NSW GOVERNMENT Planning & Environment

Planning Team Report

Minimum Subdivision Lot Sizes for Community Title Schemes and Boundary Adjustments in Certain Zones

Proposal Title :	**Minimum Subdivision Lot Sizes for Community Title Schemes and Boundary Adjustments in Certain Zones**
Proposal Summary :	**This planning proposal intends to make two separate changes to Part 4 of the Wollondilly Local Environmental Plan 2011:** **• to introduce of a minimum lot size for the subdivision of community title schemes; and** **• to provide flexibility to subdivision by allowing boundary adjustments with development consent on land within certain residential, environmental protection, and rural zones.**
PP Number :	**PP_2016_WOLLY_004_00**
Dop File No :	**16/11232**

Proposal Details

Date Planning Proposal Received :	**19-Aug-2016**	LGA covered :	**Wollondilly**
Region :	**Metro(Parra)**	RPA :	**Wollondilly Shire Council**
State Electorate :	**WOLLONDILLY**	Section of the Act :	**55 - Planning Proposal**
LEP Type :	**Housekeeping**		

Location Details

Street :

Suburb : City : Postcode :

Land Parcel : **Applies to the whole of Wollondilly local government area**

DoP Planning Officer Contact Details

Contact Name : **James Sellwood**

Contact Number : **0298601559**

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RPA Contact Details

Contact Name : **Nicole Aiken**

Contact Number : **0246779746**

Contact Email : **nicole.aiken@wollondilly.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Adrian Hohenzollern**

Contact Number : **0298601505**

Contact Email : **adrian.hohenzollern@planning.nsw.gov.au**

Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :		Consistent with Strategy :	
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
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 : **To the best of the Sydney Region West's knowledge, the Department's Code of Practice in relation to communications and meetings with Lobbyists has been complied with.**

Sydney Region West has not met with any lobbyist in relation to this proposal, nor has the Director been advised of any meetings between other departmental officers and lobbyists concerning this proposal.

Supporting notes

Internal Supporting Notes :

POLITICAL DONATIONS DISCLOSURE STATEMENT

Political donations disclosure laws commenced on 1 October 2008. The legislation requires the public disclosure of donations or gifts for certain circumstances relating to the Planning system.

"The disclosure requirements under the new legislation are triggered by the making of relevant planning applications and relevant public submissions on such applications.

The term relevant planning application means:

- A formal request to the Minister, a council or the Secretary to initiate the making of an environmental planning instrument..."

Planning Circular PS 08-009 specifies that a person who makes a public submission to the Minister or Secretary is required to disclose all reportable political donations (if any).

The Department has not received any disclosure statements for this Planning proposal.

External Supporting Notes :

The planning proposal intends to:

• prevent land fragmentation and inappropriate densities across Wollondilly Shire which result from community title schemes in inappropriate locations; and

• enable boundary adjustments within all rural land use zones, E4 Environmental Living

and R5 Large Lot Residential to provide greater flexibility to landowners.

Adequacy Assessment

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

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

Comment : **The objective of the planning proposal is as follows:**

• to prevent land fragmentation and inappropriate densities across the shire which result from community title schemes in inappropriate locations; and

• to enable boundary adjustments within all rural land use zones, E4 Environmental Living and R5 Large Lot Residential to provide greater flexibility to landowners.

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

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

Comment : **The explanation of provisions is as follows:**

• adoption of clause 4.1AA of the Standard Instrument Local Environmental Plan, to ensure that community title schemes comply with Council's minimum lot sizes, and that land is not fragmented by subdivisions that would create additional dwelling entitlements.

• adoption of an additional clause to permit subdivision with development consent in the form of a boundary adjustment to enable minor realignment of lot boundaries.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.3 Mining, Petroleum Production and Extractive Industries
2.3 Heritage Conservation
3.1 Residential Zones
3.4 Integrating Land Use and Transport
4.2 Mine Subsidence and Unstable Land
4.3 Flood Prone Land
4.4 Planning for Bushfire Protection
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?

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

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **As the planning proposal only intends to add additional clauses, and does not propose any mapping amendments, no mapping is required.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council has proposed to place the planning proposal on public exhibition for a period of 14 days.**

Given the nature of the amendments proposed, this is considered appropriate.

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 :

Proposal Assessment

Principal LEP:

Due Date : **February 2011**

Comments in relation to Principal LEP : **Wollondilly Local Environmental Plan was made on 23 February 2011.**

Assessment Criteria

Need for planning proposal : **The planning proposal is considered to be the most appropriate mechanism for achieving Council's desired outcome.**

The proposal intends to introduce clause 4.1AA of the Standard Instrument Local Environmental Plan, which prescribes minimum subdivision lot size for community title schemes. The introduction of this clause will provide greater clarity to the appropriate use of community title subdivision across Wollondilly Shire.

The proposal also aims to provide flexibility to subdivision by allowing boundary adjustments with development consent on land within certain land use zones.

Consistency with strategic planning framework :

SECTION 117(2) MINISTERIAL DIRECTIONS

The planning proposal is potentially inconsistent with a number of section 117(2) directions, as it proposes to introduce clauses which would apply to all land in the Wollondilly local government area. This has the potential to impact on the following directions:

- **1.3 Mining, Petroleum Production and Extractive Industries**
- **2.3 Heritage Conservation**
- **3.1 Residential Zones**
- **3.4 Integrating Land Use and Transport**
- **4.2 Mine Subsidence and Unstable Land**
- **4.3 Flood Prone Land**
- **4.4 Planning for Bushfire Protection; and**
- **5.2 Sydney Drinking Water Catchments**

However, as the proposal is of a minor nature, any inconsistencies with the above directions are also of a minor nature, and therefore do not require further consideration.

STATE ENVIRONMENTAL PLANNING POLICIES

The planning proposal is consistent with all State Environmental Planning Policies.

A PLAN FOR GROWING SYDNEY

The planning proposal is consistent with both the directions and actions contained within A Plan for Growing Sydney.

WOLLONDILLY COMMUNITY STRATEGIC PLAN

The planning proposal is consistent with the Wollondilly Community Strategic Plan 2033, particularly the sections of the plan which focus on engagement and communication, the impacts of growth on the environment, development assessment, and economic growth.

WOLLONDILLY GROWTH MANAGEMENT STRATEGY

All planning proposals in Wollondilly Shire are assessed against Council's Growth Management Strategy, which sets long-term sustainable goals for growth in the local government area.

The adoption of clause 4.1AA of the Standard Instrument Local Environmental Plan, which provides a minimum lot size for community title schemes, will prevent ad hoc growth and land fragmentation across the local government area, and is consistent with Council's Growth Management Strategy.

The introduction of a clause to enable boundary adjustments within all rural land use zones, E4 Environmental Living, and R5 Large Lot Residential to provide greater flexibility to landowners, is consistent with Council's Growth Management Strategy.

Environmental social economic impacts :

ENVIRONMENTAL IMPACTS

As the planning proposal applies to land across the Wollondilly local government area, and is not site specific, it is unlikely to have an adverse environmental impact. There may be some issues on a site by site basis which could occur, but these can be dealt with as part of the development assessment process.

The introduction of clause 4.1AA of the Standard Instrument Local Environmental Plan,

which prescribes minimum subdivision lot size for community title schemes, is considered to have a beneficial environmental impact, as it will lessen land fragmentation and potential vegetation removal.

The proposed boundary adjustment clause will require a consent authority to ensure, amongst other things, that a boundary adjustment will not affect threatened species, ecological communities, vegetation or require its removal.

SOCIAL IMPACTS

As the proposed changes are of a minor nature the planning proposal is not likely to have any significant social impacts.

ECONOMIC IMPACTS

Council argues that enabling greater flexibility for boundary adjustments has potentially positive economic impacts including:

- encouraging sustainability by facilitating improved land management outcomes;
- removal of barriers and reduction of costs when land is sold by providing a mechanism to address boundary issues;
- increasing the economic viability for agriculture by enabling larger agricultural production units; and
- reducing land conflict and the associated stress this can create for residents and landowners.

Assessment Process

Proposal type :	**Routine**	Community Consultation Period :	**14 Days**
Timeframe to make LEP :	**9 months**	Delegation :	**RPA**
Public Authority Consultation - 56(2)(d) :			

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

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Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
1 - Cover Letter.pdf	**Proposal Covering Letter**	**Yes**
2 - Council Report and Resolution - Community Title Schemes.pdf	**Proposal**	**Yes**
3 - Council Report and Resolution - Boundary Adjustments.pdf	**Proposal**	**Yes**
4 - Planning Proposal.pdf	**Proposal**	**Yes**

Planning Team Recommendation

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

S.117 directions:

1.3 Mining, Petroleum Production and Extractive Industries
2.3 Heritage Conservation
3.1 Residential Zones
3.4 Integrating Land Use and Transport
4.2 Mine Subsidence and Unstable Land
4.3 Flood Prone Land
4.4 Planning for Bushfire Protection
5.2 Sydney Drinking Water Catchments

Additional Information :

1. Consultation is required with the following public authorities under section 56(2)(d) of the Act:

- **Office of Environment and Heritage**
- **Transport for NSW – Roads and Maritime Services**
- **Rural Fire Service**

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment.

Should the public authorities require any additional information, or specify any additional matters to be addressed, the planning proposal is to be updated to respond to any such submission, a copy of which is to be included with the updated planning proposal.

2. Community consultation is required under sections 56(2) and 57 of the Act as follows:

a) the planning proposal must be made publicly available for 14 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 the Department's 'A Guide to Preparing Local Environmental Plans'.

3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing.

4. The timeframe for completing the LEP is 9 months from the week following the date of the Gateway determination.

Supporting Reasons :

The planning proposal's potential inconsistencies with section 117(2) directions are of a minor nature, and do not require further consideration.

Signature: _____

Printed Name: Adrian Hohenzollern Date: 6/9/2016