

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**

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 to ensure 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

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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

(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 :

The proposal appears to be of relatively minor significance and it is appropriate that the community is consulted.

Panel Recommendation

Recommendation Date : 21-Nov-2013

Gateway Recommendation : Passed with Conditions

Panel

Recommendation :

The Planning Proposal should proceed subject to the following conditions:

1. Prior to public exhibition, Council is to identify the extent of the proposed subdivision of Lot 8 DP 241836 Beavan Place, Bowral to clarify the area to be reclassified and rezoned, and the area to remain as a public reserve to ensure a further planning proposal is not required at a later stage.

2. Council is to consult with the NSW Rural Fire Services as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection and amend the planning proposal, if necessary, to take into consideration any comments made prior to undertaking public exhibition.

3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

(a) the planning proposal must be made publicly available for a minimum of 28 days; and

(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).

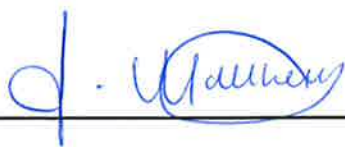
4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

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

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The panel has agreed that decision-making authority shall be delegated to Council

Signature:

A handwritten signature in blue ink, appearing to read 'J. Matthews', written over a horizontal line.

Printed Name:

JAMES MATTHEWS

Date:

27/11/13