

cw-CS3 Planning Proposal to Vary the Minimum Lot Size of Twelve (12) Properties to be consistent with the Industrial Land Zoning

Reference: 5901
Responsible Officer: Group Manager Strategic & Assets

PURPOSE

The purpose of this report is to advise Council that a Planning Proposal is required to amend the Minimum Lot Size (LSZ) notation in the IN1 General Industrial zone under the Wingecarribee Local Environmental Plan 2010 (WLEP 2010) for twelve (12) properties in the Drapers Road and Government Road, Braemar Industrial Area. The 12 properties require the removal of the Minimum Lot Sizes (LSZ) notation currently imposed to make them consistent with the other IN1 General Industrial zone land to the east, which has no statutory minimum lot sizes.

DESCRIPTION OF PROPOSAL

BACKGROUND

On 24 June 2011, several properties at Braemar were rezoned to IN1 General Industrial zone from RU2 Rural Landscape under WLEP 2010. That Planning Proposal was known as the Northern Gateway (Amendment 2) of the WLEP 2010.

Two (2) Minimum Lot Sizes, of Z2 (4 Hectares) and AB2 (40 Hectares), corresponded with the former RU2 Rural Landscape zoning of the subject properties. IN1 General Industrial zoned land has no LSZ under WLEP 2010. The proposed amendment will remove the LSZ notation from the mapped IN1 General Industrial zoned land so that it is consistent with all Industrial Zoned Land under Wingecarribee LEP 2010.

On 27 February 2013 Council resolved to defer the subject report to an information session to discuss various aspects of the subject amendment as per the following:

***THAT** the Planning Proposal to Vary the Minimum Lot Size of Twelve (12) Properties in the Northern Gateway to be consistent with the Industrial Land Zoning be deferred to enable an Information Session to be held for Councillors to consider long term impacts, including flooding, in the area.*

An information session was held on 13 March 2013 that discussed long term impacts, including flooding, and a recommendation made. In accordance with the recommendation of the information session the report is resubmitted to Council for resolution.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 8 May 2013

REPORT - DEPUTY GENERAL MANAGER CORPORATE & STRATEGY



DETAILS OF PROPOSAL

SITE AND SURROUNDING DEVELOPMENT

The properties covered by the subject Planning Proposal are identified as:

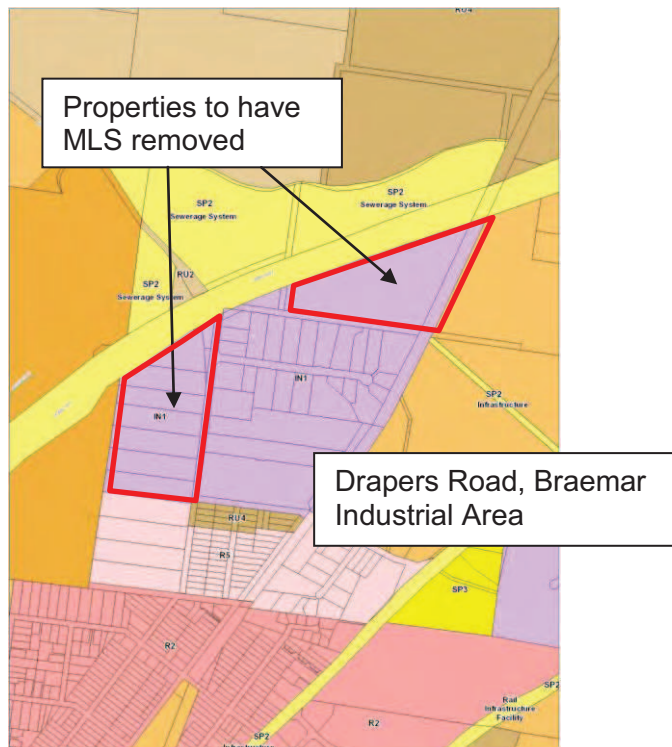
Lot 15 DP 263904	20 Drapers Road, Braemar.
Lot 1 DP 1181633	22 Drapers Road, Braemar
Lot 22 DP 263904	Road Reserve, Old Hume Highway, Aylmerton
Lot 23 DP 263904	Road Reserve, Old Hume Highway, Aylmerton
Lot 24 DP 263904	Road Reserve, Old Hume Highway, Aylmerton
Lot 5 DP 10008	10 Drapers Road, Braemar
Lot 6 DP 10008	'Hillcrest' 12 Drapers Road, Braemar
Lot 7 DP 10008	14 Drapers Road, Braemar
Lot 8 DP 10008	16 Drapers Road, Braemar
Lot 9 DP 10008	'Wyeena' 18 Drapers Road, Braemar
Part Lot 72 DP 869189	'Ravensdale' 102 Old Hume Highway, Aylmerton
Lot 32 DP 831268	Hume Highway

The subject land also includes part of the Picton Mittagong Railway zoned IN1 General Industrial.

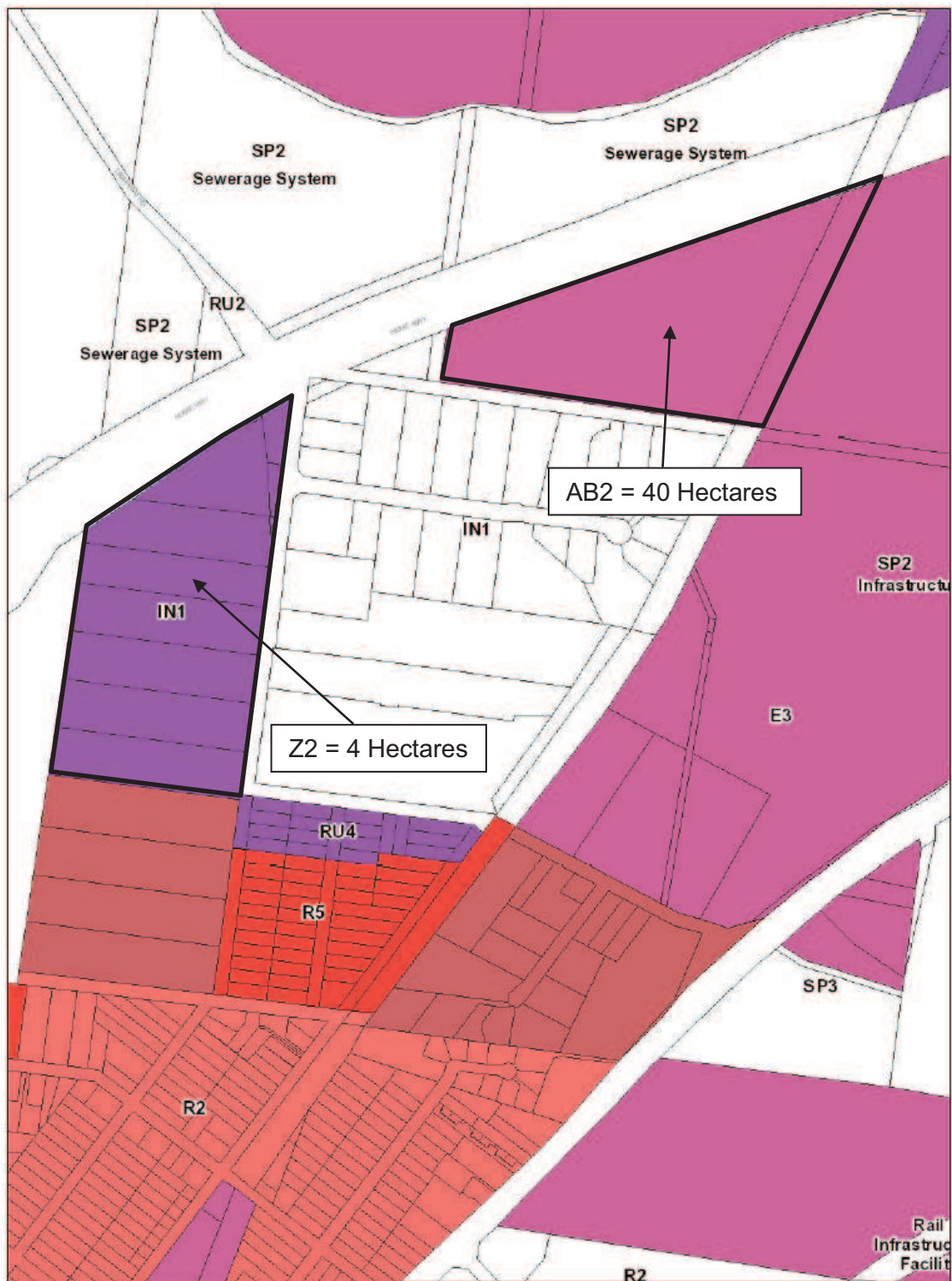
The subject land has a total area of 26.26 Hectares and is zoned IN1 General Industrial zoned under Wingecarribee Local Environmental Plan 2010. The site is located adjacent to the Hume Highway (zoned SP2 Infrastructure) along its northern boundary. The site also has E2 Environment Conservation zoned land along its western boundary and R5 Large Lot Residential zoned land to the south.

The zoning of the subject properties under WLEP 2010, shown below, will not change. Only the Minimum Lot Size notation of the WLEP 2010 will change as shown below.

The area of IN1 General Industrial zone land highlighted in red below is the area to be amended. The amended Minimum Lot Size (LSZ) maps follow.

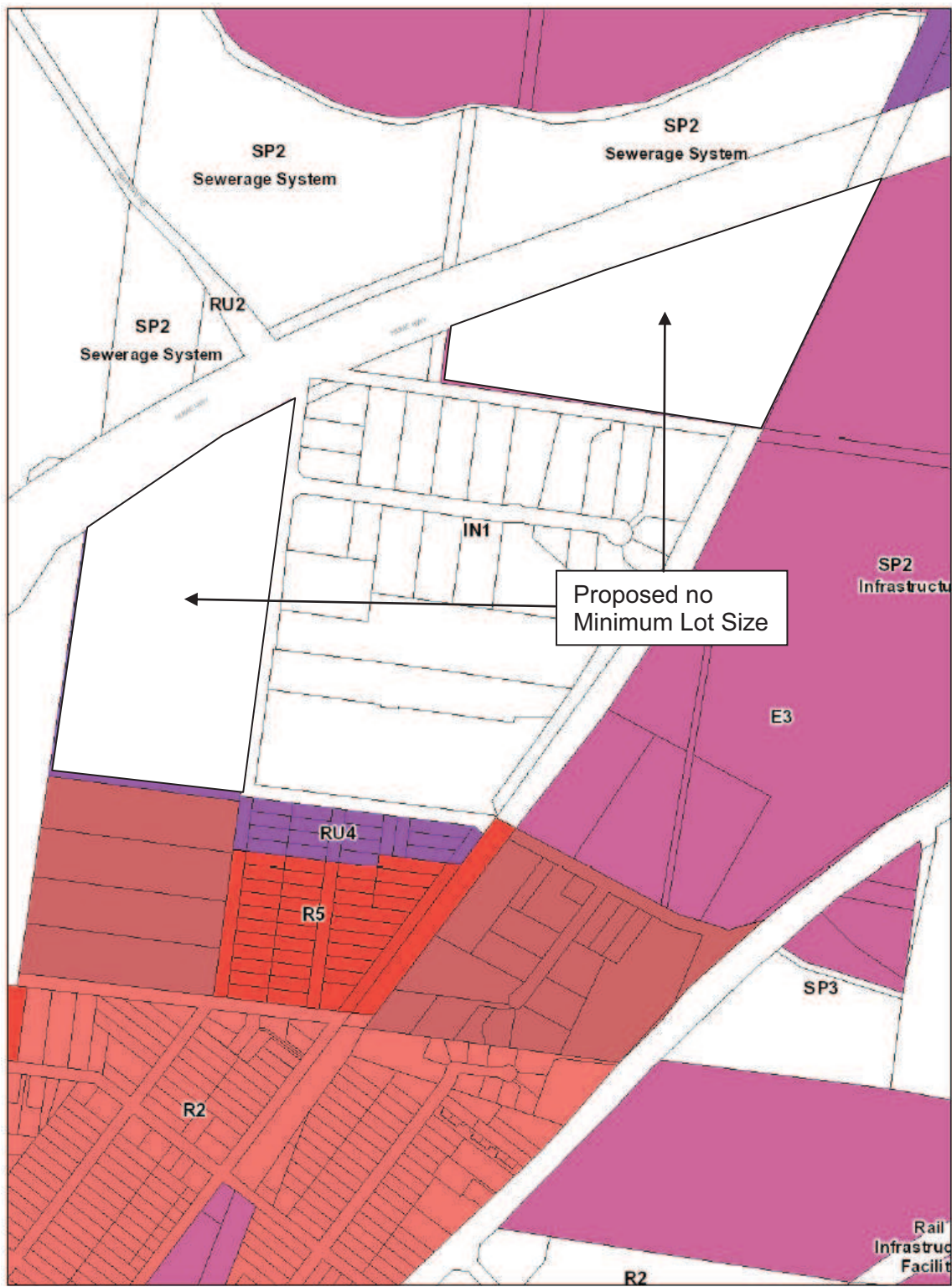


The Minimum Lot Size areas of AB2 (40 Hectares) and Z2 (4 Hectares) shown below are the existing Minimum Lot Sizes of the Wingecarribee LEP 2010 to be amended.



- Existing Minimum Lot Size of AB2 (40 Hectares) under WLEP 2010
- Existing Minimum Lot Size of Z2 (4 Hectares) under WLEP 2010

The intended outcome will be no minimum lot sizes shown on the LSZ Map of the Wingecarribee LEP 2010.

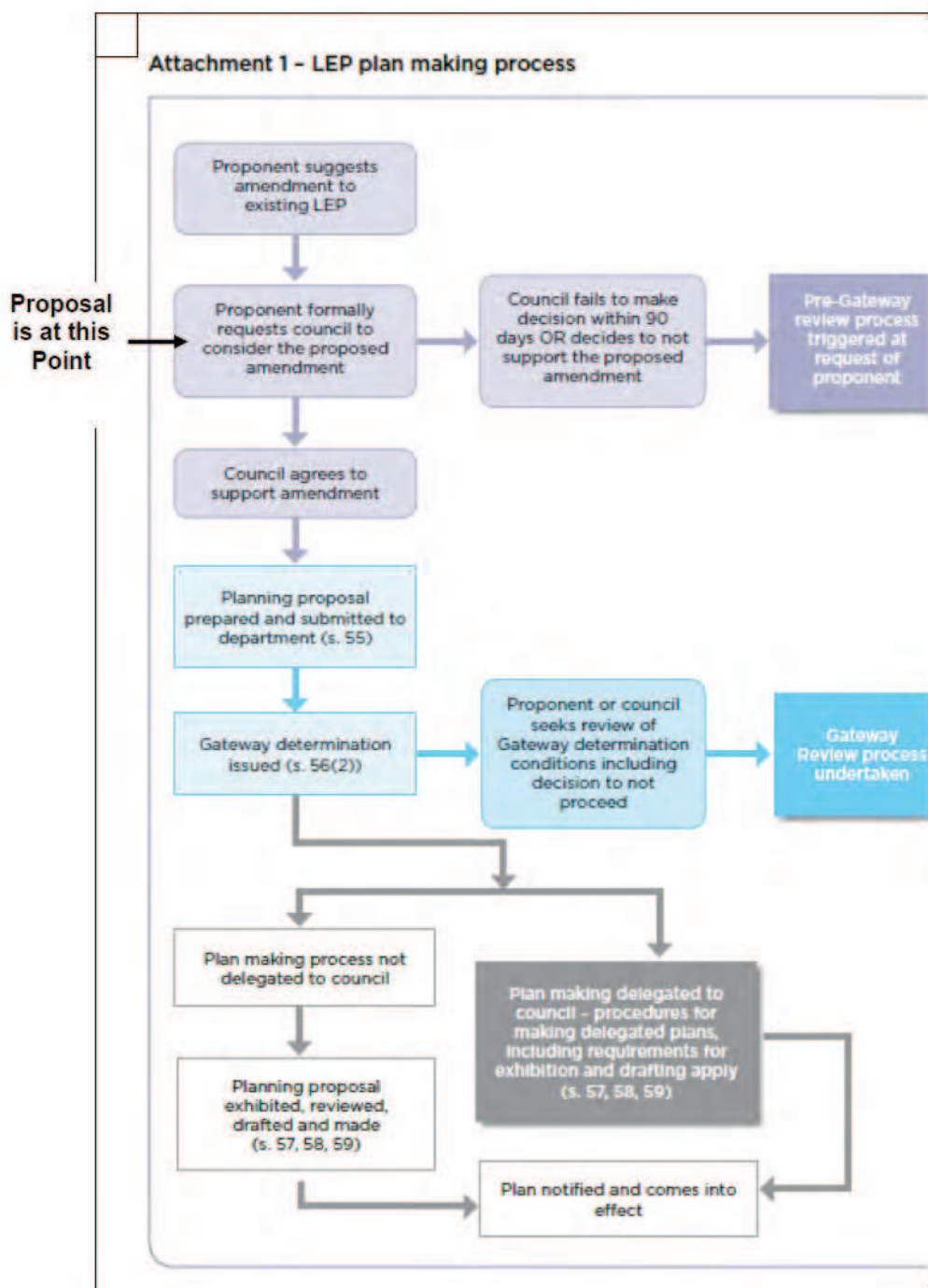


Areas where Minimum Lot Size notation will be removed from WLEP 2010
 (cadastre obscured by notation)

STATUTORY PROVISIONS

PLANNING PROPOSAL PROCESS

A flowchart of the Planning Proposal Process is provided below:



This Planning Proposal is at the very initial stage of the process (Step 2 in flowchart), where Council considers the Planning Proposal and whether or not to proceed. If Council decides to proceed then the process will follow through to where a Gateway determination is issued

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

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REPORT - DEPUTY GENERAL MANAGER CORPORATE & STRATEGY



either in favour or not in favour of the Planning Proposal, which will either end it or continue the process.

Normally, if Council or the Gateway Determination do not support a proposal, there are appeal rights that were introduced at the end of 2012. Those appeal rights are summarised as follows however in these cases, where Council is the proponent, number 1 and 2 will not be relevant:

1. If an applicant is not satisfied with the outcome of a determination by Council with regard to the rezoning request, or if the request is not determined within 90 days, the applicant may seek a 'pre-Gateway' review through the JRPP (Joint Regional Planning Panel). Note: these are not applicable with Council initiated Planning Proposals.
2. If Council does resolve to support the Planning Proposal, but the Gateway Determination is not supportive, or is considered too restrictive by either the Council or the applicant, a review of the Gateway Determination may be requested by the applicant via the JRPP.
3. If the proponent or Council is not satisfied with the Gateway determination, a review may be requested. These reviews are informed by advice from the JRPP.

The *Environmental Planning & Assessment Regulation 2000* has been amended to allow the charging of certain fees for the reviews set out above.

ASSESSMENT - KEY ISSUES

The key issue for the subject Planning Proposal is that it must demonstrate consistency with Council's Local Environmental Plan 2010, Regional Strategies and Local Planning Directions. To this end, the purpose of the Planning Proposal is to amend the Minimum Lot Size notation over the subject land so that it is consistent with the IN1 General Industrial zoning.

Wingecarribee LEP2010

The proposed amendment to the Wingecarribee Local Environmental Plan 2010 is to retain a consistent development standard for subdivisions in the IN1 General Industrial zoned land within Wingecarribee Shire Council area.

Section 117 Local Planning Directions

The Minister for Planning, under section 117(2) of the Environmental Planning and Assessment Act 1979 (EP&A Act) issues directions that Council must follow when preparing planning proposals. The directions cover the following broad categories:

1. employment and resources
2. environment and heritage
3. housing, infrastructure and urban development
4. hazard and risk
5. regional planning
6. local plan making.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

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REPORT - DEPUTY GENERAL MANAGER CORPORATE & STRATEGY



In consideration of the 117 Directions, Council must address whether or not the Planning Proposal is consistent, justifiably inconsistent or not relevant to each of the Directions and sub parts.

Essentially, the Planning Proposal would be consistent with all of the relevant 117 Directions.

Development Control Plans (DCP)

No changes to Council's Industrial Lands Development Control Plan are required. There is a minimum lot size recommended in the DCP for all Industrial land in the Shire, however this is indicative only and sets up the criteria to provide a suitable lot configuration for each individual site.

The Industrial Lands DCP has a recommended minimum lot size of 1,500 sqm. Any variation to this specification requires justification on the basis of:

- The site is able to function and operate efficiently
- Demonstrated due regard for the natural environment
- Adequate service capacity
- Adequately serviced by internal access roads

State Environmental Planning Policies

The Planning Proposal is considered consistent with the Sydney Drinking Water Catchments SEPP 2011. Consistency with the Sydney Drinking Water Catchment has been assessed by the Sydney Catchment Authority (SCA) during consideration of the rezoning for the Northern Gateway (Amendment 2) Planning Proposal. It is therefore considered that there would be no objection to the current proposal from the SCA.

Section 55 Evaluation (Environmental Planning & Assessment Act, 1979)

As required by Section 55 of the EP&A Act, 1979 a Planning Proposal shall be prepared outlining the following:

- Objectives and intended outcomes of an amendment,
- An explanation of the provisions,
- justification of the proposal against Statewide Planning Directions and Regional Strategies,
- maps detailing the amended notations and
- Community and Government Agency Consultation to occur

These above topics are detailed in this report however it is considered that there will be no impediment to supporting the amendment.

CONSULTATION

If supported, Government agency and Community Consultation will be undertaken as part of the Gateway process.

Community Engagement

Community Consultation will be undertaken in accordance with the Gateway Determination.

External Referrals

External referrals to government agencies will be undertaken as required by the Gateway Determination.

Internal Referrals

Internal referrals will be undertaken as part of the consultation process.

SUSTAINABILITY ASSESSMENT

ENVIRONMENT

There are no expected environmental impacts in relation to this Planning Proposal. Future development applications will consider environmental impacts.

SOCIAL

The proposed amendment will encourage investment and employment generating development by providing consistency in the subdivision planning controls over IN General Industrial land under Wingecarribee LEP 2010.

BROADER ECONOMIC IMPLICATIONS

Changes will allow the equitable subdivision of Industrial Land and certainty regarding the subdivision controls for IN1 General Industrial land under Wingecarribee LEP 2010.

CULTURE

There are no Indigenous or non-indigenous Cultural Implications in relation to this report.

GOVERNANCE

It is good governance to ensure Council's legislated planning controls are applied equally across the whole Shire so as to provide development and investment certainty for proponents particularly when providing employment and capacity building opportunities.

RELATIONSHIP TO CORPORATE PLANS

Places

Goal 3.1.7 – Maximise the efficiency of freight transport through and within the area to encourage activities which will use rail, provide local employment and minimise impact on the Shire's roads and residents.

Comment: The subject proposal will extend the industrial development of the existing IN1 General Industrial Zone thereby achieving this objective.

Economy

Goal 5.5 – Wingecarribee's diverse economy drives a wide range of job opportunities.

Comment: The proposed amendment will ensure the achievement of this by providing the fundamental starting point for investment, certainty in achieving industrial investment returns.

BUDGET IMPLICATIONS

There will be no implications with regard to Council's budget as there are no unanticipated costs involved.

OPTIONS

The options to Council are:

Option 1

Amend the Minimum Lot Size Map as recommended in this report

Option 2

Do Nothing

Option 1 is recommended so that consistent development standards are applicable across all IN1 General Industrial Zone land within the Shire.

CONCLUSION

The subject Planning Proposal should proceed and all relevant and required documentation should be forwarded to the Department of Planning & Infrastructure at the earliest convenience.

ATTACHMENTS

There is one attachment to this report, as follows:

DCP provisions to be addressed when seeking a variation to the Minimum Lot Size specifications.

RECOMMENDATION

THAT in accordance with Section 55 of the Environmental Planning & Assessment Act 1979, Council resolves to prepare and lodge with NSW Department of Planning & Infrastructure, a Planning Proposal to amend the Minimum Lot Size from Z2 (4Ha) and AB2 (40 Ha) to no Minimum Lot Size under Wingecarribee Local Environmental Plan 2010 on Lot 15 DP 263904, Lot 1 DP 1181633, Lot 22 DP 263904, Lot 23 DP 263904, Lot 24 DP 263904, Lot 5-9 DP 10008, Part Lot 72 DP 869189 and Lot 32 DP 831268, zoned IN1 General Industrial under Wingecarribee Local Environmental Plan 2010.

(Voting on the Motion)

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ATTACHMENT

INDUSTRIAL LANDS DEVELOPMENT CONTROL PLAN

PART B INDUSTRIAL DEVELOPMENT CONTROLS



PART B INDUSTRIAL DEVELOPMENT CONTROLS

B.1 Subdivision

Objectives

- (A) To ensure subdivision results in lots that are suitable for a range of industrial developments.
- (B) To ensure safe and efficient vehicle and pedestrian access and movement within a site.
- (C) To facilitate the subdivision of land, and prevent the excising of land that may be integral to the function of a development.
- (D) Encourage the consolidation of existing lots.
- (E) To encourage subdivision design that allows water and energy efficiency and good solar access

Controls

a. Minimum Lot Size and Frontage.

- (i) The minimum lot size created by a subdivision on industrial zoned land is 1,500 m² (excluding any access handle).
- (ii) The minimum street frontage of a lot created as a result of a subdivision shall not be less than 30 metres (excluding any access handle)

b. General

Subdivision Design must comply with Council's technical Specifications for Engineering Standards.

- (i) Subdivision proposals must demonstrate that the proposed configuration is suitable to the functional and operational needs of future site development. Where the configuration is marginal, it may be necessary to provide an overlay of site development to demonstrate compliance or justification for non-compliance.
- (ii) Subdivisions must demonstrate due regard to the natural and physical features of the land and that an industrial building, sufficient parking, loading and unloading, circulation and landscape areas can be constructed on any proposed site.
- (iii) Lots must be connected to essential services (water, sewer, electricity and telecommunications) with capacity to accommodate the demands generated by proposed development. Any proposal that requires a greater service capacity than is currently provided will need to be upgraded, at the proponent's expense, prior to the

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PART B INDUSTRIAL DEVELOPMENT CONTROLS



issue of a Subdivision Certificate. Certificates for the provision of these services will be required prior to the release of a Subdivision Certificate for registration with the Land and Property Information (LPI) Office (this is the old Land Titles Office).

- (iv) New internal access roads, which will revert to Public Road Reserve, must be designed with a minimum road reserve of 20 metres.

B.2 Building Site Coverage

Objectives

- (A) To ensure Industrial Buildings are able to provide ancillary facilities (car parking, circulation, landscaping, open space).
- (B) To ensure Industrial Buildings do not result in an overdevelopment of the site.
- (C) To contain the bulk and scale of Industrial Buildings.

Controls

a. Maximum Building Footprint

- (i) The maximum building footprint shall not be greater than 65% of the site area. (Building footprint means that part of a site occupied by a building)
- (ii) Buildings in the IN3 Heavy Industrial zone with an area greater than 25% dedicated to office or showroom purposes will need to substantiate, by evidence to the contrary, that the location is necessary because either no suitable business zoned land is available, or that the use is of a type that location in a business zone is not desirable.

b. Floor Space

The Floor Space is used to calculate site coverage and car parking.

Mezzanine levels will generate additional car parking on site which must be provided. Therefore so that all occupants within an industrial complex have an equal opportunity to install a mezzanine level within their unit, the mezzanine in any industrial development including a single building or a unit complex is not to exceed 35% of the ground floor area of the individual building or unit. This therefore allows an upper maximum Floor Space Ratio of 1:1 assuming a maximum 65% building footprint as well as a maximum 35% mezzanine throughout the complex.