

13.3 Planning Proposal to Permit a Dwelling Entitlement on Lot 2 DP 854905, Park Avenue, Aylmerton.

Reference:	PN1704859, 5901
Report Author:	Senior Strategic Land Use Planner
Authoriser:	Coordinator Strategic Land Use Planning
Link to Community	
Strategic Plan:	Provide a mixture of housing types that allow residents to meet their housing needs at different stages of their lives and support affordable living

PURPOSE

To consider a submission to amend Wingecarribee Local Environmental Plan (WLEP) 2010 to enable a dwelling house to be constructed on Lot 2 DP 854905, Park Avenue, Aylmerton.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

RECOMMENDATION

1. **THAT** the Planning Proposal to amend Schedule 1 (Additional Permitted Uses) of Wingecarribee Local Environmental Plan (WLEP) 2010 to permit development with consent for the purposes of a dwelling house on Lot 2 DP 854905, Park Avenue, Aylmerton, be supported by Council.
2. **THAT** the Planning Proposal be submitted to the Department of Planning and Environment for a Gateway Determination.
3. **THAT** Council request the proponent to provide a bushfire assessment prior to public exhibition, to demonstrate that an appropriate building envelope can be provided on the site, consistent with the requirements of the NSW Rural Fire Service draft 'Planning for Bush Fire Protection 2017'.
4. **THAT** Council initiate the registration of a covenant on the property title to ensure that no identified endangered vegetation is removed from the subject land at any time in the future.

REPORT

BACKGROUND

A Planning Proposal was lodged with Council by Lee Environmental Planning requesting that Council consider an amendment to WLEP 2010 to enable a dwelling house to be constructed on the subject land. The proposal was assessed by Strategic Planning staff and discussed with Councillors at an Information Session on 14 March 2018.

REPORT

Proposal

The subject land fronts Park Avenue at Aylmerton as indicated by the star in **Figure 1** below. The site covers an area of some four (4) hectares. The site is zoned E3 Environmental Management with a minimum lot size of 40 hectares and no dwelling entitlement exists under the provisions of WLEP 2010.

The proposal seeks to amend WLEP 2010 by including the subject land in Schedule 1 Additional Permitted Uses for the purposes of a dwelling house.

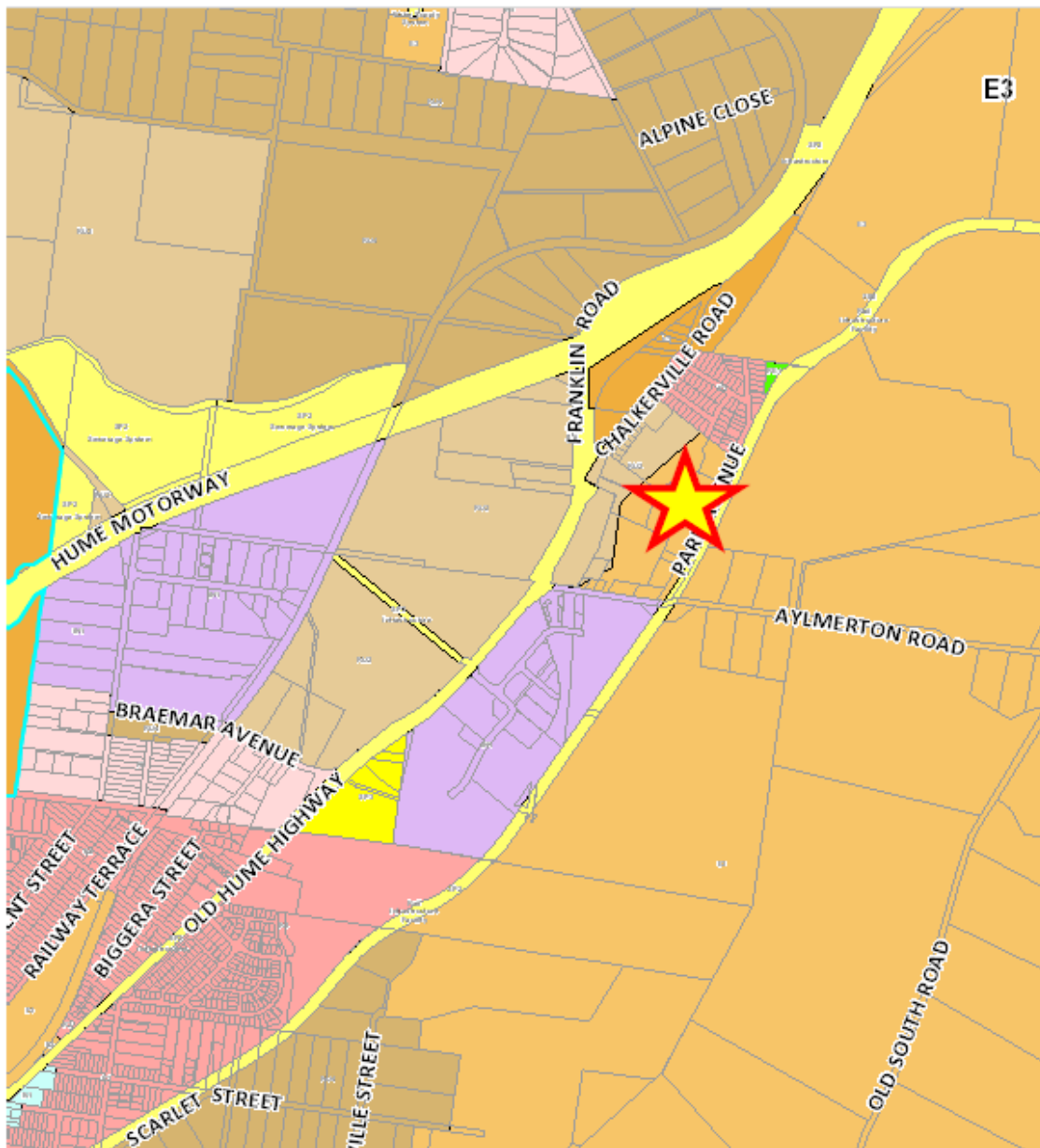


Figure 1

The site forms part of an area of non-urban land zoned E3 Environmental Management and RU2 Rural Landscape zoned land separating the village of Aylmerton to the north from an area of IN1 General Industrial zoned land to the south as indicated in **Figure 2** below. **Figure 3** provides an aerial view.

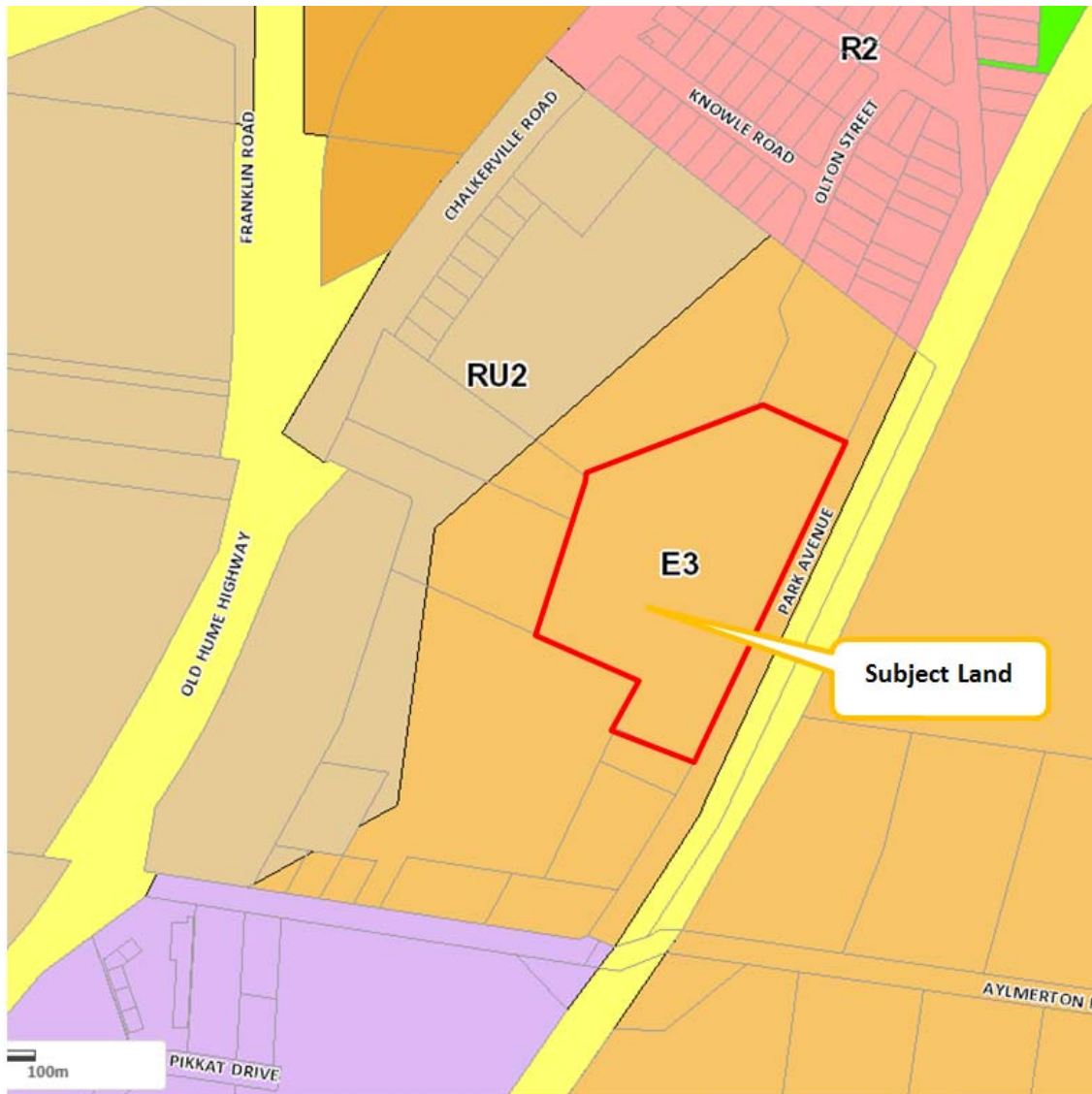


Figure 2

Strategic Assessment

All lots within the non-urban RU2/E3 area are well below the minimum lot size of 40 hectares, being as low as approximately 1,000m². The two largest sites, one of which is the subject land, are just over 4 hectares in area. Most, if not all, of the lots have a dwelling located on the site except the subject land.



Figure 3

Figure 4 below indicates that the site is identified as containing the Southern Highlands Shale Woodland Threatened Ecological Community (TEC), but as **Figure 3** (above) indicates, much of the site is cleared of vegetation.

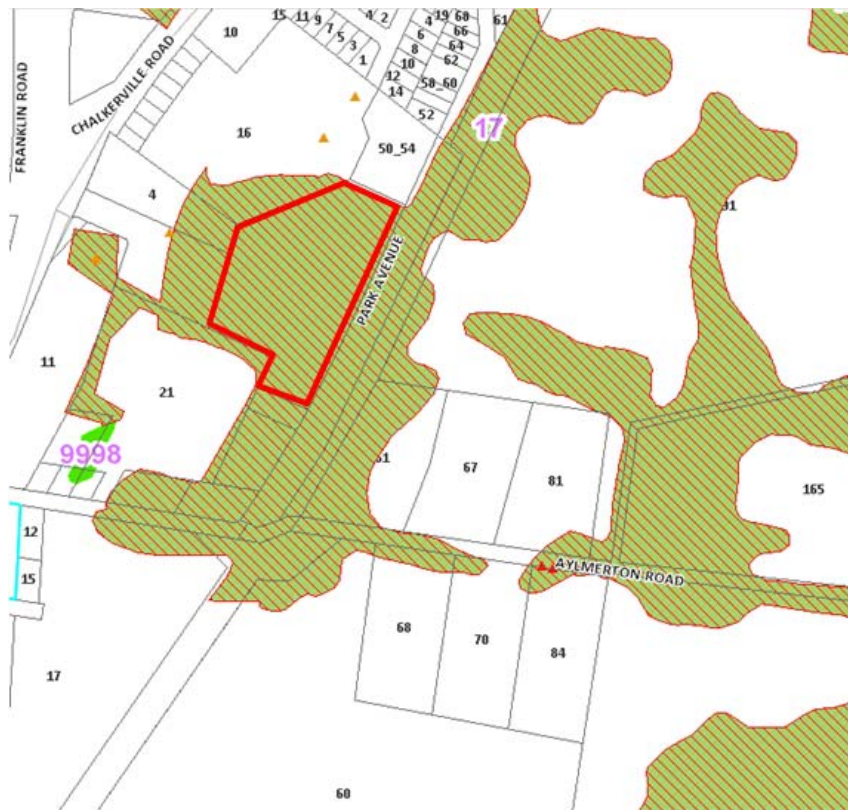


Figure 4

The proponent was asked to identify a potential building envelope where any subsequent development and access to it would not require the removal of any trees and where adequate asset protection from bushfire can be provided.

The proponent identified two (2) possible sites as indicated in **Figure 5** below. It is emphasised that only one (1) building envelope would be provided through this amendment, if supported. In either case, access would be off Park Avenue through an area of already cleared land.

It is recommended that, prior to public exhibition, the proponent provide a bushfire assessment report to demonstrate that an appropriate building envelope and access can be provided on the site, consistent with the requirements of the NSW Rural Fire Service draft 'Planning for Bush Fire Protection 2017'.



Figure 5

Recommendation

Almost all of the lots in the vicinity of the subject land already have dwellings and are well below the 40 hectare minimum lot size. The subject land is one of the larger lots.

If the Planning Proposal is supported by Council and should a Gateway Determination to proceed be issued, Council will require, prior to public exhibition, that the proponent provide a bushfire assessment report to demonstrate that an appropriate building envelope and access can be provided on the site, consistent with the requirements of the NSW Rural Fire Service draft 'Planning for Bush Fire Protection 2017'.

On this basis, it is recommended that the Planning Proposal **BE SUPPORTED**.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

There are no implications for Council's Fit for the Future Improvement Plan resulting from this report.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 11 April 2018

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



COMMUNICATION AND CONSULTATION

Community Engagement

Any submission to amend WLEP 2010 which is supported by Council is lodged with the Department of Planning & Environment for a Gateway Determination to proceed. Community consultation occurs in accordance with the Gateway requirements.

Internal Communication and Consultation

Any submission to amend WLEP 2010 which is supported by Council would be internally referred to relevant staff for comment.

External Communication and Consultation

Any submission to amend WLEP 2010 which is supported by Council would be externally referred to relevant agencies for comment as required by the Gateway Determination.

SUSTAINABILITY ASSESSMENT

- **Environment**

It is proposed that a caveat be placed on the property title to the effect that no vegetation is to be removed from the site during construction of the dwelling or access way.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

There are no broader economic implications in relation to this report.

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

The submission has been considered in accordance with guidelines provided by the Department of Planning & Environment and any Planning Proposal supported by Council would also be processed in accordance with departmental guidelines.

COUNCIL BUDGET IMPLICATIONS

Any Planning Proposal supported by Council will be subject to a fee as set out in the schedule of Council's adopted Fees and Charges. As there is currently no dwelling entitlement, any future development of the land would be assessed to determine whether it attracted s.94 and s.64 development contributions.

RELATED COUNCIL POLICY

There are no other Council related policies.

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OPTIONS

The options available to Council are:

Option 1

Not support the proposed amendment resulting in the site remaining without a dwelling entitlement.

Option 2

Support the proposed amendment which would result in a dwelling house being permitted on the site subject to Council consent, in a location determined by the application of a building envelope.

Option 2 is the recommended option to this report.

CONCLUSION

The Planning Proposal has been assessed and a recommendation made based on the content and intended outcome of the proposal. It is concluded that the proposed amendment to WLEP 2010 can be supported on strategic planning grounds.

ATTACHMENTS

1. Planning Proposal regarding Park Avenue Aylmerton