

# GENERAL MANAGER'S REPORT TO THE ORDINARY MEETING OF JUNEE SHIRE COUNCIL HELD ON 21 MAY 2019.

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Report No: 7	<b>PLANNING PROPOSAL LEP19/01 - AMENDMENT TO JUNEE LEP 2012 TO REDUCE THE MINIMUM LOT SIZE PROVISIONS APPLICABLE TO LOTS 141 &amp; 142 DPI23530 &amp; LOT 15 DPI035451, LOUGHAN ROAD JUNEE.</b>
Reporting Officer:	Director Community and Business
Key CSP strategic theme:	Prosperous, Sustainable
Attachments:	Planning Proposal LEP19/01

## **RECOMMENDATIONS:**

- 1. That Council support the planning proposal LEP19/01 prepared to amend the Junee Local Environmental Plan 2012.**
- 2. Submit the planning proposal to the Department of Planning and Environment for Gateway Determination.**
- 3. Receive a further report after the public exhibition period:**
  - a) Addressing any submissions made in respect of the planning proposal.**
  - b) Proposing adoption of the planning proposal unless there are any recommended amendments deemed to be substantial and requiring a further public exhibition period.**

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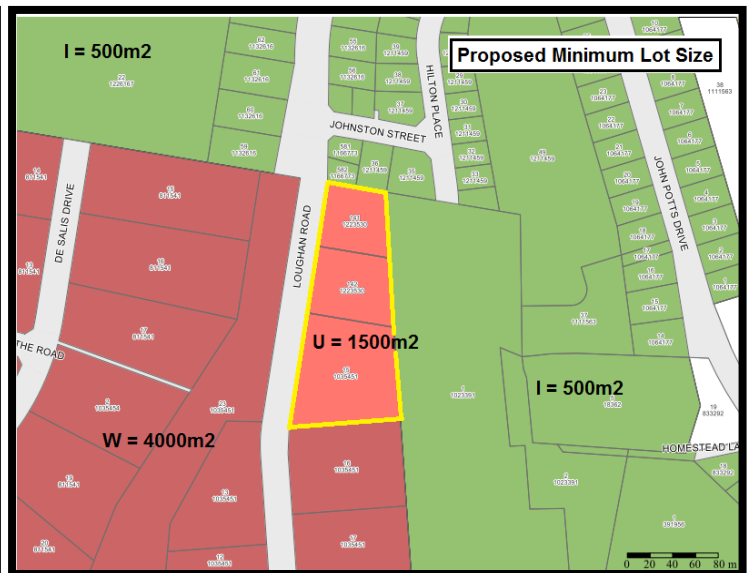
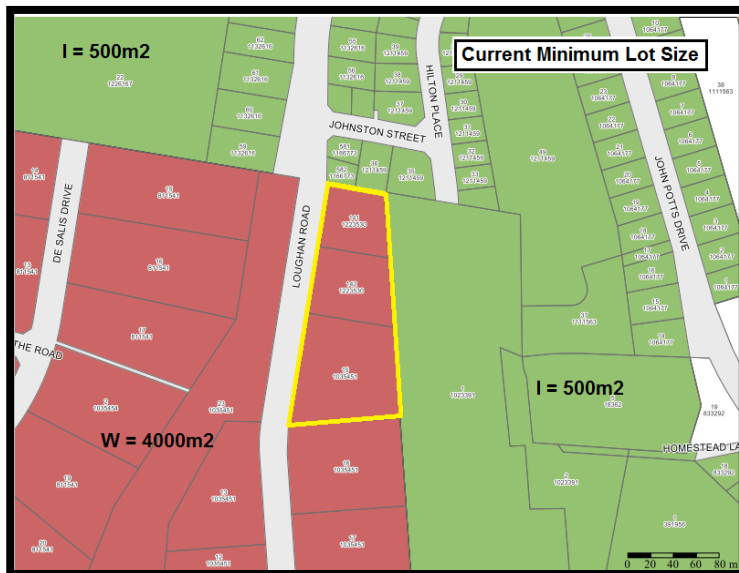
## **EXECUTIVE SUMMARY**

The planning proposal seeks to reduce the minimum lot size for subdivisions of Lots 141 and 142 of DPI223530 and Lot 15 of DPI035451 from 4000m<sup>2</sup> to 1500m<sup>2</sup>. The three lots are located at the northern end of Loughan Road, JUNEE. The proposal originated from an application to amend the LEP received from Salvestro Planning, acting on behalf of the landowners of Lot 141 of DP 1223530. The recommendation from this report is for the planning proposal to proceed by way of an application for a Gateway Determination by the Minister for Planning and Environment.

## **THE PROPOSAL**

Council is in receipt of the planning proposal LEP19/01 to reduce the minimum lot size provisions for subdivisions under Clause 4.1 of the LEP applicable to Lots 141 and 142 of DP 1223530 and Lot 15 of DPI035451 (15, 17 and 23 Loughan Road JUNEE) from 4000m<sup>2</sup> to 1500m<sup>2</sup> as per the illustration below.

The proposal originated from an application to amend the LEP received from Salvestro Planning, acting on behalf of the landowners of Lot 141 of DP 1223530. A copy of the Planning Proposal is provided as an attachment to this report.



## SITE AND LOCATION

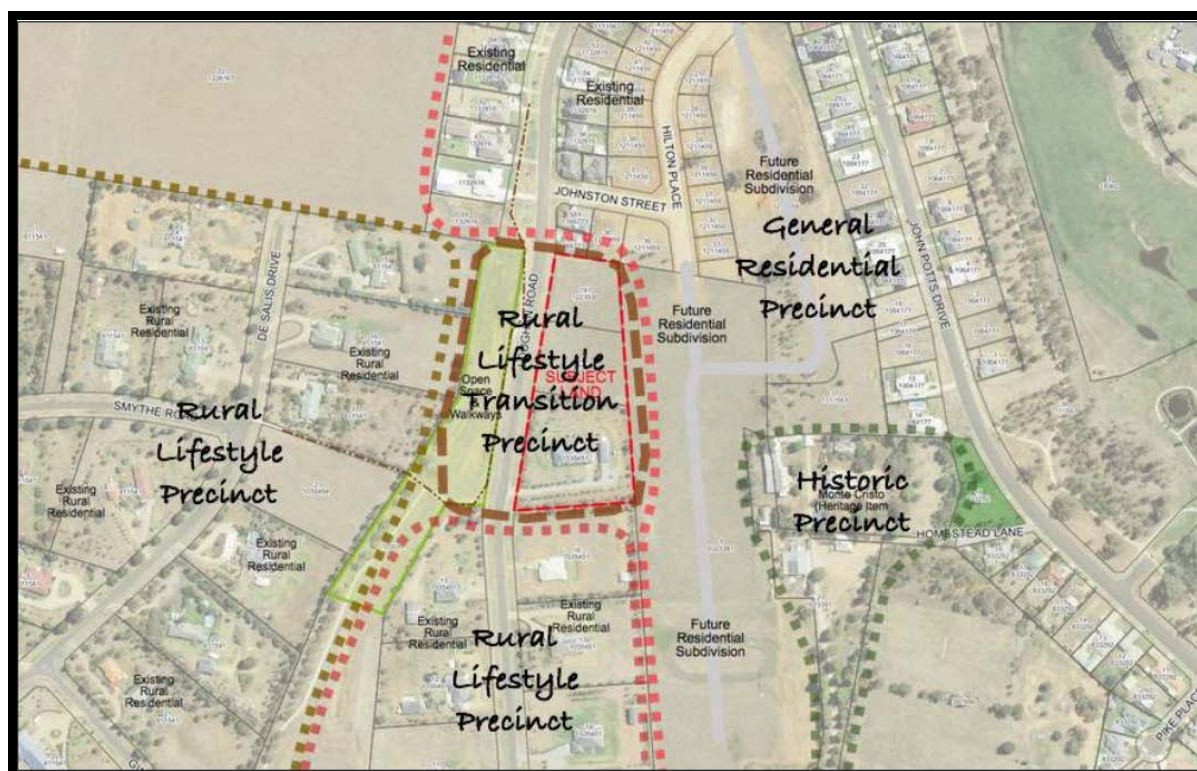
The subject land is within the R5 Large Lot Residential Zone. It is bounded to the south and west by lands also within the R5 Large Lot Residential Zone. Land to the north and east are within the RU5 Village Zone.

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The proposal could provide the opportunity to create up to six additional lots from the existing three lots, depending on the economic considerations surrounding the location of existing dwelling houses. Existing Lot 141 is currently vacant and could potentially be subdivided into two lots if the LEP was amended as proposed.

The planning proposal identifies that the change to minimum lot size provisions as they relate to the subject land would be consistent with current planning strategies as well as not impacting upon current urban infrastructure and land use settlement patterns.

Closer observation of the Loughan Road locality identifies certain precinct characters as shown on the strategic analysis map as illustrated below (Source: Planning Proposal Rev 2.1, Dated Feb 2019, Author: Salvestro Planning).



The subject land has certain locational characteristics that support the notion of proposing lot sizes smaller than the current minimum lots size. The location of the land opposite an open space area and immediately adjoining general residential land provides further justification for considering its characteristics separate from other land along Loughan Road. The land provides a transition point from the established rural lifestyle precinct to the general residential precinct, with those precincts having dwelling lots on both sides of Loughan Road in comparison to the single sided environment of the subject land.

The proposal also has strategic merit in promoting urban infill development rather than continuing the expansion of urban boundaries (sprawl), particularly where there are adequate infrastructure utilities to service the land. Expansion of the urban boundary involves expensive infrastructure extensions, is less sustainable and locates housing further from the town centre making certain community facilities less accessible to new residents. Continuing the same development density results in fewer residential lifestyle choices.

Infill development, as proposed, make better use of existing infrastructure, is more sustainable and provides greater lifestyle living choices for more of the growing population.



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The five steps in the Gateway process are:

- Step 1. **The Planning Proposal** – the planning proposal authority (in this case Council) prepares the planning proposal. ***This report seeks Council's endorsement of the Planning Proposal to proceed to submission as per Step 2 below.***
- Step 2. **Gateway** – the Minister (or delegate) decides whether the planning proposal can proceed (with or without variation) and subject to other matters including further studies being undertaken, public consultation, public hearings, agency consultation and time frames. The conditions are then complied with and, if necessary, the proposal is changed.
- Step 3. **Community Consultation** – the proposal is publicly exhibited as required by the Minister. A person making a submission may also request a public hearing be held.
- Step 4. **Assessment** – the planning proposal authority (in this case Council) reviews public submissions. Parliamentary Counsel then prepares a draft local environmental plan.
- Step 5. **The Making of the LEP** – with the Minister's (or delegate's) approval the local environmental plan is published on the NSW legislation website and becomes law.

### CONCLUSION

This assessment has found the planning proposal to be broadly sound. The planning proposal will raise the utility of the subject land in a manner that is responsive to site-specific circumstances and provides satisfactory consistency with existing strategy. There is sufficient strategic justification to proceed with the planning proposal.

The planning proposal is supported for the following reasons:

- The planning proposal provides potential for development maximising the available utility of the subject lands, is sympathetic to the surrounding locality and compatible with the land use zoning.
- The planning proposal has achieved an acceptable level of compliance with strategic content as assessed in the report.
- The planning proposal is justified against the requirements of relevant S9.1 Ministerial Directions.
- The investigation of the subject land provided with the application is sufficient to support the planning proposal and forward to the Department of Planning and Environment seeking Gateway Determination.

To comply with the NSW Department of Planning and Environment guidelines and to support the planning proposal, council staff will prepare a proposed timeline as an addendum to the proposal prior to submitting for Gateway Determination.

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## FINANCIAL IMPLICATIONS

In accordance with Council's 2018/19 Fees and Charges, a Minor LEP Amendment (minor complexity) attracts total application fees of \$2,500. The proponent has paid this fee.

## POLICY AND LEGISLATION

Environmental Planning and Assessment Act 1979  
Junee Local Environmental Plan 2012

## LINK TO COMMUNITY STRATEGIC PLAN

- **Prosperous**  
Objective 3: To grow our local economy  
Strategy 3.5: Plan our land resources for the future
- **Sustainable**  
Objective 5: For our community to be in harmony with built and natural environment  
Strategy 5.1: Encourage respectful planning, balanced growth and good design

## INTERNAL / EXTERNAL CONSULTATION

Formal public consultation with landowners, the general public and referral agencies will occur after the Gateway Determination.

Pre-consultation with owners of the three affected allotments covered in the planning proposal occurred between 29/03/2019 and 12/04/2019. Council received zero submissions concerning the planning proposal from any of the effected property owners.

Submissions received: Zero	
Comment	Officers Response
Nil	It is assumed that the effected property owners have little to no serious concerns with the proposed planning proposal due to the fact that Council received zero submissions or comments from these land owners.