



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 27 June 2012

REPORT - DEPUTY GENERAL MANAGER CORPORATE & STRATEGY

cw-CS8 Planning Proposal to Permit a Dwelling House at The Pavilions, Lot 6 Section 7 DP 2836, Bong Bong Road, Mittagong

Environment

Reference: PN 1706203, 5901

Responsible Officer: Manager Strategic and Community Development

PURPOSE

The purpose of this report is to recommend that Council support a request for the preparation of a Planning Proposal to permit the construction of a dwelling house at The Pavilions, Lot 6 Section 7 DP 2836, Bong Bong Road, Mittagong.

SUMMARY

On 24 November 2011 Council received a request for consideration of a Planning Proposal to permit the use of existing buildings on the subject site for the purposes of a dwelling house. The property is zoned part E3 Environmental Management and part RU2 Rural Landscape under WLEP 2010. The minimum lot size for construction of a dwelling house is 40 hectares. The area of the subject property is 4,047m². A Planning Proposal is required to amend the relevant Lot Size Map to reduce the minimum lot size of the subject site to 4,000m², thereby enabling a dwelling house to be permissible under WLEP 2010.

Under the provisions of Division 4 of the Environmental Planning and Assessment Act 1979, a Planning Proposal is required to achieve this outcome.

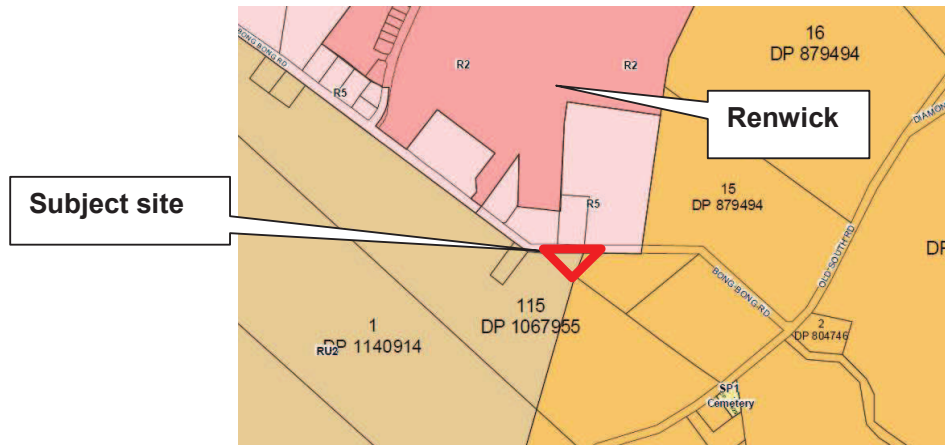
On 21 March 2012, the Local Planning Strategy Steering Committee Sunset Working Group considered the request and indicated 'in principle' support. It is recommended that Council submit a formal Planning Proposal to the Department of Infrastructure and Planning.

DESCRIPTION OF PROPOSAL

BACKGROUND

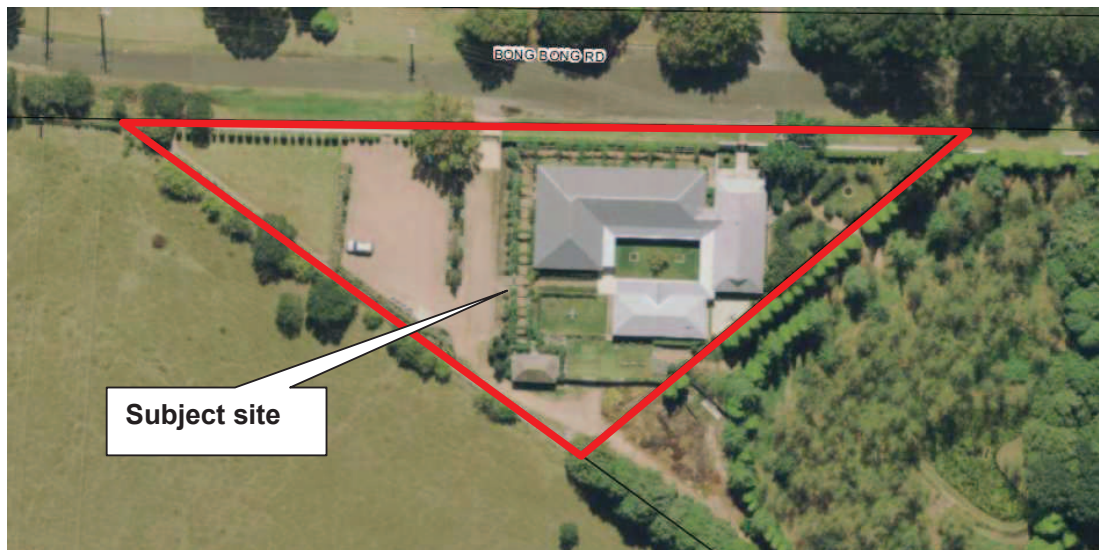
Subject Site and Locality

The property is Lot 6 Section 7 DP2836, known as The Pavilions, Bong Bong Road, Mittagong. The site is formerly part of Kennerton Green and is located across the road from the Renwick site, as indicated below.



DETAILS OF PROPOSAL

The site contains buildings approved as part of LUA 07/0890 for the purposes of a Health Retreat and Accommodation, designed as a set of 'Pavilions' which appear as a dwelling house, as illustrated below.



From Bong Bong Road, the existing buildings also have the appearance of a dwelling house as indicated below.



The applicant seeks to use the existing buildings as a dwelling house. No further modification to the buildings is required to enable this use. No further development is proposed.

However, because the minimum lot size for the site is 40 hectares, a dwelling is not permissible on the site without an amendment to WLEP 2010 to reduce the minimum lot size to one which is below the 4,047m² area of the site. A minimum lot size of 4,000 m² would satisfy this requirement.

Properties within the vicinity of the site do vary in size, but there are several along Bong Bong Road with an area of approximately 4,000 m² so a property of this size with a dwelling would be in keeping with the neighbouring locality. It is also noted that the design of the existing buildings present to the road frontage as a dwelling, further supporting the use of the buildings for such a purpose.

Because the site is part E3 Environmental Management and part RU2 Rural Landscape, Council will also take the opportunity to apply the E3 Environmental Management to the whole site. The extension of the E3 zone would be a 'tidying up' of the LEP, applying the stronger environmental protection objectives of the zone (compared with the RU2 zone) to the property.

STATUTORY ASSESSMENT

Wingecarribee LEP2010

The site is zoned part E3 Environmental Management and part RU2 Rural Landscape under WLEP 2010. The minimum lot size 40 hectares, but there are properties along Bong Bong Road which are below this minimum, closer to the 4,000m² of the subject site.



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Development Control Plans

As the existing buildings may be used as a dwelling without modification, no assessment under the Mittagong DCP will be required. However, it is noted that a Building Certificate will need to be issued by Council for the building to be legally used as a dwelling.

State Environmental Planning Policies

As it is intended to utilise existing buildings, no SEPPs will apply.

Section 79C Evaluation

Assessment will occur under the provisions of the Mittagong DCP once a Land Use Application is lodged for a change of use for the existing building from a health retreat to a dwelling house.

Relevant State Legislation

The Environmental Planning and Assessment Act 1979 provides the process by which a Planning Proposal is prepared. A Planning Proposal is required because the 4,000m² lot will be below the minimum lot size for which a dwelling house is permissible.

CONSULTATION

Internal Referrals

Internal consultation has involved consideration by Council's Local Planning Strategy Steering Committee Sunset Working Group. Further Internal consultations will take place during the Planning Proposal process.

Neighbour Notification (or Advertising)/Public Participation

Consultation with the community and public authorities will take place during the Planning Proposal process.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no identified Vegetation Communities in the vicinity of the proposed Lot 3 extension.

- **Social**

There are no social implications associated with this matter.

- **Broader Economic Implications**

There are no economic implications associated with this matter.

- **Culture**

There are no cultural implications associated with this matter.



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- **Governance**

There are no governance implications associated with this matter.

RELATIONSHIP TO CORPORATE PLANS

The 2031+ Community Strategic Plan identifies the community's desire create and preserve residential environments which provide a range of lifestyles and housing opportunities which respect the natural environment and cultural heritage of the Shire. A degree of flexibility with regard to the size of residential allotments at the interface between towns and rural land beyond promotes this objective.

RELATED COUNCIL POLICY

Should Council proceed with the Planning Proposal, Council's policies and state government requirements will be required to be followed.

BUDGET IMPLICATIONS

The Planning Proposal would be administered by Council staff. The appropriate Planning Proposal fee would be payable by the applicant if the Planning Proposal is supported by the Department of Planning and Infrastructure.

OPTIONS

There are two (2) options available to Council:

1. Council resolve to prepare a Planning Proposal to amend the relevant minimum lot size map for Lot 6 Section 7 DP 2836, Bong Bong Road, Mittagong to permit the use of existing buildings on the site for the purposes of a dwelling house and amend the relevant zoning map to extend the E3 Environmental Management zone across the entire site.

Comment: This option is recommended as the buildings exist in the form of a dwelling house and can be used for that purpose without modification. This option would appear to be the best use of the subject site.

2. Council resolve to not proceed with a Planning Proposal to amend the relevant minimum lot size map for the subject site to permit the use of existing buildings on the site for the purposes of a dwelling house, or to amend the relevant zoning map to extend the E3 Environmental management zone across the whole site.

ATTACHMENTS

There is one (1) attachment to this report, which has been circulated under separate cover.

1. Submission to Prepare a Planning Proposal submitted by Bureaucracy Busters.

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RECOMMENDATION

1. THAT Council, in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 and the Guide to Preparing Local Environmental Plans, prepare and lodge with the NSW Department of Planning and Infrastructure, a Planning Proposal to amend the relevant minimum lot size map and zoning map for Lot 6 Section 7 DP 2836, Bong Bong Road, Mittagong, to reduce the minimum lot size to 4,000m² and extend the E3 Environmental Management zone across the whole site
 2. THAT if the Planning Proposal is given a Gateway Determination to proceed, undertake consultation with the community and relevant government agencies in accordance with section 57 of the Environmental Planning and Assessment Act 1979 and the directions of the Gateway Determination.
 3. THAT the applicant be advised of Council's decision.
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(Voting on the Motion)