13.02 TITANIA ESTATE RELEASE AREA – PLANNING PROPOSAL

File No: Land Use and Planning\Planning\LEP Local Environmental Plan

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**Summary**

A Planning Proposal and Development Application for the Urban Release Area of Titania Estate has been received on land known as 175 Titania Road, Oberon.

**Recommendation:**

That Council support the Planning Proposal submitted by Fragar Planning & Development for land known as 175 Titania Road, Oberon and forward the document to the Department of Development & Environment under the Gateway (Section 55(3)) process.

**Comment**

ATTACHED as a separate document is the Planning Proposal has been prepared for land known as Lot 1 DP 1089826 being known as 175 Titania Road, Oberon to justify departure from clauses 4.1A(3)(b) & (c) of the Oberon Local Environment Plan 2013 restricting the Minimum Lot Size (MLS) to 2 hectares on the property.

The preparation of a Planning Proposal is the first step in preparing a Local Environmental Plan (LEP). Throughout the course of preparing the proposed LEP, the Planning Proposal itself may evolve. This is particularly the case for complex proposals.

A Gateway determination is issued by the Minister (or delegate). It specifies whether a Planning Proposal is to proceed and if so, in what circumstances. The Gateway determination confirms the information (which may include studies) and consultation is adequate prior to making an LEP.

The Planning Proposal seeks to reduce the MLS from 2 hectares to 1 hectare (minimum) whilst keeping the lot average of 2 hectares. It is noted that the proposal does not increase the lot yield but to simply allow for a variety of lot sizes within close proximity to Oberon.

During 2013 and as a result of a Submission received during the Public Exhibition of the draft Oberon LEP 2013, unanimous support for the reduction in MLS for this land was decided by Council. However, this variation post exhibition was not considered by the DPE when making the LEP as it was not considered a minor variation to the previously exhibition document.

This Planning Proposal seeks to formalise Councils previous support for the reduced MLS.

Additionally, a Development Application for a 49 Lot Subdivision has been lodged concurrently with the Planning Proposal. Prior to an application being considered the Planning Proposal must be endorsed and made by the Minister.