



Local Planning Directions

The following is a schedule of Local Planning Directions issued by the Minister for Planning to relevant planning authorities under section 117(2) of the *Environmental Planning and Assessment Act 1979*. These directions apply to planning proposals lodged with the Department of Planning on or after the date the particular direction was issued.

These Local Planning Direction responses relate to:

A Planning Proposal to amend the Wingecarribee Local environmental Plan 2010 and various maps for three (3) properties:

'Boscobel' (comprising numerous lots including Lot 1 DP 63523 & Lot 3 DP 1142493),

'Burrawang Hotel' (Lot 1 DP 198682) and

'Pavilions' (Lot 6 DP Sect 7 DP 2836).

The information provided after the following schedule outlines Council's response where the subject application is **Justifiably Inconsistent** with certain Local Planning Directions.

Direction	Date effective/ Assessment of Relevance
1. Employment and Resources	1 July 2009
1.1 Business and Industrial Zones	NR
1.2 Rural Zones	JI
1.3 Mining, Petroleum Production and Extractive Industries	C
1.4 Oyster Aquaculture	NR
1.5 Rural Lands	JI
2. Environment and Heritage	1 July 2009
2.1 Environment Protection Zones	C
2.2 Coastal Protection	NR
2.3 Heritage Conservation	C
2.4 Recreation Vehicle Areas	NR
3. Housing, Infrastructure and Urban Development	16 February 2011
3.1 Residential Zones	C
3.2 Caravan Parks and Manufactured Home Estates	C
3.3 Home Occupations	NR
3.4 Integrating Land Use and Transport	NR
3.5 Development Near Licensed Aerodromes	NR
3.6 Shooting Ranges	NR
4. Hazard and Risk	1 July 2009
4.1 Acid Sulfate Soils	NR
4.2 Mine Subsidence and Unstable Land	NR
4.3 Flood Prone Land	C
4.4 Planning for Bushfire Protection	C
5. Regional Planning	3 March 2011
5.1 Implementation of Regional Strategies	C
5.2 Sydney Drinking Water Catchments	C
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	NR
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	NR
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)	Revoked
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	Revoked
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	Revoked
5.8 Second Sydney Airport: Badgerys Creek	NR
6. Local Plan Making	1 July 2009
6.1 Approval and Referral Requirements	C
6.2 Reserving Land for Public Purposes	C
6.3 Site Specific Provisions	C
7. Metropolitan Planning	1 February 2010
7.1 Implementation of the Metropolitan Plan for Sydney 2036	NR

This schedule is provided to ensure that the Local Planning Directions addressed are the most up-to-date available and to demonstrate that all Directions have been considered.

Justifiably Inconsistent with Local Planning Directions 1.2 and 1.5

Two of the sites (Boscobel (A) & Pavilions (C)) will increase the ‘*permissible density of Rural Zones within a rural zone*’ contrary to Section 1.2(4)(b) of the *Local Planning Direction (LPD) 1.2 Rural Zones* and one (Pavilions (C)) will ‘*reduce the minimum lot size of Rural Lands*’ contrary to Section 1.5(3)(b) *LPD Rural Zones*.

LPD 1.2 Rural Zones applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone,

LPD 1.5 Rural Lands applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone or that changes the existing minimum lot size on land within a rural or environment protection zone. All properties are contained within the E3 Environmental Management zone therefore LPD 1.5 applies

Local Planning Direction 1.2 Rural Zones

A Planning Proposal is Inconsistent with Local Planning Direction 1.2 if it increases the permissible density of each site (1.2(4)(b)). The Planning Proposal will do this by creating additional residential development potential on the Boscobel (A) and Pavilions (C) properties.

The objective of this Local Planning Direction is to ‘*protect the agricultural production value of rural land*’.

The subject proposal identifies the land to which the proposal relates (Section 1.2(5)(e)(ii)) and the increase in density of two (2) sites (Boscobel and the Pavilions) will be by two residential dwellings (although one is an existing structure) in the rural E3 Environmental Management zone of the Wingecarribee Local Environmental Plan 2010.

The Planning Proposal will increase the residential density of two (2) sites however the impact of each amendment is mitigated by the specific site circumstances as follows. The response below identifies each site (A, B & C) as per the Planning Proposal.

- (A) The Boscobel site involves a boundary reconfiguration to take advantage of an existing dwelling entitlement on an existing lot, within an existing holding, that has existing dimensions that are currently too small to support an unsewered residential dwelling. The smaller of the newly created lots will be of a size that is consistent with other residential holdings in the locality and will be of such dimensions that residential development can be supported on the site.
- (B) The Burrawang Hotel site will not increase the residential density as no additional residential development has been requested by the applicant or supported by Council. Council’s resolution of 27 June 2012 supports the amendment of the Wingecarribee LEP 2010 only for the purpose of a two (2) lot subdivision of the subject site and the revision of Schedule 5 Environmental Heritage of the Wingecarribee LEP 2010 following the permitted subdivision.
- (C) The Pavilions site contains an existing structure formerly used as function rooms and offices. There would therefore be minimal impact created by the development of the site for residential purposes or by the conversion of the existing structure for residential use. The site is further constrained by the dimensions of the property and development that would be permissible with the extension of the existing E3 Environment Management zone.

CONCLUSION

In summary, agricultural production value of the sites will be protected. The Planning Proposal is therefore considered consistent with objective 1.2(1) to protect the agricultural production value of the land. The Justifiable Inconsistency with Local Planning Direction 1.2 is therefore considered of minor significance in accordance with Sections 1.2(5)(d) of the Local Planning Directions.

Direction 1.5 Rural Lands

The objectives of this Local Planning Direction 1.5 Rural Lands are to:

- (a) *Protect the agricultural production value of rural land,*
- (b) *Facilitate the orderly and economic development of rural lands for rural and related purposes.*

LPD 1.5 *Rural Lands* applies when:

- (a) a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or
- (b) a relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone.

As this LPD applies, Council must ensure that the Planning Proposal is consistent with the Rural Planning Principles (LPD 1.5(4)) and Rural Subdivision Principles (LPD 1.5(5)) contained in *State Environmental Planning Policy (Rural Lands) 2008 (the Rural Lands SEPP 2008)*.

Having regard to the Rural Planning Principles and the Rural Subdivision Principles contained in the Rural Lands SEPP 2008, the amendment to the Wingecarribee LEP 2010 is not intended to facilitate multiple lot subdivision, impact on the agricultural production value or impede the orderly and economic development of rural lands for rural and related purposes.

- (A) The Planning Proposal for site A involves reconfiguring the existing cadastral layout so as to take advantage of an existing dwelling entitlement in a manner that will not significantly impact on the existing operation of the remainder of the property or on the amenity of adjoining properties. The proposal is therefore considered to be consistent with the objective of this LPD.
- (B) The submission for the Burrawang Hotel site requests separating the existing heritage item on the site, from the balance of the property. Council’s resolution of 27 June 2010 supports the proposed amendment for the purpose of a two lot subdivision only.

The property boundaries of the subject land currently prevent subdivision due to the residual of the site falling into the AB2 (40 Ha) minimum lot size area of the Wingecarribee LEP 2010. The site currently straddles E3 Environment Management zone and R2 Low Density Residential zone. That part of the site in the E3 Environment Management land currently restricts agricultural production value due to its size. Further, the remainder of the subject land adjoins R2 Low Density Residential where agricultural production is prohibited. It is therefore considered that separating the ‘Burrawang Hotel’ from the remainder of the property will not impact on the non-existent agricultural production value or impede the orderly and economic development of the site.

- (C) The Pavilions proposal will simply allow the use of the site for residential purposes. This will benefit the site by maintaining vegetation through domestic gardening and site care and will have minimal impact on adjoining properties because of the existing structures.

The Planning Proposal is therefore considered consistent with objectives 1.5(1)(a) & (b). The Justifiable Inconsistency with Local Planning Direction 1.5 is therefore of minor significance in accordance with Section 1.5(6)(b) of the Local Planning Directions.