

'Anthem' Retirement Village - rezoning, amend MLS, reclassification

Proposal Title : **'Anthem' Retirement Village - rezoning, amend MLS, reclassification**

Proposal Summary : **It is proposed to:**
1. Part of Lot 1, DP 1105017: rezone from RE1 Public Recreation to R2 Low Density Residential; and amend the Lot Size Map from no minimum lot size to 'Q' 700sqm,
2. Lots 3 and 4, DP 550860: Reclassify from 'community' to 'operational' land; rezone Lot 4 from RE1 Public Recreation to R2 Low Density Residential; and amend the Lot Size Map for Lot 4 from no minimum to 'Q' 700sqm.

PP Number : **PP_2015_WINGE_001_00**

Dop File No : **14/20764-1**

Proposal Details

Date Planning Proposal Received :	12-Jan-2015	LGA covered :	Wingecarribee
Region :	Southern	RPA :	Wingecarribee Shire Council
State Electorate :	GOULBURN	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	Retford Road		
Suburb :	Bowral	City :	Postcode : 2576
Land Parcel :	Part of Lot 1, DP 1105017		
Street :			
Suburb :		City :	Postcode :
Land Parcel :	Lot 3 and Lot 4, DP 550860		

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name : **Graham Towers**
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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) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
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 :

External Supporting Notes : **Part of Lot 1, DP 1105017 was mistakenly zoned to RE1 Public Recreation in the Wingecarribee LEP 2010. The land is privately owned and Council has no intention of purchasing the land. This planning proposal is intended to correct that anomaly and to rezone a small portion of council-owned land adjoining Lot 1 to enable improved road access to the site. Council has advised that the proposal will assist to facilitate an approved seniors housing development.**

Adequacy Assessment**Statement of the objectives - s55(2)(a)**

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

Comment : **The objective is to correct a drafting error that mistakenly rezoned Part of Lot 1 DP 1105017 to RE1 Public Recreation and to also apply an appropriate lot size. It is also to improve the access to Lot 1 to assist the provision of an aged care facility.**

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

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

Comment : **Rezoning Part of Lot 1, DP 1105017 and Lot 4, DP 550860 from RE1 Public Recreation to R2 Low Density Residential. Amend the Lot Size Map to for Part of Lot 1, DP 1105017 and Lot 4, DP 550860 from no minimum to 'Q' 700sqm. Reclassify Lot 3 and 4, DP 550860 from 'community' to 'operational' land with no interests changed.**

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

3.1 Residential Zones

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? **No**

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

d) Which SEPPs have the RPA identified?

SEPP No 44—Koala Habitat Protection

SEPP No 55—Remediation of Land

SEPP (Exempt and Complying Development Codes) 2008

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

SEPP (Infrastructure) 2007

Drinking Water Catchments Regional Environmental Plan No. 1

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

SECTION 117 DIRECTIONS:

3.1 RESIDENTIAL ZONES: This Direction does apply to the planning proposal as it will affect land within a proposed residential zone.
The proposal is considered to be **CONSISTENT** with this direction.

3.4 INTEGRATING LAND USE AND TRANSPORT: Council has not identified that this Direction applies to the planning proposal, however it does apply as the planning proposal will create a zone relating to urban land.
The proposal is considered to be **CONSISTENT** with this direction.

4.4 PLANNING FOR BUSHFIRE PROTECTION: Council has identified that this Direction applies to the planning proposal, however it does not apply as the subject land is not land that is mapped as bushfire prone land.

5.1 IMPLEMENTATION OF REGIONAL STRATEGIES: This Direction does apply to the planning proposal as the Sydney-Canberra Corridor Regional Strategy applies to the land.
The proposal is considered to be **CONSISTENT** with this direction.

5.2 SYDNEY DRINKING WATER CATCHMENT: This Direction does apply to the planning proposal as the land is within the Sydney drinking water catchment.
The proposal is considered to be **CONSISTENT** with this direction.

6.1 APPROVAL AND REFERRAL REQUIREMENTS: Council has identified that this Direction applies to the planning proposal, however it does not apply as the planning proposal does not include provisions that require the concurrence, consultation or referral of development applications to the Minister or a public authority.

6.2 RESERVING LAND FOR PUBLIC PURPOSES: This Direction does apply to the planning proposal as the land owned by Council is proposed to be reclassified.
The proposal is considered to be **CONSISTENT** with this direction.

6.3 SITE SPECIFIC PROVISIONS: This Direction does apply to the planning proposal as it allows a particular development to be carried out.
The proposal is considered to be **CONSISTENT** with this direction.

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Final maps will need to be prepared, however the Planning Proposal maps are adequate for public exhibition.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **28 days and public hearing for the reclassifications.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

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 is in place.**

Assessment Criteria

Need for planning proposal : **The owner of Lot 1, DP 1105017 has requested Council correct the mapping anomaly. Council has also negotiated with that land owner to purchase Lots 3 and 4. To enable these to happen, the explanation of provisions provided needs to be implemented.**

Consistency with strategic planning framework : **The proposal is relatively minor and is consistent with the strategic planning framework.**

Environmental social economic impacts : **There are limited environmental, social or economic impacts. The part of Lot 1 to be rezoned is not currently owned or maintained as public open space. Lots 3 and 4 are considered surplus to Council's needs, particularly for the adjoining Stephen's Park. There would be social and economic benefits should the aged care facility proceed.**

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 months	Delegation :	RPA
Public Authority Consultation - 56(2) (d) :			

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

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

If no, provide reasons : **The matter is suitable to proceed.**

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Due to the minor nature of the proposal no studies are required.

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 V2 for Gateway.pdf	Proposal	Yes
Council Report 24 September 2014.pdf	Proposal	Yes
Council Resolution 24 September 2014.pdf	Proposal	Yes
Council Report 12 February 2014.pdf	Proposal	Yes
Council Resolution 12 February 2014.pdf	Proposal	Yes
Anthem Rezoning Submission.pdf	Proposal	Yes
SCA PreGateway Response Anthem.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions:

- 3.1 Residential Zones**
- 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 : **RECOMMENDATIONS.**

It is **RECOMMENDED** that the General Manager, as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that an amendment to the Wingecarribee Local Environmental Plan 2010 to rezone and amend the lot size map for Part Lot 1, DP 1105017 and Lot 4, DP 550860, and to reclassify Lots 3 and 4, DP 550860, should proceed subject to the following conditions:

1. 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 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 local environmental plans (Planning and Infrastructure, 2013)'.**

2. Consultation is not required with the any public authorities under section 56(2)(d) of the EP&A Act.

3. 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 (for example in response to a submission or if reclassifying land).

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

5. Council be authorised to use the Minister's plan making functions under sections 59(2),(3)&(4) of the Environmental Planning and Assessment Act 1979.

6. SECTION 117 DIRECTIONS - It is recommended that:

(a) The Secretary's delegate can be satisfied that the planning proposal is consistent with s117 Directions 3.1 Residential Zones, 3.4 Integrating Land Use and Transport, 5.1 Implementing Residential Strategies, 5.2 Sydney's Drinking Water Catchment, 6.2 Reserving Land for Public Purposes and 6.3 Site Specific Provisions.

(b) The Secretary's delegate can be satisfied that the planning proposal is consistent with all other relevant s117 Directions or that any inconsistencies are of minor significance; and

(c) No further consultation or referral is required in relation to s117 Directions while the planning proposal remains in its current form.

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

Supporting Reasons :

This proposal is relatively minor and straightforward and should proceed to Gateway.

Signature:



(Team Leader)

Printed Name:

Graham Towers

Date:

14/1/15