



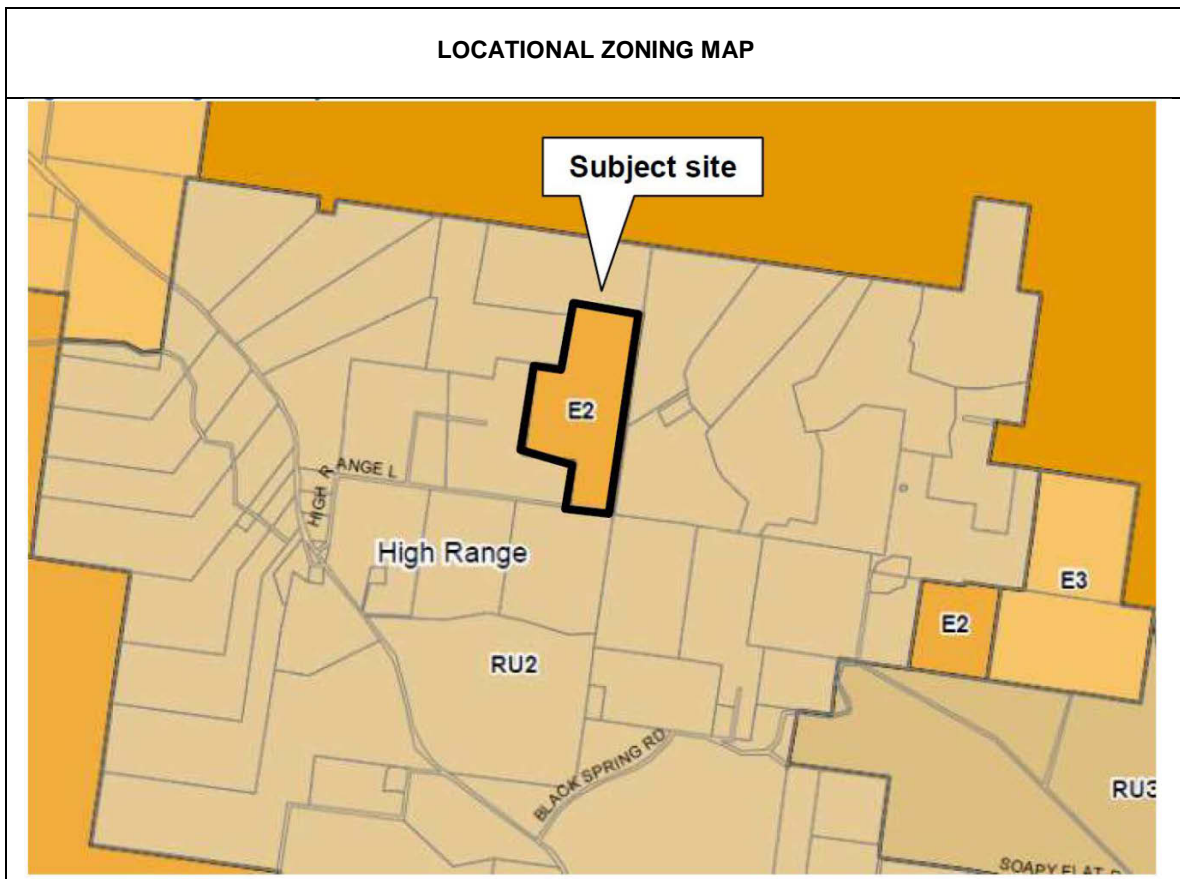
**Planning Proposal  
To  
Rezone Lot 3 DP1076561, Merrioola,  
205 High Range Lane, High Range,  
from E2 Environmental Conservation to  
RU2 Rural Landscape and insert a minimum lot size of  
40 hectares over the subject site.**

PLANNING PROPOSAL TO REZONE LOT 3 DP 1076561, MERRIOOLA, 205 HIGH RANGE LANE, HIGH RANGE, FROM E2 ENVIRONMENTAL CONSERVATION TO RU2 RURAL LANDSCAPE AND INSERT A MINIMUM LOT SIZE OF 40 HECTARES OVER THE SUBJECT SITE.

## Planning Proposal

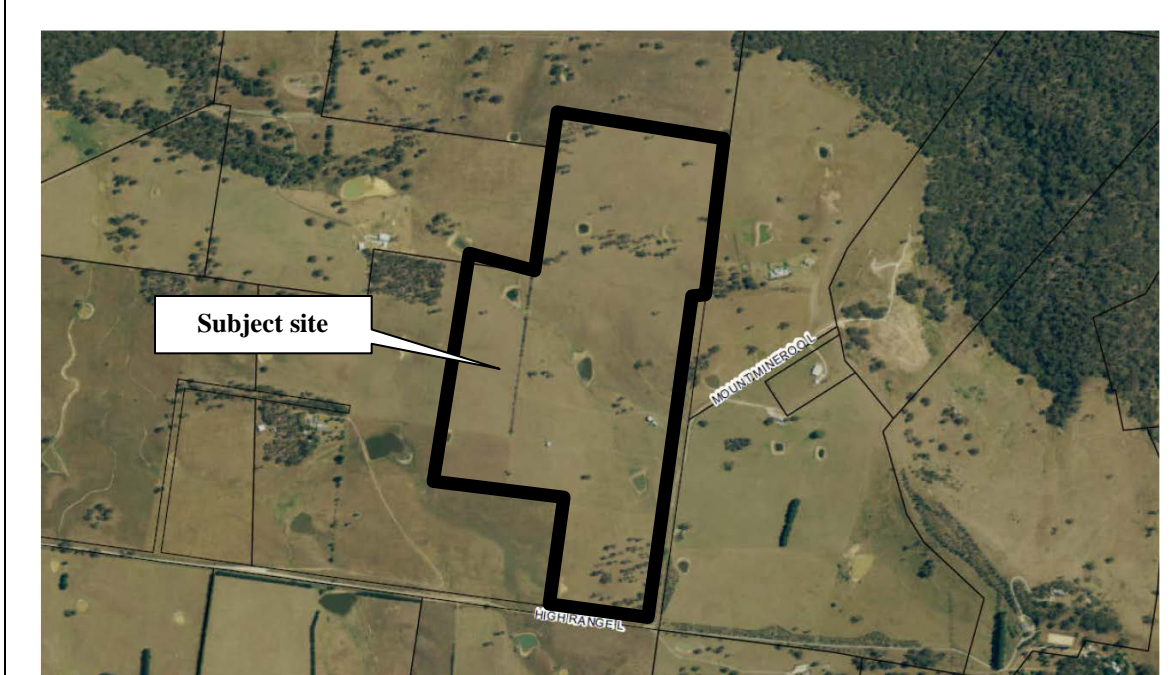
LOCAL GOVERNMENT AREA: WINGECARRIBEE SHIRE COUNCIL

ADDRESS OF LAND: Lot 3 DP1076561, Merrioola, 205 High Range Lane, High Range.



PLANNING PROPOSAL TO REZONE LOT 3 DP 1076561, MERRIOOLA, 205 HIGH RANGE LANE, HIGH RANGE, FROM E2 ENVIRONMENTAL CONSERVATION TO RU2 RURAL LANDSCAPE AND INSERT A MINIMUM LOT SIZE OF 40 HECTARES OVER THE SUBJECT SITE.

**AERIAL PHOTOGRAPH DETAIL**



**PART 1 - OBJECTIVES OR INTENDED OUTCOMES OF PLANNING PROPOSAL**

The purpose of the Planning Proposal is correct a drafting error in the making of WLEP 2010 by rezoning the subject site from E2 Environmental Conservation to RU2 Rural Landscape.

**PART 2 – EXPLANATION OF PROVISIONS**

The provisions of the Planning Proposal will amend Wingecarribee Local Environmental Plan 2010 by amending LZN\_006 to rezone Lot 3 DP 1076561 from E2 Environmental Conservation to RU2 Rural Landscape and LSZ\_006 to insert the notation AB2 (40 hectares) over Lot 3 DP 1076561.

Map to be amended	Nature of map amendment
LZN_006	Rezone Lot 3 DP 1076561 from E2 Environmental Conservation to RU2 Rural Landscape.
LSZ_006	Insert the notation AB2 (40 hectares) over Lot 3 DP 1076561.

### PART 3 - JUSTIFICATION

It was recently been brought to Council's attention that Lot 3 DP 1076561, Merrioola, 205 High Range Lane, High Range, is zoned E2 Environmental Conservation under WLEP 2010. This zoning would appear to be an error which occurred in preparing the draft WLEP maps in 2007. It is considered to be an error because:

- The subject site was zoned Rural 1(a) under WLEP 1989. All other land in the vicinity of the subject site which was also zoned Rural 1(a) was rezoned to RU2 Rural Landscape when preparing the new draft maps under the Standard Instrument zoning template.
- Council intended to apply the E2 zone to only publically owned land within the Shire and not to any privately owned land. The subject site is privately owned.
- It is noted that there is a portion of Crown road bordering the subject land to the south and east (as indicated in the hatched area below) and in zoning this land to E2 Environmental Conservation it is thought that the subject land was also 'captured' in that zoning.
- No other justification for zoning the land E2 can be found in Council's records.



The E2 Environmental Conservation zone prohibits dwelling houses. Dwelling houses are permissible with consent in the RU2 Rural Landscape zone, provided the minimum lot size is met. The land covers an area of 53 hectares and the minimum lot size for the proposed RU2 zone is 40 hectares.

It is also noted that under the E2 Environmental Conservation zone there is no minimum lot size applied to the site. In addition to rezoning the land to RU2 Rural Landscape, Council also seeks to apply a minimum lot size of 40 hectares to the site.

On 13 March 2013, Council resolved, inter alia, as follows:

*THAT Council resolves to prepare a Planning Proposal to:*

*(a) amend the relevant Land Zoning Map of Wingecarribee Local Environmental Plan 2010 to zone to RU2 Rural Landscape Lot 3 DP 1076561, Merrioola, 205 High Range Lane, High Range.*

*(b) amend the relevant Lot Size Map of Wingecarribee Local Environmental Plan 2010 to apply a minimum lot size of 40 hectares to Lot 3 DP 1076561, Merrioola, 205 High Range Lane, High Range.*

Both the report to Council and the Resolution are attached. It is noted that the full resolution of Council also included reference to another property. That property has been omitted from this Planning Proposal in the hope that the correction of the zoning error can proceed quickly without the need for public exhibition of the Planning Proposal.

## **Section A – Need for the Planning Proposal**

### **1. Is the Planning Proposal the result of any strategic study or report?**

No, the Planning Proposal is the result of a drafting error in converting the zoning from WLEP 1989 to the Standard Instrument zoning.

### **2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

Yes, a Planning Proposal is the only means of achieving the correction as both the zoning and minimum lot size maps require amendment.

**Section B – Relationship to strategic planning framework**

**3. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including draft strategies)?**

Yes, the proposed RU2 Rural Landscape zoning is consistent with the zoning of surrounding land.

**4. Is the Planning Proposal consistent with council’s local strategy or other local strategic plan?**

Yes, the proposed RU2 Rural Landscape zoning is consistent with the zoning of surrounding land.

**5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?**

Sydney Drinking Water Catchment SEPP.	The Planning Proposal is consistent with this SEPP.
Rural Lands SEPP.	The Planning Proposal is consistent with this SEPP.
Mining, Petroleum Production & Extractive Industries SEPP.	The Planning Proposal is consistent with this SEPP.

**6. Is the Planning Proposal consistent with applicable section 117 Directions?**

**NB: Non applicable, location-specific Directions are excluded.**

<b>1. EMPLOYMENT &amp; RESOURCES</b>	
1.1 Business & Industrial zones	Not applicable
1.2 Rural Zones	Consistent – The land is being rezoned from E2 to RU2 to correct a drafting error and be consistent with the surrounding RU2 zoned land.
1.3 Mining, Petroleum Production & Extractive Industries	Consistent – The extractive potential of the site will not be affected.
1.4 Oyster Aquaculture	Not applicable
1.5 Rural Lands	Consistent – The agricultural potential of the land will not be affected as the intent of the rezoning it is only seek to permit a single dwelling.

<b>2. ENVIRONMENT &amp; HERITAGE</b>	
2.1 Environmental Protection Zones	Consistent – The rezoning from E2 to RU2 is to correct a drafting error. There are no specific sensitivities that the zoning sought to protect.
2.2 Coastal Protection	Not applicable.
2.3 Heritage Conservation	Consistent - Heritage issues will be assessed when a land use application is lodged.
2.4 Recreation Vehicle Areas	Not applicable.
<b>3. HOUSING, INFRASTRUCTURE &amp; URBAN DEVELOPMENT</b>	
3.1 Residential zones	Not applicable.
3.2 Caravan Parks & Manufactured Home Estates	Not applicable.
3.3 Home Occupations	Consistent – the rezoning to RU2 will create the opportunity for a dwelling which currently does not exist.
3.4 Integrating Land Use & Transport	Consistent – no impact on transport.
3.5 Development near Licensed Aerodromes	Not applicable.
<b>4. HAZARD &amp; RISK</b>	
4.1 Acid Sulphate Soils	Not applicable
4.2 Mine subsidence & unstable land.	Consistent –stability will be assessed when a land use application is lodged.
4.3 Flood prone land.	Consistent – flood potential will be assessed when a land use application is lodged.
4.4 Planning for Bushfire Protection	Consistent – a bushfire assessment will be undertaken as part of any land use application.
<b>5. REGIONAL PLANNING</b>	
5.1 Implementation of Regional Strategies	Consistent – The SCCRS identifies the site & surrounding land for agricultural purposes.
5.2 Sydney Drinking Water Catchments	Consistent – NORBE assessment will occur as part of any land use application.
<b>6. LOCAL PLAN MAKING</b>	
6.1 Approval & Referral Requirements	Consistent – no concurrences required.
6.2 Reserving land for public purposes	Consistent – no reservation for public purposes are affected.
6.3 Site specific provisions	Consistent – the rezoning is to correct a drafting error which currently prohibits dwellings.

### **Section C – Environmental, social and economic impact**

**7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the Planning Proposal?**

The Planning Proposal seeks to correct a drafting error. The current E2 zone does not protect any sensitive land or species. Assessment of the environmental impact of any development will occur during the DA assessment phase.

**8. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?**

The Planning Proposal seeks to correct a drafting error. The current E2 zone does not protect any sensitive land. Assessment of the environmental impact of any development will occur during the DA assessment phase.

**9. Has the Planning Proposal adequately addressed any social and economic effects?**

The Planning Proposal seeks to correct a drafting error. Assessment of the social or economic impact of any development will occur during the DA assessment phase.

### **Section D – State and Commonwealth interests**

**10. Is there adequate public infrastructure for the Planning Proposal?**

This proposal is not considered to be of a scale that would affect public infrastructure.

**11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?**

Council requests that, in view of the fact that the Planning Proposal seeks to correct a drafting error to rezone the site to the zoning consistent with the surrounding area, that no consultation be required.

### **PART 4 – MAPPING**

<b>Map to be amended</b>	<b>Nature of map amendment</b>
LZN_006	Rezone Lot 3 DP 1076561 from E2 Environmental Conservation to RU2 Rural Landscape.
LSZ_006	Insert the notation AB2 (40 hectares) over Lot 3 DP 1076561.



## **PART 5 – COMMUNITY CONSULTATION**

Council requests that the usual exhibition and consultation requirements be dispensed with in this case as the Planning Proposal is only seeking to amend a drafting error. The proposed zoning and minimum lot size reflect those of the surrounding area and the area of the subject site, being 53 hectares, is well above the minimum lot size required for a dwelling house.

## **PART 6 – PROJECT TIMELINE**

If the usual exhibition and consultation requirements can be dispensed with in this case as requested above, it is anticipated that the Planning Proposal could be completed in three (3) months from the date of lodgement. The current owners have a purchaser for the property who has been granted a 3 month delayed settlement in order for this zoning error to be corrected.

Subject to confirmation of this possibility, a timeline will be prepared and the Planning Proposal amended accordingly.

## **DELEGATIONS**

Council is applying to use its Delegation to complete this Planning Proposal and an Evaluation Form has been attached for consideration.