

Wingecarribee LEP 2010 - Amend Lot Size Map at Braemar

Proposal Title : **Wingecarribee LEP 2010 - Amend Lot Size Map at Braemar**

Proposal Summary : **The Proposal is to amend the Lot Size Map for Part Lot 117, DP 659149, Old Hume Highway, Braemar to a range of lot sizes in accordance with a submitted subdivision plan.**

PP Number : **PP_2012_WINGE_004_00** Dop File No : **12/10082-1**

Proposal Details

Date Planning Proposal Received : **06-Jul-2012** LGA covered : **Wingecarribee**

Region : **Southern** RPA : **Wingecarribee Shire Council**

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

LEP Type : **Precinct**

Location Details

Street : Suburb : City : Postcode :

Land Parcel : **Part Lot 117, DP 659149, Old Hume Highway, Braemar**

DoP Planning Officer Contact Details

Contact Name : **Meredith McIntyre**

Contact Number : **0262297912**

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RPA Contact Details

Contact Name : **Susan Stannard**

Contact Number : **0248680854**

Contact Email : **susan.stannard@wsc.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : Contact Number : Contact Email :

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**

Wingecarribee LEP 2010 - Amend Lot Size Map at Braemar

MDP Number :	0	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 :

If No, comment :

Have there been meetings or communications with registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting Notes : **The subject land was rezoned from industrial to residential in 2011, however, at the time the Council did not change the Lot Size Map to reflect the residential zoning. The Council now has a subdivision plan it supports and wants to reflect that subdivision plan on the Lot Size Map for the subject land.**

External Supporting Notes :

Adequacy Assessment

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

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

Comment : **This is a very minor LEP that will amend the Lot Size Map for a recently rezoned residential area.**

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

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

Comment : **Provide a range of minimum lot sizes on the Lot Size Map.**

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

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 (Mining, Petroleum Production and Extractive Industries) 2007
SEPP (Rural Lands) 2008
Drinking Water Catchments Regional Environmental Plan No. 1

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

Section 117 Direction 3.1 Residential Zones applies to this residentially zoned land. The key relevant issues for the development of the site have been addressed previously when the site was rezoned to residential in 2011. This Planning Proposal applies minimum lot sizes to the land and achieves the requirements of the s117 Direction by providing housing choice; and making efficient use of existing infrastructure and services. Wingecarribee LEP 2010 already contains provisions requiring adequate services. However, the overly complicated minimum lot size provisions could be considered to limit housing choice raising concerns with consistency with the s117 Direction. Otherwise it is consistent.

RECOMMENDATION: Simplify the minimum lot sizes selected for the Lot Size Map to allow more flexibility.

The land is now zoned residential and this Planning Proposal would not be affected by any SEPPs. The issues around developing the site were addressed in the rezoning amendment (Wingecarribee LEP 2010 - Amendment No. 2) in 2011.

The Council has decided to apply a range of lot sizes to the site in accordance with a submitted subdivision plan instead of a single minimum lot size across the site. There are potential problems with Council's approach, in particular, if Council or the developer want/need to amend the subdivision plan for any reason, a new planning proposal would be required. In addition, allowing Council to set minimum lot size standards in this way would set a precedent that the Department should not be encouraging. Clause 4.6 of the LEP can be used to allow a variation of development standards where required.

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 : **A final LEP map has not been provided, but a clear and legible subdivision plan of the site and minimum lot sizes to be applied have been provided.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council is proposing to publicly exhibit the proposal for 28 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 :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Council's Principal LEP was notified in 2010.**

Assessment Criteria

Need for planning proposal :

In 2011, the subject land was rezoned from industrial to residential. At that time, Council did not amend the Lot Size Map which identifies 40ha for the site. Council desires to strictly restrict the minimum lot size for the site to reflect a specific detailed subdivision plan. This has now been submitted and is supported by Council.

There are other ways of achieving the same outcome for the site. Council could use a single minimum lot size over the residential part of the site and vary it using clause 4.6 of the LEP to achieve the desired subdivision plan. Additionally, preferred subdivision plan for the site could be included in Council's development control plan.

However, Council has indicated it wishes to proceed with translating the subdivision plan onto the Lot Size Map.

Consistency with strategic planning framework :

The proposal is consistent with the strategic framework relevant to the site, including Council's Northern Gateway Strategy and the Sydney Canberra Corridor Regional Strategy.

Environmental social economic impacts :

The subdivision plan proposes a range of lot sizes and proposes a separate large lot size for the site's heritage item. The lot sizes are consistent with the residential environment of the area and protects the heritage item.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **6 Month** Delegation : **DG**

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
20120706 - Planning Proposal.pdf	Proposal	Yes
20120706 - Council meeting - resolution.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions:

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 amend the Lot Size Map for Part Lot 117, DP 659149, Old Hume Highway, Braemar, should proceed subject to the following conditions:**

1. Council should reconsider applying an appropriate single minimum lot size (or smaller number of minimum lot sizes) to the residential part of the site and varying the standard where necessary, rather than proceeding with representing the proposed complex subdivision plan in the Lot Size Map. Council could consider adopting the detailed subdivision plan within its DCP. Council's modified minimum lot size(s) arrangement should be discussed with the Regional Director of the Southern Region of the Department prior to finalisation and exhibition of the Planning Proposal.
2. Community consultation should be undertaken for a minimum of 28 days under section 56(2) of the EP&A Act.
3. Consultations are not required with any State Government agency.
4. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway Determination.
5. The Director General can be satisfied that the Planning Proposal is consistent with all relevant s117 Directions and no further referral is required in relation to s117 Directions.

Supporting Reasons : **The Department does not support the Council's approach of applying a subdivision plan to the Lot Size Map in a residential area. This approach is overly restrictive and complicated and potentially inconsistent with s117 Direction 3.1 - Residential Zones. A more suitable and reasonable approach would be to apply a single (or a small number of) lot size(s) to the residential part of the site and use provisions in the LEP to vary the standard, if needed. A detailed preferred subdivision layout can be included in Council's DCP.**

As the site was recently rezoned to residential, there is no further need for consultations with government agencies. Additionally, all relevant s117 Directions were addressed when the site was rezoned and the Planning Proposal is otherwise consistent with s117 Direction 3.1 Residential Zones.

Signature:



Printed Name:

MARK PARKER
Local Planning Manager

Date:

2nd August 2012