

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

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.

Panel Recommendation

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Recommendation Date : **09-Aug-2012**

Gateway Recommendation : **Passed with Conditions**

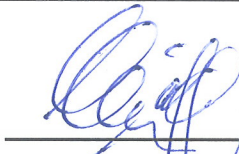
Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. Council's proposal to apply multiple lot sizes for land at Old Hume Highway, Braemar is not supported. Prior to undertaking public exhibition, Council is to identify and apply an appropriate single minimum lot size to that part of the site which is to be developed for residential purposes and assign a larger lot size for that part of the site containing the heritage item 'Kamilaroi', if appropriate. The subdivision plan should be placed on public exhibition with the planning proposal.
2. Prior to undertaking public exhibition, Council is to amend the planning proposal to include a proposed lot size map which clearly identifies the subject site and the revised minimum lot sizes. This should be placed on public exhibition with the planning proposal.
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 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).
4. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
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.

Signature:



Printed Name:

Neil McGaffin

Date:

12.8.12