

# Planning Proposal

To amend Wingecarribee Local  
Environmental Plan 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 Bowral, to Schedule 5 (Heritage Items).

Version 1 – For Gateway Determination

June 2016



Civic Centre, Elizabeth St, Moss Vale, NSW 2577. PO Box 141, Moss Vale. t. (02) 4868 0888 f. (02) 4869 1203  
e. [wscmail@wsc.nsw.gov.au](mailto:wscmail@wsc.nsw.gov.au) DX 4961 Bowral ABN 49 546 344 354

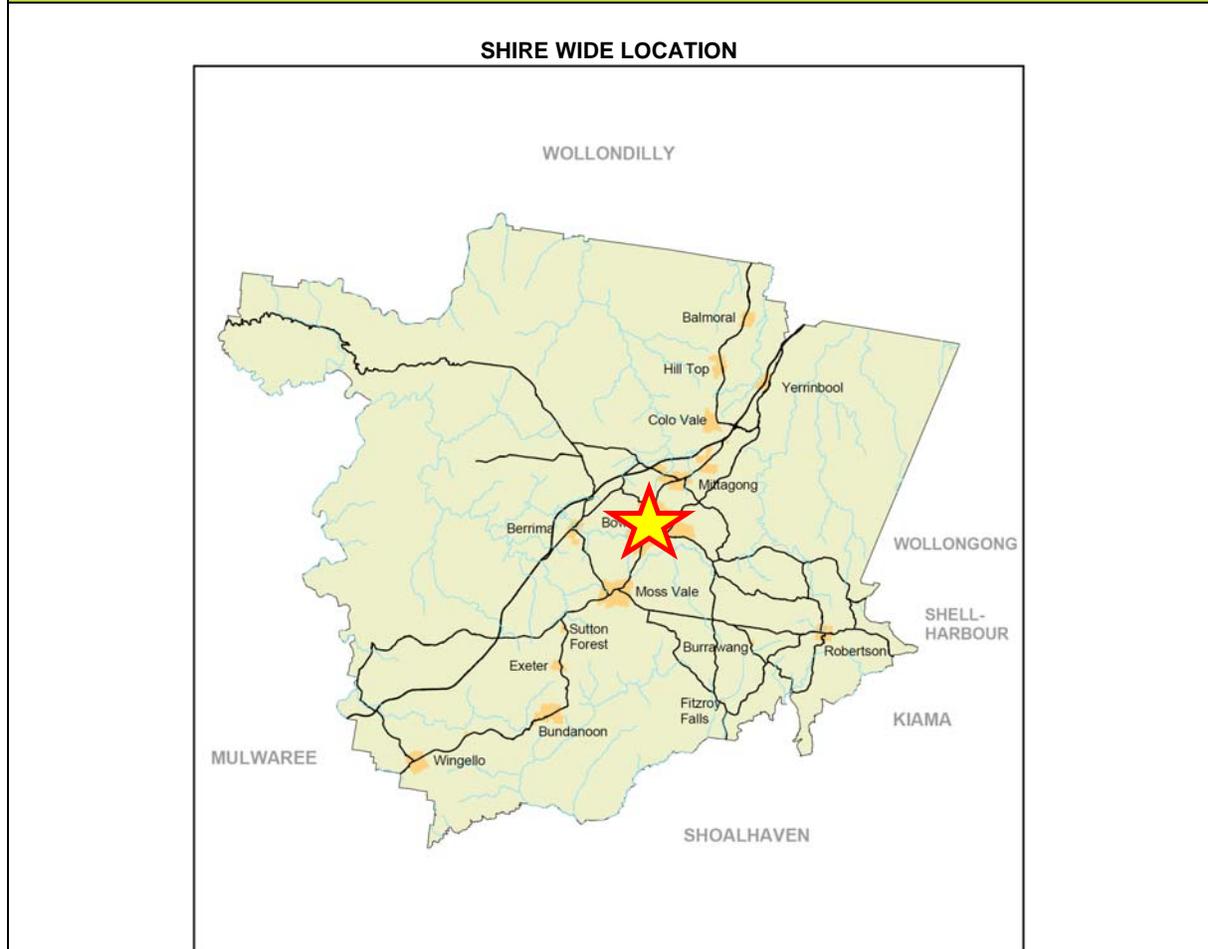
[www.wsc.nsw.gov.au](http://www.wsc.nsw.gov.au)

**ATTACHMENTS WHICH FORM PART OF THIS PLANNING PROPOSAL**

1	Evaluation Criteria for Delegation of Plan Making Functions
2	Resolution of Council 8 July 2016
3	OEH Comments on Subject Site
4	Refusal Letter from Council to Proponent

**LOCAL GOVERNMENT AREA : WINGECARRIBEE SHIRE COUNCIL**

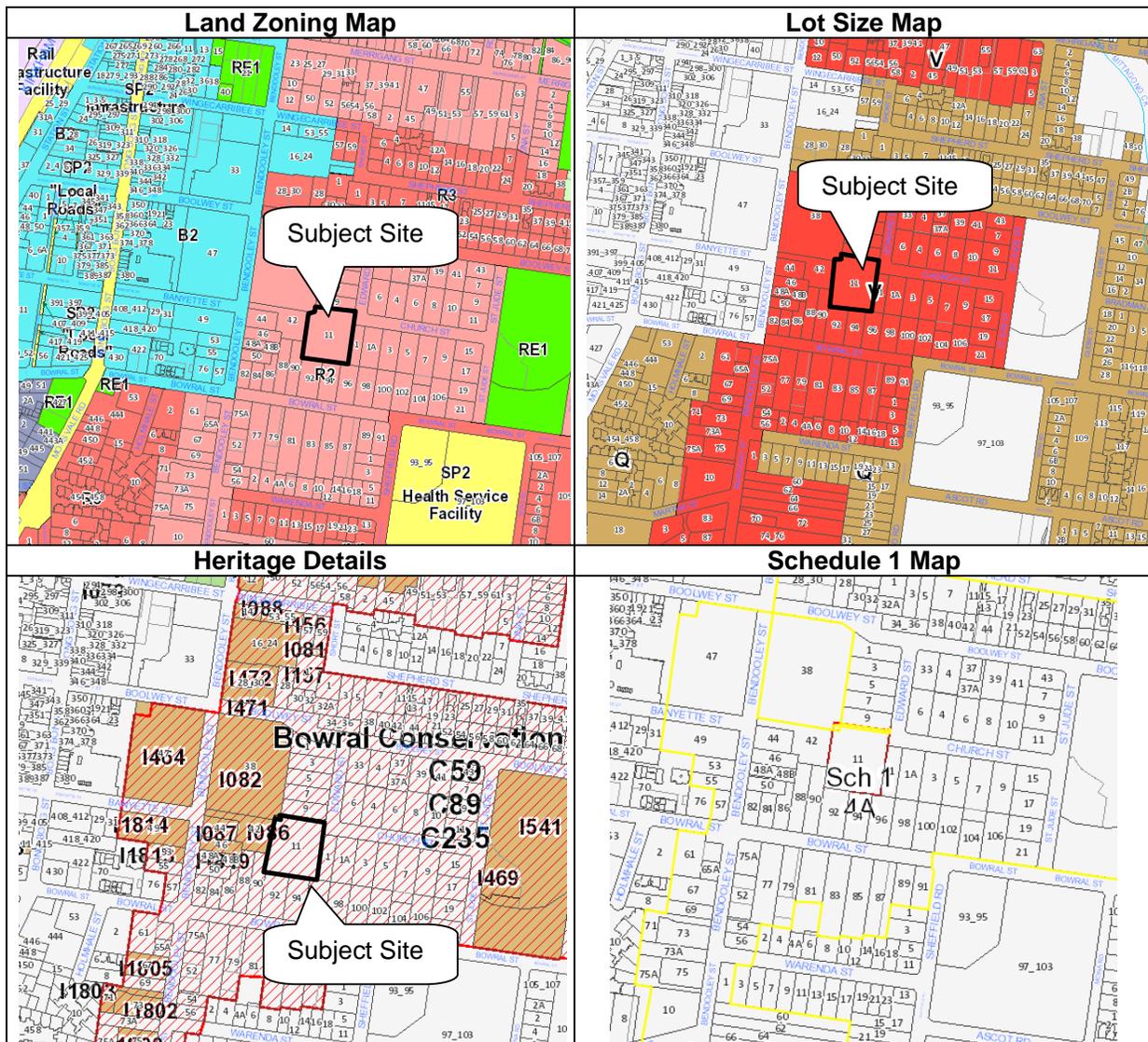
**ADDRESS OF LAND :**



**SITE LOCATION & DESCRIPTION**

Lot 5 DP 1188597 is located at 11 Edward Street, Bowral, within Wingecarribee Shire. The land is zoned R2 Low Density Residential with a minimum lot size of 2,000sqm. The area of the land is approximately 6,500sqm.

The land is located within the Bowral Conservation Area and adjoins several Local Items of Heritage, including the St Jude’s Anglican Church Group on the western boundary. The land is listed in Schedule 1 of WLEP 2010 at Item 4A, with the original property description of Lot 2 DP 587573, permitting “development for the purposes of a health services facility being a hospice”.



## PART 1 : OBJECTIVES OR INTENDED OUTCOMES

The purpose of the Planning Proposal is to remove the subject site from Schedule 1 of WLEP 2010 which permits development for the purposes of a hospice and 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 which the Heritage Division suggests may be of local heritage significance for its historic, associational, research, rarity and representative values.

## PART 2 : EXPLANATION OF THE PROVISIONS

To achieve the intended outcomes of the Planning Proposal the following WLEP 2010 maps will require amendment:

Clause to be amended	Detail of Amendment
Schedule 1	Remove 4A.
Schedule 5	Insert subject site as an Item of Heritage.

Map to be amended	Detail of Amendment
Local Clauses Map (Schedule 1) CL1_007C_020	Remove 4A.
Heritage Map HER_007C	Insert subject site as an Item of Heritage.

## PART 3 : JUSTIFICATION OF OBJECTIVES, OUTCOMES & PROCESS

### Section A – Need for the Planning Proposal

#### 1. Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal seeks to achieve two (2) outcomes:

- a) Remove the subject site from Schedule 1 – Additional Permitted Uses
- b) Include the subject site in Schedule 5 – Heritage Items

At its Ordinary Meeting of 8 July 2015, Council resolved to remove the subject site from Schedule 1 of WLEP 2010 which allows use of the site for the purposes of a hospice. The site was included in Schedule 1 by means of Amendment 14 to WLEP 2010 which was made on 25 July 2014.

As a consequence of Amendment 14, Council received a development application for the development of a hospice on the subject site. As a result of this development proposal, the Heritage Council of NSW received a request from a member of the local community in June 2015 for an Interim Heritage Order to be placed on the subject site due to the location of a concrete

cricket pitch. A preliminary assessment by the Heritage Division suggested that the cricket pitch, dating from 1892, may be of local heritage significance for its historic, associational, research, rarity and representative values.

Based on the above, the Heritage Division recommended that Council consider adding the historic cricket pitch to the heritage schedule of its LEP and request the developer to reconsider plans for the hospice to minimise impact on the cricket pitch.

Council requested that the proponent revise their plans in line with the Heritage Division recommendation, but amended plans were not satisfactory to Council and, on 7 April 2016, Council notified the applicant that the Development Application was refused. The reasons for refusal were:

1. Insufficient information had been submitted in order to determine the impacts of the development upon the cricket pitch, pursuant to section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*.
2. The development is not in the public interest due to insufficient information being available to determine impacts pursuant to section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*.

The Heritage Committee considered a report on the heritage values of the subject site at its meeting of 19 February 2016. The following recommendation was made:

**HC 6/16**

1. ***THAT the Committee notes and agrees with the three recommendations contained in the Assessment of Heritage Significance report prepared by Chris and Charlotte Webb as attached to the report.***
2. ***THAT the Committee notes that the owner now proposes to relocate the building to retain the whole Cricket Pitch.***
3. ***THAT the Committee recommends that the former Glebe Cricket Field and Pitch at 11 Edward Street, Bowral be listed as a local Heritage Item and included in the next review of proposed Heritage Items.***

The minutes of this meeting were presented to the Ordinary Meeting of Council of 23 March 2016 and were adopted viz.:

**MN 128/16**

***THAT recommendations Nos HC 1/16 to HC 12/16 – as detailed in the Minutes of the Heritage Committee Meeting held on Friday, 19 February 2016 be adopted, save for any items which have budgetary implications AND THAT any item with budgetary implications and which is unfunded, be referred to the Finance Committee for consideration.***

Given Council's refusal of the current Development Application, it seems expedient to deal with both proposed amendments to the subject site in the one Planning Proposal.

**2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

Council considers that it has explored all means of seeking a satisfactory development outcome which adequately protects the cricket pitch while also enabling a hospice to be constructed on the site. The Planning Proposal is therefore considered the best means of protecting the heritage significance of the site. A less intensive development of the site is still possible under the R2 Low Density Residential zone which applies.

**Section B – Relationship to strategic planning framework**

**3. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including draft strategies)?**

The Planning Proposal is removing the additional permitted use of a hospice and applying heritage protection to the site while retaining opportunities for appropriate development under the R2 Low Density Residential zone. These outcomes are considered consistent with the Sydney Canberra Corridor Regional Strategy which encourages both residential development and heritage protection.

**4. Is the Planning Proposal consistent with a council’s local strategy or other local strategic plan?**

The Wingecarribee Local Planning Strategy 2015-2031 was adopted by Council on 23 March 2016. The Planning Proposal is consistent with this Strategy in that it seeks to protect the heritage items of the Shire while still enabling sensitive residential development.

**5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?**

The Planning Proposal has been assessed against the following relevant SEPPs.

SEPP (Sydney Drinking Water Catchment ) 2011	The Planning Proposal will not result in any specific development. Any subsequent development of the site under the provisions of the R2 Low Density Residential zone will be assessed against the SEPP at the DA stage.
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## 6. Is the Planning Proposal consistent with applicable Section 117 Directions?

The following s.117 Directions apply to the Planning Proposal:

Direction	Relevance
2.3 Heritage Conservation	<p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>In seeking to protection a Heritage Item on the subject site, the Planning Proposal is considered CONSISTENT with this Direction.</p>
3.1 Residential Zones	<p>The objectives of this direction are:</p> <ul style="list-style-type: none"> <li>(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,</li> <li>(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</li> <li>(c) to minimise the impact of residential development on the environment and resource lands.</li> </ul> <p>The Planning Proposal will not restrict future residential development of the site under the R2 Low Density Residential zone provided adequate provision is made for the Heritage Item. Therefore, the Planning Proposal is considered CONSISTENT with this Direction.</p>
3.3 Home Occupations	<p>The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.</p> <p>The Planning Proposal will not restrict ancillary uses associated with future residential development of the site provided adequate provision is made for the Heritage Item. Therefore, the Planning Proposal is considered CONSISTENT with this Direction.</p>
5.2 Sydney Drinking Water Catchment	<p>The Planning Proposal will not result in any specific development. Any subsequent development of the site under the provisions of the R2 Low Density Residential zone will be assessed against the SEPP at the DA stage. Therefore, the Planning Proposal is considered CONSISTENT with this Direction.</p>

## Section C – Environmental, Social & Economic Impacts

### 7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the Planning Proposal?

It is not considered that any critical habitat or threatened species will be affected by this Planning Proposal.

**8. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?**

It is not considered that there will be any other environmental effects from this Planning Proposal.

**9. Has the Planning Proposal adequately addressed any social and economic effects?**

The Planning Proposal is the result of concerns that the heritage significance of a cricket pitch on the subject site would be compromised by the proposed development of a hospice. The removal of the opportunity to develop a hospice under Schedule 1, and the placement of the subject site in Schedule 5 address these concerns.

**Section D – State and Commonwealth Interests**

**10. Is there adequate public infrastructure for the Planning Proposal?**

There are no public infrastructure requirements associated with this Planning Proposal.

**PART 4 – MAPPING**

The following maps require amendment as indicated below:

Map to be amended	Detail of Amendment
Local Clauses Map (Schedule 1) CL1_007C_020	Remove 4A.
Heritage Map HER_007C	Insert subject site as an Item of Heritage.

**PART 5 – COMMUNITY CONSULTATION**

If the Gateway Panel determines that the Planning Proposal should proceed, it will be placed on public exhibition for a period of 28 days. Material will be available on Council's website, at the Civic Centre Customer Service Counter and in the Bowral and Moss Vale Libraries, as well as in the Mobile Library.

**PART 6 – TIMELINE**

It is anticipated that the Planning Proposal will progress in accordance with the following key milestones.

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<b>MILESTONE</b>	<b>INDICATIVE DATE</b>
Gateway Determination	30 June 2016
Public Exhibition/Consultation with government agencies	July 2016
Report to Council on exhibition of Planning Proposal.	August 2016
Documents to DP&I & PCO.	September 2016
Approximate completion date	1 October 2016

## **DELEGATIONS**

Council is applying to use its delegations to complete this Proposal. The Department's form *Evaluation Criteria for Delegation of Plan Making Functions* has been attached for consideration.

**\*\*\*END\*\*\***