



Planning Proposal
To Amend Wingecarribee LEP 2010 to rezone 7360 Illawarra
Highway Sutton Forest from E3 Environmental Management to
R5 Large Lot Residential with a Minimum Lot Size of 4000 sqm.
Version 2 for Gateway

Planning Proposal

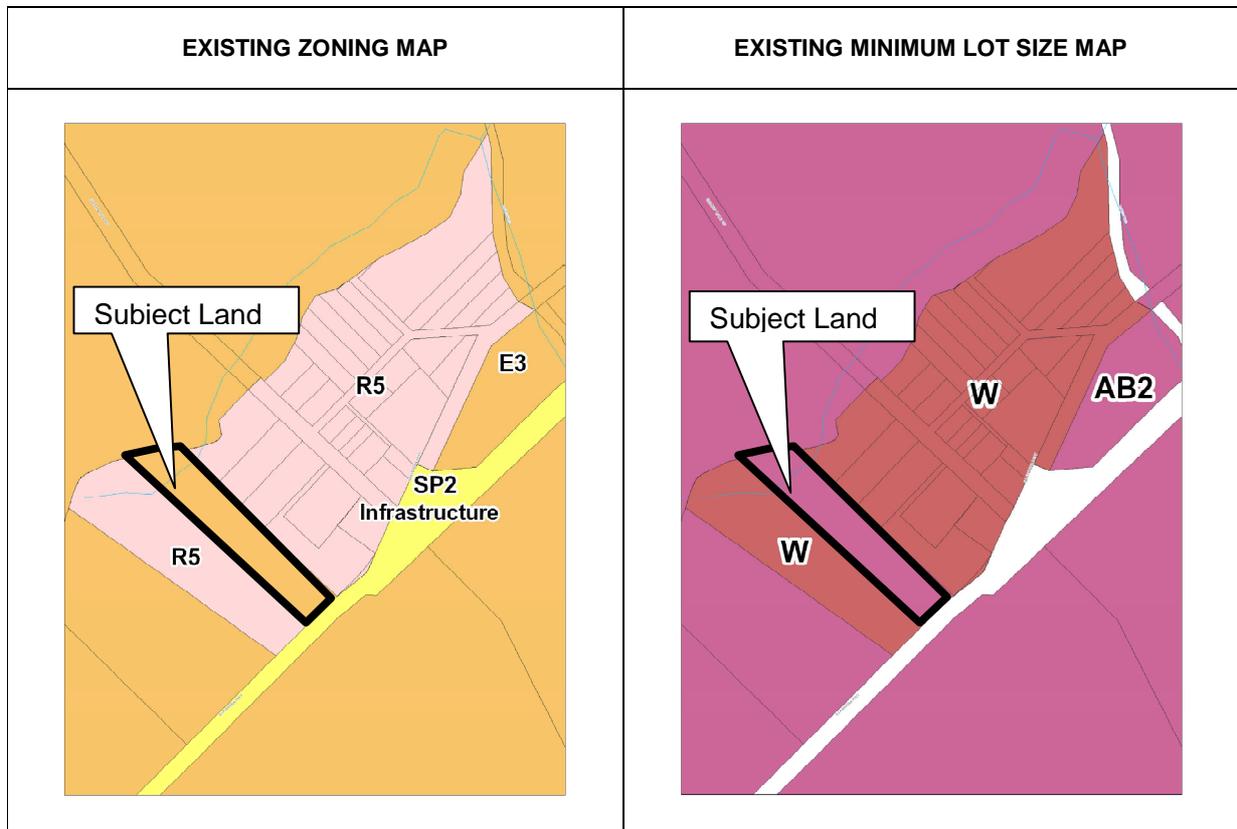
LOCAL GOVERNMENT AREA: WINGECARRIBEE SHIRE COUNCIL

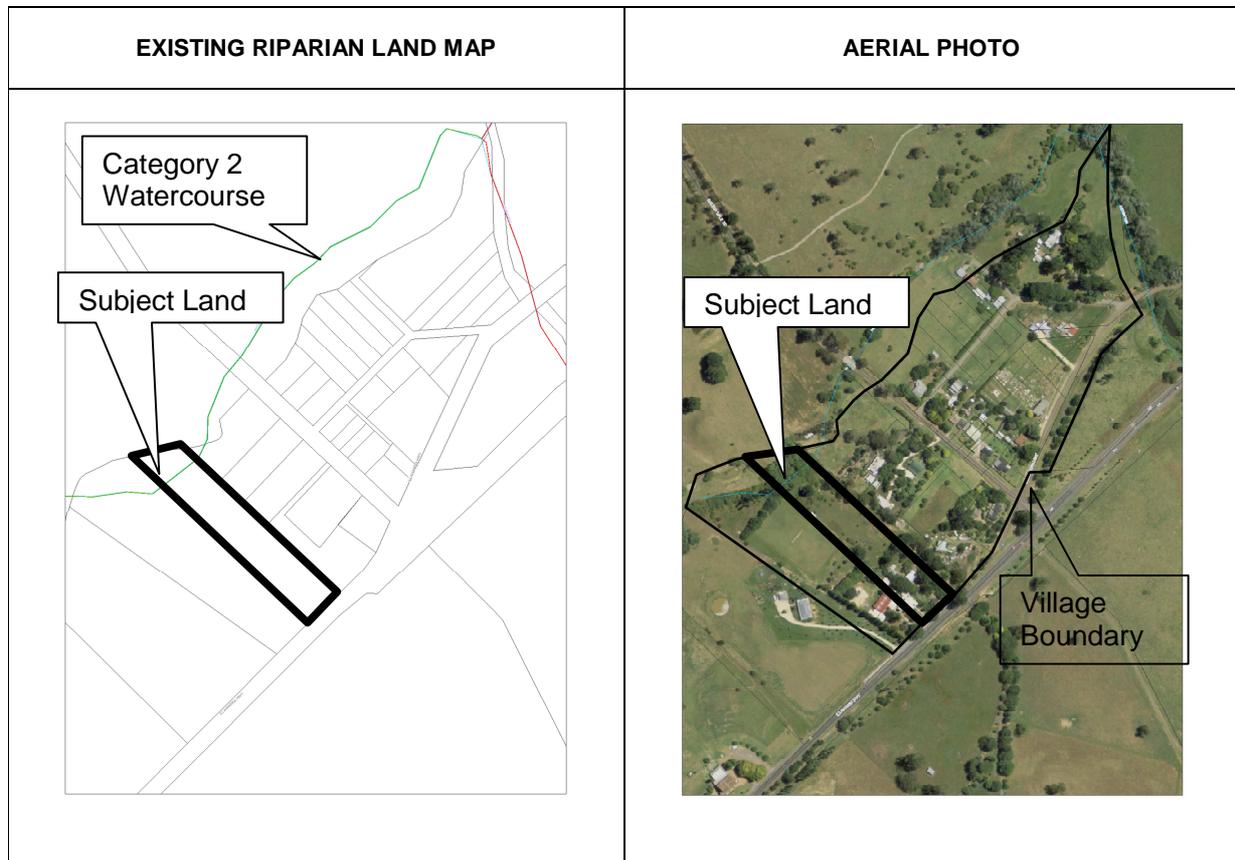
ADDRESS OF LAND: Lot 33 DP 1081026, 7360 Illawarra Highway Sutton Forest.



PLANNING PROPOSAL TO AMEND WINGECARRIBEE LEP 2010 FOR LOT 33 DP 1081026, 7360 ILLAWARRA HIGHWAY SUTTON FOREST TO R5 LARGE LOT RESIDENTIAL WITH A MINIMUM LOT SIZE OF 4000 SQM

VERSION 2





PART 1 - OBJECTIVES OR INTENDED OUTCOMES OF PLANNING PROPOSAL

Council received a submission on behalf of the owner of Lot 33 DP 1081026, 7360 Illawarra Highway Sutton Forest to rezone this property from E3 Environmental Management and revise the Minimum Lot Size of the site from AB2 (40 Hectares) under Wingecarribee Local Environmental Plan (WLEP) 2010. The subject site has an existing area of 1.287 Hectares (12, 870 sqm).

The applicant requested that the subject land be rezoned to R5 Large Lot Residential and the Minimum Lot Size be revised to 'V' (2000 sqm) under Wingecarribee LEP 2010.

Council supported the proposed amendment by resolution on 24 July 2013, however recommended that the Minimum Lot Size should be 'W' (4000 sqm) to be consistent with the surrounding R5 Large Lot Residential under Wingecarribee LEP 2010.

The intended outcome will therefore be a lot that has a consistent zoning and minimum lot size with adjoining properties in the village of Sutton Forest.

PART 2 – EXPLANATION OF PROVISIONS

The provisions of the Planning Proposal will amend WLEP 2010 for the subject land by rezoning the site from E3 Environmental Management to R5 Large Lot Residential and by reducing the Minimum Lot Size from AB2 (40 Hectares) to 'W' 4000 sqm.

There are no other amendments proposed to the WLEP 2010 as a consequence of this Planning Proposal.

Map to be amended	Nature of map amendment
8350_COM_LZN_007D_020_20120323	Rezone Lot 33 DP1081026 from E3 Environmental Management to R5 Large Lot Residential
8350_COM_LSZ_007D_020_20120426	Amend the Minimum Lot Size from AB2 (40 Hectares) to 'W' (4000 sqm)

PART 3 - JUSTIFICATION

The subject site is located between two lots: a public school and a residential property in the village of Sutton Forest both zoned R5 Large Lot Residential and a minimum lot size of 4,000 sqm. The subject site is located within and is consistent in character with the village of Sutton Forest and for all intents and purposes is part of the village. The subject site demonstrates its former place in the village by the location of a disused 'shop front' on the front boundary with the Illawarra Highway.

The reason for the request is because the existing zoning and minimum lot size notation under WLEP 2010 appears as an anomaly and is inconsistent with adjoining properties and other properties in the village of Sutton Forest.

WLEP 2010 will be amended so that the zoning and minimum lot size of the village of Sutton Forest is consistent throughout the village.

The application from the proponent notes that the subject site *is not one which has been identified as having special ecological, scientific, cultural or aesthetic value.*

The proponent's submission also states that there is no evidence of any historical significance or social values within the site which would require retention within the existing landscape or land use pattern.

The subject land is considered suitable and appropriate to be rezoned to R5 Large Lot Residential and the Minimum Lot Size reduced to 4,000 sqm under WLEP 2010.

Planning Considerations

Properties on both sides of the subject site are part of the village of Sutton Forest and all other land in the village is zoned R5 Large Lot Residential. The lot to the south (Sutton Forest Public School) is also zoned R5 Large Lot Residential under WLEP 2010 because under the Standard Instrument template, on which WLEP 2010 is based, certain state owned lands, such as schools, were required to be zoned in accordance with the most appropriate adjoining land use zone, which in this case is R5 Large Lot Residential.

The isolation of the subject site between two lots zoned R5 Large Lot Residential occurred because of the Department of Planning & Infrastructure requirements regarding the zoning of the Sutton Forest Public School under WLEP 2010 rather than because of any decision by Council to vary the current development standards of the area.

Reducing the Minimum Lot Size of the subject land has the potential to create 3 lots, subject to compliance with Sydney Catchment Authority (SCA) requirements for the location of effluent disposal areas from watercourses.

There is a Category 2 watercourse transecting the site, between 20-50 metres inside the western boundary.

Potential Impacts

- **Environment**

It is considered that no adverse environmental impacts will result from the proposed amendments due to the size of the land holding and the nature of surrounding land uses. Any potential environmental impacts from subdivision of the subject site, including buffer distances for on-site effluent disposal system to the Category 2 watercourse, would be addressed at the LUA stage.

- **Social**

It is considered that no adverse social impacts will result from the proposed amendments.

- **Broader Economic Implications**

It is considered that no adverse economic impacts will result from the proposed amendments.

The site is not of sufficient area or dimension to provide for the range of development and land use activities that would be consistent with the objectives of the E3 Environmental Management zone: including but not limited to rural settlement, sustainable agriculture, employment development, and recreation or community activities under the existing E3 Environmental Management zone. Nor would these activities be consistent with the objectives of the adjoining R5 Large Lot Residential zones under Wingecarribee LEP 2010 therefore potentially creating land use conflict.

Section A – Need for the Planning Proposal

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

The subject Planning Proposal is in response to a site specific request from the property owner for Council to amend the WLEP 2010.

The Planning Proposal is required because any development should be assessed against controls that are consistent with the objectives of the adjoining zones (R5 Large Lot Residential) on adjoining sites to retain a consistent character throughout the village.

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

The proposed amendments are the only method of achieving the desired outcome, to make the subject land consistent in zoning and minimum lot size with adjoining lands.

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)?

The proposal is consistent with the objectives and actions of the Sydney Canberra Corridor Regional Strategy (SCCRS). The SCCRS seeks to provide opportunities for development that will have minimal impact on the natural environment (p44). The rezoning of the subject land and the amendment of the Minimum Lot Size will provide an opportunity for development of the site that currently has minimal environmental constraints, with the exception of the riparian area along the western boundary.

The proposed changes will provide additional opportunity for housing choice by providing a possible three (3) residential lots in a rural village and lifestyle option without extending the existing urban boundary or requiring additional infrastructure to service the land (p38).

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

The proposed amendments would be consistent with Goal 3.2.2 of the Wingecarribee 2031+ Community Strategic Plan to '*Retain and make more distinctive the special qualities that make each town or village unique*'. The proposed amendment is consistent with this objective because it requires any development of the subject land to be consistent with the objectives of the adjoining R5 Large Lot Residential land without being 'interrupted' by the alternate zone objectives of the existing zoning of the subject site, zoned E3 Environmental Management. The specific R5 Large Lot Residential zone objectives that would be considered are;

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.

- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

No strategic planning studies have been identified, undertaken or required to support the Planning Proposal.

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

Use one row each to identify any relevant State Environmental Planning Policies (SEPPs) that apply.	Outline why the proposal is consistent or inconsistent with the relevant SEPP. If there are inconsistencies, you will need to discuss why the PP should proceed.
State Environmental Planning Policy 4 – Development without consent and Miscellaneous Exempt and Complying Development	The subject land is excluded from the operation of this SEPP.
State Environmental Planning Policy 44 – Koala Habitat Protection	There is insufficient native vegetation on the site to require the need for further investigation. The proposal is therefore considered consistent with this SEPP.
State Environmental Planning Policy 55 Remediation of land.	Council's records do not identify the site as being contaminated or considered to contain contaminated land. A contamination report is not considered necessary because of the history of land use on the site.
SEPP Rural Lands 2008	The Rural Lands SEPP applies principles to development of rural land, especially for subdivision and dwellings with the aim of reducing land use conflicts between rural residential and rural pursuits such as agriculture. It is considered that this Planning Proposal is consistent with this SEPP.
State Environmental Planning Policy (Affordable Rental Housing) 2009	The Planning Proposal is considered to be consistent with the SEPP as the proposed rezoning of the site to R5 Large Lot Residential under Wingecarrabee LEP 2010 provides opportunities for the

	different housing types, namely secondary dwellings as permitted by the SEPP in the R5 Large Lot Residential zone.
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	N/R
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	<p>This SEPP is applicable to the Planning Proposal as it is located within the boundaries of the Sydney Catchment Authority (SCA).</p> <p>The Planning Proposal will be referred to the SCA for comment.</p> <p>The SCA will require a 'Neutral or Beneficial Effect' (NorBE) on water quality assessment to be undertaken prior to the development stage.</p> <p>It is considered that the subject land will satisfy SLWCA assessment for the intended land use.</p>
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the Codes SEPP)	The subject land has access to reticulated water but no access to reticulated sewer. Any application for development under the Codes SEPP would require an approval for an on-site sewerage management system to comply with Clause 1.18(d) of the Codes SEPP 2008.

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

An assessment of the 117 Directions has been undertaken in respect of the Planning Proposal. All relevant Directions are addressed as follows:

1. Employment and Resources

- 1.1. Business and Industrial Zones – Not relevant
- 1.2. Rural Zones

The subject land is currently zoned E3 Environmental Management. The Planning Proposal will rezone the land R5 Large Lot Residential under WLEP 2010. The subject land is not of suitable area, location or proximity to adjoining land uses to provide for the range of land use activities including sustainable agriculture, rural settlement that are intended under the E3 Environment Management zone under WLEP 2010. The size, location and proximity to adjoining R5 Large Lot Residential make the subject land more consistent with the objectives of the R5 Large Lot Residential zoning. Further, any agricultural production on the subject land under the E3 Environmental Management zoning would create land use conflicts with the adjoining school.

- 1.3. Mining Petroleum and Extractive Industries – Not relevant
- 1.4. Oyster Aquaculture – Not relevant
- 1.5. Rural Lands

The subject land is currently zoned E3 Environmental Management under WLEP 2010 with a minimum lot size of AB2 (40 Hectares). It is proposed to rezone the land to R5 Large Lot Residential and reduce the Minimum Lot Size to 'W' (4,000 sqm) under WLEP 2010. The proposed zoning and minimum lot sizes are the same as those on properties on either side to make the zoning and minimum lot size continuous in the context of the village location of Sutton Forest. The proposed amendment is therefore considered consistent with the objectives of the SEPP (Rural Lands) 2008 by reducing the potential for land use conflict between properties.

2. Environment and Heritage

2.1. Environment Protection Zones

This Local Planning Direction applies if the land contains any environmentally sensitive areas or the land is in an environmentally sensitive zone.

The subject land is currently zoned E3 Environmental Management under WLEP 2010. There are no notations on the site indicating any other environmental sensitivity constraints. Notwithstanding the site's proximity the Category 2 watercourse, rezoning the site to R5 Large Lot Residential would further reduce the need to consider the subject land as being environmentally sensitive.

The application of the Sutton Forest Development Control Plan and the relevant controls and objectives for the R5 Large Lot Residential zone under WLEP 2010 would ensure the retention of any environmental characteristics.

- 2.2. Coastal Protection – Not relevant
- 2.3. Heritage Conservation – Not relevant
- 2.4. Recreation Vehicle Area – Not relevant

3. Housing, Infrastructure and Urban Development

3.1. Residential Zones

The subject land is located within the village area of Sutton Forest. It does not however provide for housing choice within the locality as the existing minimum lot size (AB2 (40 Hectares) does not permit the subdivision of the land. The subject land has existing access to reticulated water however there is no access to reticulated sewer. The proposed minimum lot size (4000 sqm) has the potential to create three (3) lots. These would require installation of an onsite sewerage management facility, in accordance with SCA requirements, as do other properties in the village area. The Planning Proposal therefore encourages variety and choice of housing types, makes use of existing appropriate infrastructure and as the subject land is not notated as possessing environmental or ecological constraints, is therefore considered suitably for the intended amendment of the WLEP 2010.

- 3.2. Caravan Parks and Manufactured Home Estates – Not relevant
- 3.3. Home Occupations – Not relevant
- 3.4. Integrated Land Use and Transport

This Direction applies to the Planning Proposal as it amends provisions pertaining to a residential zone, namely changes to the zoning and Minimum Lot Size Map of the Wingecarribee LEP 2010. The Planning Proposal is considered to be consistent with this direction as the proposed amendment will have minimal impact on vehicle trips for services.

- 3.5. Development Near Licensed Aerodromes – Not relevant
- 3.6. Shooting Ranges – Not relevant

4. Hazard and Risk

- 4.1. Acid Sulfate Soils – Not relevant
- 4.2. Mine Subsidence and Unstable Land – Not relevant
- 4.3. Flood Prone Land – Not relevant
- 4.4. Planning for Bushfire – Not relevant

5. Regional Planning

5.1. Implementation of Regional Strategies

This Direction applies to the Planning Proposal in respect of the Sydney – Canberra Corridor Regional Strategy 2006 - 2031. The Planning Proposal is considered consistent with this Direction as discussed previously in this report under Section B (3).

5.2. Sydney Drinking Water Catchment

This Direction applies to the Planning Proposal as the Wingecarribee Shire local government area falls within the Sydney Drinking Water catchment. The planning proposal was referred to the Sydney Catchment Authority (SCA) on 18 September 2013. The response from the SCA, received on 4 October 2013 (enclosed) generally supported the Planning Proposal, subject to any future development installing any On-site effluent disposal system with suitable buffer distances from the Category 2 watercourse and meeting the Sydney Catchment Authority's NORBE test. The SCA did however suggest excluding the riparian corridor portion at the rear of the site from further development and retaining the E3 Environmental Management zoning over the subject land due to the extreme risk to water quality. This is impractical in terms of addressing the inconsistency with the adjoining R5 Large Lot Residential zones.

5.3. Farmland of State and Regional Significance on the NSW Far North Coast – Not relevant

5.4. Commercial and Retail Development along the Pacific Highway – Not relevant

5.5. Revoked

5.6. Revoked

5.7. Revoked

5.8. Second Sydney Airport: Badgerys Creek – Not relevant

6. Local Plan Making

6.1. Approval and Referral Requirements

This Direction applies to all Planning Proposals. The subject Planning Proposal is considered to be substantially consistent with this clause, as there is no development application proposed as part of this Planning Proposal. Any referrals required as part of the development assessment process will be required as a result of existing site constraints and requirements of the Environmental Planning and Assessment Act 1979.

Further, this Planning Proposal will not result in designated development.

6.2. Reserving Land for Public Purposes – Not relevant

6.3. Site Specific Provision

The subject Planning Proposal is considered consistent with this Direction as the development standards that will be imposed by the Planning Proposal are already contained in the environmental planning instrument to be amended and are consistent with the development standards applicable to adjoining sites.

7. Metropolitan Planning

7.1. Implementation of the Metropolitan Plan for Sydney 2036 – Not relevant

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 subject land is not notated on Council's mapping system as containing critical habitat or threatened species, populations or ecological communities. There will therefore not be any adverse impact on these as a result of the Planning Proposal.

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

The subject land has a Category 2 (Aquatic and Terrestrial Habitat water course (Paynes Creek) transecting the subject land 20-50 metres in from the western boundary. Under Wingecarribee LEP 2010 Category 2 watercourses require a buffer distance of 30 metres from the top of the bank. The site has sufficient area to permit development without compromising this development standard in terms of both water quality and quantity.

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

Due to the size and history of land use on the subject site, the subject site is not identified as possessing any items of European or Aboriginal significance. The proposed amendment Planning Proposal should not result in any adverse impacts upon European or Aboriginal Culture. Notwithstanding, any future development application may require Council will need to consult with the Department of Environment and Heritage post Gateway determination, should the Planning Proposal be successful.

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.

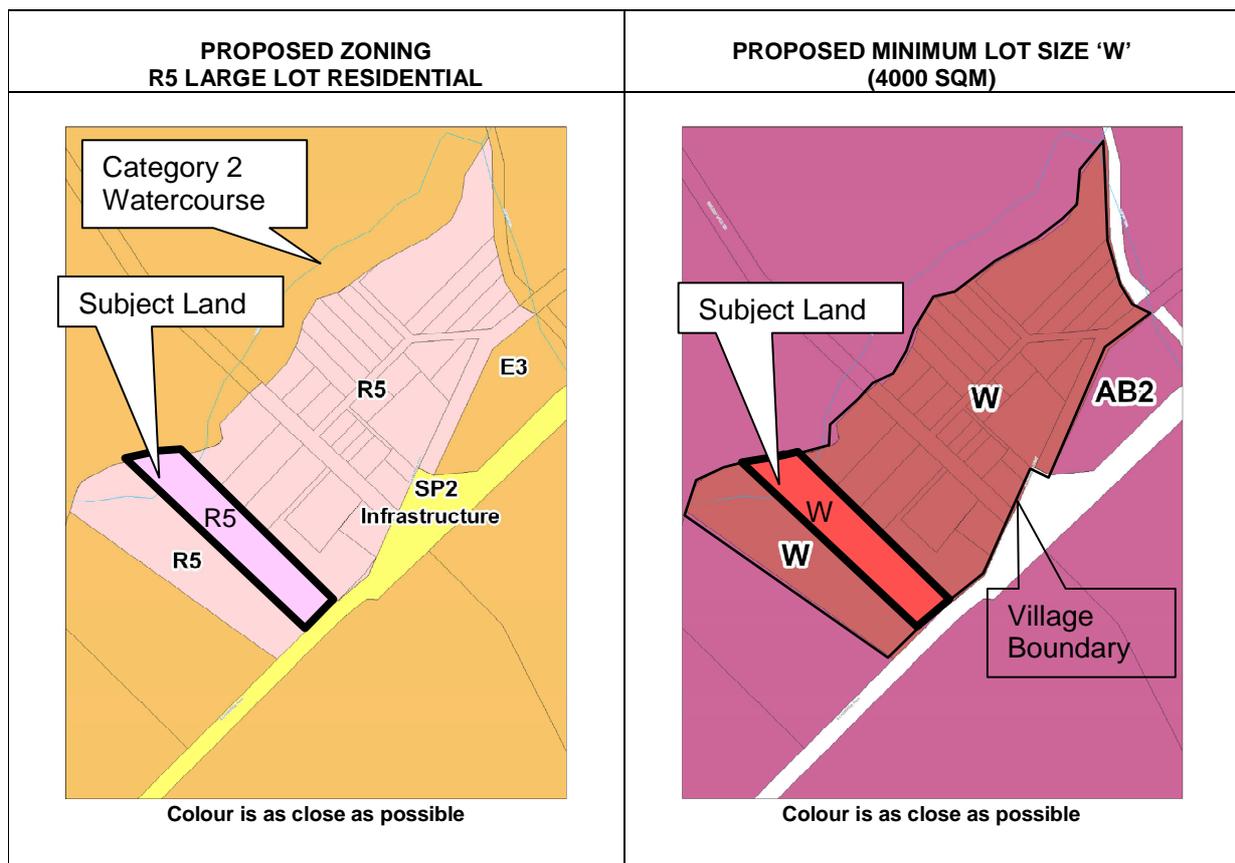
11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

Further public authority consultation will occur through the exhibition period as required in the Gateway Determination.

PART 4 – MAPPING

At this stage of the Planning Proposal, extracts from Council’s mapping system are provided to graphically demonstrate the intended amendments to the Wingecarribee LEP 2010.

Draft maps suitable for public exhibition will be prepared prior to public exhibition to enable the subject land to be easily identified during consultation.



PART 5 – COMMUNITY CONSULTATION

It is recommended that the Planning Proposal be publicly exhibited for a period of 28 days.

Council has consulted with the Sydney Catchment Authority in accordance with Local Planning Directions under Section 117 of the Environmental Planning and Assessment Act, 1979.

- Sydney Catchment Authority

Council intends to place the planning proposal on public exhibition for a period of 28 days by advertising in the local newspaper and making the relevant documentation available on Council's website.

PART 6 – PROJECT TIMELINE

ACTION	INDICATIVE DATE
Gateway Determination	12 November 2013
Completion of technical studies if required	
Revised/updated Planning Proposal (if required)	11 December 2013
Public Exhibition/Consultation with government agencies	8 January – 5 February 2013
Public hearing – if required (if not exclude)]	N/R
Report to Council on exhibition of Planning Proposal.	5 March 2013
Documents to DP&I & PCO.	9 April 2013
Approximate completion date	21 May 2013

DELEGATIONS

Council will be applying to use its delegation to complete this proposal and an Evaluation Form has been attached for consideration. Attached

ATTACHMENTS

Council Report 24 July 2013
Council Resolution 24 July 2013
Applicant's submission
Sydney Catchment Authority (SCA) comments
Application to use Delegations