

Reclassification of 5 sites and rezoning/MLS amendments for 2 sites

Proposal Title : **Reclassification of 5 sites and rezoning/MLS amendments for 2 sites**

Proposal Summary : **The proposal is to reclassify 4 sites to 'Operational', rezone and amend the minimum lot size for 2 of the 4 sites, and reclassify 1 site to 'Community' land. The sites are located at Paddy's River, Berrima, Bowral and Moss Vale.**

PP Number : **PP_2013_WINGE_020_00**

Dop File No : **13/18070-1**

Proposal Details

Date Planning Proposal Received : **29-Oct-2013**

LGA covered : **Wingecarribee**

Region : **Southern**

RPA : **Wingecarribee Shire Council**

State Electorate : **GOULBURN**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Reclassification**

Location Details

Street : **Hume Highway**

Suburb : **Paddy's River**

City :

Postcode :

Land Parcel : **Lot 1, DP 1128360**

Street : **Old Hume Highway**

Suburb : **Berrima**

City :

Postcode :

Land Parcel : **Lot 6, DP 249793**

Street : **Beavan Place**

Suburb : **Bowral**

City :

Postcode :

Land Parcel : **Lot 8, DP 241836**

Street : **16 Una Street**

Suburb : **Bowral**

City :

Postcode :

Land Parcel : **Lot 42, DP 911852**

Street : **2 Queen Street**

Suburb : **Moss Vale**

City :

Postcode :

Land Parcel : **Lot A, DP 158069**

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Sydney-Canberra Corridor Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	2	No. of Dwellings (where relevant) :	1
Gross Floor Area :	0	No of Jobs Created :	0

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

If No, comment :

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

If Yes, comment :

Supporting notes

Internal Supporting
Notes : **This proposal involves the reclassification of two sites (Hume Highway, Paddy's River and Old Hume Highway, Berrima) to enable the creation of a Right of Access across both sites.**

The proposal also involves the reclassification of an 1800 sqm lot within the existing residential area of Bowral, considered surplus to Council's needs. The lot will also be rezoned from RE1 to R2 Low Density Residential and the Lot Size Map amended to reflect 'Q' 700sqm lot size consistent with surrounding properties.

The proposal includes an 1100sqm lot that is currently adjoining Venables Park in Bowral and used as an unofficial car park but is considered surplus to Council's needs. It is proposed to rezone the site from RE1 to R2 Low Density Residential and amend the Lot

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Size Map to show 'Q' 700 sqm for the site.

The final site appears to have been incorrectly classified as 'Operational' and Council wants to correct this and reclassify it to 'Community' land. It is currently a car park.

External Supporting
Notes :

Adequacy Assessment

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

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

Comment : **The objectives are to reclassify 5 sites and rezone and amend the lot size on 2 of the reclassified sites.**

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

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

Comment : **This is adequate.**

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

1.2 Rural Zones

1.3 Mining, Petroleum Production and Extractive Industries

1.5 Rural Lands

2.1 Environment Protection Zones

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

5.2 Sydney Drinking Water Catchments

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

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

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

d) Which SEPPs have the RPA identified?

SEPP No 44—Koala Habitat Protection

SEPP No 70—Affordable Housing (Revised Schemes)

SEPP (Housing for Seniors or People with a Disability) 2004

Drinking Water Catchments Regional Environmental Plan No. 1

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

There are not other matters to be considered.

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

If No, explain :

Section 117 Direction 1.1 Business and Industrial Zones applies to Site 5 (Moss Vale) as it is zoned B2 Local Centre. The proposal is to reclassify the site from 'Operational' to 'Community' but it is intended that the current use of car park will continue, therefore, the proposal is not inconsistent with this Direction.

S117 Direction 1.2 Rural Zones - none of the 5 sites are currently zoned a rural zone (despite Council's Planning Proposal advising otherwise), therefore this Direction does not apply to the PP.

Section 117 Direction 1.3 Mining Petroleum Production and Extractive Industries does not apply as the proposal will not prohibit mining or restrict the potential development of resources of State or regional significance.

Section 117 Direction 1.5 Rural Lands applies to the proposal as sites 1 and 2 are zoned E2 Environmental Conservation and E3 Environmental Management respectively. Given the scale and nature of the proposed changes on the subject sites, this proposal is considered of minor significance. However, it is likely that the proposal would be considered consistent with this Direction.

Section 117 Direction 2.1 Environment Protection Zones applies, however the proposal is considered consistent with it as it will not reduce the environmental protection standards applying to the land.

Section 117 Direction 3.1 Residential Zones applies to Sites 3 and 4 of the proposal. The sites are both proposed to be rezoned to R2 Low Density Residential. They are both located within existing residentially zoned land and will therefore be considered consistent with the Direction.

Section 117 Direction 3.4 Integrating Land Use and Transport applies to sites 3, 4 and 5 of the proposal. It is considered all 3 sites are consistent with the Direction given their location within existing urban zones and the proposal to rezone to residential use or reclassify to community.

Section 117 Direction 4.3 Flood Prone Land applies to sites 3 and 4 of the proposal as they are flood affected. The proposal to rezone these sites to residential will make them inconsistent with this Direction. However, given the scale of both developments is to introduce a single residential allotment each into existing flood affected residential areas, it is considered of minor significance. Council has relied on a Floodplain Risk Management Plan and flooding matters will be considered in greater detail in any development application.

Section 117 Direction 4.4 Planning for Bushfire Protection applies to sites 1 and 2 of the proposal. The Direction requires the Planning Proposal to be referred to the Rural Fire Service for comment and this will be a recommendation of the Gateway.

Section 117 Direction 5.1 Implementation of Regional Strategies applies as Wingecarribee is within the Sydney to Canberra Corridor Regional Strategy. The minor nature of all 5 proposal are considered to be consistent with the Strategy.

Section 117 Direction 5.2 Sydney Drinking Water Catchment applies. The Proposal has already been referred to the Sydney Catchment Authority, as required by the Direction, who has provided comment that the proposal is satisfactory. Therefore the proposal is consistent with this Direction.

Section 117 Direction 6.1 Approval and Referral Requirements does not apply as the proposal does not propose any concurrence or referral not otherwise required by the Section 117 Directions, therefore the proposal is consistent with this Direction.

Section 117 Direction 6.2 Reserving Land for Public Purposes applies to all 5 sites. It requires the alteration of existing zonings and classifications must first have the approval of the relevant planning authority and the Director General of the Department. Council is the planning authority who owns the 2 RE1 zoned sites and the B2 site. The proposal is therefore consistent with the Direction.

Section 117 Direction 6.3 Site Specific Provisions - the proposal is not inconsistent with this Direction.

There are no other relevant s117 Directions applying to the proposal.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Adequate maps have been provided for public exhibition.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

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

Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons : **Council is proposing to rezone the whole of site 3 (Beavan Place, Bowral) from RE1 Public Recreation to R2 Low Density Residential and reclassify the whole site from 'Community' to 'Operational'. However, Council's planning proposal clearly outlines that only a single residential allotment (of approximately 800sqm) will be created from a subdivision of the 1,800sqm site, and the remaining 1,000sqm of the site will be dedicated back to Council as a public reserve. This would then require a further planning proposal to rezone the dedicated land back to RE1 and reclassify it back to 'Community' land.**

It would be more appropriate for Council to only rezone part of Lot 8, DP 241836 and only reclassify part of that lot. The exact boundary of the subdivision to create the single lot should be identified by Council prior to public exhibition.

This will ensure that Council and the Department are not unnecessarily undertaking a future planning proposal that could be avoided at this time.

Overall adequacy of the proposal

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

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

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

Assessment Criteria

Need for planning proposal : **The planning proposal is required as all 5 sites require reclassification and 2 of the sites are proposed to be rezoned to a residential use within an existing residential area.**

Consistency with strategic planning framework : **The proposal is consistent with the strategic framework as the proposals are considered of minor significance and not inconsistent with the local or regional strategies.**

Environmental social economic impacts : **There are no major environmental, social or economic impacts. The reclassification of sites 1 and 2 will allow access across the two sites to other developments. The reclassification of sites 3 and 4 will enable two single residential allotments to be created within an existing urban area from existing public parks that are considered by Council to be surplus public land. The reclassification of site 5 will correct an error made by ensuring the existing car park is correctly classified as 'Community'.**

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Assessment Process

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

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

Public Authority
Consultation - 56(2)
(d) :

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

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

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal_Reclassifications_Oct_2013.pdf	Proposal	Yes
Attach 1a Council Report 26 September 2012 Paddys River.pdf	Proposal	Yes
Attach 1b Site 1 Paddys River Resolution.pdf	Proposal	Yes
Attach 2a Council Report 27 March 2013 OHH Berrima.pdf	Proposal	Yes
Attach 2b Council Report 14 Dec 2011 OHH Berrima.pdf	Proposal	Yes
Attach 2c Council minutes 27 March 2013 OHH Berrima.pdf	Proposal	Yes
Attach 3a Council Report 12 Oct 2011 Bevan Place Bowral.pdf	Proposal	Yes
Attach 3b MEMO - Lot 8 Beavan Place Bowral.pdf	Proposal	Yes
Attach 4a Council Report 12 Oct 2011 16 Una Street Bowral.pdf	Proposal	Yes
Attach 4b MEMO - 16 Una St Bowral.pdf	Proposal	Yes
Attach 5a Council Report 12 Oct 2011 2 Queen Street Moss Vale.pdf	Proposal	Yes
Attach 5b MEMO - Queen St Moss Vale.pdf	Proposal	Yes
Attach 6 SCA preGateway Response.pdf	Proposal	Yes
Attach 7 Delegation Attach 4.docx	Proposal	Yes

Planning Team Recommendation

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

S.117 directions:

- 1.1 Business and Industrial Zones
- 1.2 Rural Zones
- 1.3 Mining, Petroleum Production and Extractive Industries
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 5.2 Sydney Drinking Water Catchments
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions

Additional Information : It is recommended that the delegate of the Minister for Planning and Infrastructure determine under section 56(2) of the EP&A Act, that an amendment to the Wingecarribee LEP 2010 to:

(a) Amend Schedule 4, Part 1 to reclassify the following properties from 'Community' to 'Operational' land: Lot 1, DP 1128360 Hume Highway Paddy's River; Lot 6, DP 249793 Old Hume Highway Berrima; Part Lot 8, DP 241836 Beavan Place Bowral; and Lot 42, DP 911852 Una Street Bowral, and

(b) Amend Schedule 4, Part 3 to reclassify Lot A, DP 158069 Queen Street Moss Vale from 'Operational' to 'Community' land, and

(c) Rezone Part Lot 8, DP 241836 Beavan Place Bowral; and Lot 42, DP 911852 Una Street Bowral from RE1 Public Recreation Zone to R2 Low Density Residential Zone, and amend the Lot Size Map for both sites from no lot size to Q (700sqm), should proceed subject to the following conditions:

1. Prior to public exhibition, Council should identify the extent of the proposed subdivision of Lot 8, DP 241836 Beavan Place Bowral and amend the planning proposal accordingly to reflect zone boundaries and lot size.

2. Community consultation should be undertaken for a minimum of 28 days under section 56(2) of the EP&A Act.

3. Consultation should be undertaken with the Rural Fire Service that it does not object to the proposals. Consultations are not required with any other State Government agency.

4. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing.

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

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

7. SECTION 117 DIRECTIONS - It is recommended that:

(a) The Director General can be satisfied that the Planning Proposal is consistent with s117 Direction 1.1 Business and Industrial Zones, 1.5 Rural Lands, 2.1 Environment Protection Zones, 3.1 Residential Zones, 3.4 Integrated Land Use and Transport, 5.1 Regional Strategies, 5.2 Sydney Drinking Water Catchment, 6.2 Reservation of Land for Public Purposes, and 6.3 Site Specific Provisions; and

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(b) The Director General can be satisfied that inconsistencies with the following s117 Directions are justified as they are considered of minor significance: 4.3 Flood Prone Land.

(c) Council will need to ensure that the proposal is consistent with s117 4.4 Planning for Bushfire Protection, and

(d) No further consultation or referral is required in relation to s117 Directions (other than Direction 4.4 Planning for Bushfire Protection).

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

Supporting Reasons :

Signature:

Gh Towers A/Local planning Manager.

Printed Name:

Graham Towers

Date:

15/11/13