL ENVIRONMENTAL
PLAN 2010 TO INCLUDE FIVE (5) PROPERTIES

VERSION 2 – FOR GATEWAY DETERMINATION

OUR REFERENCE: 5901/28

FIGURE 1.1 – 'GOOGLE STREET VIEW'

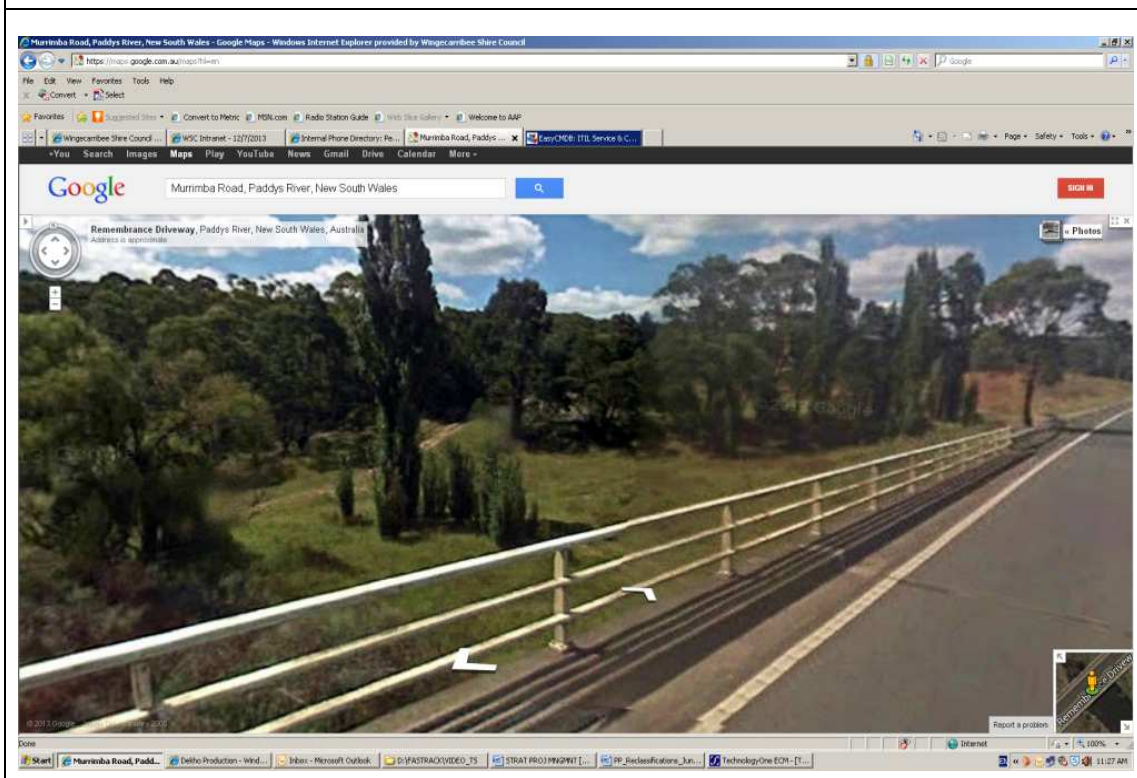


FIGURE 1.2 - ZONING MAP

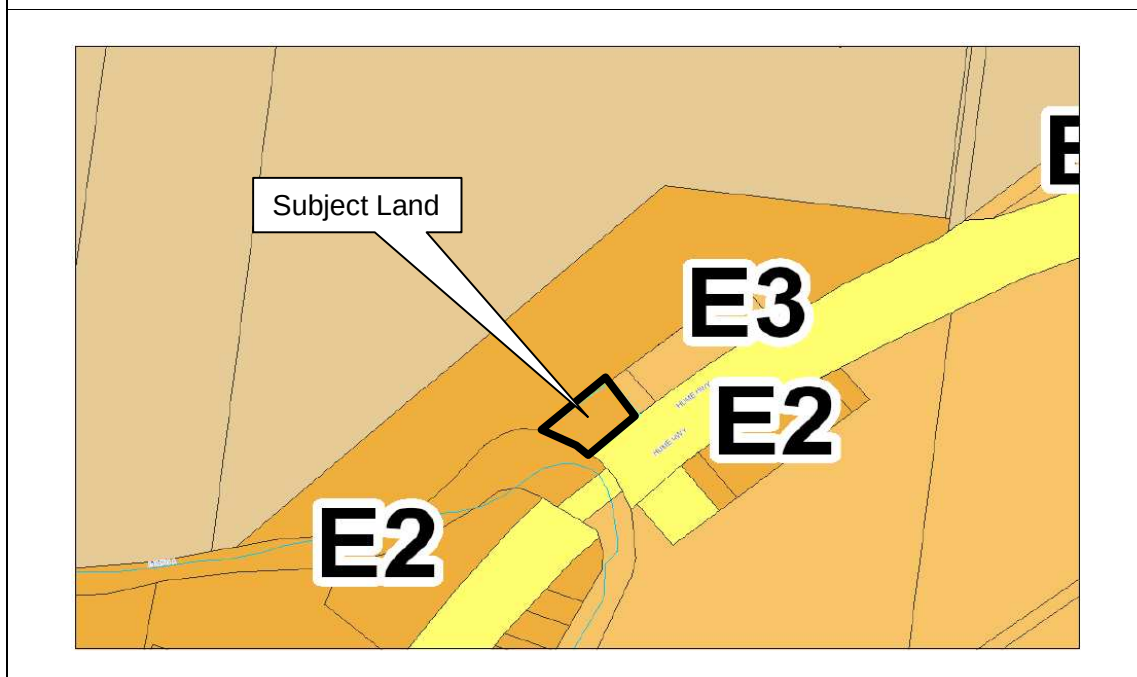


FIGURE 1.3 - AERIAL MAP

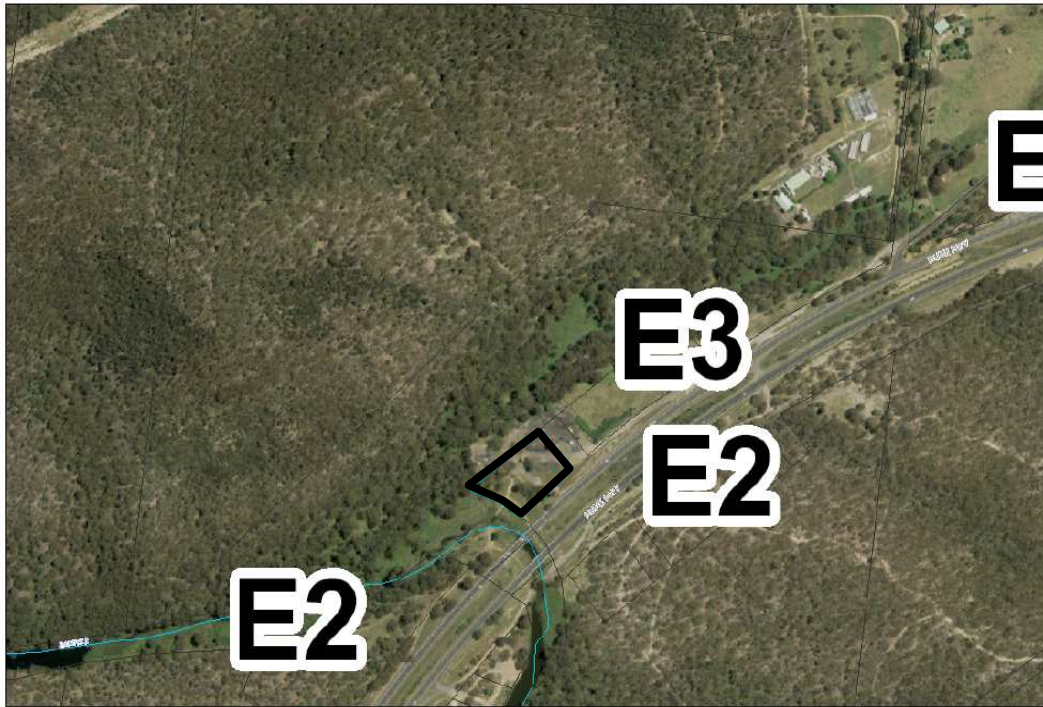


FIGURE 1.4 - BUSHFIRE AFFECTATION

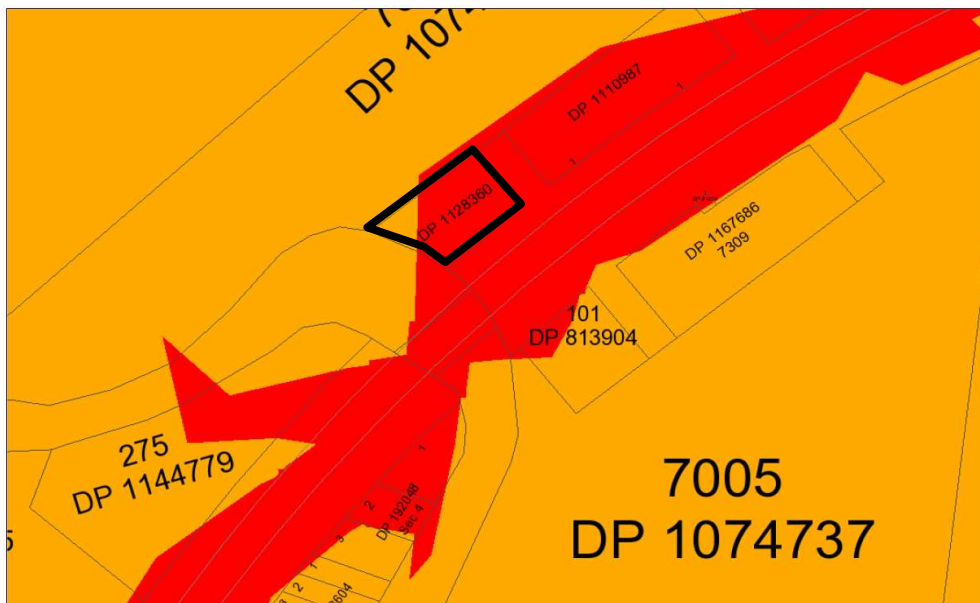


FIGURE 1.5 - VEGETATION COMMUNITIES

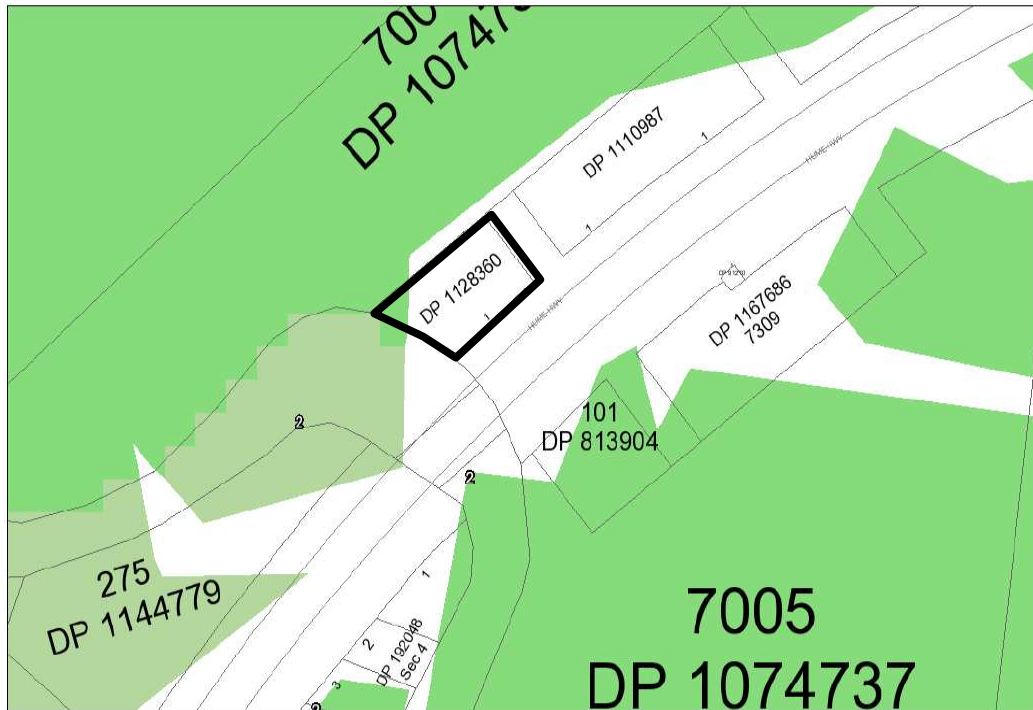
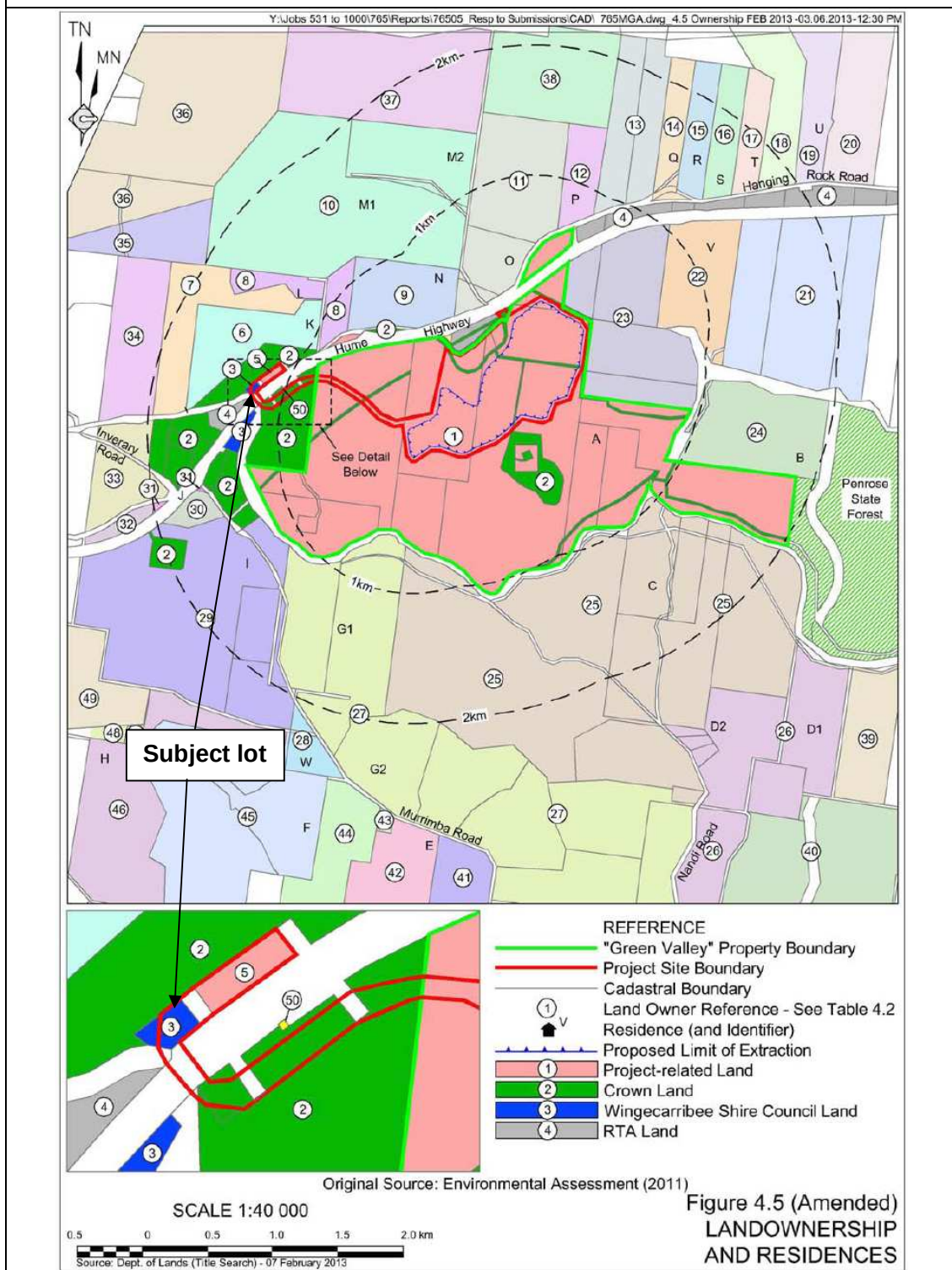


FIGURE 1.6 - EXTRACT FROM GREEN VALLEY SAND QUARRY DETERMINATION



Site 2	Lot 6 DP 249793, Old Hume Highway Berrima.
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Reclassify land to operational to reinstate access to a property via a Right of Carriageway.

The subject land is currently classified as 'Community' land. Lot 6 has an area of 1.7 Hectares and is zoned E3 Environmental Management under Wingecarribee Local Environmental Plan (LEP) 2010. The subject land is proposed to be included in Part 1 (no interests changed) of Schedule 4 of Wingecarribee LEP 2010 as 'Operational'.

The subject land has an existing Right of Access easement over it however due to works being undertaken on the adjoining property, under Hawkesbury Nepean Catchment Management Authority supervision, for the purpose of addressing water logging and inundation, the existing access needs to be relocated.

In 2003 Council granted development consent (LUA1215/03) for a subdivision of land off the Old Hume Highway Berrima. One of the conditions of consent is that a Right of Access would be provided by Council over the Council Reserve (Lot 6 DP 249793)

There is currently a caveat (K2000000P) over Lot 6 forbidding any further dealing (Public Land) over the property. The Land and Property Information Office has advised that this caveat will be removed upon presentation of a letter that, as 'Community' classified land, the proposed Right of Access is not prohibited under Sections 46, 46A, 47 or 47A of the *Local Government Act 1993*.

An easement Transfer Granting Access over the subject land can also be registered on the title of the land when the subject land is classified or reclassified as 'operational'.

The purpose of the Planning Proposal is to formally reclassify the land as 'Operational'.

No further amendment to Wingecarribee LEP 2010 is required as part of this reclassification.

On 27 March 2013 Council resolved as follows:

THAT Council prepare a planning proposal to reclassify Lot 6 in DP 249793, Old Hume Highway Berrima, as operational land pursuant to section 30 of the Local Government Act, 1993.

On 14 December 2011 Council resolved as follows

THAT Council grant a new Right of Access eight (8) metres wide over Council reserve being Lot 6 DP 249793 Old Hume Highway Berrima to 2828-2830 Old Hume Highway Berrima, being Lot 5 DP 1113793.

FIGURE 2.1 - LOCATIONAL ZONING MAP

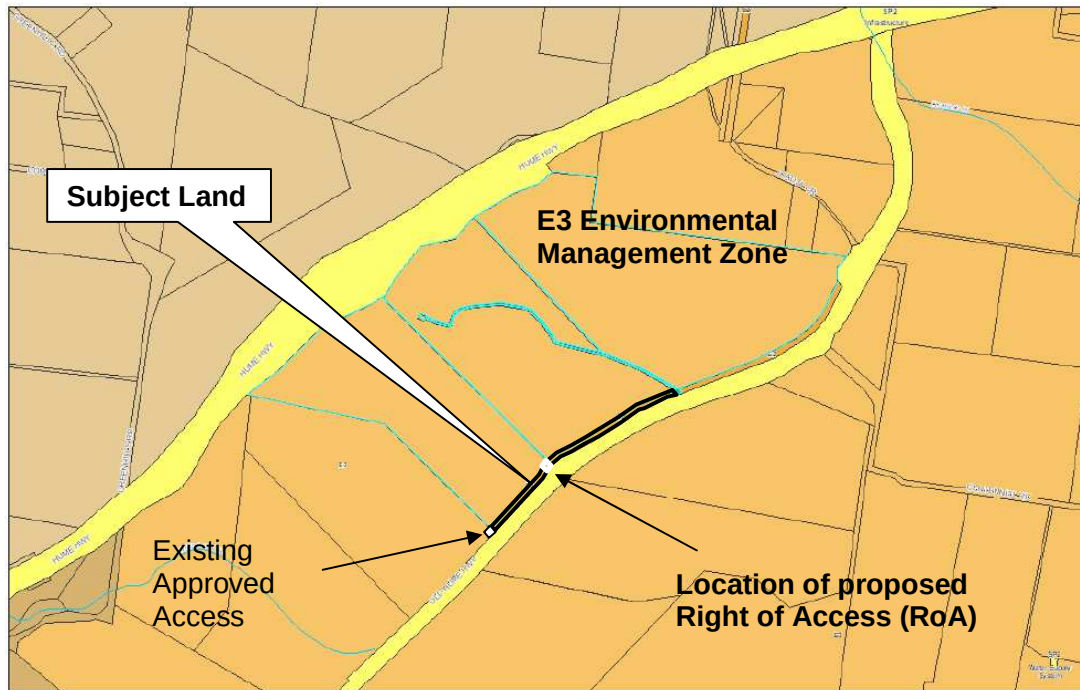
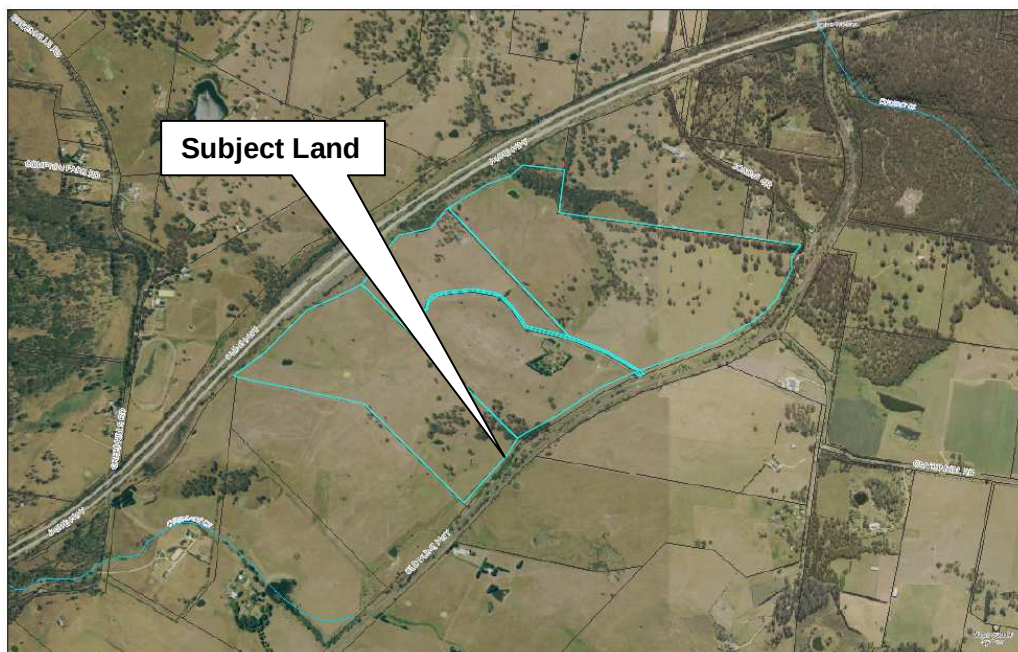
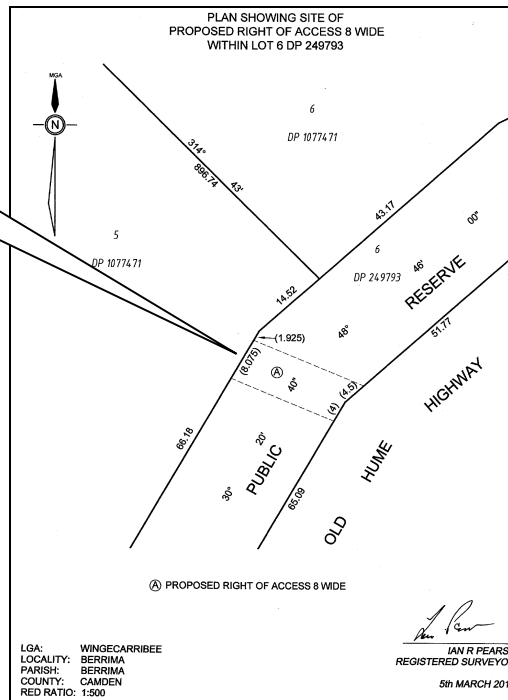


FIGURE 2.2 - AERIAL PHOTOGRAPH DETAIL



Location of Proposed Right of Access



Subject Land

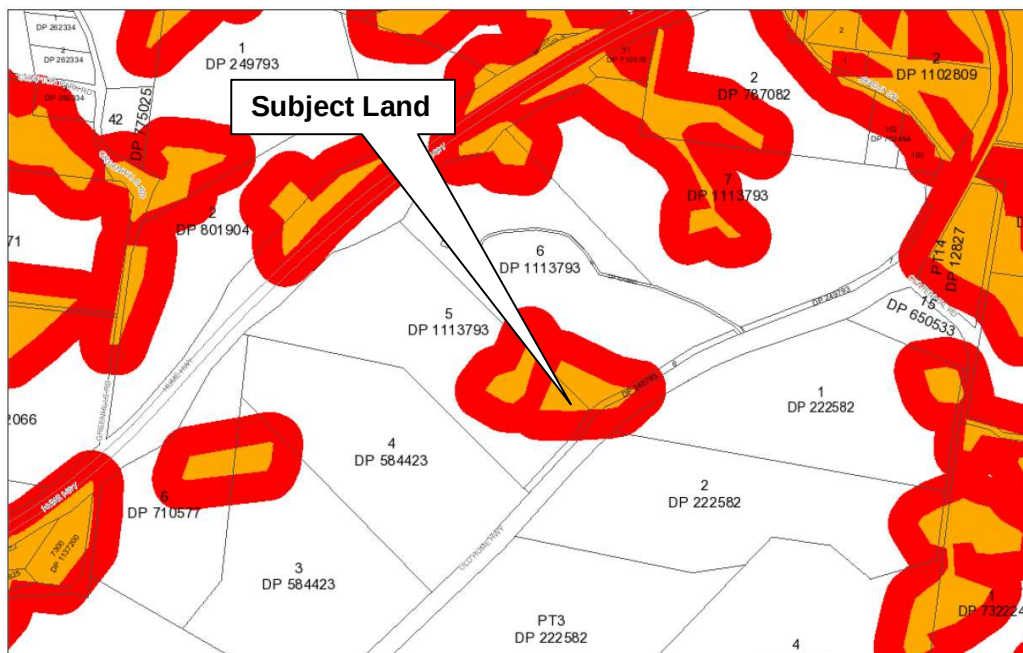


FIGURE 2.5 - LISTED ENDANGERED ECOLOGICAL COMMUNITIES

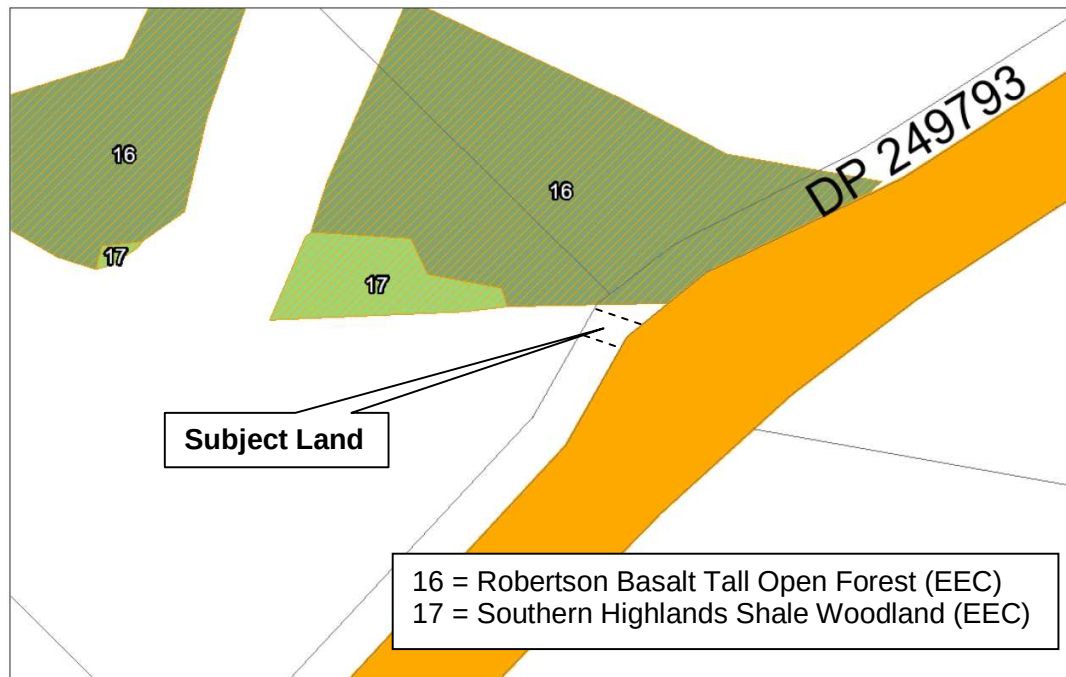
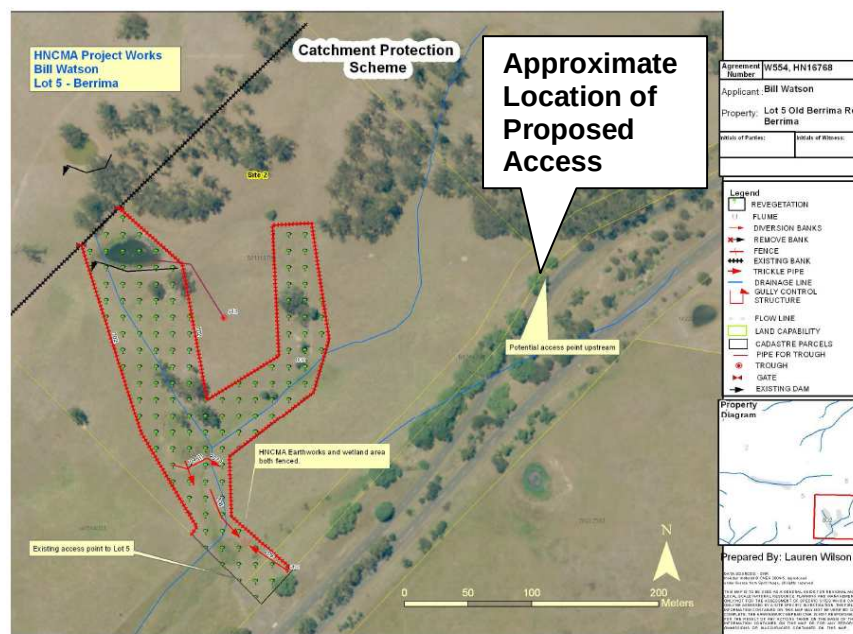


FIGURE 2.6 - WORKS BEING UNDERTAKEN FOR HNCMA



Site 3	Lot 8 DP 241836, Beavan Place Bowral.
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For rezoning, subdivision and sale of Part Lot 8.

The subject land (Figure 3.1) is currently classified as 'Community', has an area of 1821 sqm and is zoned RE1 under Wingecarribee Local Environmental Plan (LEP) 2010. The subject land is proposed to be included in Part 1 (no interests changed) of Schedule 4 of Wingecarribee LEP 2010 as 'Operational'. The proposed reclassification does not include the adjoining Lot 7 zoned RE1 Public Recreation.

The change in reclassification of the subject land will also require an amendment to the Minimum Lot Size map and the Zoning map of the Wingecarribee LEP 2010 so the site is consistent with the adjoining residential zoning and minimum lot size under the Wingecarribee LEP 2010.

It is recommended that the zoning be revised to R2 Low Density Residential and the Minimum Lot Size be revised to 700 sqm (Q) under the Wingecarribee Local Environmental Plan 2010. The revised zoning and minimum lot size is recommended so that the subject land will be consistent with adjacent properties in the locality accessed from Beavan Place.

On 12 October 2011 Council resolved as follows:

1. ***THAT a draft sketch be obtained from a Surveyor with respect to (No Street Number) Lot 8 Deposited Plan 241836 Beavan Place, Bowral AND THAT it be noted that the purpose of the sketch is to define one (1) residential allotment meeting the minimum lot size, with the remaining land being dedicated as Public Reserve.***
2. ***THAT the surveyor's sketch referred to in 1 above be forwarded with a further report to a future Council meeting to determine whether Council proceeds with reclassification to "Operational" land of part of the land known as (No Street Number) Lot 8 Deposited Plan 241836 Beavan Place, Bowral.***

On 24 April 2013 Council resolved as follows:

THAT the report concerning Operational Property – Land Sales – Program Update – Item cc-GM3 - be considered in Closed Council.

A Draft Sketch in accordance with the resolution is currently being prepared.

Council is reclassifying all of Lot 8 in this Planning Proposal so that the final plan of subdivision is not constrained by compliance with zone and minimum lot size delineations of a 'proposed' lot boundary, particularly with regard to the flood affectation of the site. The dedicated of the remaining land as public reserve will be undertaken as 'housekeeping' following Council endorsement of the final plan of subdivision.

FIGURE 3.1 - LOCATIONAL ZONING MAP

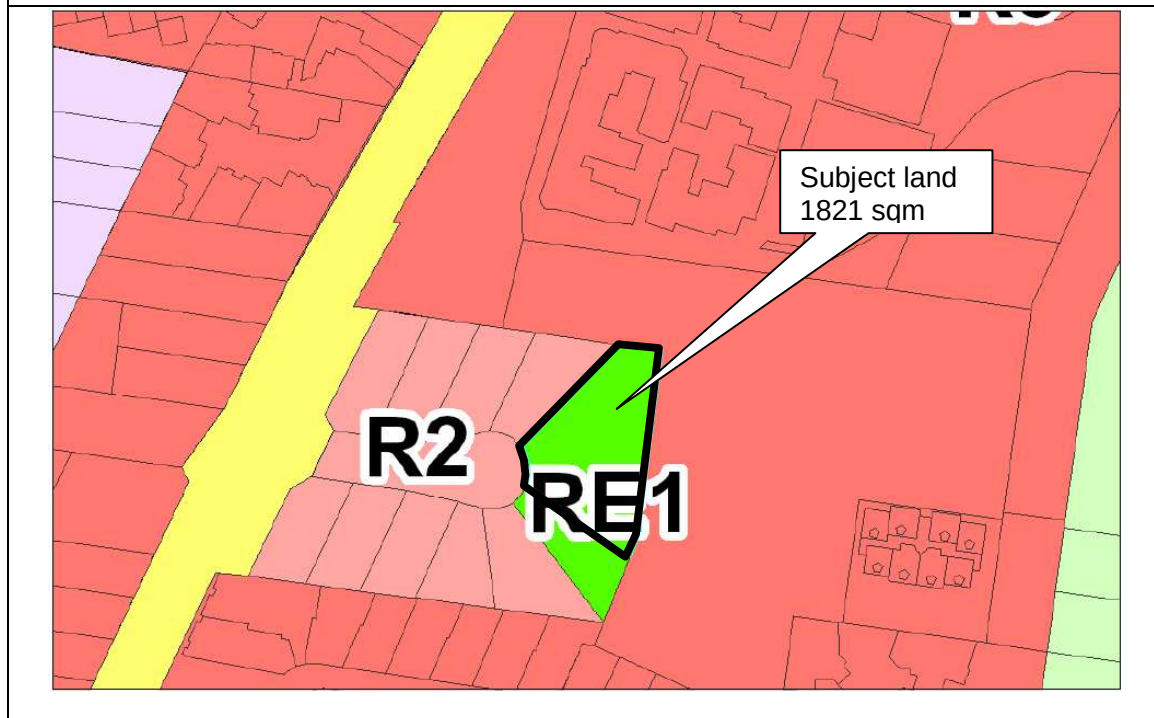


FIGURE 3.2 - MINIMUM LOT SIZE MAP – LZN_007G

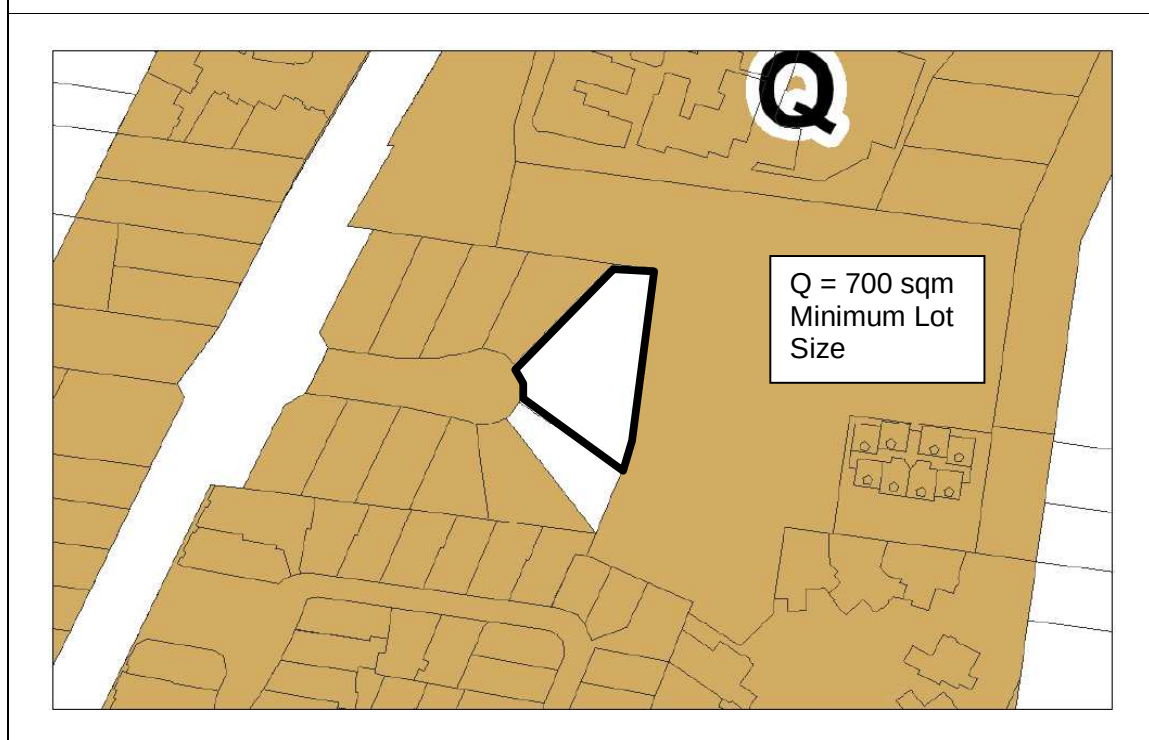


FIGURE 3.3 - PROPOSED ZONING MAP LSZ_007G

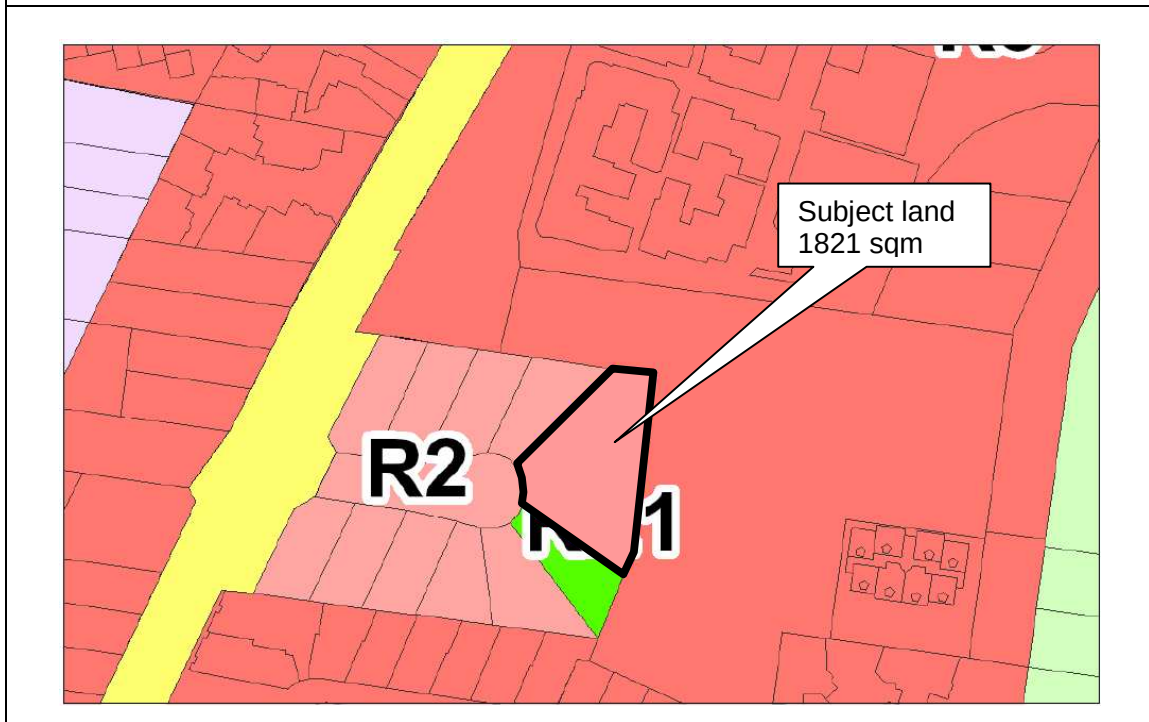


FIGURE 3.4 - PROPOSED MINIMUM LOT SIZE MAP

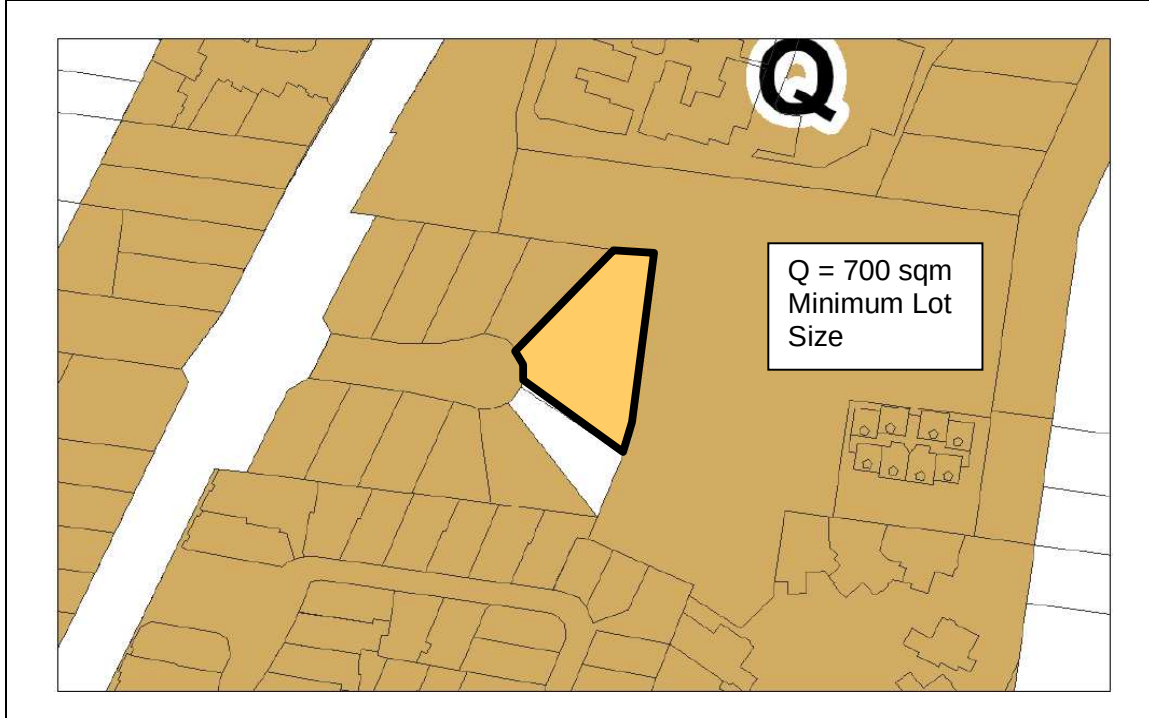
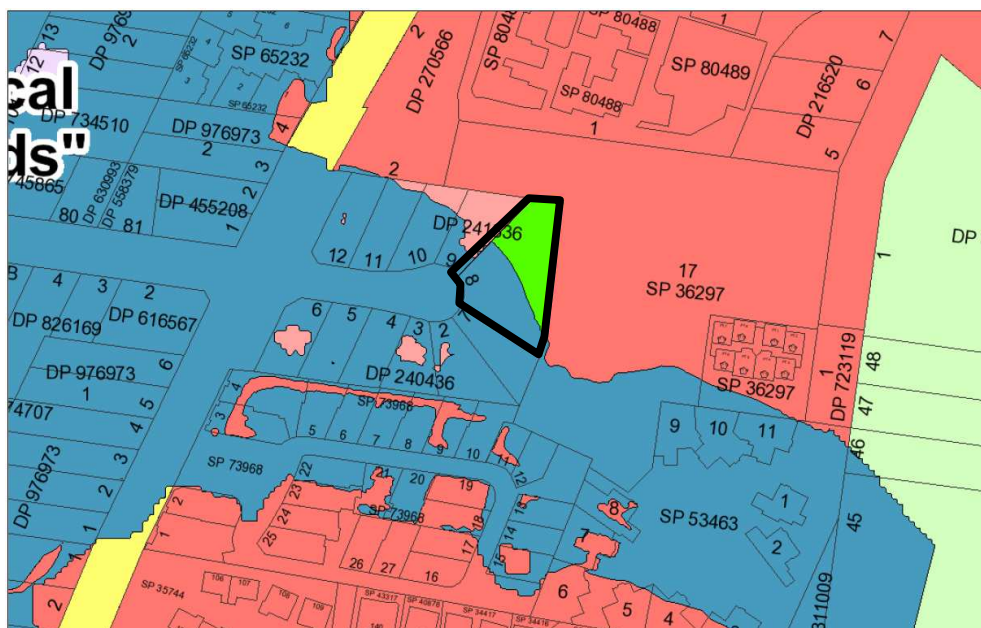


FIGURE 3.5 - AERIAL PHOTOGRAPH DETAIL



FIGURE 3.6 - FLOOD AFFECTATION – 100 YEAR +0.5m FLOOD LEVEL



Site 4	Lot 42 DP 911852, 16 Una Street, Bowral
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The subject land is currently classified as 'Community', has an area of 1,170 sqm and is zoned RE1 Public Recreation under Wingecarribee Local Environmental Plan (LEP) 2010. The subject land is proposed to be included in Part 1 of Schedule 4 of Wingecarribee LEP 2010 as 'Operational'. The subject land forms part of Venables Park zoned RE1 Public Recreation under Wingecarribee LEP 2010.

The change in reclassification of the subject land will also require an amendment to the Minimum Lot Size map and the Zoning map of the Wingecarribee LEP 2010 so the site is consistent with other properties in the locality. The adjoining site to the north is zoned R2 Low Density Residential under Wingecarribee LEP 2010. The adjoining site to the south is currently zoned R3 Medium Density Residential under Wingecarribee LEP 2010. Both sites to the north and south will retain their existing zoning under Wingecarribee LEP 2010. It is considered that the subject land, being currently zoned RE1 Public Recreation, should be zoned to the lowest residential zoning to minimised the impact of the change in the development potential of the subject land on the adjoining properties.

It is also considered that the subject land should amend the Minimum Lot Size map under Wingecarribee LEP 2010 to notate Q (700 sqm) so as to be consistent with adjoining properties in the locality.

On 12 October 2011 Council resolved as follows:

1. ***THAT Council publicly exhibit the proposal to reclassify the land known as 16 Una Street, Bowral to "Operational" land pursuant to Section 30 of the Local Government Act 1993.***
2. ***THAT following the public exhibition of the proposal to reclassify the land known as 16 Una Street, Bowral a further report be forwarded to an Ordinary Meeting of Council for determination as to whether it proceeds with a Planning Proposal for reclassification of the land to "Operational".***
3. ***THAT any signage referring to Venables in the block of land be removed and be retained by Council for future relocation.***

On 24 April 2013 Council resolved as follows:

THAT the report concerning Operational Property – Land Sales – Program Update – Item cc-GM3 - be considered in Closed Council.

FIGURE 4.1 - EXISTING ZONING MAP

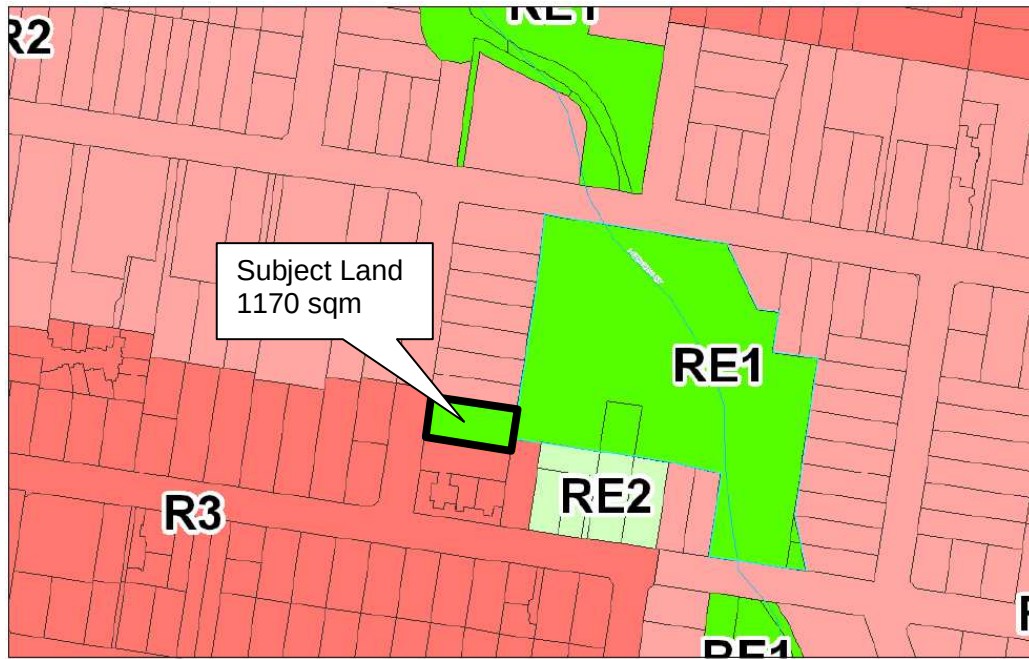


FIGURE 4.2 - EXISTING MINIMUM LOT SIZE MAP - LZN_007F

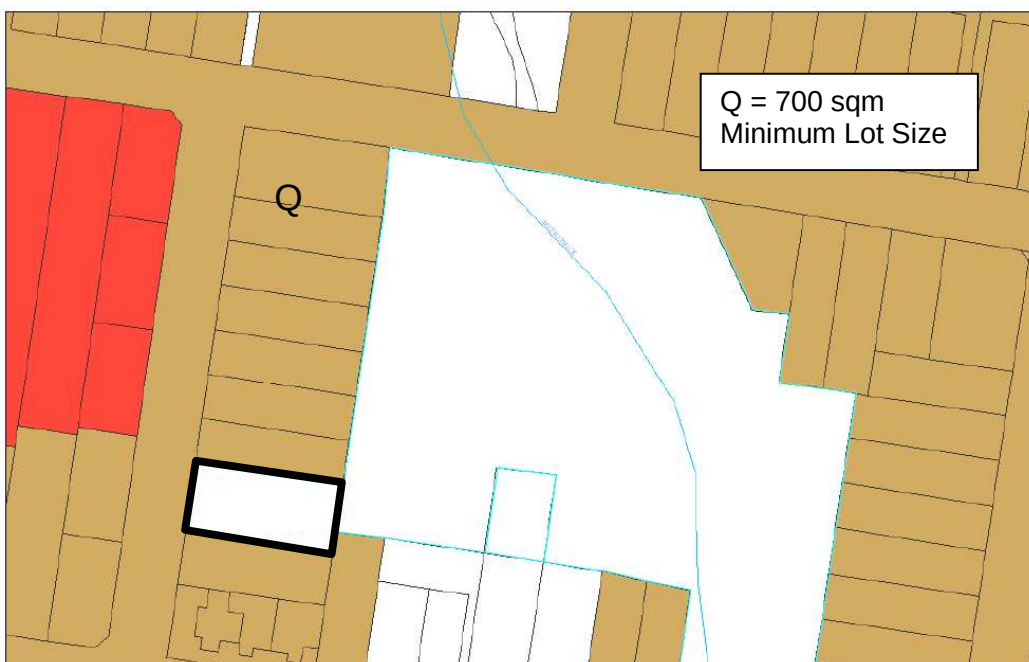
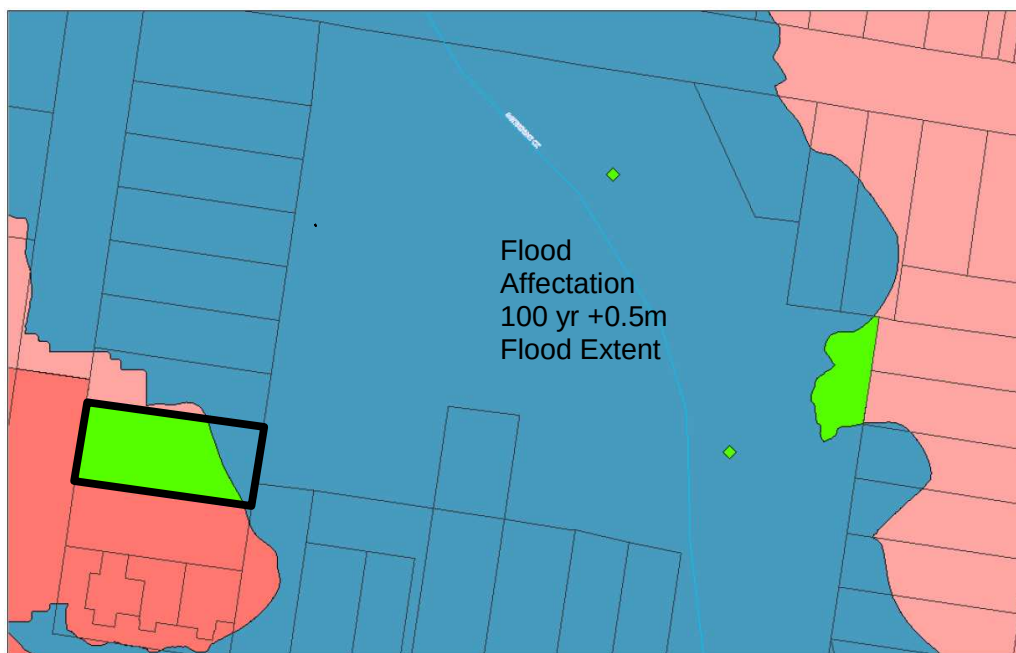


FIGURE 4.3 - AERIAL PHOTOGRAPH DETAIL



FIGURE 4.4 - FLOOD AFFECTATION



2 - Land to be reclassified from 'Operational' to 'Community'

Site 5	Lot A DP 158069, 2 Queen Street (Car Park), Moss Vale
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The subject land is currently classified as 'Operational' has an area of 840 sqm and is zoned B2 under Wingecarribee Local Environmental Plan (LEP) 2010. The subject land is proposed to be included in Part 3 of Schedule 4 of Wingecarribee LEP 2010 as 'Community'. Its current function is as a car park.

The subject land is incorrectly identified in Council's land register as 'Operational'. No further amendment is required to Wingecarribee LEP 2010 as part of this reclassification.

On 12 October 2011 Council resolved as follows:

THAT the vacant land known as (No Street Number) Lot A Deposited Plan 158069 Queen Street Moss Vale be reclassified from "operational" to "community" land pursuant to Section 33 and 34 of the Local Government Act 1993.

FIGURE 5.1 - LOCATIONAL ZONING MAP

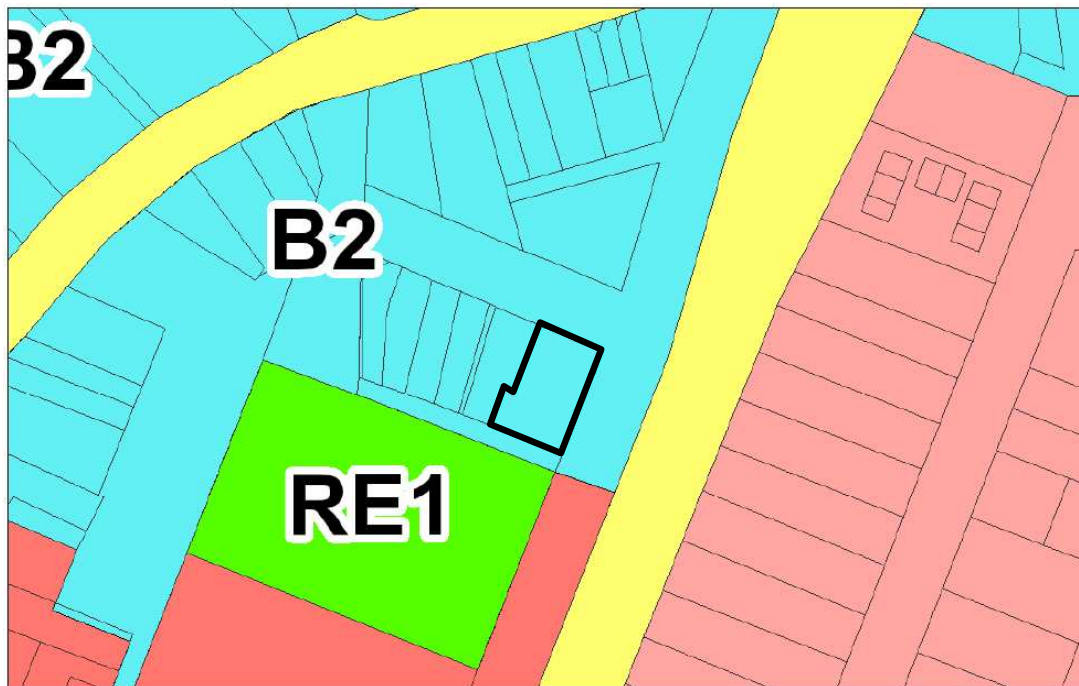


FIGURE 5.2 - AERIAL PHOTOGRAPH DETAIL



3 - Land to be rezoned with amendment to the minimum lot size.

Two of the sites previously described require further amendment as follows:

Site 3 - Lot 8 DP 241836, Beavan Place Bowral. It is proposed to rezone Part of Lot 8 DP 241836 from RE1 Public Recreation to R2 Low Density Residential and apply a Minimum Lot Size of Q (700 sqm) to Part Lot 8 DP 241836 as indicated below.

FIGURE 3.7 BEAVAN PLACE PROPOSED ZONING

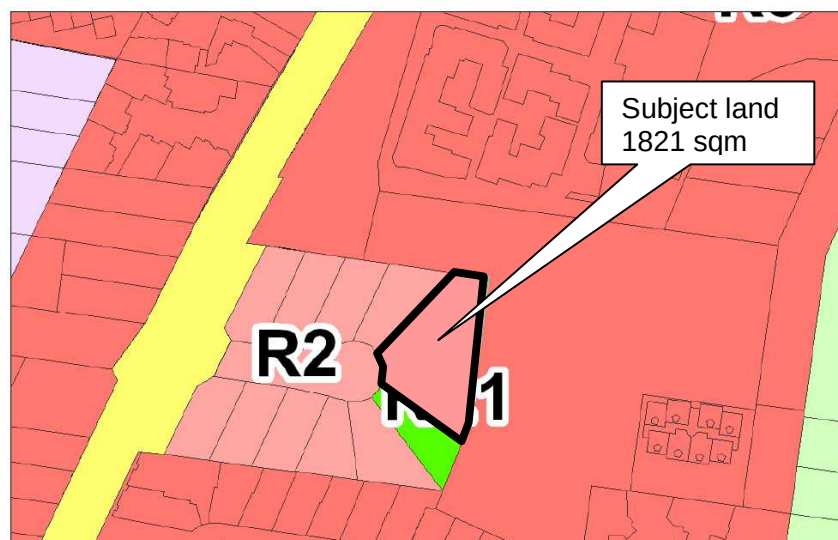
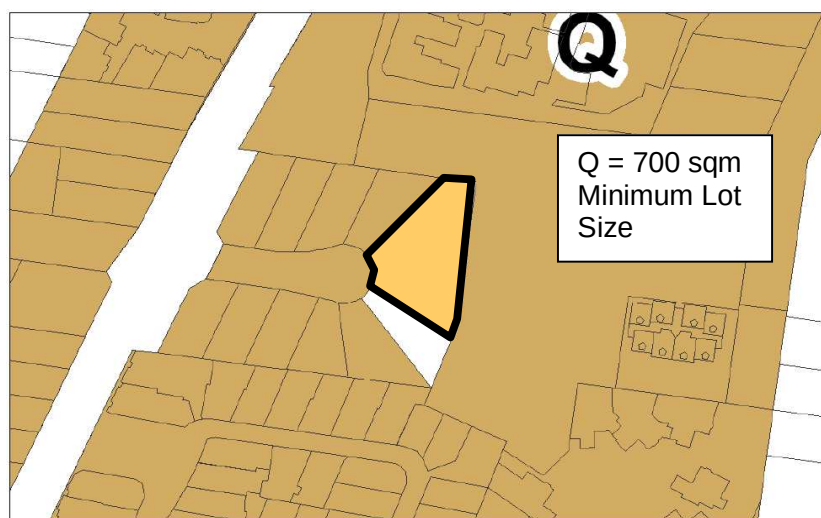


FIGURE 3.8 BEAVAN PLACE PROPOSED MINIMUM LOT SIZE



Site 4 - Lot 42 DP 911852, 16 Una Street, Bowral. It is proposed to rezone this site from RE1 Public Recreation to R2 Low Density Residential and apply a Minimum Lot Size of Q (700 sqm).

FIGURE 4.5 UNA STREET PROPOSED ZONING

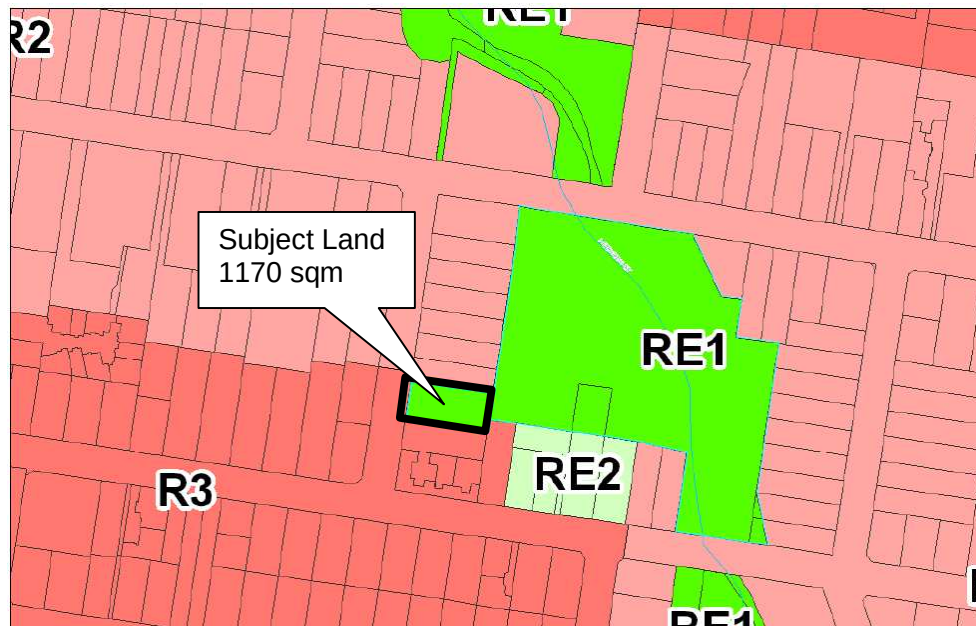
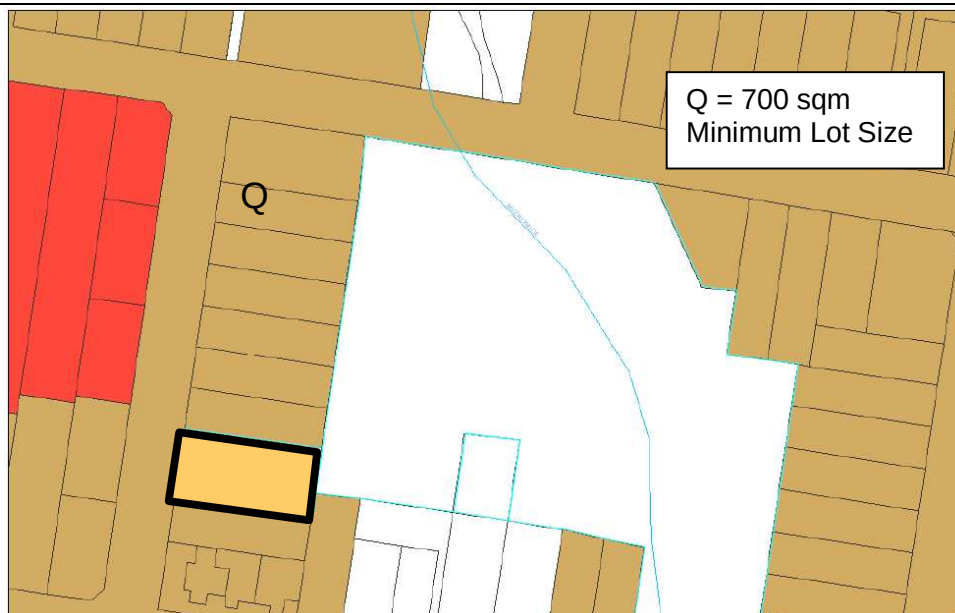


FIGURE 4.6 UNA STREET PROPOSED MINIMUM LOT SIZE



PART 2 – EXPLANATION OF PROVISIONS

The Planning Proposal will amend Wingecarribee Local Environmental Plan 2010 by including five (5) sites in Schedule 4 as follows.

Part 1 Land classified, or reclassified as operational land – no interests changed

<i>Column 1</i> <i>Locality</i>	<i>Column 2</i> <i>Description</i>
Paddy's River	Lot 1 DP1128360, Public Reserve, Hume Highway
Berrima	Lot 6 DP 249793, Old Hume Highway Berrima
Bowral	Lot 8 DP 241836, Beavan Place
Bowral	Lot 42 DP 911852, 16 Una Street

Part 3 Land classified or reclassified as community land

<i>Column 1</i> <i>Locality</i>	<i>Column 2</i> <i>Description</i>
Moss Vale	Lot A DP 158069, 2 Queen Street (Car Park)

As a result of these amendments, the following further amendments to the Zoning and Minimum Lot Size maps of Wingecarribee LEP 2010 will be required so that the land classified as 'Operational' is consistent with similar land in the immediate vicinity of the subject sites.

Site	Maps to be amended	Nature of map amendment
Site 3 Lot 8 DP 241836, Beavan Place Bowral	LZN_007G	Rezone Lot 8 DP 241836 from RE1 Public Recreation to R2 Low Density Residential.
	LSZ_007G	Amend the Minimum Lot Size of Lot 8 DP 241836 to apply Q (700 sqm).
Site 4 Lot 42 DP 911852, 16 Una Street, Bowral	LZN_007F	Rezone Lot 42 DP 911852 from RE1 Public Recreation to R2 Low Density Residential.
	LSZ_007F	Amend the Minimum Lot Size to apply Q (700 sqm).

PART 3 - JUSTIFICATION

The Planning Proposal is intended to

(a) enable registration of access rights on the title of the following properties –

- Lot 1 DP1128360, Public Reserve, Hume Highway, Paddy's River
- Lot 6 DP 249793, Old Hume Highway, Berrima

or,

(b) enable the correct the classification of a site for continued community use-

- Lot A DP 158069, 2 Queen Street, Moss Vale.

or,

(c) enable the sale of surplus Council land at -

- Lot 8 DP 241836, Beavan Place, Bowral
- Lot 42 DP 911852, 16 Una Street, Bowral

In response to *Section 5.5.4* regarding the *Classification and reclassification of public land* detailed on p26 of the *Guide to preparing local environmental plans*, justification for the Planning Proposal is on the following broad grounds:

- (a) The Planning Proposal is the result of several Council Reports (attached) addressing the characteristics of each site and the circumstances upon which they are to be considered for reclassification. A précis of each follows: below:
- (b) Consistency with Council's Community Strategic Plan 2031+ for each site is addressed in Part 4 of this report.
- (c) No 'interests' in the separate parcels will be extinguished as a result of the reclassification of each site.
- (d) All sites are currently owned by Council.

The justification of each site's reclassification is detailed below.

To be reclassified from 'Community' land to 'Operational':

Site 1 - Lot 1 DP1128360, Public Reserve, Hume Highway Paddy's River.

- The reclassification of this site is required so that it can be used for the purpose of gaining access to an existing approved sand quarry. The subject land has been previously used for gravel and material stockpile areas for Roads and Maritime Services (RMS) and Council and is considered surplus to Council's requirements (other sites can be used for the purpose of material storage). The site's proximity to the four (4) lane Hume Highway renders it low amenity for any other public purpose and the ground level below the highway makes it unsuitable to provide access for a road side rest area or other function. There is no anticipated change of use of the site (apart from providing access) and therefore no broader economic or social impact from the proposed reclassification.

Further information regarding the Green Valley Sand Quarry can be found at:
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=2712

Site 2 - Lot 6 DP 249793, Old Hume Highway Berrima.

- This site is to be reclassified to 'Operational' so that a Right of Access (RoA) over Lot 6 DP 249793 (Figure 4) can be registered with the Registrar General of the Land and Property Information in lieu of a Plan of Management for the subject site. Development Approval LUA1215/03 granted approval of a subdivision of Lot 5 DP 1113793 subject to a condition requiring Council to provide a RoA over Lot 6 DP 249793. For registration of this access over Community Land, the land must either have a Plan of Management in place or be classified as 'operational'. Because a Plan of Management of the roadside reserve is not anticipated for a further two (2) years, it is considered that a reclassification of the subject land be effected so that access can be lawfully provided. There is no anticipated environmental impact from the relocation of the Right of Access over the site as the physical works would be required to be provided to Council development standards and also in accordance with the conditions of the development consent for LUA1215/03.

Site 3 - Lot 8 DP 241836, Beavan Place Bowral.

- This site is subject to flooding. In June 2010, Councillors visited the site and considered it surplus to Council's requirements. Council resolved on 12 October 2010 to prepare a draft plan of subdivision so as to create two (2) lots with one to be sold, the other to be retained by Council and dedicated as public reserve and its use for passive recreation continued. It is considered that there may be public opposition to the reduction in size and sale of this land.

Site 4 - Lot 42 DP 911852, 16 Una Street, Bowral.

- The site is currently used as an unofficial car park for the adjacent Bowral Bowling Club. Council previously resolved, on 12 October 2011, not to proceed

with the reclassification of the whole of the Venables Park. This resolution was reconsidered in a review. The review reconsidered this part of Venables Park surplus to Council's requirements and recommended this part of the site be prepared for sale with the proceeds to be used for clearing and drainage works.

To be reclassified from 'Operational' land to 'Community' land:

Site 5 - Lot A DP 158069, 2 Queen Street (Car Park), Moss Vale.

- This site is to be reclassified to 'Community' to correct an entry in Council's Land Register.

Section A – Need for the Planning Proposal

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

The Planning Proposal is the result of a number of individual Council resolutions. The Council reports for each site have been included as attachments.

Site 1 (Paddy's River): The report for this site was considered by Council on 26 September 2013 and advises the need to provide access to an existing Sand Quarry approved under Part 3A of the Environmental Planning & Assessment Act, 1979. The report advised Council that plans prepared by Rocla and the Roads and Maritime Services (RMS) identified that the subject site for the purpose of a roadway to access the sand quarry site was the only viable solution.

Site 2 (Old Hume Highway Berrima): The report for this amendment was considered by Council on 27 March 2013. In 2003, Council granted development consent for the subdivision of lands off Berrima Road. According to the report, because the subject land (that is not the land upon which the subdivision is approved) is classified as Community, Right of Access cannot be granted unless there is a *Plan of Management* specifically authorising such use. In the absence of a *Plan of Management* Council's only alternative is to reclassify the subject land as 'Operational' to enable the registration of the Right of Access.

Site 3 (Beavan Place Bowral): This report was considered by Council on 12 October 2011. The proposed reclassification will allow the subdivision of the land to take place and the disposal of the surplus lot.

Site 4 (Una Place Bowral): The report for this site was considered by Council on 24 April 2013. This report endorsed Council's original resolution of 12 October 2011 to reclassify the land (from Community to operational), so that the subject land could be rezoned to R2 Low Density Residential, the Minimum Lot Size amended (to 700 sqm) under Wingecarribee LEP 2010, subdivided (from the remainder of Venables Park) and put on the market. The report does not say if the lot to be retained would be reclassified

back to 'Community' for public purposes though the future plan of subdivision will delineate the portion to be retained. It is not intended to dispose of the residue.

Site 5 (Car Park Moss Vale): The report for this site was considered by Council on 12 October 2011. Council considered a report recommending Council reclassify the subject land from 'Operational' to 'Community' so as to retain it as a valuable Community Asset. Council endorsed the recommendation of the report.

Generally, the Planning Proposal is intended to give effect to Council's resolutions and effect development that is supported or approved by Council.

2. Intended outcomes, or is there a better way?

The subject Planning Proposal is one of two methods of achieving the objectives and intended outcomes.

Option 1 – Amend Schedule 1 of WLEP 2010.

With reference to all 5 sites, the proposed amendments to Schedule 4 of the Wingecarribee LEP 2010 are preferred because it expedites actions required to enable or facilitate further development.

As a consequence of the reclassification of Sites 3 (Beavan Place) and Site 4 (Una Street) these sites will require revised zoning and minimum lot size notations. The best option available for these sites is to rezone and amend the minimum lot size to be consistent with adjoining and surrounding properties to minimise the impacts on adjoining and surrounding properties.

Option 2 – Prepare Plans of Management

The alternative option to reclassifying the subject sites is to assess the consistency of the intended amendments through an adopted Plan of Management for each site.

However, Council currently has no Plans of Management in place for any of the subject sites and these won't be available for an estimated two (2) years. This would unnecessarily prolong the development of each site to achieve the intended purpose. In the meantime, Council is continuing to develop the Plans of Management.

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)?

It is considered that the Planning Proposal is broadly consistent with the Sydney Canberra Corridor Regional Strategy in that it reclassifies land for the registration of

Rights of Access to approved developments (Sites 1 Paddy's River and Site 2 Old Hume Highway Berrima) and reclassifies and rezones land (Sites 3 Beavan Place and Site 4 Una Street) that can be used to increase the supply of land for residential purposes. The subject Planning Proposal also reclassifies land (Site 5 Queen Street) from 'Operational' to 'Community' that Council considers would best be managed by Council for community purposes.

More specifically, the proposed amendments will provide opportunities for economic growth through, for example the registration of easements granting access to mineral resources (eg, Site 1, the Green Valley Sand Quarry), or opportunities to increase the supply of residential development sites (Sites 2, 3, 4) thereby contributing to the housing stock. The proposed amendments for Site 1 & Site 2 are to register Rights of Access over existing titles. It is considered that these amendments will enable the carrying out of development in a timely fashion.

Although the proposals to reclassify land are not by their nature specifically addressed in the Sydney Canberra Corridor Regional Strategy, reclassifications by its nature allows the most effective and efficient means of managing Council held public lands and relinquishing some lands to private ownership. This allows the most appropriate management of each parcel in the context of its location, purpose and objective.

The Sydney Canberra Corridor Regional Strategy anticipates a housing demand of 8700 dwellings to 2031. While some lots will be released on to the residential and commercial market (Beavan Place, Una Street), Council is also mindful of the need to remove some properties (Queen Street) to be retained for community uses. This is entirely consistent with town planning principles in the allocation of land uses to support residential development and the objectives of the Sydney Canberra Corridor Strategy to improve the allocation and use of land within their localities and the Community Strategic Plan 2031+.

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

Goal 2.2 of Wingecarribee Shire Council's Community Strategic Plan 2031+ encourages land uses where '...people have a healthy lifestyle and inclusive community'. At 2.2.2, the aim of this goal is to '*increase community cohesion and social interaction*'. It is considered that the reinstatement of some community land (Site 5 and 6) allows for this cohesion and interaction.

Goal 2.3 of Wingecarribee Shire Council's Community Strategic Plan 2031+ '*Services and facilities are provided locally to meet the needs of our community*' is supported by aim 2.3.2 to '*Maintain strong public institutions and facilities in the district to match evolving needs of the community*'. It is considered that public reserves are an institution and the evolving needs of the community include public recreation spaces (Site 5). It is also considered that releasing land that is publicly underutilised is also consistent with this objective

Goal 2.4 of Wingecarribee Shire Council's Community Strategic Plan 2031+ '*Wingecarribee fosters diverse, creative and vibrant community*' is supported by the aim to *Encourage and implement activities that strengthen community spirit*. It is considered that public recreation spaces are consistent with this aim and objective as is the disposal of publicly underutilised community land.

Goal 3.3 of Wingecarribee Shire Council's Community Strategic Plan 2031+ '*Urban design in Wingecarribee creates inspiring places where people want to be*' is supported by the aim (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*' and further at 3.3.4 '*Encourage responsible compact development and useable community open space within the current urban growth boundary of each town and village*'. It is considered that the transfer of ownership of the subject lands proposed as part of this Planning Proposal respects both of these aims by:

- Addressing the existing character and siting of some lands (the existing use of Una Street as a car park for the bowling club and Beavan Place being the transfer of ownership of part of an underutilised and limited access reserve).
- The compactness of development and usability of community open space within the current urban growth boundary (Site 3 Beavan Place and Site 4 Una Street).
- Responsible compact development of useable community open space Queen Street Site (5) as a car park for use by the surrounding uses.

Goal 3.4 of Wingecarribee Shire Council's Community Strategic Plan 2031+ '*Wingecarribee Housing options are diverse*' is supported by the aim of '*Provide for housing types that match projected demographic and household needs in appropriate locations*'. The approved subdivision on the Old Hume Highway (Site 2), the release of Sites 3 (Beavan Place) and 4 (Una Street) are considered consistent with this goal.

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

State Environmental Planning Policy No. 44 – Koala Habitat Protection

SEPP 44 applies to all land with the Wingecarribee Shire Local Government Area. It is not considered that any reclassification or rezoning will impact on any Koala Habitat.

State Environmental Planning Policy (Affordable Rental Housing) 2009

The Planning Proposal is considered to be consistent with the SEPP as the proposed reclassification of land at Una Street and Beavan Place could provide an opportunity for affordable housing.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

The Planning Proposal is considered consistent with the SEPP as the provision of additional home sites (Una Street and Beavan Place) could provide opportunities for seniors housing or housing for people with a disability.

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

The Planning Proposal is considered to be consistent with the SEPP however the Planning Proposal will be referred to the Sydney Catchment Authority for comment prior to forwarding to the Department of Planning & Infrastructure.

Comments from the Sydney Catchment Authority are attached.

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

An assessment of the 117 Directions has been undertaken in respect of the Planning Proposal. All relevant Directions are addressed as follows:

1. Employment and Resources

1.1. Business and Industrial Zones

Site 5 is currently zoned B2 Local Centre under Wingecarribee LEP 2010. The site is currently used as a public car park and this use is not intended to change. The proposed amendment is therefore considered of minor significance.

1.2. Rural Zones

This Direction applies to all relevant planning authorities (Clause 2(a)) however none of the Rural zoned land (Site 1 and Site 2) in this Planning Proposal will be rezoned to a residential, business, industrial, village or tourist zone. The reclassification of Site 2 will however facilitate access to an existing approved boundary adjustment for the reconfiguration of rural properties. This will marginally increase the density of the rural zoned land (objective 4(b)), however the subject land is not located in the 2(b) Schedule of Rural Properties listed and its impact on the Rural zone would have been considered as part of the Development Assessment process.

1.3. Mining Petroleum and Extractive Industries

The Direction applies to ensure that *the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development*. Site 1 of this Planning Proposal will amend Schedule 4 of Wingecarribee LEP to reclassify a lot that is currently classified as 'Community' is reclassified as 'operational' so as to create an access to an existing approved sand quarry. It is considered the Planning Proposal is therefore consistent with this Direction.

1.4. Oyster Aquaculture – Not relevant

1.5. Rural Lands

As Site 1 and Site 2 are zoned E2 Environmental Conservation and E3 Environmental Management respectively this Direction applies. However with respect to Clause 3(a) and the objectives of the Direction the reason for the reclassification is to facilitate existing approved developments. Site 1 is to reclassify land so as to provide a Right of Access to an existing approved sand quarry and Site B is to reclassify land so as to provide a Right of Access to an existing approved subdivision (that is a boundary adjustment). The impacts of the proposed development will therefore not be on the subject sites and any impacts would have already been considered as part of the existing consents.

It is therefore considered that in the context of the existing approved developments and the reason for the reclassifications, the Planning Proposal is consistent with the objectives of the direction and is of minor significant.

2. Environment and Heritage

2.1. Environment Protection Zones

As Site 1 and Site 2 are zoned E2 Environmental Conservation and E3 Environmental Management respectively this Direction applies. If this Direction applies an LEP Amendment must (Clause 2.1(4)) include provisions that facilitate the protection and conservation of environmentally sensitive land and not (Clause 2.1(5)) reduce the environmental standards that apply to the land. No development standards will be modified or altered as a result of the reclassification of either site for the purposes of providing the Right of Access. Conditions requiring the protection and conservation of the environmentally sensitive land are included as part of the conditions of development consent for the respective approved developments. There are no other sites affected by these provisions. The Planning Proposal is therefore considered consistent with the objectives of this Direction and of minor significance.

2.2. Coastal Protection – Not relevant

2.3. Heritage Conservation – Not relevant

2.4. Recreation Vehicle Area – Not relevant

3. Housing, Infrastructure and Urban Development

3.1. Residential Zones

This Direction applies to Site 3 and Site 4 of the subject Planning Proposal. The separate sites are currently zoned RE1 Public Recreation. These sites are proposed to be rezoned R2 Low Density Residential. The objectives of this direction are to *encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services and minimise the impact of residential development on the environment and resources land.*

It is considered that, as Site 3 and Site 4 are located in an existing R2 Low Density Residential area and are already, and will continue to be, serviced by existing infrastructure (including public recreation areas) they will inherently broaden the types and locations and options for residential land and are consistent with the objectives of the direction. Site 3 and Site 4 are therefore considered consistent with this Local Planning Direction.

3.2. Caravan Parks and Manufactured Home Estates – Not relevant

3.3. Home Occupations – Not relevant

3.4. Integrated Land Use and Transport

This Direction applies to the Sites 3, 4 and 5 as it intends to reclassify land in residential and public recreation zones from 'Operational' to 'Community' and vice versa.

The reclassifications of Site 3 (Beavan Place) and Site 4 (Una Street) from 'Community' to 'Operational' and the rezoning of these sites to R2 Low Density Residential within an existing urban area will allow the integration of these two sites into the existing urban area currently serviced by transport connections thereby taking advantage of existing transport options and networks and are located at a suitable distance from town centres to tangibly reduce the reliance on private motor vehicles. It is considered that both these sites are consistent with the objectives of Direction 3.4.

The reclassification of Sites 5 (Queen Street) from 'Operational' to 'Community' will allow the continuation of existing community use on this site thereby maintaining the supply of public land for community functions. While the objectives will not directly impact on the integration of land use and transport into household functions, it will reduce the reliance on transport for community functions for example recreation.

The Planning Proposal is therefore considered consistent with this Local Planning Direction.

- 3.5. Development Near Licensed Aerodromes – Not relevant
- 3.6. Shooting Ranges – Not relevant

4. Hazard and Risk

- 4.1. Acid Sulfate Soils – Not relevant
- 4.2. Mine Subsidence and Unstable Land – Not relevant
- 4.3. Flood Prone Land

As shown in **Figure 3.6** and **Figure 4.4**, the Beavan Place and Una Street sites respectively are potentially flood affected. This land is currently zoned RE1 Public Recreation. There are other properties in these localities that are also flood affected. If the subject lands are reclassified to Operational and sold in the private market, as with all flood affected properties, a notation will be placed on the 149 Certificate identifying the lots as Flood Affected. Wingecarribee Council currently has a Bowral Flood Plain Risk Management Plan (BFRMP) 2009 so while the property is flood affected the BFRMP can provide advice on the constraints to development that flood affectation brings. Any development of the subject lands would therefore only be permitted if it was in accordance with BFRMP 2009.

It is considered that the above advice satisfactorily addresses Local Planning Direction 4.3(9)(a) and is therefore justifiably inconsistent with this Direction.

4.4. Planning for Bushfire Protection

Site 1 (Paddy's River) and Site 2 (Old Hume Highway Berrima) are affected by Bushfire. Sites 3, 4 and 5 are not bushfire affected.

This Direction applies to the Planning Proposal as sites 1 and 2 are notated as being bushfire affected. Both Sites 1 and 2 have already been considered under *Planning for Bushfire Protection* as part of the development assessment process. Some clearing will be required to provide access and it is considered that this could be incorporated into any clearing to provide asset Protection Zones (APZ's) required in the conditions of development consent. With regard to Site 2, there is no vegetation clearing required on adjacent site of the existing (16) Robertson Basalt Tall Open Forest (EEC). While it is considered that no further consideration under *Planning for Bushfire Protection* is required for this Planning Proposal, should a Gateway Determination be made in favour of this Planning Proposal it is recommended to be referred to the NSW Rural Fire Service for comment. Therefore, at this stage the Planning Proposal is considered to be justifiably inconsistent pending further consideration the NSW Rural Fire Service.

5. Regional Planning

5.1. Implementation of Regional Strategies

This Direction applies to the Planning Proposal in respect of the Sydney – Canberra Corridor Regional Strategy 2006 to 2031. The Planning Proposal is considered consistent with this Direction as discussed previously in this report under Section B.

5.2. Sydney Drinking Water Catchment

This Direction applies to the Planning Proposal as the Wingecarribee Shire local government area falls within the Sydney Drinking Water Catchment. The planning proposal was referred to the Sydney Catchment Authority (SCA) for comment. Sites 1, 2 and 5 are of no interest to the SCA. The SCA considered that sites 3 and 4 present a low to moderate risk to water quality and therefore a high capability for development

It is therefore considered that the subject Planning Proposal is consistent with this Local Planning Direction.

- 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 – Not relevant
- 5.5. Revoked
- 5.6. Revoked
- 5.7. Revoked
- 5.8. Second Sydney Airport: Badgerys Creek – Not relevant

6. Local Plan Making

6.1. Approval and Referral Requirements

This Direction applies to all Planning Proposals. The subject Planning Proposal is considered to be substantially consistent with this Local Planning Direction, as any resulting development applications will not require additional concurrence, consultation or referral to the Minister. Any referrals will not be the result of any proposed changes the WLEP contained in this Planning Proposal. The referrals will be required as result of existing site constraints and requirements of the Environmental Planning and Assessment Act 1979.

This Planning Proposal is therefore considered consistent with this Local Planning Direction.

6.2. Reserving Land for Public Purposes

This Direction applies to the Planning Proposal. The purpose of this Planning Proposal is to achieve the objectives of the direction that is *to reclassify land by reserving land for public purposes and facilitating the removal of reservations of land for public purposes where the land is no longer required for acquisition.*

Sites 1 (Paddy's River) and Site 2 (Old Hume Highway Berrima) are currently classified as 'Community'. These sites are to be reclassified (from 'Community' to 'Operational' for the purpose of registering Rights of Access to facilitate approved development and satisfy conditions of development consent. Although Sites 1 and 2 have not been identified for acquisition, Council is requesting that these reservations be reclassified to operational because conditions of consent require that Rights of Access be registered on their respective titles.

For Site 1, Condition 21 of Schedule 3 of the Rocla Approval requires the proponent *'to obtain approvals from the relevant landowners in writing and provide evidence of these approvals to the Director General'*. Council is unable to grant approval for the use of the subject land as a Right of Access while the land is classified as 'Community'.

Site 3 (Beavan Place) and Site 4 (Una Street) are, in part surplus to Council requirements and Council has resolved accordingly. It is considered that the subdivision of Beavan Place to release part of this site for housing and the release of part of Venables Park also for housing will not significantly impact on the supply of recreational land in their respective localities. It is considered that the reclassification of Sites 3 and 4 are of minor significance.

Site 5 (Queen Street) is currently zoned RE1 Public Recreation and B2 Local Centre respectively under Wingecarribee LEP 2010. Site 5 is currently used as a car park. Council intends for this use to continue however the site has been incorrectly classified as 'Operational'. It is Council's intention to classify it as 'Community' to retain its current use in its respective location and allow a greater certainty for the retention of this use on Council owned land.

6.3. Site Specific Provisions

The current classifications of the respective sites on Council's land register are not consistent with Council's objectives for each of the sites. The reclassifications are intended to achieve outcomes that are consistent with both Council's land management objectives, the release of surplus land (Sites 1-4) and retention of community land (Site 5), and development objectives demonstrated by the approval of two developments for sand quarrying (Paddy's River) and rural residential development (Old Hume Highway Berrima). As a result of this Planning Proposal there will be no additional unnecessarily restrictive site specific planning controls placed on the respective sites that would not become apparent in any exchange of

contracts (eg, Flooding on Site 3 Beavan Place) or are not already apparent (eg, in conditions of consent Site 1 and Site 2).

7. Metropolitan Planning

7.1. Implementation of the Metropolitan Plan for Sydney 2036 – Not relevant

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?

The land adjoining Site 2 (Old Hume Highway Berrima) contains Endangered Ecological Community in Robertson Basalt Tall Open Forest (EEC). There are remediation works being undertaken on this site, directed by the Hawkesbury Nepean Catchment Management Authority due to waterlogging in the area of the approved entrance.

There are no critical habitats or threatened species, populations or ecological communities or their habitats identified on other subject lands. There will therefore be no adverse impacts on species, communities or habitats as a result of the Planning Proposal.

No other sites contain the identified species, communities or habitats.

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

Site 1 and Site 2 are affected by bushfire notation. The Planning Proposal will need to be referred to the NSW Rural Fire Service for comment, post Gateway Determination. No other natural environmental risks such as land slip and flooding have been identified on the site.

The flood affectation on Site 3 (Beavan Place) is proposed to be managed by the subdivision layout (avoiding the flood affected area).

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

The Planning Proposal should not result in any adverse impacts upon European or Aboriginal Culture, as no items of significance are known to exist on the respective sites. Notwithstanding, due to the potential environmental impacts on the site, Council may consult with the Department of Environment and Heritage should this be required by the Gateway Determination.

Section D – State and Commonwealth interests

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

The subject sites contained in the planning proposal are not considered to be of scale or locations that would affect public infrastructure.

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

With the exception of the Sydney Catchment Authority, State Government Agencies have not been consulted prior to the Gateway Determination. Public authority consultation will occur prior to the exhibition period as required in the Gateway Determination.

PART 4 – MAPPING

The draft maps suitable for public exhibition are included in the Planning Proposal. These are based on the current relevant LEP maps and have been appropriately annotated to enable the subject land to be easily identified during public exhibition and consultations.

PART 5 – COMMUNITY CONSULTATION

It is recommended that the Planning Proposal be publicly exhibited for a period of 28 days.

Council proposes to consult with the following Government agencies:

- Sydney Catchment Authority
- NSW Rural Fire Service

Council intends to place the planning proposal on public exhibition by advertising in the local newspaper and making it available on Council's website for a period of 28 days.

A **public hearing** in relation to all properties will also be undertaken 21 days after the conclusion of any public exhibition period required by the Gateway Determination under Section 75(6) of the EP&A Act, 1979.

A notice of the arrangements for the public hearing will be notified in a local newspaper. The public hearing will be held in a room not within the Council Chambers (Henrietta Rose Room, Bowral). A letter will also be sent to each person who requested a public hearing in their submission, inviting them to attend.

The public hearing will be facilitated by an independent party and the results of their deliberations will be forwarded to Council for inclusion in the report to Council detailing submissions from both the Community Consultation process and the public hearing.

PART 6 – PROJECT TIMELINE

The Planning Proposal timeline below shows indicative dates of various steps. The key dates to include are:

- | | |
|---|------------------------------|
| • Referral to SCA | 9 October 2013 |
| • Submission to DP&I for Gateway Determination | 22 October 2013 |
| • Approximate Gateway Determination | 20 November 2013 |
| • Revised/updated PP (if required) | Not anticipated |
| • Public Exhibition/Consultation with government agencies | 10 December - 8 January 2014 |
| • Public hearing | 29 January 2014 |
| • Report to Council on exhibition/final PP | 19 February 2014 |
| • Consultation with Parliamentary Counsel | March/April 2014 |
| • Approximate completion date | 9 May 2014 |

DELEGATIONS

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

LIST OF ATTACHMENTS

Please find attached the following:

- | | |
|---------------|---|
| Attachment 1a | Site 1 Council Report 26 September 2012 and |
| Attachment 1b | Site 1 Council Resolution 26 September 2013 |
| Attachment 2a | Site 2 Council Report 27 March 2013 and |
| Attachment 2b | Site 2 Council Report 14 December 2011 |
| Attachment 3a | Site 3 Council Report 12 October 2011 and |
| Attachment 3b | Site 3 Memorandum of 29 May 2013 |
| Attachment 4a | Site 4 Council Report 12 October 2011 and |
| Attachment 4b | Site 4 Memorandum of 29 May 2013 |
| Attachment 5a | Site 5 Council Report 12 October 2011 and |
| Attachment 5b | Site 5 Memorandum of 29 May 2013 |
| Attachment 6 | Response from Sydney Catchment Authority |
| Attachment 7 | Request for delegations |