

Add "Dual occupancies" to clause 4.2A

Proposal Title : Add "Dual occupancies" to clause 4.2A

Proposal Summary : The proposal involves amending the Wingecarribee LEP 2010 to require dual occupancies to achieve the minimum lot size shown on the Lot Size Map by adding them to clause 4.2A
Erection of dwelling houses on land in certain rural and environmental protection zones.

PP Number : PP_2014_WINGE_005_00 Dop File No : 14/05160-1

Proposal Details

Date Planning Proposal Received : 24-Mar-2014 LGA covered : Wingecarribee

Region : Southern RPA : Wingecarribee Shire Council

State Electorate : GOULBURN Section of the Act : 55 - Planning Proposal

LEP Type : Policy

Location Details

Street :

Suburb : City : Postcode :

Land Parcel : Local Government Area - Zones RU1, RU2, RU4, E3 and E4

DoP Planning Officer Contact Details

Contact Name : Meredith McIntyre

Contact Number : 0262297912

Contact Email : meredith.mcintyre@planning.nsw.gov.au

RPA Contact Details

Contact Name : David Matthews

Contact Number : 0248680773

Contact Email : david.matthews@wsc.nsw.gov.au

DoP Project Manager Contact Details

Contact Name : Mark Parker

Contact Number : 0242249468

Contact Email : mark.parker@planning.nsw.gov.au

Land Release Data

Growth Centre : N/A Release Area Name : N/A

Regional / Sub Regional Strategy : Sydney-Canberra Corridor Consistent with Strategy : Yes

Regional Strategy : Regional Strategy

Add "Dual occupancies" to clause 4.2A

MDP Number :		Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes :

External Supporting Notes : **The planning proposal seeks to require dual occupancies to achieve the minimum lot size identified for the location in rural and environmental protection zones where dwellings are permitted.**

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The objective as provided by Council is to require dual occupancy development to be consistent with the minimum lot size identified on the Lot Size Map.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **It is intended to amend clause 4.2A to insert the words "or dual occupancy" after the words "dwelling house" throughout the clause.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

1.2 Rural Zones

* May need the Director General's agreement

1.5 Rural Lands

2.1 Environment Protection Zones

5.1 Implementation of Regional Strategies

5.2 Sydney Drinking Water Catchments

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP (Rural Lands) 2008

e) List any other matters that need to be considered :

SECTION 117 Directions:

1.2 Rural Zones - requires that a planning proposal must not contain provisions that will increase the permissible density on land within a rural zone. The proposal is **CONSISTENT** with the Direction as it is likely it will reduce the density of dual occupancy development.

1.5 Rural Lands - This Direction does not apply to the planning proposal, despite Council suggesting it does. The Direction only applies when a RPA prepares a planning proposal that changes the zone boundaries or existing minimum lot size on land within a rural or environment protection zone. The proposal is not altering boundaries or lot size in any zone therefore, it does **NOT APPLY** to the planning proposal.

2.1 Environment Protection Zones - requires that a planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). The planning proposal is **CONSISTENT** with the Direction as it does not reduce the protection standards for land in an environmental protection zone.

5.1 Implementation of Regional Strategies - requires that a planning proposal must be consistent with the relevant Regional Strategy. The planning proposal is consistent in the following ways:

The proposal is consistent with the following actions on page 21 of the SCCRS that require that LEPs will:

- include minimum subdivision standards for rural and environmental protection zones
- include provisions to limit dwellings in the rural and environment protection zones

Council expressed concern that the current provisions in Clause 4.2A that permit dual occupancies on undersized lots may undermine the actions on pages 39 & 40 of the SCCRS that require LEPs to identify and appropriately zone land with a clear separation between the urban areas of Mittagong and Bowral, and Bowral and Moss Vale, and appropriate planning for rural residential development.

Council expressed concerns that the current provisions in Clause 4.2A potentially conflict with cultural heritage actions on page 50 of the SCCRS to protect significant towns and villages (eg. Berrima), as the town is surrounded by a number of undersized lots and Council has received development applications for dual occupancies on some of these lots.

The proposal is considered **CONSISTENT** with the Direction.

5.2 Sydney Drinking Water Catchment - requires Council to consult with the Sydney Catchment Authority, which it has done. Therefore the proposal is **CONSISTENT** with the Direction.

6.1 Approval and Referral Requirements - requires a planning proposal must minimise provisions that require concurrence, consultation or referral to a Minister or public authority, nor must it identify development as designated development without approval. The proposal is **CONSISTENT** with this Direction.

6.2 Reserving Land for Public Purposes - is not considered relevant for this planning proposal, despite Council identifying it as applicable. The proposal does not affect land to be used for a public purpose.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Add "Dual occupancies" to clause 4.2A

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **Mapping is not required for this proposal.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council is proposing to publicly exhibit the proposal for 14 days.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **The proposal is considered relatively minor and is consistent with how this matter has been dealt with in other Principle LEPs.**

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Wingecarribee LEP 2010**

Assessment Criteria

Need for planning proposal : **Council recently received a development application for the erection of 17 dual occupancies on existing lots less than the minimum lot size on E3 Environmental Management zoned land between Berrima and New Berrima. Council has refused the development application on heritage and environmental impact concerns, however, Council has identified that it wishes to require all dwellings (whether dual occupancies or just dwelling houses) to meet the minimum shown on the applicable Lot Size Map.**

The way the current clause 4.2A is written, dwellings are required to meet the minimum shown on the Lot Size Map, but dual occupancies are not subject to that requirement.

Consistency with strategic planning framework : **The proposal to restrict dual occupancies to the applicable minimum lot size is consistent with the local and strategic planning framework. Council has identified that the proposal is consistent with both the local Wingecarribee Our Future Strategy and the Sydney-Canberra Corridor Regional Strategy.**

Environmental social economic impacts : **There are no known social or economic impacts other than the restriction of dual occupancies to only be permitted on lots that meet the minimum shown on the applicable Lot Size Map, as currently applies to dwellings.**

Add "Dual occupancies" to clause 4.2A

Assessment Process

Proposal type : **Routine** Community Consultation Period : **14 Days**

Timeframe to make LEP : **6 months** Delegation : **RPA**

Public Authority
Consultation - 56(2)
(d) :

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal - V2 FOR Gateway.pdf	Proposal	Yes
Appendix 1 - Council Report.pdf	Proposal	Yes
Appendix 2 - Council Resolution.pdf	Proposal	Yes
Appendix 3 - SCA Comments.pdf	Proposal	Yes
Appendix 4 - Delegation Evaluation Form.doc	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.2 Rural Zones**
- 1.5 Rural Lands**
- 2.1 Environment Protection Zones**
- 5.1 Implementation of Regional Strategies**
- 5.2 Sydney Drinking Water Catchments**
- 6.1 Approval and Referral Requirements**
- 6.2 Reserving Land for Public Purposes**

Additional Information : **It is RECOMMENDED that the General Manager, as 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 amend clause 4.2A to include dual occupancies should**

Add "Dual occupancies" to clause 4.2A

proceed subject to the following conditions:

1. 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 14 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 local environmental plans (Planning and Infrastructure, 2013)'.

2. Consultation is not required with any public authorities under section 56(2)(d) of the EP&A Act.

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 (for example in response to a submission or if reclassifying land).

4. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination.

5. Council be authorised to use 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 Directions 1.2 Rural Zones, 2.1 Environment Protection Zones, 5.1 Implementation of Regional Strategies, 5.2 Sydney Drinking Water Catchments and 6.1 Approval and Referral Requirements;

(b) The Director General can be satisfied that the planning proposal is consistent with all other relevant s117 Directions or that any inconsistencies are of minor significance; and

(c) No further consultation or referral is required in relation to s117 Directions while the planning proposal remains in its current form.

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

Supporting Reasons :

This is a minor proposal and is not inconsistent with similar clauses in other Principal LEPs.

Signature:



Printed Name:

MARK PARKER
Local Planning Manager

Date:

31st March 2014