

11 Edward Street Bowral: remove site from Schedule 1 - Additional Permitted Uses and add to Schedule 5 - Heritage Items

Proposal Title : **11 Edward Street Bowral: remove site from Schedule 1 - Additional Permitted Uses and add to Schedule 5 - Heritage Items**

Proposal Summary : **The planning proposal seeks to remove Lot 5 DP 1188597, 11 Edward Street Bowral from Schedule 1 - Additional Permitted Uses and add Lot 5 DP 1188597, 11 Edward Street to Schedule 5 - Heritage Items.**

PP Number : **PP_2016_WINGE_001_00** Dop File No : **16/07993**

Proposal Details

Date Planning Proposal Received : **20-Jun-2016** 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 : **11 Edward Street**

Suburb : **Bowral** City : Postcode : **2576**

Land Parcel : **Lot 5 DP 1188597**

DoP Planning Officer Contact Details

Contact Name : **Ann Martin**

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RPA Contact Details

Contact Name : **Susan Stannard**

Contact Number : **0248680854**

Contact Email : **susan.stannard@wsc.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Graham Towers**

Contact Number : **0242249467**

Contact Email : **graham.towers@planning.nsw.gov.au**

Land Release Data

Growth Centre : Release Area Name :

Regional / Sub Regional Strategy : **Sydney-Canberra Corridor** Consistent with Strategy : **Yes**

Regional Strategy : **Regional Strategy**

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MDP Number :		Date of Release :	
Area of Release (Ha) :		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 : The planning proposal site is in an R2 Low Density Zoned area in Bowral, on a lot which is approximately 6,500m2. The lot is adjacent to St Judes Anglican Church, which is part of the Bowral Conservation Zone.

The purpose of the original Schedule 1 inclusion of the site was to allow 'development for the purposes of a health services facility being a hospice'. The site includes a cricket pitch dating from 1892. The Heritage Division of OEH suggests the pitch may be of local heritage significance. The site is no longer a preferred site for the hospice, and early consultation with residents indicated that there were some objections to the proposed hospice on traffic and character grounds. Council refused a DA for a hospice on 7 April 2016.

Adequacy Assessment

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

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

Comment : The objectives of the planning proposal are to remove the site from Schedule 1 of WLEP 2010 which permits development for the purposes of a health facility, and to include it in Schedule 5 of WLEP as a Heritage Item. The intention of these amendments is to protect the subject site from inappropriate development as a hospice which could adversely impact on the concrete cricket pitch dating from 1892 located on the site. The Heritage Division of OEH suggests the pitch may be of heritage significance for its historic, associational, research, rarity and representative values. The site is within the Bowral Conservation Zone.

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

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

Comment : **Clause to be amended:**
Schedule 1 Remove 4A
Schedule 5 Insert subject site as an Item of Local Heritage significance

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Map to be amended:

Local Clauses Map(Schedule 1)CL1_007C_020 Remove 4A

Heritage Map HER_007C

Insert subject site as an item of local heritage

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

2.3 Heritage Conservation

* May need the Director General's agreement

3.1 Residential Zones

3.3 Home Occupations

5.2 Sydney Drinking Water Catchments

Is the Director General's agreement required? **No**

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

d) Which SEPPs have the RPA identified?

N/A

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

This is a minor matter. As with the majority of the Wingecarribee LGA, the site is part of the Sydney Water Catchment. The planning proposal will not result in any development. Any subsequent development of the site under the provisions of the R2 Large Lot Residential Zone will be assessed against the Sydney Water Drinking Catchment SEPP 2011 at the DA stage.

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

If No, explain :

Section 117 Directions

2.3 Heritage Conservation: This direction does apply to the planning proposal as it affects items, places, buildings, works, relics moveable objects or precincts of environmental heritage significance.

The proposal is considered to be consistent with this Direction as it seeks to preserve a heritage item being the cricket pitch.

3.1 Residential Zones: This Direction applies to the planning proposal as it will affect land within an existing residential zone. The proposal is considered consistent as the proposal is not removing or restricting the permissibility of dwellings in the zone.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The mapping provided identifies the subject site in the Schedule 1 map, the site is not yet mapped in the Heritage map, though the site is indicated in relationship to existing heritage sites in the area, including in the Bowral Heritage Conservation zone. The appropriate maps will need to be provided by Council before the proposal can be made if it proceeds.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

The planning proposal is recommended to be exhibited for 28 days

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 :

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Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The Wingecarribee LEP was made in 2010.**

Assessment Criteria

Need for planning proposal : **The planning proposal achieves the intent of the council resolution regarding this site and is consistent with the OEH Heritage Division's advice.**

Consistency with strategic planning framework : **The planning proposal is consistent with Council's strategic plan.**

Environmental social economic impacts : **Whilst the site may no longer be used for a hospice, the site will be potentially part of the already significant heritage assets of the area. There are no adverse environmental, social or economic impacts from the proposal.**

Assessment Process

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

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

Public Authority Consultation - 56(2)(d) : **Office of Environment and Heritage**

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 :

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Documents

Document File Name	DocumentType Name	Is Public
0. PP - PN1786400 Remove 11 Edward St from Sch.pdf	Proposal	Yes
2. Resolution 8 July 2015.pdf	Proposal	Yes
3. OEH comments on 11 Edward St.pdf	Proposal	Yes
4. Refusal letter.pdf	Proposal	No

Planning Team Recommendation

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

S.117 directions: **2.3 Heritage Conservation**
 3.1 Residential Zones
 3.3 Home Occupations
 5.2 Sydney Drinking Water Catchments

Additional Information : **It is RECOMMENDED that the Acting Director Regions, Southern as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that an amendment to the Wingecarribee LEP 2010 to remove Lot 5 DP 1188597, 11 Edward Street Bowral from Schedule 1 (Additional Permitted Uses) and add Lot 5 DP 1188597, 11 Edward Street to Schedule 5 (Heritage Items) 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 required with the following public authorities under section 56(2)(d) of the EP&A Act:

*** Office of Environment and Heritage**

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

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: 2.3 Heritage Conservation; 3.1 Residential Zones; 3.3 Home Occupations ; and 5.2 Sydney Drinking Water Catchment.

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(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 :

The planning proposal will provide for an additional Heritage item.

Signature:

Graham Towers Team Leader

Printed Name:

Graham Towers Date: 8/7/16.