

cw-CS3 Planning Proposal to Amend the boundaries of Boscobel, 453 Exeter Road, Sutton Forest and Lot 3 DP 114493, Nicholson Street, Sutton Forest, to Create a Lot of 46 Hectares and an Adjoining Lot of 4,000m².

Environment

Reference: PN 1773730, 5901.

Responsible Officer: Manager Strategic and Community Development

PURPOSE

The purpose of this report is to present to Council a request for the preparation of a Planning Proposal to amend the boundary between the property known as 'Boscobel', 453 Exeter Road, Sutton Forest and the adjoining Lot 3 DP 1142493, Nicholson Street, Sutton Forest, to create two (2) new allotments, one of 46 hectares and one of 4,000m². A Planning Proposal is required because one of the resulting new allotments will be 4,000m², which is below the minimum lot size of 40 hectares permissible under WLEP 2010.

SUMMARY

On 23 March 2011 Council considered an application to consolidate the allotments which comprise the Boscobel site together with the adjoining Lot 3 DP 1142493, which has its own dwelling entitlement, to create two new allotments, one of 40 hectares and a second of 7 hectares located some distance from Lot 3 DP 1142493, resulting in the effective relocation of that dwelling entitlement.

At the meeting on 23 March 2011 Council unanimously resolved as follows.

THAT Council not support the application to consolidate the allotments which comprise the property known as 'Boscobel', 453 Exeter Road, Sutton Forest, being Lot 1 DP 63523, Lot 1 DP 1094302 and Lots 1 -19 Sec 8 DP 758938, Lots 1 and 2 Sec 9 DP 758938, together with Lot 3 DP 1142493, to create a new lot of 40 hectares and a new lot of 7 hectares because the purpose of the consolidation is to transfer the current dwelling entitlement on Lot 3 DP 1142493 to the newly created 7 hectare allotment and Council does not support such transfers without sound planning justification and in this instance Council does not believe that adequate justification has been provided.

At the Local Planning Strategy Steering Committee Sunset Working Group on 20 July 2011 Council considered a further request that the proposed consolidation be supported, but this time that the dwelling entitlement be retained on Lot 3 DP 1142493 with that lot being enlarged to 4,000m², an area in keeping with the size of surrounding properties.

The Working Group indicated 'in principle' support, provided a survey diagram indicating the location and extent of the proposed increase to Lot 3 DP 1142493 was submitted with the report to Council.

The applicant was advised of this outcome and subsequently, a revised draft survey diagram was provided to Council and forms part of this report. It is recommended that the request to prepare a Planning Proposal to permit the consolidation of the Boscobel allotments and subsequent creation of the larger adjoining allotment be supported.

DESCRIPTION OF PROPOSAL

BACKGROUND

On 23 March 2011 Council considered an application to consolidate the allotments which comprise the Boscobel site together with the adjoining Lot 3 DP 1142493, which has a dwelling entitlement, to create two new allotments, one of 40 hectares and a second of 7 hectares located some distance from Lot 3 Lot 3 DP 1142493, resulting in the effective relocation of that dwelling entitlement.

At the meeting on 23 March 2011 Council unanimously resolved as follows.

THAT Council not support the application to consolidate the allotments which comprise the property known as 'Boscobel', 453 Exeter Road, Sutton Forest, being Lot 1 DP 63523, Lot 1 DP 1094302 and Lots 1 -19 Sec 8 DP 758938, Lots 1 and 2 Sec 9 DP 758938, together with Lot 3 DP 1142493, to create a new lot of 40 hectares and a new lot of 7 hectares because the purpose of the consolidation is to transfer the current dwelling entitlement on Lot 3 DP 1142493 to the newly created 7 hectare allotment and Council does not support such transfers without sound planning justification and in this instance Council does not believe that adequate justification has been provided.

At the Local Planning Strategy Steering Committee Sunset Working Group on 20 July 2011 Council considered a further request that the proposed consolidation be supported, but this time that the dwelling entitlement be retained on Lot 3 Lot 3 DP 1142493 with that lot being enlarged to 4,000m², an area in keeping with the size of surrounding properties. The Working Group indicated 'in principle' support, provided a survey diagram indicating the location and extent of the proposed increase to Lot 3 DP 1142493 was submitted with the report to Council. The applicant was advised of this outcome and subsequently, a revised draft survey diagram was provided to Council and forms part of this report.

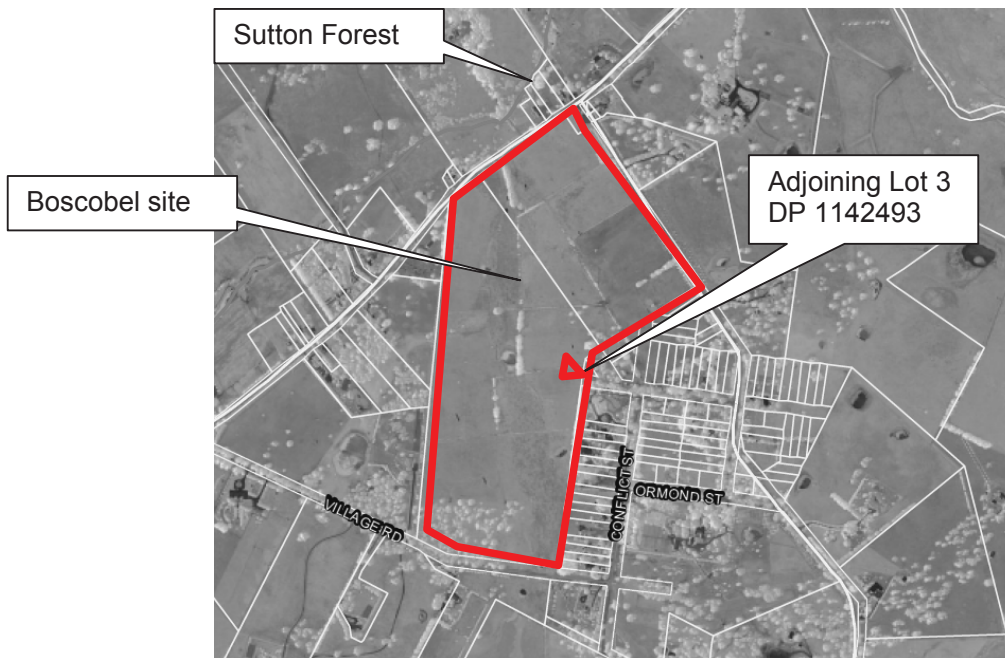
DETAILS OF PROPOSAL

Subject Site and Locality

The subject area comprises two sites – 'Boscobel', 453 Exeter Road, Sutton Forest, and the adjoining Lot 3 Nicholson Street (Lot 3 DP 1142493), Sutton Forest. The total subject area is indicated on the location map below. All properties are in the one ownership.

The subject area comprises a total of 24 lots with an area of 47.13 hectares. The 'Boscobel' property comprises the two (2) large lots – Lot 1 DP 63523 (27.59 ha) and Lot 1 DP 1094302 (14.16 ha) and a further 21 smaller lots - Lots 1 -19 Sec 8 DP 758938 and Lots 1 & 2 Sec 9 DP 758938 (4.73 ha).

Lot 3 DP 1142493 adjoins the 'Boscobel' property and has an area of 650m². Its location in the subject area is identified on the map below. The land is zoned E3 Environmental Management under Wingecarribee Local Environmental Plan 2010 (WLEP 2010) with a minimum lot size of 40 hectares.



The 'Boscobel' site is included in Schedule 5 (Heritage items) of WLEP 2010 (Item I013), identified as 'Boscobel' house, grounds and outbuildings.

In addition to the 'Boscobel' house, there is a separate dwelling entitlement on the 650m² Lot 3 DP 1142493, confirmed by Council in a letter to the applicant dated 16 November 2007. Council also confirmed in that letter that this entitlement did not automatically grant permission to build. The location of Lot 3 with regard to the 'Boscobel' heritage-listed house is indicated on the aerial photograph below.

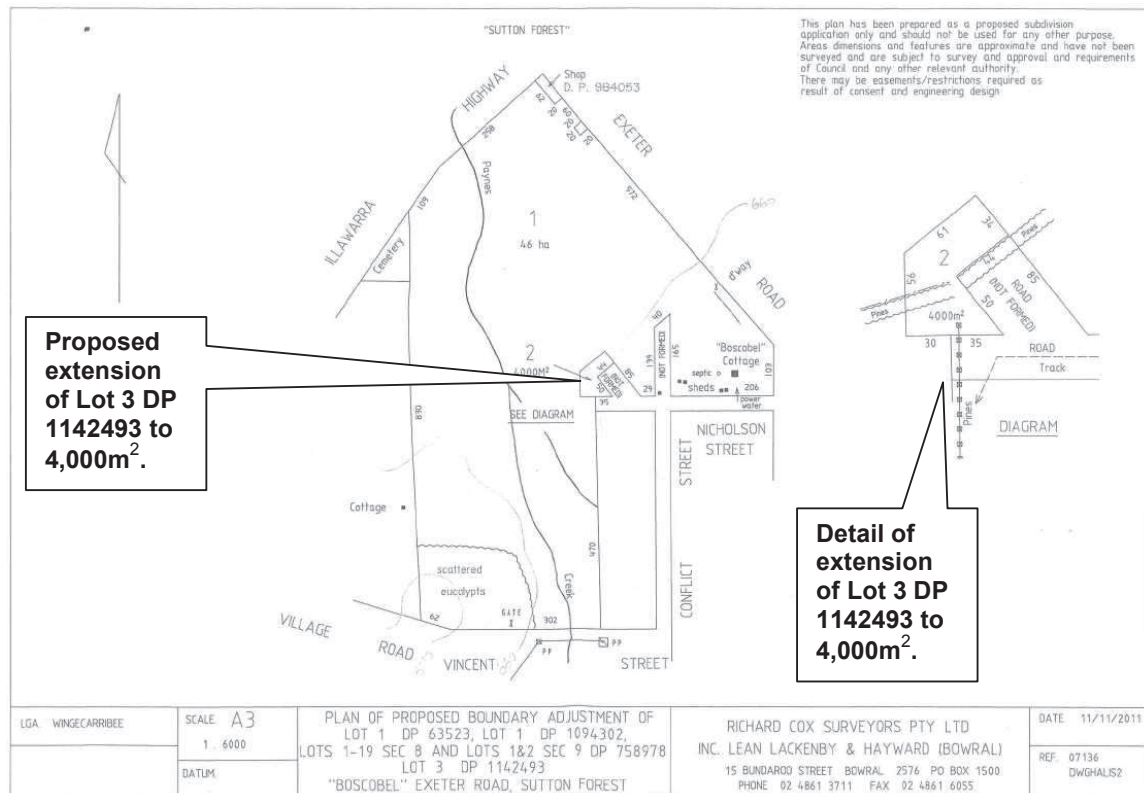


Aerial Photograph (2009) - North indicated by the red arrow.

Revised Proposal

The concern with the previous proposal was that the dwelling entitlement associated with Lot 3 DP 1142493 was being transferred to a different part of the Boscobel property. This was not supported.

This new draft Survey Plan (illustrated below) which was submitted following the 'in principle' support offered at the Local Planning Strategy Steering Committee Sunset Working Group Meeting on 20 July 2011, extends Lot 3 DP 1142493 to 4,000 m².



Revised Draft Survey Plan.

The proposed extension of Lot 3 DP 1142493 to 4,000m² creates an allotment in keeping with other allotment sizes along Conflict Street and does not impact on the Boscobel Item of Heritage.

STATUTORY ASSESSMENT

Wingecarribee LEP2010

The minimum lot size is currently 40 hectares, but there are properties along Conflict Street which are below this minimum, closer to the 4,000m² proposed for the amended Lot 3.

Development Control Plans

For the purposes of this phase of the process, the Rural Lands Development Control Plan does not apply. However consideration of the DCP will occur at the LUA stage.

State Environmental Planning Policies

These will be assessed at the LUA stage.

Section 79C Evaluation

These will be assessed at the LUA stage.

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 resulting 4,000m² lot will be below the minimum lot size of 40 hectares under WLEP 2010.

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**

Boscobel is identified as an Item of Heritage under WLEP 2010. The proposed extension to Lot 3 does not impact on that Item.

- **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 smaller villages 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 three options available to Council:

1. Council resolve to prepare a Planning Proposal to amend the property boundary of Boscobel and the adjoining Lot 3 to create an allotment of 4,000 m² compared with 650 m².

Comment: This option is recommended as the current 650 m² is below the area of residential development within the vicinity and below what would normally be permitted for construction of a dwelling within a rural environment. An area of 4,000 m² is preferred as it is in keeping with residential development in the vicinity of the subject site.

2. Council retain the current property boundary of Boscobel and the current area of the adjoining Lot 3.
3. Council resolve to permit Lot 3 to be extended to an area less than 4,000 m².

ATTACHMENTS

There are no attachments to this report.

.....Cont'd



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

.....Cont'd

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 boundary between the property known as 'Boscobel', 453 Exeter Road, Sutton Forest and the adjoining Lot 3 DP 1142493, Nicholson Street, Sutton Forest, to create two (2) new allotments, one of 46 hectares and one of 4,000m².
 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.
-

(Voting on the Motion)