

11.3 Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 with regard to Council owned Public Reserve land at Retford Park Bowral and Anembo Street Moss Vale.

Report Author: Senior Strategic Land Use Planner
Authoriser: Interim Deputy General Manager

THIS ITEM WAS CONSIDERED AT THE INTERIM ADVISORY PLANNING ASSESSMENT PANEL MEETING OF 7 JULY 2021.

PURPOSE

The purpose of this report is to seek a Resolution of Council to:

1. Prepare a Planning Proposal to:

(a) rezone to RE1 Public Recreation Council owned Public Reserves at Retford Park West Bowral (Lot 439 DP1248107) and Anembo Street Moss Vale (Lot 1266 DP 1248764), and

(b) remove the current minimum lot size provision of 1000m² for the Council owned Public Reserve at Retford Park West Bowral (Lot 439 DP1248107) and 700m² for the Council owned Public reserve at Anembo Street Moss Vale (Lot 1266 DP 1248764)

2. Confirm by Resolution the 'Community' classification of both Public Reserves, being Lot 439 DP1248107 and Lot 1266 DP 1248764, as provided for under *Sect 33 of the Local Government Act 1993*.

Applicant / Proponent	Wingecarribee Shire Council
Owners	Wingecarribee Shire Council
Consultants	N/A
Notification	N/A
Number Advised	N/A
Number of Submissions	N/A
Current Zoning / MLS	(a) R2 Low Density Residential / 1000m ² minimum lot size (Retford Park West) (b) R2 Low Density Residential / 700m ² minimum lot size (Anembo Street)
Proposed LEP Amendment/s	<ul style="list-style-type: none">• Rezone to RE1 Public Recreation• Remove current minimum lot size provisions• Confirm Classification as Community under <i>Sect 31 of the Local Government Act 1993</i>
Political Donations	N/A
Recommendation	Planning Proposal BE SUPPORTED



RECOMMENDATION

THAT

1. *a Planning Proposal be prepared under section 3.33 of the Environmental Planning and Assessment Act 1979 to:*
 - (a) *rezone to RE1 Public Recreation Council owned Public Reserves at Retford Park West Bowral (Lot 439 DP1248107) and Anembo Street Moss Vale (Lot 1266 DP 1248764), and*
 - (b) *remove the current minimum lot size provision of 1000m² for the Council owned Public Reserve at Retford Park West Bowral (Lot 439 DP1248107) and 700m² for the Council owned Public reserve at Anembo Street Moss Vale (Lot 1266 DP 1248764).*
2. *Council confirm by Resolution the 'Community' classification of both Public Reserves, being Lot 439 DP1248107 and Lot 1266 DP 1248764, as provided for under Sect 33 of the Local Government Act 1993.*

LOCAL PLANNING PANEL'S ADVICE

This item was considered at the Local Planning Panel meeting of 7 July 2021. Prior to the meeting, Local Planning Panel members were given a briefing by Council staff. The Panel supported the staff recommendation.

REPORT

This report addresses the rezoning of two areas of Public Reserve created through the Registration of the relevant Plan of Subdivision. The first is Lot 439 of DP 1248107, being located at 33 Sir James Fairfax Drive Bowral. The second is Lot 1266 of DP 1248764, being located at 19 Anembo Street Moss Vale. Each site is addressed in turn.

Retford Park West (Lot 439 DP1248107)

Amendment 23 to Wingecarribee Local Environmental Plan (WLEP) 2010 was made on 12 September 2014. The amendment rezoned land to either side of the State heritage property 'Retford Park' in Bowral from E3 Environmental Management to R5 Large Lot Residential on the eastern side and R2 Low Density Residential on the western side for the purposes of residential subdivision and development.

The location of Retford Park West is indicated in **Figure 1** below.

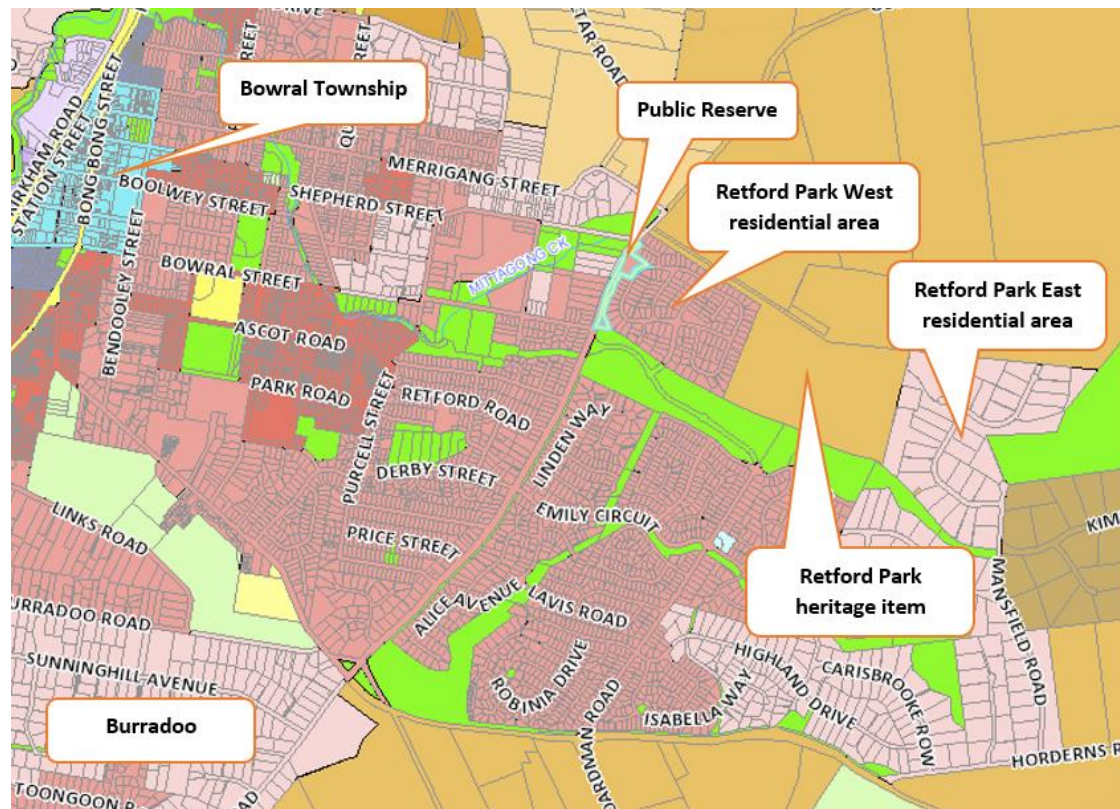


Figure 1 – Location of Retford Park within Bowral Township

The Retford Park West Plan of Subdivision, registered on 16 November 2018 (DP1248107), included a lot (Lot 439) identified as Public Reserve as indicated in **Figure 2** and **Figure 3** below. This Public Reserve is owned by Council.

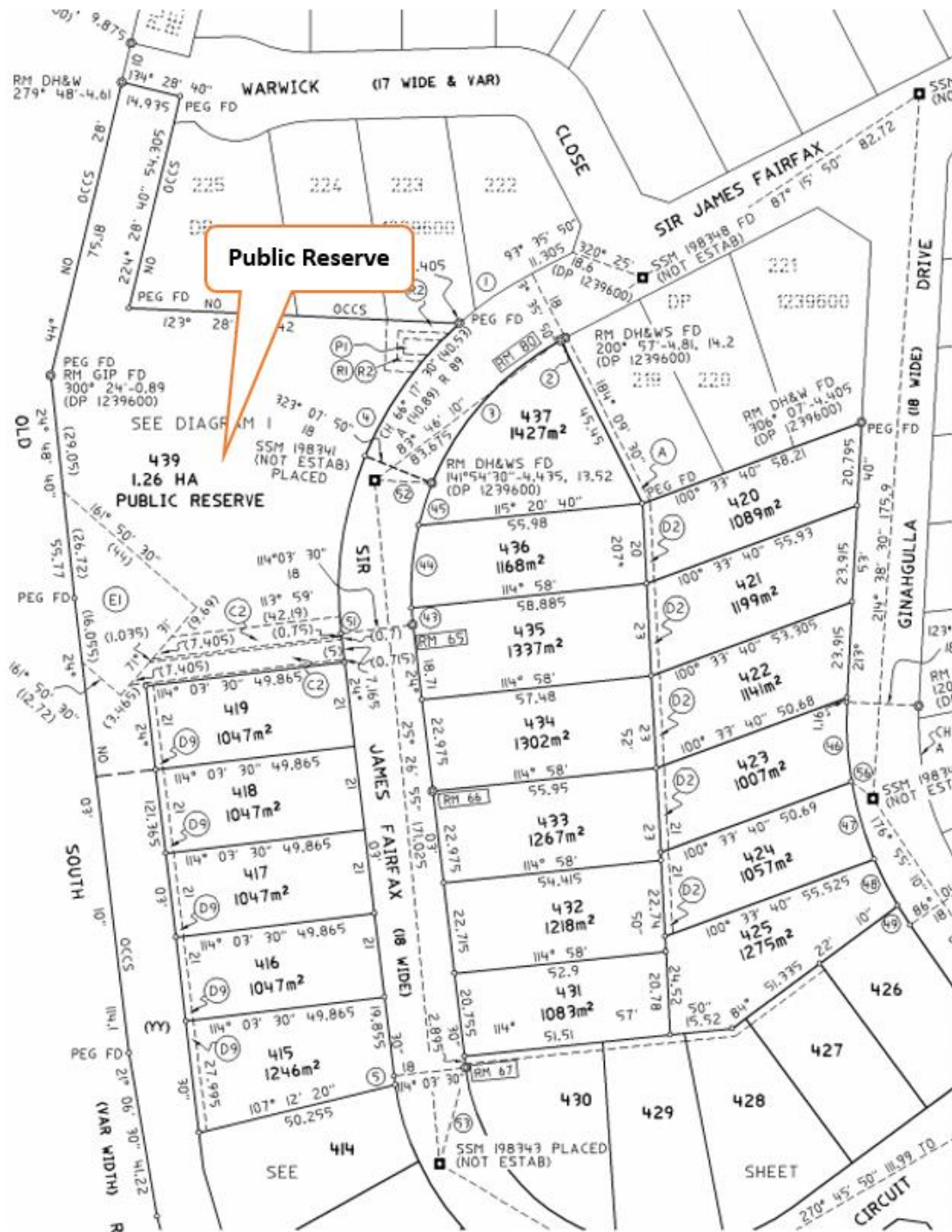


Figure 2 – Location of Public Reserve (northern section) on DP1248107

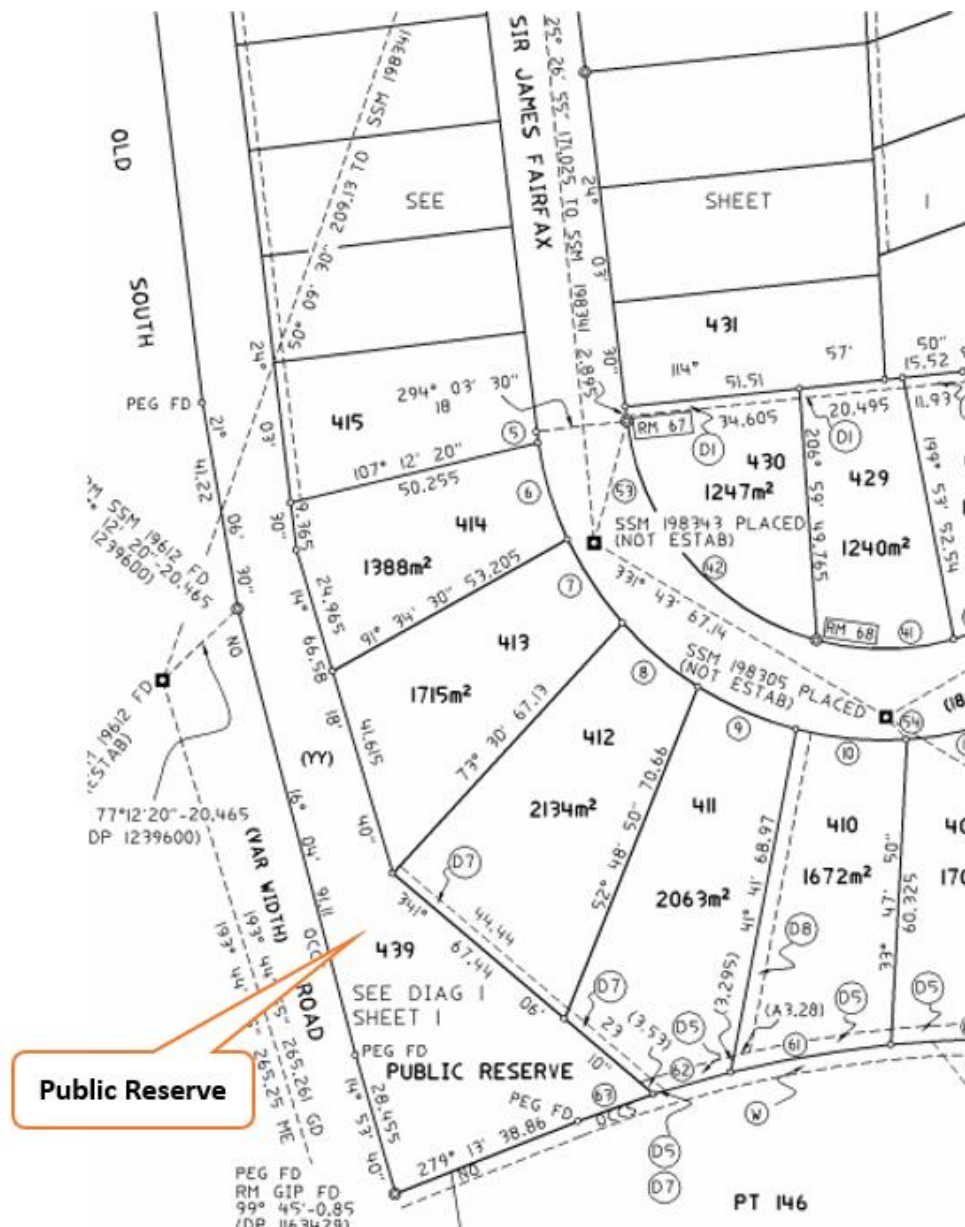


Figure 3 – Location of Public Reserve (southern section) on DP1248107

The subject land remains zoned R2 Low Density Residential, as indicated in **Figure 4** below with a minimum lot size of 1000m².

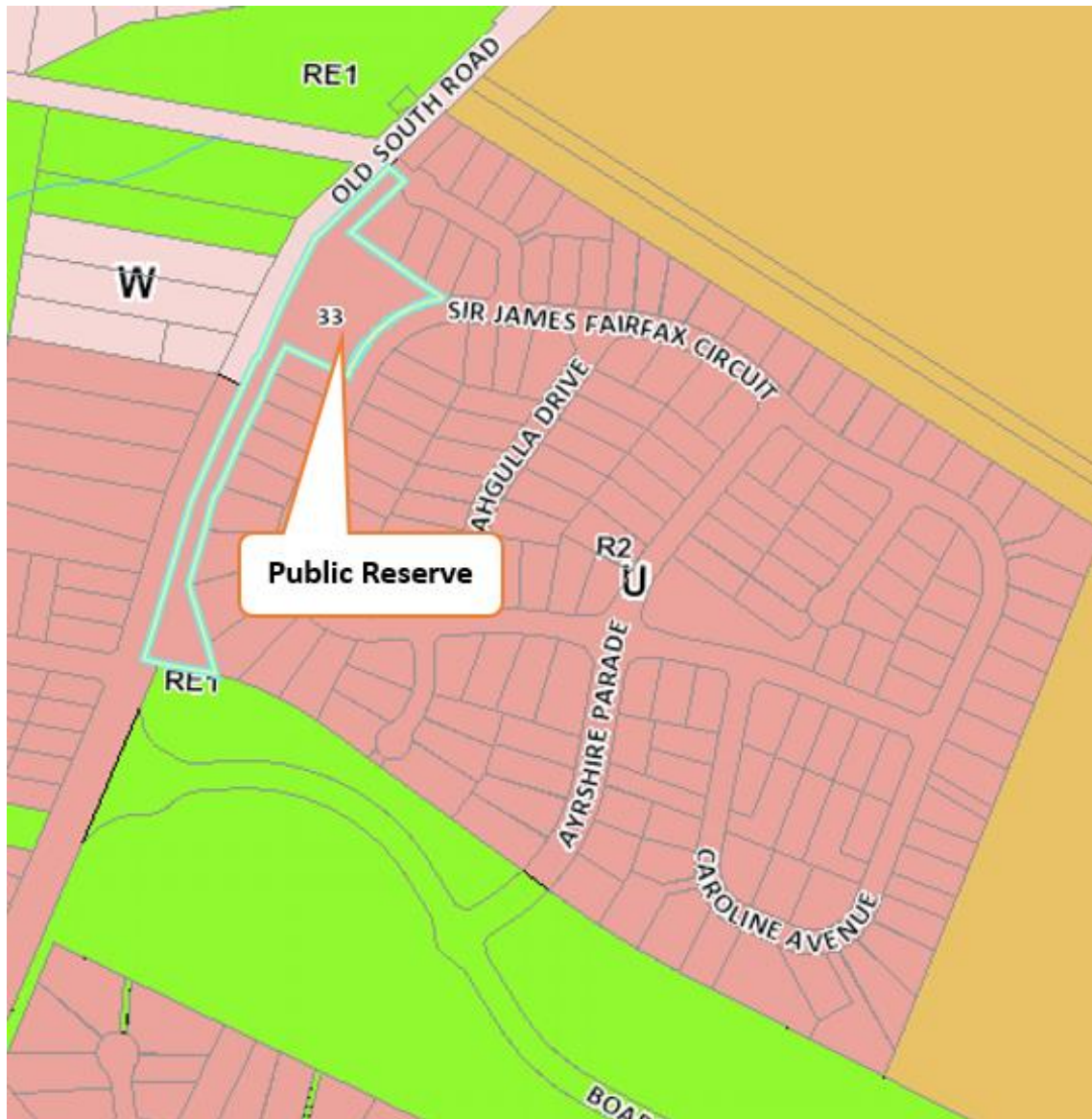


Figure 4 – Zoning of Public Reserve

In this context, the purpose of this report, therefore, is to seek a resolution to prepare a Planning Proposal to rezone the designated Public Reserve lot (Lot 439 DP 1248107, being 33 Sir James Fairfax Circuit Bowral) to RE1 Public Recreation and remove the 1000m² minimum lot size applied under Amendment 23.

Anembo Street, Moss Vale (Lot 1266 DP1248764)

At its Ordinary Meeting of 12 October 2011 Council resolved to prepare a Planning Proposal to amend Wingecarribee Local Environmental Plan (WLEP) to rezone a portion of Council owned land, Lot 126 DP 263356, Anembo Street, Moss Vale, from RE1 Public Recreation to R2 Low Density Residential and apply a minimum lot size of 700m² consistent with the existing surrounding minimum lot size. The purpose of the draft amendments to WLEP 2010 was to enable subdivision of Lot 126 to achieve five (5) residential lots with a residual lot to be retained as a Public Reserve and subsequently rezoned back to RE1 Public Recreation. The location of the land is indicated in **Figure 5** below.



Figure 5 – Location and Zoning of Subject Land

Amendment 36 to Wingecarribee Local Environmental Plan (WLEP) 2010 was made on 22 January 2016, resulting in the proposed map amendments described above and the inclusion of Lot 126 DP 263356 in Schedule 4 Part 2 (Land classified, or reclassified, as Operational land—interests changed) of the WLEP 2010 instrument.

DA16/1290 was subsequently approved by Council staff and a six (6) lot subdivision was registered on 20 December 2018, comprising five (5) residential lots of approximately 700m²

each and one (1) residual lot (Lot 1266 DP 1248764) of 6,629m² to be dedicated as Public Reserve.

The Registered Plan of Subdivision is contained in **Figure 6** below. The five (5) newly created lots have subsequently been sold and are now in private ownership.

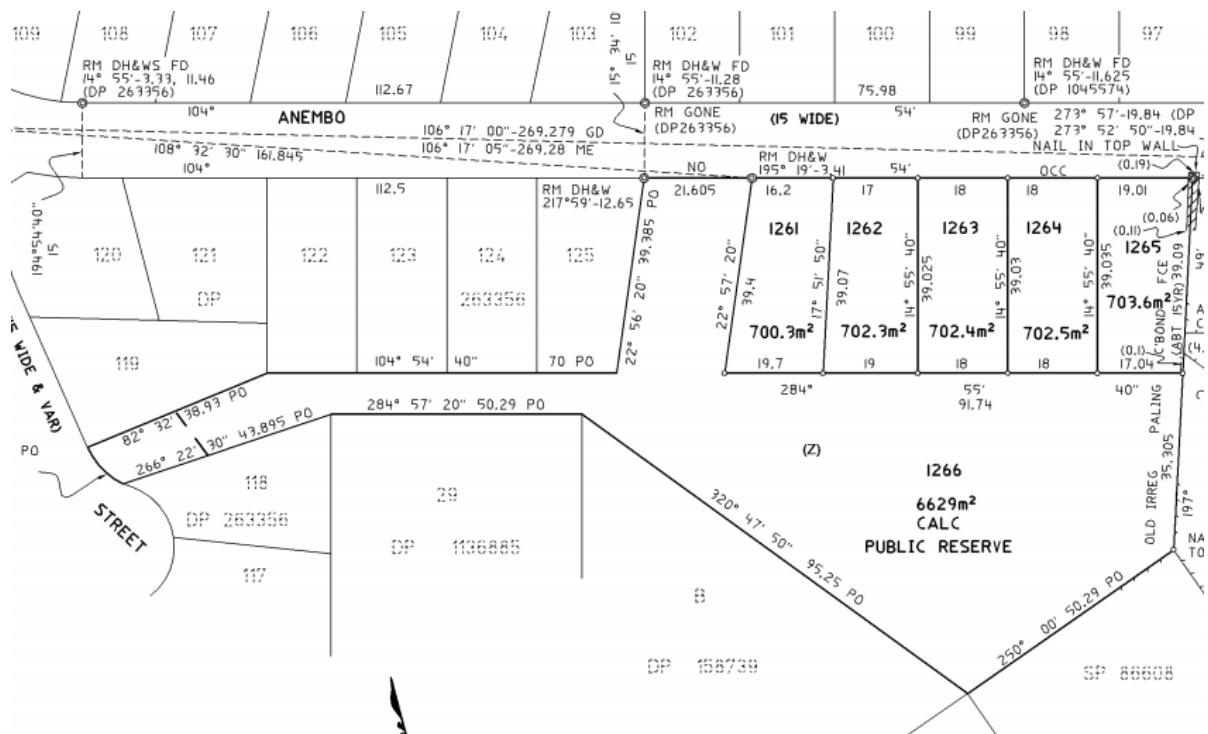


Figure 6 – Plan of Subdivision indicating newly created lots and residual Public Reserve

In this context, the purpose of this report, therefore, is to seek a Resolution to prepare a Planning Proposal to rezone the designated Public Reserve lot (Lot 1266 DP 1248764, being 19 Anembo Street Moss Vale) back to RE1 Public Recreation and remove the 700m² minimum lot size applied under Amendment 36.

Confirmation of classification of both sites as Community land

Both properties are designated as Public Reserve on the relevant registered Plan of Subdivision. There is no Resolution of Council that either lot be classified as Operational as provided for under s31 of the *Local Government Act 1993*. It could therefore be assumed that the lots are automatically classified as Community. However, to be certain, it is also recommended that the subject residual lot be confirmed as Community under s33 of the *Local Government Act 1993*, which states: "A council may resolve that public land classified as operational land is to be reclassified as community land". No further action would be required.

COMMUNICATION AND CONSULTATION

Community Engagement

Community engagement would occur as required under the Gateway determination would the Planning Proposal proceed. This would normally be for a period of at least 28 days and include notification to adjacent and near neighbours.

Internal Communication and Consultation

Consultation with Council's Property and Assets Branches has already commenced and would continue through the progression of the Planning Proposal.

External Communication and Consultation

External consultation would occur as required by the Gateway Determination and would include at least WaterNSW and probably also NSW Rural Fire Service.

SUSTAINABILITY ASSESSMENT

- **Environment**

As indicated in each Plan of Subdivision, it is the intent of the subject land that it be dedicated to Council as Public Reserve. The Planning Proposal would complete this process.

- **Social**

The completion of the process of creating these Public Reserves would provide additional open space to the community, connecting with existing open space in each locality.

- **Broader Economic Implications**

There are no broader economic implications in relation to this report.

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

There are no Council budget implications arising from this report.

RELATED COUNCIL POLICY

There is no related Council Policy arising from this report.

CONCLUSION

The purpose of this report is to finalise the zoning of two public reserves in Council ownership following land subdivision. It is recommended that the Planning Proposal proceed to ensure that Council's records with regard to public reserves is accurate and correctly maintained.

ATTACHMENTS

There are no attachments to this report.