

Contact: Wesley Folitarik

31 July 2012

Ms Meredith McIntyre
Department of Planning and Infrastructure
PO Box 5475
WOLLONGONG NSW 2520

Subject: Goulburn Mulwaree LEP (Amendment No 4) 2009 – Schedule 1

I write regarding your request for further justification for the use of Schedule 1 to enable development for the purpose of subdivision through LEP (Amendment No 4) 2009.

Creating a new minimum lot size of 7ha on Council's minimum lot size maps would set an unrealistic expectation among landowners that 7ha is an adopted and acceptable minimum lot size. Council could expect to receive a large number of spot rezoning applications seeking inclusion of other sites in such a minimum lot size area.

Council recently adopted a range of minimum lot sizes for rural areas including 10, 20 and 40ha through the Rural Lands Planning Proposal (Amendment No 2, gazetted 13 July 2012). Consideration of additional minimum lot sizes in rural areas is outside the scope of Amendment No 4.

Schedule 1 is an effective tool in addressing minor anomalies that do not warrant a broader strategic review or wholesale changes to the LEP instrument or maps. These are commonly referred to as 'enabling provisions'. Using Schedule 1 for these purposes does not imply widespread support for any particular development enabled and therefore does not set an undesirable precedent that further such use would be supported by Council. Furthermore, once a subdivision enabled under the Schedule is enacted upon, the enabling provision can be removed as part of a subsequent housekeeping amendment. They remain public record however through the NSW Legislation portal.

The use of Schedule 1 to enable subdivisions is an accepted practice as evidenced by the attached schedule which highlights a number of SILEPs where a similar approach has been adopted. Not included in the attachment are the numerous other examples where Schedule 1 has included other development standards including FSR, building height and TFA.

We trust that this provides the necessary justification to support the amendment as adopted by Council.

Yours faithfully

A handwritten signature in blue ink, appearing to read "W. Folitarik", with a long horizontal flourish extending to the right.

Wesley Folitarik
Principal Strategic Planner

Attachment

Penrith LEP 2010

12 Use of certain land at 126–164 Castle Road, Orchard Hills

- (1) This clause applies to land at 126–164 Castle Road, Orchard Hills, being Lot 1, DP 239091.
- (2) Development for the purposes of subdivision is permitted with consent, but only if:
 - (a) the land is subdivided in accordance with the approved 9 lot subdivision (DA 02/0230), creating 8 lots with areas ranging from 5,000 square metres to 1.26 hectares and one residue lot of 13.48 hectares, or
 - (b) the land is subdivided into lots with a minimum area of 2 hectares.

Wentworth Local Environmental Plan 2011

2 Use of certain land at Manly Road, Curlwaa

- (1) This clause applies to Lot 8, DP 807828, Manly Road, Curlwaa.
- (2) Development for the purpose of subdivision resulting in lots with a minimum area of 1,000m² is permitted with consent.
- (3) A dwelling house is permitted with consent on each lot created from the subdivision.
- (4) Development consent under subclause (2) must not be granted after 5 years from the commencement of this Plan.

3 Use of certain land at Silver City Highway, Curlwaa

- (1) This clause applies to Lot 5, DP 807831, Silver City Highway, Curlwaa.
- (2) Development for the purpose of subdivision resulting in lots with a minimum area of 2,000m² is permitted with consent.
- (3) A dwelling house is permitted with consent on each lot created from the subdivision.
- (4) Development consent under subclause (2) must not be granted after 5 years from the commencement of this Plan.

4 Use of certain land at Silver City Highway, Mourquong

- (1) This clause applies to Lot 1, DP 1040128 and the part of Lot 2, DP 1040128 that was part of former Lot 1043, DP 39753, being Silver City Highway, Mourquong.
- (2) Development for the purpose of subdivision resulting in lots with a minimum area of 6,000m² is permitted with consent.
- (3) A dwelling house is permitted with consent on each lot created from the subdivision.
- (4) Development consent under subclause (2) must not be granted after 5 years from the commencement of this Plan.

Wollongong Local Environmental Plan 2009

10 Use of certain land at North Marshall Mount Road, Marshall Mount

- (1) This clause applies to land at North Marshall Mount Road, Marshall Mount, being Lots 1–3, DP 852180.
- (2) Development for the purposes of the subdivision of the land into 6 lots, and the erection of a dwelling house on each lot is permitted with consent.

15 Use of certain land at Carr Street, Towradgi

- (1) This clause applies to land at 12 Carr Street, Towradgi, being Lot 6, DP 749492.
- (2) Development for the purposes of the subdivision of the land in Zone R2 Low Density Residential into 3 lots, and the erection of 2 single storey dwelling houses, is permitted with consent.

Wingecarribee Local Environmental Plan 2010

9 Use of certain land at Tugalong Road, Canyonleigh

- (1) This clause applies to land at Tugalong Road, Canyonleigh, being Lot 100, DP 1049040.
- (2) Development for the purposes of animal boarding or training establishments, tourist and visitor accommodation and associated uses is permitted with consent.
- (3) Development for the purposes of a community scheme for a tourist facility and associated uses that include the subdivision of land for the following is permitted with consent:
 - (a) community association common property lots with a minimum lot size of 5 ha,
 - (b) 60 private lots for individual detached guest accommodation units with a minimum lot size of 1 ha.

13 Use of certain land at Wattle Ridge Road, Hill Top

- (1) This clause applies to land at Wattle Ridge Road, Hill Top, being Lot 104, DP 751271.
- (2) Development for the purposes of a 2 lot subdivision with a single dwelling house on each lot is permitted with consent.

Port Macquarie-Hastings Local Environmental Plan 2011

1 Use of certain land at Homedale Road, Kew

- (1) This clause applies to land at Homedale Road, Kew, being Lot 1, DP 1161722, shown as “Item 1” on the Additional Permitted Uses Map.
- (2) Development for the purposes of a residential community (including for the purposes of dual occupancies, multi dwelling housing, residential flat buildings and community facilities) is permitted with development consent if:
 - (a) the number of lots is no more than 66, and
 - (b) the number of dwellings is no more than 66, and

- (c) the provision of water and sewerage is on-site and self-contained, and
- (d) no direct access (other than access for emergency vehicles) is provided to the Pacific Highway, and
- (e) subdivision on the land is carried out in accordance with the Community Land Development Act 1989.

Muswellbrook Local Environmental Plan 2009

2 Subdivision of certain land at 5052 Jerry's Plains Road, Denman

- (1) This clause applies to land at 5052 Jerry's Plains Road, Denman, being Lot 137, DP 730142.
- (2) Development for the purposes of subdivision creating 1 lot with an area of 6ha for the purposes of an information and education facility is permitted with consent.

Bellingen Local Environmental Plan 2010

12 Use of certain land at Wollumbin Drive, Urunga

- (1) This clause applies to land at Wollumbin Drive, Urunga, being Lot 1, DP 1078804.
- (2) Development for the purpose of subdividing the land into 2 lots and the erection of a dwelling house on each of the lots is permitted with consent.
- (3) Development consent under subclause (2) must not be granted after 5 years from the commencement of this Plan.