

Planning Proposal

Planning Proposal to amend Wingecarribee
Local Environmental Plan 2010 to rezone to
R5 Large Lot Residential and apply a
4000m² minimum lot size to Lot 5 DP
10008, 10 Drapers Road, Willow Vale.

Version 2 – For Gateway Determination

October 2014



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ATTACHMENTS WHICH FORM PART OF THIS PLANNING PROPOSAL

1	Evaluation Criteria for Delegation of Plan Making Functions
2	Report to Council of 13 August 2014
3	Resolution of Council of 13 August 2014



LOCAL GOVERNMENT AREA : WINGECARRIBEE SHIRE COUNCIL

ADDRESS OF LAND : Lot 5 DP 10008, 10 Drapers Road, Willow Vale

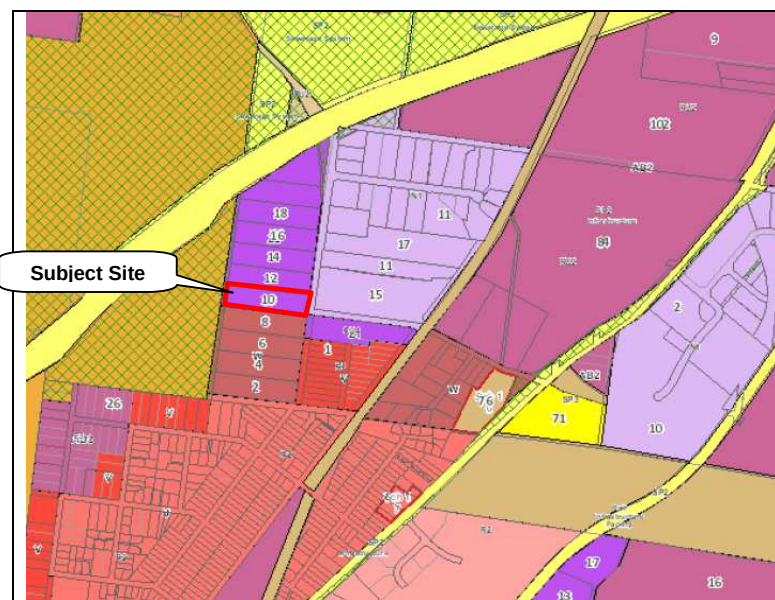
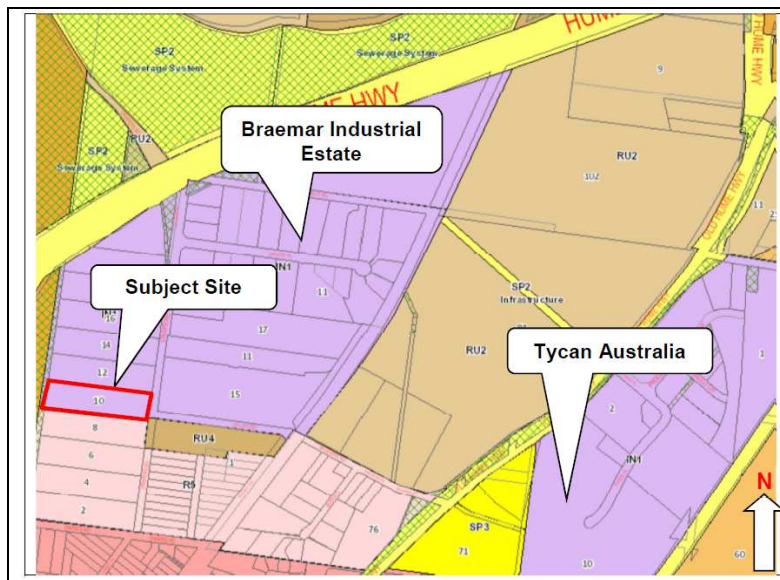
SHIRE WIDE LOCATION



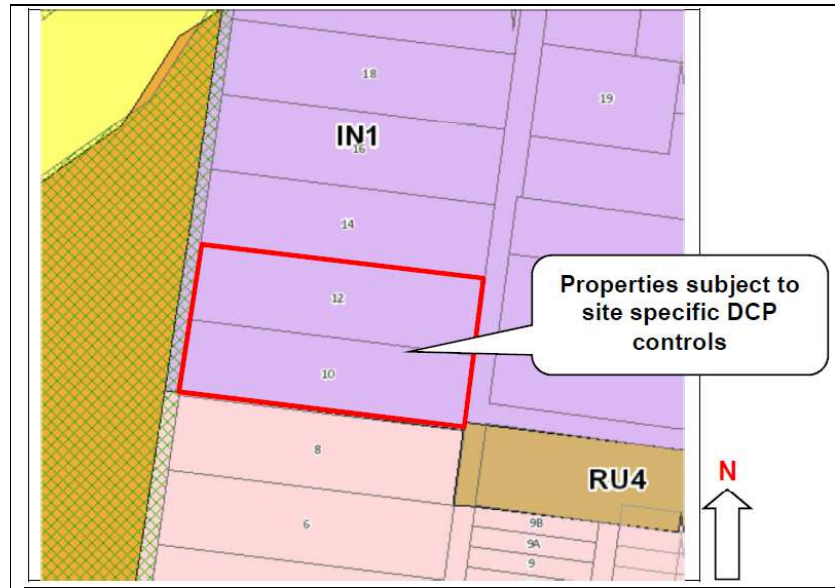
SITE LOCATION & DESCRIPTION

The subject site is located at 10 Drapers Road Willow Vale in the northern part of the Shire. The land was zoned IN1 General Industrial under Amendment No 2 to WLEP 2010 on 24 June 2011. Under the same amendment, the properties to the south of the subject site were zoned R5 with a minimum lot size of 4000m².

The current minimum lot size of the land is Z2 (4 hectares) although a Planning Proposal is currently being completed to remove the minimum lot size from this land and a number of other industrial zoned properties so that they are consistent with all other Industrial land within the Shire which does not have a minimum lot size.



It is also noted that, on 20 April 2011, amendments to the Industrial Lands DCP came into force to require that, for the purposes of industrial development, the subject site and the adjoining Number 12 Drapers Road to the north were to be developed together under a set of site specific DCP controls. The following figure indicates the location of the two sites which are the subject of the DCP provisions.



The proposed amendments are being considered because Council recently approved a dog breeding business at Number 12 Drapers Road. This is a land use which that property owner has sought for some time and which was only permissible with consent after amendments to the Standard Instrument Dictionary enabled Council to consider such a use in an Industrial zone.

In the light of the determination of that land use, the owner of Number 10 requested that his zoning be revised to reflect the residential zone to the south and that the site specific Industrial Land DCP controls be lifted.

Council supported these amendments in a resolution of 13 August 2014 as follows:

1. **THAT a Planning Proposal be prepared and submitted to the Department of Planning & Environment under section 55 of the Environmental Planning & Assessment Act to rezone Lot 5 DP 10008, 10 Drapers Road, Willow Vale to R5 Large Lot Residential with a minimum lot size of 4000m².**
2. **THAT the Industrial Lands DCP be amended to remove site specific controls applicable to 10 and 12 Drapers Road, Willow Vale in accordance with the Environmental Planning & Assessment Regulation 2000.**
3. **THAT it be noted that on completion of the Planning Proposal the subject site would form part of the Northern Villages DCP and be subject to the relevant provisions of that DCP.**
4. **THAT the applicant be advised of Council's decision.**

PART 1 : OBJECTIVES OR INTENDED OUTCOMES

The intent of this Planning Proposal is to include the subject site within the R5 Large Lot Residential zone to the south of the subject site and to apply the same 4 000m² minimum lot size.

PART 2 : EXPLANATION OF THE PROVISIONS

To achieve the intended outcomes of the Planning Proposal the following WLEP 2010 maps will require amendment:

Map to be amended	Detail of Amendment
LZN_007I	Zone subject site to R5 Large Lot Residential
LSZ_007I	Apply a minimum lot size of W 4 000m ² to the subject site.

PART 3 : JUSTIFICATION OF OBJECTIVES, OUTCOMES & PROCESS

Section A – Need for the Planning Proposal

1. Is the Planning Proposal a result of any strategic study or report?

No. The Planning Proposal is the result of the finalisation of the land use of Number 12 Drapers Road. The owner of Number 12 has sought for some time to operate a dog breeding premises (animal boarding and training facility under the Standard Instrument Dictionary). Amendments to the Standard Instrument enabled the approval of this land use in the IN1 General Industrial zone. With that land use finalised after many years of negotiation, and with the approval subject to many stringent fencing and landscaping requirements, it is considered by Council that Number 12 could now serve as the natural boundary for the end of the Industrial zoned land with the residential land continuing to that border, incorporating the subject site at Number 10. It is acknowledged that the land use of Number 12 can alter at any time, but it is considered likely that any change will not be for some years yet by which time the fact that Number 12 adjoins a residential zone (commencing with Number 10) can be considered in the future assessment of any other land use.

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

A Planning Proposal is the only mechanism to achieve the intended outcomes because the applicant seeks to use the land for large lot residential purposes and this requires that the land be rezoned.

Section B – Relationship to strategic planning framework**3. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including draft strategies)?**

As the rezoning affects only one property which adjoins residential zoned land to the south and industrial zoned land to the north, it is considered that the immediate strategic context of the Planning proposal is of most direct relevance. This relevance is considered below.

4. Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?

The rezoning of the subject site and surrounding land was made under Amendment 2 to WLEP 2010 in 2011. That amendment was the result of a strategic assessment which was undertaken following extensive local community consultation during 2008. At that time, it was acknowledged that creating a harmonious interface between residential and industrial zoned land can be challenging and the decision was taken to rezone the land to industrial. However, with the use of the property to the immediate north (Number 12) resolved for the foreseeable future it seems appropriate to use that property to define the southern boundary of the industrial zoned land and permit the subject site to become the northern boundary of the residential zoned area.

5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

Council considers that the rezoning of the subject land from IN1 General Industrial to R5 Large Lot Residential is consistent with all relevant SEPPs.

6. Is the Planning Proposal consistent with applicable Section 117 Directions?

The following s.117 Directions apply to the Planning Proposal:

1.1 – Business & Industrial Zones – the Planning Proposal seeks to rezone land from IN1 General Industrial to R5 Large Lot Residential. The objective of this Direction is to protect employment land. The land comprises an area of some 2 hectares and forms part of the Braemar Industrial Estate. It is acknowledged that the Planning Proposal will remove industrial zoned land from the stock of employment land, but it can also be argued that zoning the land to R5 Large Lot Residential would provide residential land more affordable than other similarly sized lots in the Shire which Council considers supports Direction 3.1. It is considered that the Planning Proposal is consistent with this Direction.

3.1 – Residential Zones – the Planning Proposal seeks to rezone land from IN1 General Industrial to R5 Large Lot Residential. The objective of this Direction is to encourage a variety of housing types to provide for existing and future housing needs and make efficient use of infrastructure. The land comprises an area of some 2 hectares. It is proposed to apply a minimum lot size of 4000m². Therefore a maximum of 5 large lot residential sites could be achieved. There is not a lot of 4000m² land available within the Shire and there does appear to be a level of demand for such lots. The conditions of consent applied to the recent approval of the animal boarding and training establishment on the adjoining Number 12 should minimise any potential conflict between the new Residential zone and the adjoining Industrial zone.

Water and sewer services are available to the site. It is considered that the Planning Proposal is consistent with this Direction.

4.4 – Planning for Bushfire Protection – the land is bushfire prone and appropriate APZ requirements will be required at the DA stage. It is considered that the Planning Proposal is consistent with this Direction.

5.1 – Implementation of Regional Strategies – the proposal meets the Housing objectives of the Sydney Canberra Corridor Regional Strategy.

5.2 - Sydney Drinking Water Catchment – Water and sewer services are available to the site. The SCA's requirements for development of the site will be addressed in detail at the Development Application stage through compliance with the relevant controls set out in the Northern Villages Development Control Plan relating to environmentally sustainable development. The SCA's response to the Planning Proposal is attached and this version of the Planning Proposal has been amended to reflect those comments.

Section C – Environmental, Social & Economic Impacts

7. 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?

The rezoning of the subject site from IN1 General Industrial to R5 Large Lot Residential with a minimum lot size of 4000m² considered to have less potential impact than the continuation of the current IN1 zoning.

8. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

The proposed rezoning has no direct environmental implications. Any subsequent development application would be assessed in accordance with the objectives and permissibilities of the R5 Large Lot Residential zone under WLEP 2010 and the Northern Villages Development Control Plan.

9. Has the Planning Proposal adequately addressed any social and economic effects?

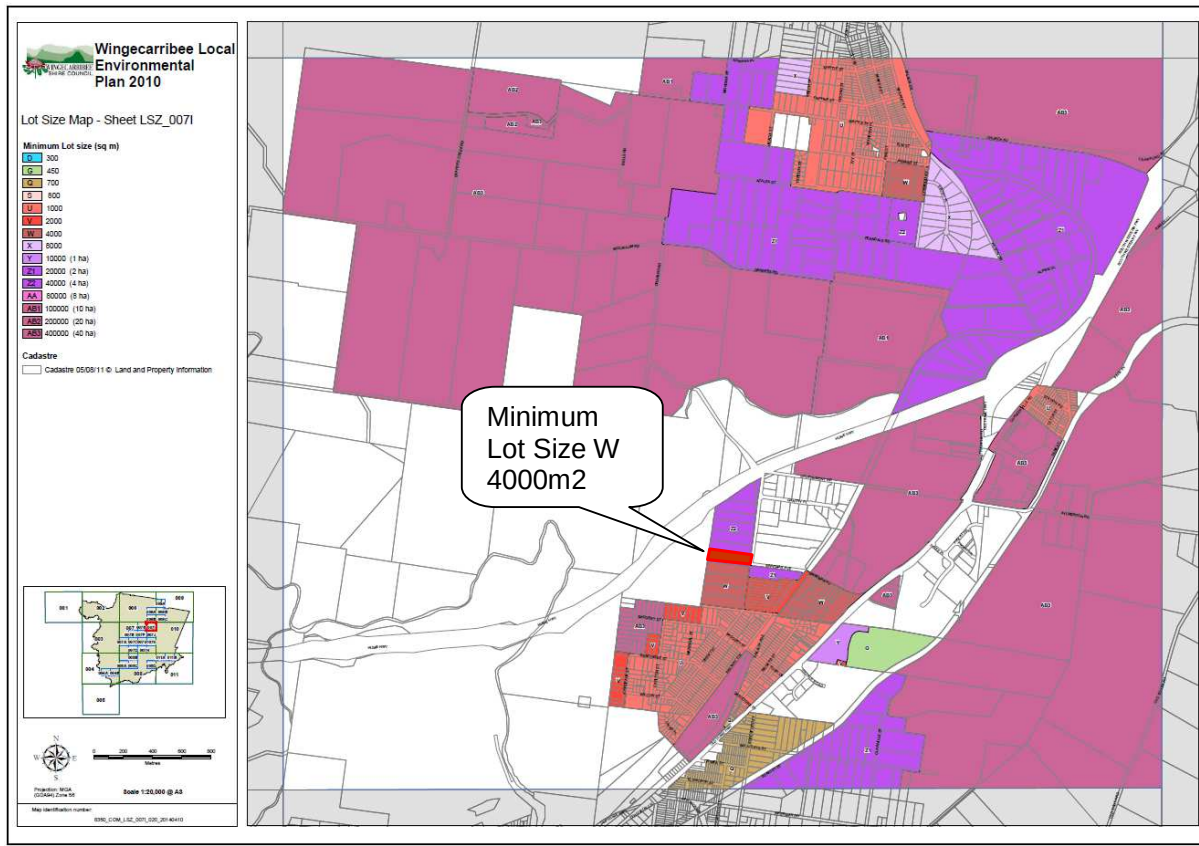
The proposed rezoning has no direct social or economic implications. Any subsequent development application would be assessed in accordance with the objectives and permissibilities of the R5 Large Lot Residential zone under WLEP 2010 and the Northern Villages Development Control Plan.

Section D – State and Commonwealth Interests

10. Is there adequate public infrastructure for the Planning Proposal?

The proposed rezoning and associated minimum lot size variation has no infrastructure implications.

Lot Size Map LSZ_0071



PART 6 – TIMELINE

It is anticipated that the Planning Proposal will progress in accordance with the following key timeline milestones.

MILESTONE	INDICATIVE DATE
Gateway Determination	26 September 2014
Public Exhibition/Consultation with government agencies	31 October 2014
Report to Council on exhibition of Planning Proposal.	12 November 2014
Documents to DP&I & PCO.	14 November 2014
Approximate completion date	28 November 2014

DELEGATIONS

Council is applying to use its delegations to complete this Proposal. The Department's form *Evaluation Criteria for Delegation of Plan Making Functions* has been attached for consideration.

*****END*****