



**Planning Proposal  
to  
permit development for the purposes of a  
dwelling house on Lot 3 DP 1013344,  
76 Drapers Creek Road, Colo Vale.**

## Planning Proposal

**LOCAL GOVERNMENT AREA: WINGECARRIBEE SHIRE COUNCIL**

**ADDRESS OF LAND:** Lot 3, DP 1014433, 76 Drapers Creek Road, Colo Vale. The site is located to the west of the village of Colo Vale, as indicated on the map on the following page.

### PART 1 - OBJECTIVES OR INTENDED OUTCOMES OF PLANNING PROPOSAL

**Purpose of and Reason for Planning Proposal:** The purpose of the Planning Proposal is to permit the construction of a dwelling house on the subject site. A Planning Proposal is required because the site is only 21.1 hectares and the minimum lot size is 40 hectares.

### LAND DESCRIPTION:

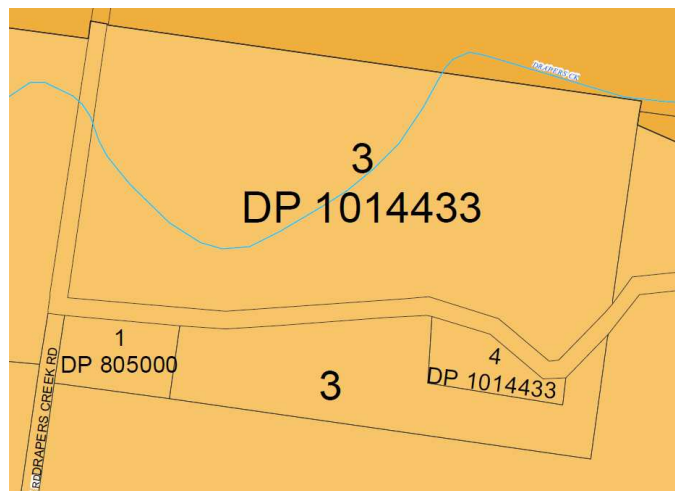
**Land Area:** 21.1 hectares

**Zoning & Minimum Lot Size:** E3 Environmental Management, 40 hectares

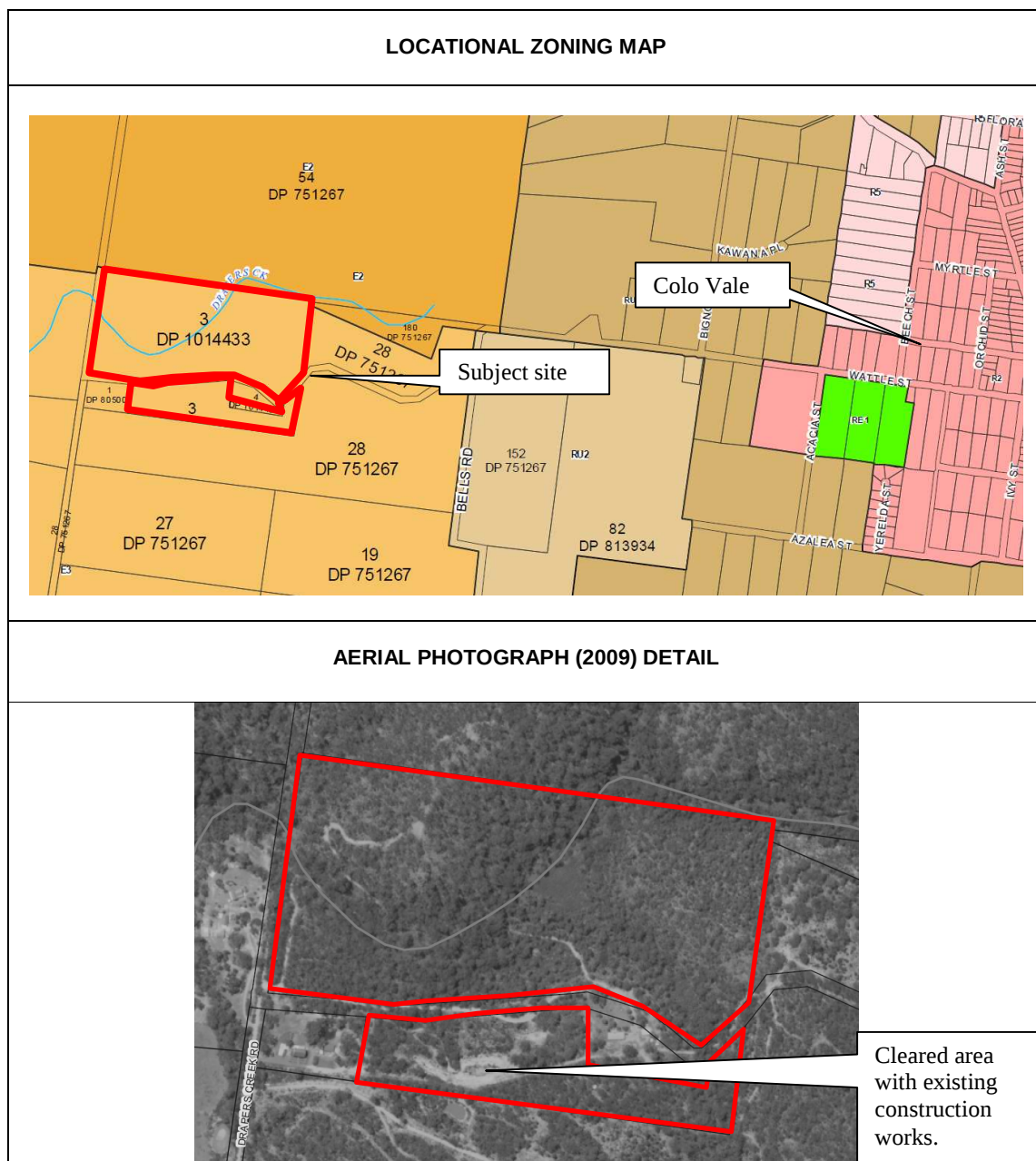
**Current Development:** Partial construction (foundations) of a health retreat development for which prior approval has been granted.

**Heritage affectation:** The land is neither an Item of Heritage nor within a Heritage Conservation Area.

**Riparian Impacts:** Drapers Creek, Category 3 Riparian Land, runs through the northern part of the site, as indicated below. This part of the site is also heavily vegetated as the aerial photograph over the page indicates.



PLANNING PROPOSAL TO PERMIT DEVELOPMENT FOR THE PURPOSES OF A DWELLING HOUSE  
ON LOT 3 DP 1014433, 76 DRAPERS CREEK ROAD, COLO VALE.



## PART 2 – EXPLANATION OF PROVISIONS

The provisions of the Planning Proposal will amend Wingecarribee Local Environmental Plan 2010 to create a new minimum lot size category of 20 hectares which will be applied to the subject site enabling a dwelling house to be constructed. Council has approved this action provided the resulting development utilizes, as far as practicable, the existing building foundation works. A Positive Covenant to this effect has been

obtained from the property owner and is included in the Report to Council of 14 September 2011, a copy of which is attached to this Planning Proposal, along with the Resolution of Council.

### **Map Amendment Details**

WLEP 2010 currently does not have a minimum lot size category of 20 hectares. The only current categories are AB1 – 10 hectares and AB2 – 40 hectares. Council does not want to use the 10 hectare minimum as this would allow the subject site to be further subdivided which Council does not want as it would impact on the heavily vegetated land to the north of Draper's Creek Road.

Council is extremely disappointed that the standard naming pattern of an individual letter 'name' for each minimum lot size category, as applied from A to Z, has not been retained beyond Z. Up to Z, each category has a pre-nominated minimum lot size, for example, D= 300m<sup>2</sup>, E= 350m<sup>2</sup>, F= 400m<sup>2</sup> and G = 450m<sup>2</sup>. Only D and G are currently in WLEP 2010, but the pre-allocation of E and F allows Council the opportunity to include those minima at a later stage with only a minor amendment to the Legend in addition to the specific Lot Size Map.

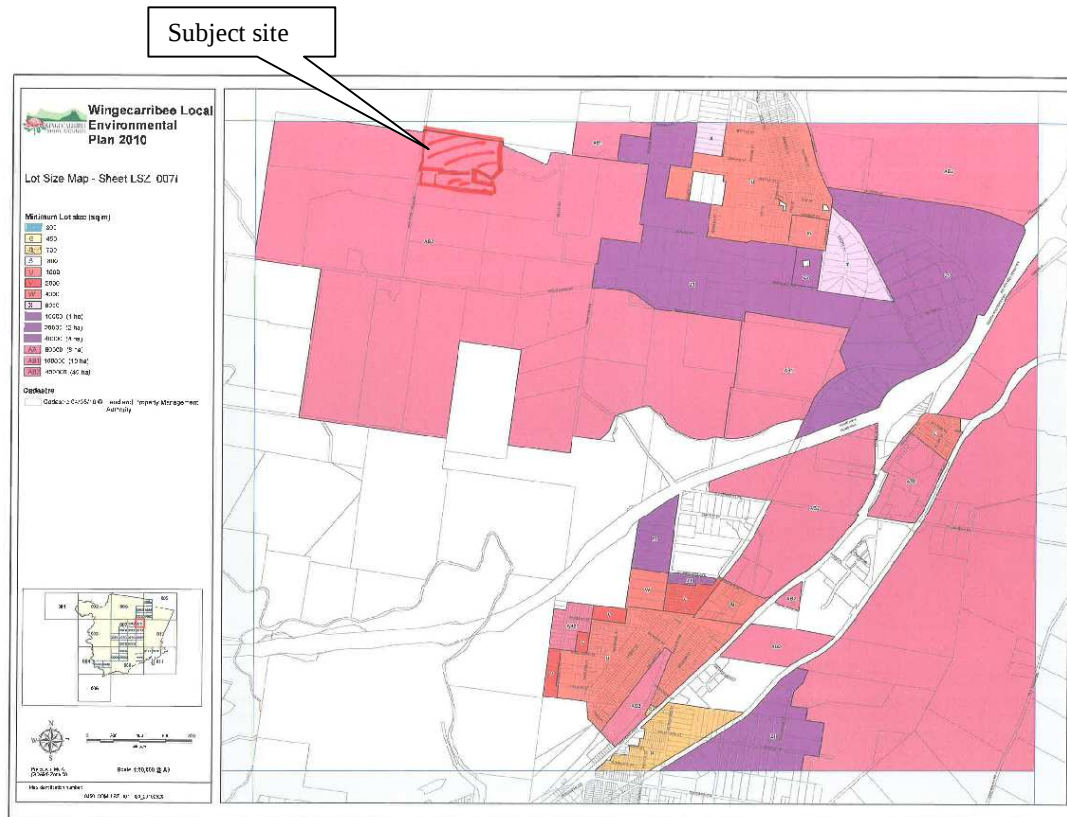
However, in the case of the AB designation, this pattern has not continued, resulting in significant GIS consequences for WLEP 2010. The AB designation covers the range from 10 hectares to 49.9 hectares. Under WLEP 2010, AB1 has been allocated to 10 hectares, but AB2 has been allocated to 40 hectares, with no provision made for anything in between. Therefore, in order to now include 20 hectares, all the current AB2 designations have to be renamed to AB3 so that AB2 can become 20 hectares.

This requirement places considerable demands on Council's GIS staff as almost every Lot Size Map now needs to be amended to rename the extensive areas of AB2 designation to AB3 and amend the map legend accordingly. WLEP 2010 has a total of 34 Lot Size Maps and GIS staff estimate a total of 2 days' work will be required. Council would therefore prefer to await the Gateway Determination before undertaking this task to ensure our limited resources are deployed as effectively as possible.

The matter is further complicated by the fact that it currently seems to take up to 6 months to get a revoked map replaced on the NSW Legislation website.

With regard to the specific Lot Size Map which needs to be replaced to show the new AB2 designation, map LSZ\_007I will be amended. Below is a copy of the map showing the subject site.

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## PART 3 - JUSTIFICATION

### Section A – Need for the Planning Proposal

|                                                                                                                        |                                                                                                                                   |
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| 1. Is the Planning Proposal the result of any strategic study or report?                                               | No. The Planning Proposal is the result of an application from the property owner.                                                |
| 2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way? | Yes, because the site is below the minimum lot size for a dwelling.                                                               |
| 3. Will the net community benefit outweigh the cost of implementing and administering the Planning Proposal?           | Yes. The residential amenity of the area will be improved as the dwelling will allow existing construction works to be completed. |

### Section B – Relationship to strategic planning framework

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| Is the Planning Proposal consistent with the objectives and actions contained within |  |
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| the applicable regional or sub-regional strategy (included draft strategies)?                                            |                                                                                                                                                                                              |
| 4. Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan? |                                                                                                                                                                                              |
| 5. Is the Planning Proposal consistent with applicable state environmental planning policies?                            | The Planning Proposal is consistent with the following relevant SEPPs:<br>1. Rural Lands.<br>2. Sydney Drinking Water Catchment.<br>3. Mining, Petroleum Production & Extractive Industries. |
| 4. Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?                        | Yes. A copy of the completed s.117 Directions is included.                                                                                                                                   |

### Section C – Environmental, social and economic impact

|                                                                                                                                                                                                    |                                                                                                                               |
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| 5. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the Planning Proposal? | No. The location of the proposed development is in a cleared part of the site where construction work has already commenced.  |
| 6. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?                                                                  | No. The Development Application will ensure that the new development occurs on the already commenced construction.            |
| 7. How has the Planning Proposal adequately addressed any social and economic effects?                                                                                                             | There are no identified social or economic impacts considered to be of any significance resulting from the Planning Proposal. |

### Section D – State and Commonwealth interests

|                                                                       |                                   |
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| 8. Is there adequate public infrastructure for the Planning Proposal? | Yes.                              |
| 9. What are the views of State and                                    | As the SCA was consulted when the |

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| Commonwealth public authorities consulted in accordance with the Gateway Determination? | <p>original DA for the health retreat was assessed and because the proposed dwelling is a less intense use, the SCA has not been consulted on this occasion. However, consultation can occur through the exhibition period if the Gateway decision so determines.</p> <p>It is anticipated that the SCA's main concern would be the vegetated and riparian land on the northern side of Drapers Creek Road. This area of the site will be protected because of Council's intention to only allow development on the southern side of the road by requiring that the existing foundations work be used as a basis for the dwelling house.</p> |
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#### **PART 4 – COMMUNITY CONSULTATION**

The Planning Proposal would be placed on public exhibition for a period of 28 days and identified stakeholders would be notified, unless otherwise advised in the Gateway Determination.