

S.79C ASSESSMENT Environmental Planning & Assessment Act 1979.

The following is a summary of the assessment of development application LUA 12/0921 in accordance with Section 79C of the Environmental Planning & Assessment Act 1979.

(1)(a)(i) Environmental Planning Instruments

The application has been assessed against the relevant Environmental Planning Instruments listed below:

- Wingecarribee Local Environmental Plan 2010
- State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

Wingecarribee Local Environmental Plan 2010

The subject property is zoned R5 Large Lot Residential under WLEP 2010, where a 4,000 square metre minimum allotment size applies, and where Council can grant a 10% variation to this minimum lot size in accordance with Clause 4.6 WLEP 2010 to create one allotment of no less than 3,600 sqm in area. The proposal satisfies this requirement.

The site is not listed as an item of heritage under WLEP 2010 and is not within a Heritage Conservation Area under WLEP 2010.

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

As the site is within the Warragamba Catchment area, the provisions of the Drinking Water Catchments SEPP must be taken into consideration in the assessment of the application. Sydney Catchment Authority raise no objection to the proposed demolition and subdivision, subject to nine conditions of consent addressing wastewater management, demolition, and rain water tanks.

(a)(ii) Draft Environmental Planning Instruments

There are no draft environmental planning instruments which are relevant consideration in the assessment of this application.

(a)(iii) Development Control Plans

Mittagong Development Control Plan

The provisions of Mittagong DCP (Renwick Precinct) includes the statement that "adequate provision should be made to protect the curtilage, landscape setting, and visual prominence of the following items of high significance in the future subdivision pattern of Renwick Village:

- (a) Goodlet and Suttor Cottages;
- (b) The silo precinct including brick silo, pair of mass concrete silos; and
- (c) The row of pine trees along Bong Bong Road”.

This does not include Challenor House.

The general objectives of Mittagong DCP, includes the objective to “ensure that redevelopment immediately adjacent to buildings of heritage or cultural value in no way detracts from the visual quality or amenity of heritage buildings”. The proposed demolition and 2 lot subdivision is not considered to detract from the visual quality or amenity of nearby heritage buildings, subject to conditions of consent requiring detailed recording of the site and building, photographic record of landscape features and the internal and external features of the buildings, and retention of mature conifers along the frontage of the site, in accordance with the recommendations of the Heritage Impact Statement submitted with the development application, to record the chronological link between the early and later periods of Renwick. This is considered the appropriate solution rather than the retention of the building

The provisions of Mittagong DCP (Renwick Precinct) apply to the site, and will guide the design of future dwellings upon each proposed lot. An 88b restriction requiring retention of mature conifers along the frontage of the site will also be imposed at subdivision stage.

(a)(iv) Environmental Planning and Assessment Regulation 2000

The Development Application has been assessed against the relevant clauses of the Environmental Planning and Assessment Regulation 2000. The Development Application fully complies with the Environmental Planning and Assessment Regulation 2000.

(b) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The social factors associated with the chronological history of the site are identified within heritage comments detailed in the report to Council. It is considered that the proposed development will not have an adverse impact on the natural and built environments, nor adverse social and economic impacts in the locality, subject to conditions of consent requiring detailed recording of the site and building, photographic record of landscape features and the internal and external features of the buildings, and retention of mature conifers along the frontage of the site, in accordance with the recommendations of the Heritage Impact Statement submitted with the development application, to record the chronological link between the early and later periods of Renwick. This is considered the appropriate solution rather than the retention of the building. An 88b restriction requiring retention of mature conifers along the frontage of the site will also be imposed at subdivision stage.

(c) The suitability of the site for the development

The site is zoned is zoned R5 Large Lot Residential under WLEP 2010. It is considered that the site is suitable to accommodate the proposed demolition and 2 lot subdivision.

(d) Any submissions made in accordance with the Act or the regulations

The Development Application was notified for a period of 19 days.

No submissions were received.

(e) The public interest

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by Council ensuring that any adverse effects on the surrounding area and the environment are appropriately managed.

The proposal is not considered to be contrary to the public interest.