

Permit a service station, retail facilities & motel on Part of Lot 104, DP 1085033, Boardman Rd, Bowral

Proposal Title :	Permit a service station, retail facilities & motel on Part of Lot 104, DP 1085033, Boardman Rd, Bowral		
Proposal Summary :	Amend Schedule 1 of the Wingecarribee LEP 2010 to permit a service station, associated retail facilities and motel on the subject land.		
PP Number :	PP_2014_WINGE_001_00	Dop File No :	14/01266-1

Planning Team Recommendation

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

- S.117 directions :
- 1.1 Business and Industrial Zones
 - 2.1 Environment Protection Zones
 - 4.1 Acid Sulfate Soils
 - 4.3 Flood Prone Land
 - 4.4 Planning for Bushfire Protection
 - 5.1 Implementation of Regional Strategies
 - 5.2 Sydney Drinking Water Catchments

Additional Information : It is recommended that the Deputy Director General as 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 amend Schedule 1 to permit the development of a service station, associated retail facilities and a motel on part of Lot 104, DP 7085033, Boardman Road, Bowral should proceed subject to the following conditions:

1. It is noted that the council has adopted the proponent's planning proposal verbatim. While it is generally appropriate for councils to adopt a well written and adequate planning proposal prepared by an applicant as Council's own, in this instance the planning proposal was not considered adequate in a number of areas. The planning proposal should be amended prior to consultation to address:

- an adequate explanation of provisions;
- appropriate mapping to adequately identify the subject land and the proposed map amendment. The Schedule 1 Map is being amended not the Land Zoning Map. The maps will need to comply with the Department's 'Standard technical requirements for LEP maps' when the plan is submitted for finalisation;
- detail in identifying and assessing the proposal against the relevant section 117

Directions;

- a project timeline to be included in the proposal; and
- Council did not comment on the use of or apply to use its delegation to complete the LEP.

If Council is considering adopting an applicant's planning proposal, it should include an appropriate addendum addressing any issues and other requirements not adequately covered by the applicant.

In future an inadequate planning proposal may be returned to the council prior to Gateway determination.

2. 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 (Department of Planning and Infrastructure 2013).

3. Consultation is required with the Sydney Catchment Authority (SCA) under section 56(2)(d) of the EP&A Act in accordance with s117 Direction 5.2 Sydney Drinking Water Catchments. This consultation can occur as part of the overall consultation process.

The SCA is to be provided with a copy of the planning proposal and any relevant supporting material and is to be given at least 21 days to comment on the proposal, or to indicate that it will require additional time to comment on the proposal. The SCA may request additional information or additional matters to be addressed in the planning proposal.

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

5. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

6. Council be authorised to use 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 5.1 Regional Strategies and 6.3 Site Specific Provisions;

(b) The Director General can be satisfied that inconsistency with s117 Direction 2.1 Environmental Protection Zones is of minor significance;

(c) The Director General can be satisfied that the planning proposal will be consistent with s117 Direction 5.2 Sydney Drinking Water Catchments when Council has consulted with the SCA; and

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

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

Supporting Reasons : **To expedite the process, the Regional Team identified the shortcomings of the planning proposal and was able to compose a report to meet the minimum requirements of the LEP Panel. However, Council should be advised that the inadequacy of this planning proposal should not be repeated for future proposals.**

The proposal is considered a relatively minor matter that is appropriate to proceed to Gateway determination and for Council to use its delegations to complete it.

Panel Recommendation

Recommendation Date : **06-Feb-2014**

Gateway Recommendation : **Passed with Conditions**

Panel

Recommendation :

The planning proposal should proceed subject to the following conditions:

1. The use of Schedule 1 to permit a service station, associated retail facilities and a motel is not supported. Council is to rezone the subject land to an appropriate business zone such as B2 Local Centre, B4 Mixed Use or B5 Business Development, which permits the proposed land use. Council is to amend the planning proposal accordingly prior to undertaking public exhibition.

2. Prior to public exhibition, Council is to revise the planning proposal by either rewording the existing planning proposal to ensure that all matters identified in A Guide to Preparing Planning Proposals are adequately addressed, or by Council preparing an addendum to the

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planning proposal that addresses the deficiencies in the original planning proposal.

3. Prior to undertaking public exhibition, Council is to update the planning proposal to include an existing and proposed Land Zoning Map, prepared at an appropriate scale which clearly identifies the subject land.

4. 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).

5. Consultation is required with the Sydney Catchment Authority (SCA) under section 56(2)(d) of the EP&A Act. SCA is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

Once the consultation with SCA has been undertaken, Council is to update its consideration of S117 Direction 5.2 Sydney Drinking Water Catchments to reflect the outcomes of the consultation undertaken.

6. 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).

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

Plan making delegation:

The Minister delegated his plan making powers to councils in October 2012. Council has not requested to be issued with delegations for this planning proposal. Council should be issued with plan making delegation because the proposal is considered to be a matter of local planning significance.

Signature:



Printed Name:

JAMES MATTHEWS

Date:

12/2/14