

"Darraby" Broughton St, Moss Vale - Amend lot size map for urban release area

Proposal Title : "Darraby" Broughton St, Moss Vale - Amend lot size map for urban release area

Proposal Summary : The proposal involves amendment the Lot Size Map to reduce the minimum lot size over Lot 3, DP 603903 and Lot 54, DP 1107101, Broughton St, Moss Vale (also known as "Darraby"), from 700sqm to 500sqm.

PP Number : PP_2013_WINGE_002_00 Dop File No : 13/01668-1

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
- 3.1 Residential Zones
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 5.2 Sydney Drinking Water Catchments
- 6.1 Approval and Referral Requirements
- 6.3 Site Specific Provisions

Additional Information : It is recommended that the delegate of the Minister for Planning and Infrastructure determine under section 56(2) of the EP&A Act, that an amendment to the Wingecarribee LEP 2010 to:

(a) Provide for a reduction in the minimum lot size on the subject land by amending the Lot Size Map to reduce the lot size to 500sqm,

should proceed subject to the following conditions:

1. Community consultation should be undertaken for a minimum of 28 days under section 56(2) of the EP&A Act.

2. Consultation should be undertaken with the Rural Fire Service to ensure that it does not object to the proposal prior to undertaking community consultation. Consultations are not required with any other State Government agency.

3. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A 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 to be 9 months from the week following the date of the Gateway Determination.

5. Council be offered the Minister's plan making delegation under sections 59(2),(3)&(4) of the Environmental Planning and Assessment Act 1979.

6. SECTION 117 DIRECTIONS - It is recommended that:

(a) The Director-General can be satisfied that the Planning Proposal is consistent with s117 Direction 3.1 Residential Zones, 3.4 Integrating Land Use and Transport, 5.1 Regional Strategies, 5.2 Sydney Drinking Water Catchment, and 6.3 Site Specific Provisions; and

(b) Council will need to satisfy the Director-General that the proposal is consistent with s117 Direction 4.4 Planning for Bushfire Protection, and

(d)no further consultation or referral is required in relation to s117 Directions (other than Direction 4.4 Planning for Bushfire Protection).

10. The planning proposal is considered to be consistent with all relevant SEPPs.

Supporting Reasons :

This is a relatively minor proposal providing for the increased density of a new residential development in a large town. It is currently zoned for residential development and the proposed reduction in minimum lot size is not considered excessive. It will ensure that a wider range of housing types are provided as part of the subdivision.

This proposal is considered adequate in its consideration of the issues and Council should be encouraged to use its delegations to complete the process.

Panel Recommendation

Recommendation Date : **31-Jan-2013**

Gateway Recommendation : **Passed with Conditions**

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. It is noted that the planning proposal advises that a copy of Council's assessment of S117 Directions is included with the planning proposal, however this assessment has not been included. Consequently, prior to undertaking public exhibition, Council is to amend the planning proposal to demonstrate consistency or justify any inconsistencies with relevant S117 Directions.
2. Council is to consult with the NSW Rural Fire Services as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection and amend the planning proposal, if necessary, to take into consideration any comments made prior to undertaking public exhibition.
3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for 28 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 A Guide to Preparing LEPs (Department of Planning & Infrastructure 2012).
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Rural Fire Service

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.
5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
6. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

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Signature: _____

Printed Name: _____

Nest McGiffin

Date: _____

8-2-13