

'Darraby' Patuna Ave, Moss Vale - reduce minimum lot size from 700sqm to 450sqm

Proposal Title : **'Darraby' Patuna Ave, Moss Vale - reduce minimum lot size from 700sqm to 450sqm**

Proposal Summary : **To reduce the minimum lot size from 700sqm to 450sqm on Lots 1&2 DP 788609, Patuna Ave, Moss Vale (also known as 'Darraby').**

PP Number : **PP_2015_WINGE_003_00**

Dop File No : **15/13305**

Proposal Details

Date Planning
Proposal Received : **03-Sep-2015**

LGA covered : **Wingecarribee**

Region : **Southern**

RPA : **Wingecarribee Shire Council**

State Electorate : **GOULBURN**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Housekeeping**

Location Details

Street : **Patuna Avenue**

Suburb : **Moss Vale**

City :

Postcode : **2577**

Land Parcel : **Lots 1 & 2, DP 788609**

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 : **Bennett Kennedy**

Contact Number : **0248680829**

Contact Email : **bennett.kennedy@wsc.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Graham Towers**

Contact Number : **0242249467**

Contact Email : **graham.towers@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

'Darraby' Patuna Ave, Moss Vale - reduce minimum lot size from 700sqm to 450sqm

MDP Number :	Date of Release :	
Area of Release (Ha) :	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots : 0	No. of Dwellings (where relevant) :	20
Gross Floor Area : 0	No of Jobs Created :	0

The NSW Government **Yes**

Lobbyists Code of Conduct has been complied with :

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 site is part of a larger development split by the Main Southern Railway line known as 'Darraby'. The site is zoned R2 and is currently being developed in accordance with a concept masterplan approved by Council. In recent years, the Council has sought to allow residential development on lots smaller than 700sqm, including the other part of Darraby and the Nattai Ponds development north of Mittagong.**

Adequacy Assessment**Statement of the objectives - s55(2)(a)**

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

Comment : **The purpose is to permit a broader range of housing types by amending the minimum lot size to allow residential lots as small as 450sqm.**

This is considered appropriate and Council has considered a concept masterplan.

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

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

Comment : **Amend the Lot Size Map LSZ_007D of the Wingecarribee Local Environmental Plan 2010 by reducing the lot size on the subject land from 'Q' = 700sqm to 'G' = 450sqm.**

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

**3.1 Residential Zones
4.3 Flood Prone Land
4.4 Planning for Bushfire Protection
5.2 Sydney Drinking Water Catchments**

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 No 44—Koala Habitat Protection

Drinking Water Catchments Regional Environmental Plan No. 1

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

SECTION 117 DIRECTIONS:

3.1 RESIDENTIAL ZONES: This Direction does apply to the planning proposal as it will affect land within an existing or proposed residential zone or any other zone in which significant residential development is permitted or proposed to be permitted. The proposal is considered to be **CONSISTENT** with this direction as the change will promote housing choice.

4.3 FLOOD PRONE LAND: Council has identified that this Direction applies to the planning proposal, however it does not apply as it will not create, remove or alter a zone or a provision that affects flood prone land. Council has not identified the land as flood prone.

4.4 PLANNING FOR BUSHFIRE PROTECTION: Council has identified that this Direction applies to the planning proposal, however it does not apply as it will not affect land mapped as bushfire prone land.

5.1 IMPLEMENTATION OF REGIONAL STRATEGIES: Council has not identified that this Direction applies to the planning proposal, however it does apply as the Sydney-Canberra Corridor Regional Strategy applies to the land. The proposal is considered to be **CONSISTENT** with this direction as it is a minor increase in density of existing zoned residential land.

5.2 SYDNEY DRINKING WATER CATCHMENT: This Direction does apply to the planning proposal as the land is within the Sydney drinking water catchment. The proposal is considered to be **CONSISTENT** with this direction as the increase in density will not affect the development's ability to have a neutral or beneficial effect on water quality.

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The mapping is adequate for public exhibition. The final maps will be prepared prior to completing the LEP.

Community consultation - s55(2)(e)

Has community consultation been proposed? **No**

Comment :

Council indicates consultation will be undertaken in accordance with the Gateway.

As this proposal is relatively minor: the land is currently zoned R2 Low Density Residential and it is an new release area, it is considered a relatively minor policy change to reduce the lot size. Therefore it is recommended that a community consultation of 14 days would be appropriate.

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 :

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

Wingecarribee Local Environmental Plan 2010 is in place.

Assessment Criteria

Need for planning
proposal :

The planning proposal is the result of the land owner requesting Council to consider an alternative masterplan concept that enables the development of 96 lots instead of the currently approved 76 lots. To achieve this, the minimum lot size would need to be reduced to enable a range of lot sizes on the site down to 450sqm. This lot size is in line with recent development areas with lots of 450sqm.

Consistency with
strategic planning
framework :

The proposal is consistent with the outcomes of the draft Wingecarribee Local Planning Strategy 2015-2031 and the Sydney-Canberra Corridor Regional Strategy.

Environmental social
economic impacts :

There are no additional environmental, economic or social impacts of the proposal as the site is already being developed for residential development. An additional 20 lots on the site will not create adverse impacts.

Assessment Process

Proposal type :

Minor

Community Consultation
Period :

14 Days

Timeframe to make
LEP :

12 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 :

No studies are required

'Darraby' Patuna Ave, Moss Vale - reduce minimum lot size from 700sqm to 450sqm

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
PP V3 for Gateway Determination.pdf	Proposal	Yes
Council Report 11 March 2015.pdf	Proposal	Yes
Council Resolution 11 March 2015.pdf	Proposal	Yes
Delegation Request Evaluation Form.doc	Proposal	Yes

Planning Team Recommendation

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

S.117 directions: **3.1 Residential Zones**
 4.3 Flood Prone Land
 4.4 Planning for Bushfire Protection
 5.2 Sydney Drinking Water Catchments

Additional Information : **RECOMMENDATIONS.**
It is **RECOMMENDED** that the General Manager, as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that an amendment to the Wingecarribee Local Environmental Plan 2010 to amend the minimum lot size on the land to 450sqm can proceed subject to the following:

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 12 months from the week following the date of the Gateway determination.

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

6. SECTION 117 DIRECTIONS - It is recommended that:

(a) The Secretary's delegate can be satisfied that the planning proposal is consistent with s117 Directions 3.1 Residential Zones, 5.1 Implementing Regional Strategies, and 5.2 Sydney Drinking Water Catchments.

(b) The Secretary's delegate 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 policy change that is consistent with other residential development areas in Wingecarribee Shire.

Signature:

Graham Towers 11/9/15

Printed Name:

GRAHAM TOWERS

Date:

11/9/15

ENDORSED

Brett Whitworth

Brett Whitworth
General Manager
SOUTHERN REGION

9/11/15

(11 September 2015)