

13.3 Amend the Northern Villages Development Control Plan and Prepare a Planning Proposal to Amend the Wingecarribee LEP 2010

Reference: 5700/73
Responsible Officer: Coor Strat Plan
Link to Corporate Plan: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

The purpose of this report is to discuss an amendment to the Northern Villages Development Control Plan (NV DCP) following the rezoning of the Nattai Ponds development site from IN1 General Industrial to R2 Low Density Residential under Wingecarribee Local Environmental Plan 2010. The amendment to the NV DCP is required to provide controls for smaller residential allotments.

This report will also raise the opportunity to amend the Wingecarribee LEP 2010 by revising the minimum lot size applicable to the Nattai Ponds site because there is currently no minimum lot size (being previously IN1 Industrial zoned land) under Wingecarribee LEP 2010.

It is recommended that Council support the proposed amendments to the NV DCP for public exhibition. This report also recommends that a Planning Proposal be prepared to amend the Minimum Lot Size over the land known as Nattai Ponds zoned R2 Low Density Residential to 450 square metres (450 sqm) under Wingecarribee LEP 2010.

RECOMMENDATION

1. **THAT** the Planning Proposal be prepared in accordance with the Department of Planning Guidelines for the amendment of the Wingecarribee Local Environmental Plan 2010 to apply a minimum lot size of 450 square metres to Lots 1 to 8 DP 1044854, Isedale Road, Braemar and Lots 2 to 3 DP 607486, 71-73 and 75-77 Old Hume Highway Braemar and forwarded to the Department of Planning for Gateway Determination.
2. **THAT** the Draft Amendments to the Northern Villages Development Control Plan be placed on public exhibition for a period of twenty eight (28) days in accordance with the Section 74E of the *Environmental Planning & Assessment Act, 1979* and Section 18 of the *Environmental Planning & Assessment Regulations 2000*.
3. **THAT** affected landowners be informed of Council's decision.

DESCRIPTION OF PROPOSAL

BACKGROUND

On 24 June 2011, Amendment No 2 of the Wingecarribee LEP 2010 amended the zoning map for the '*Braemar Garden World*' and '*Nattai Ponds*' development sites from RU2 Rural Landscape and IN1 General Industrial respectively to R2 Low Density Residential under Wingecarribee LEP 2010.

On 12 July 2013, Amendment No 7 to the Wingecarribee LEP 2010 revised the Minimum Lot Size applicable to the '*Braemar Garden World*' development site to permit the subdivision of the site from 'AB2' (40 Hectares) down to a minimum lot size of 'Y' (1 Hectare), 'V' (2,000 sqm), and 'G' (450 sqm). At that time, no amendment was made to the Minimum Lot Size of the Nattai Ponds site due to a development application being lodged for this site.

The Northern Villages Development Control Plan (NV DCP) that applies to the site contains existing controls that will allow effective consideration of lots under the 'Y' and 'V' Minimum Lot sizes. The NV DCP does not however have urban design controls to address lot sizes between 450 sqm and 900 sqm.

Therefore as a result of Amendment 7, a revision of the NV DCP is required.

(Note: the Property notated as '*Nattai Ponds*' in Figure 1.0 contains Lots 1 to 8 DP 1044854, Isedale Rd)

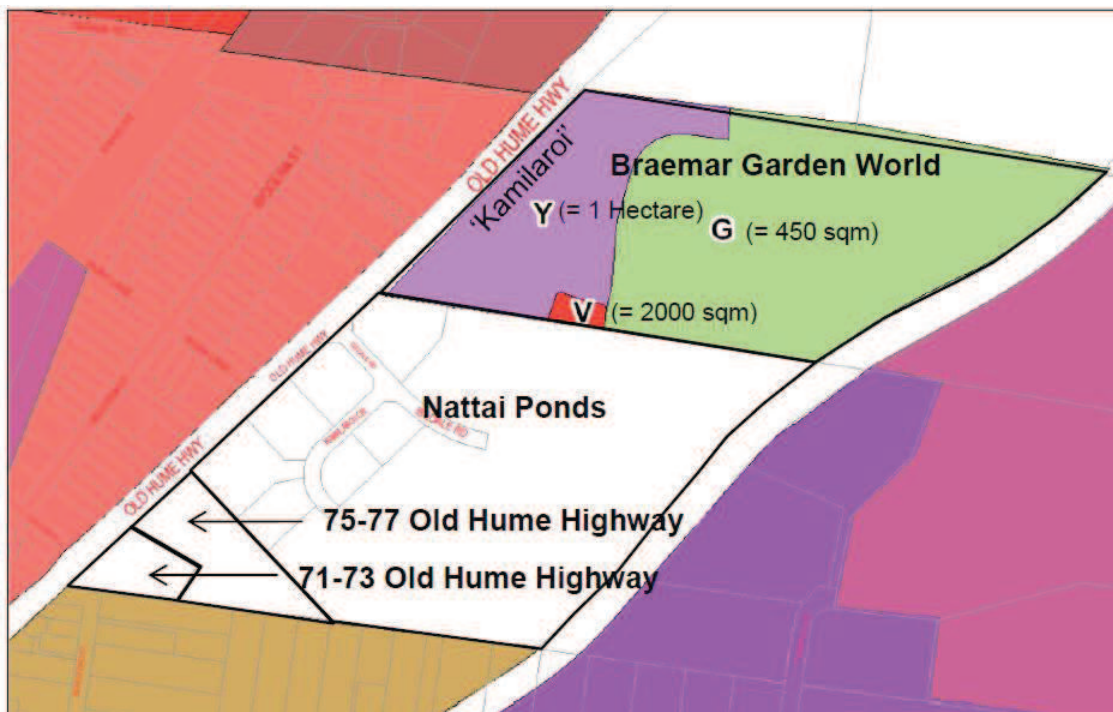


Figure 1.0 Existing Minimum Lot Size Notation

DETAILS OF PROPOSED AMENDMENTS

Planning Proposal

A Planning Proposal to amend the Minimum Lot Size from No Minimum Lot size to 450 sqm lots under Wingecarribee LEP 2010 would apply to ten (10) lots, which are all part of the Nattai Ponds residential land release:

1. Lots 1 to 8 DP 1044854, Isedale Road, Braemar (parent lot for Stage 1 land release of Nattai Ponds)
2. Lot 3 DP 607486, 75-77 Old Hume Highway Braemar
3. Lot 2 DP 607486, 71-73 Old Hume Highway Braemar

The Planning Proposal would impose a Minimum Lot Size of 450 sqm on all ten (10) lots that are zoned R2 Low Density Residential under Wingecarribee LEP 2010. This would provide certainty to future purchasers of land and maintain the density of development on the subject lots as approved under the current development application.

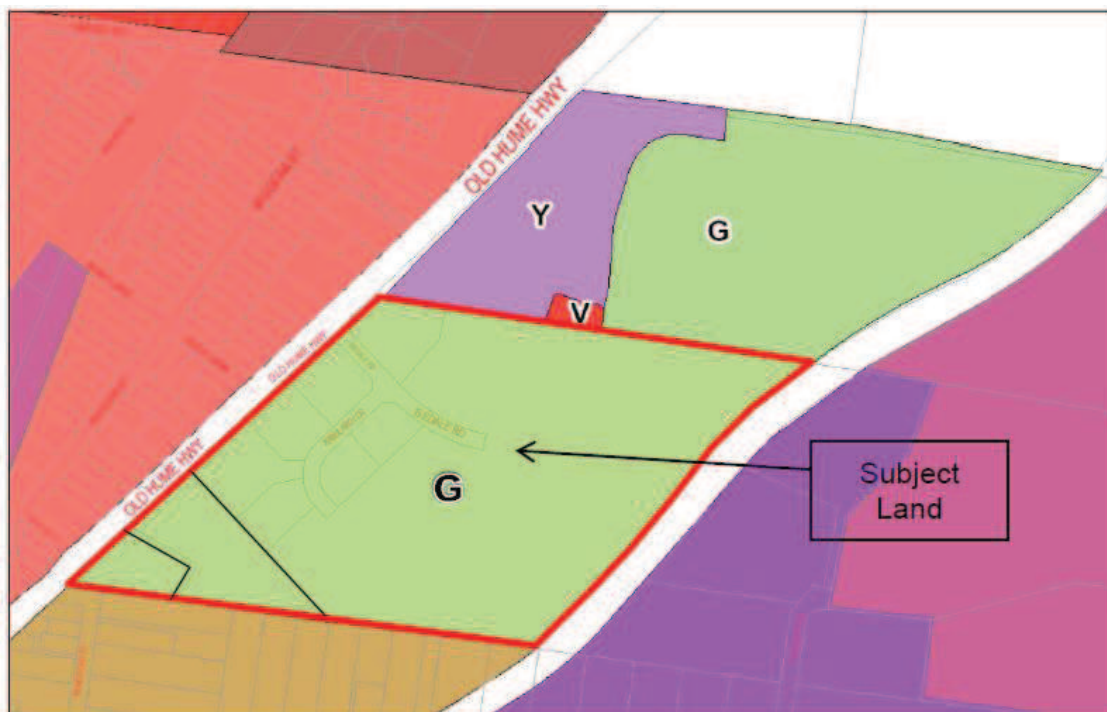


Figure 2.0 Land subject to Planning Proposal outlined in red.

Northern Villages Development Control Plan

The revision of the NV DCP will provide urban design controls for minimum standards to be addressed in the design and location of dwellings in relation to smaller properties and the street scape.

The existing controls contained in the NV DCP apply to lots 'less than 2000 m²'. Amendment No 7 of the Wingecarribee LEP 2010 permitted the creation of lots down to 450

sqm on Braemar Garden World development site, but not the Nattai Ponds site, the latter of which has a development application approved with lots down to 450sqm. Consideration is therefore given to reviewing the development controls contained in the NV DCP so that appropriate controls can be applied to higher density development.

The proposed controls are similar to those that are in place for the Renwick development precinct.

Controls proposed to be included in the revised tables of the NV DCP are identified below in grey and outlined in red.

Density and Scale

Section 2.4 Density and Scale of the NV DCP (p159) provides controls to limit the maximum Building Footprint (site coverage) and minimum Private Landscaped Open Space to be provided for individual lots. These minimum development standards reduce the potential for overdevelopment of individual lots and provide suitable distances to provide privacy and minimise overlooking and clearances for site movement and circulation.

Lot size	Maximum Development Footprint	Minimum Private Landscaped Open Space* **
450 m ² – 600 m ²	70% of the site area	Ground level: 25% of the site area or 15 m ² , or Balcony: 10 m ² with 2m depth, whichever is the greater.
601 m ² – 1,199 m ²	65% of the site area	35% or 25 m ² whichever is the greater
1,200 m ² - 1,999 m ²	65% of the site area	35% or 36 m ² whichever is the greater
Less than 2,000m ² on a site which is an Item of Heritage or located within a Heritage Conservation Area	50% of the site area	50% of the site area
Between 2,000m ² and 4,000m ²	50% of the site area	55% of the site area
Over 4,000m ²	25% of the site area	75% of the site area

* Private Open Space must immediately be directly accessible from a living area, have no change in level over the minimum area and must not be designated for any other use (eg clothes drying, domestic or bin storage or rain water tanks).

** Private Open Space must have a minimum width of three (3) lineal metres.

In addition to the existing objectives, the following should also be included in Section C2.4.1 Objectives.

- (m) Sufficient area must be provided for domestic storage, outdoor clothes drying, rainwater tanks, private open space and landscaping
- (n) A suitable location and screening device must be provided for the convenient storage of household waste and recycling receptacles

The following development controls are also recommended to be included in Section 2.4 Density and Scale of the Northern Village Development Control Plan

'Development Applications for lots of less than 600 sqm must be accompanied by scaled and dimensioned drawings for the proposed housing, demonstrating that future dwellings can comply with the controls contained in this DCP'.

Front Setbacks

The Section C2.6 Front Setbacks of the NV DCP provides (at p161) controls that provide Minimum Front Setback requirements for the siting of dwellings in relation to the front property boundary. Together with the objectives of these controls contained in Section C2.6.1, the controls seek to provide a consistent streetscape and area at the front of properties for trees and vegetation to enhance the streetscape and privacy. The following additional controls are recommended to apply to new residential development where the minimum lot size is less than 900 m².

Lot size	Minimum front setback
Garages and outbuildings visible from the front boundary.	1m behind the front building façade and not more than 50% of the building façade.
Between 450 m ² and 599 m ²	4.5m (+/- 33% articulation*)
Between 600 m ² and 899m ²	4.5m
Between 900m ² and 1499m ²	6.5m
Over 1500m ²	15m

* Only open verandahs, balconies and pergolas may encroach on front setbacks.

Side Setbacks

The Section C2.7 Side Setbacks of the NV DCP provides (at p162) controls that provide Minimum Side Boundary Setback for the siting of dwellings in relation to the side boundary. Together with the objectives of these controls contained in Section C2.7.1, the controls seek to provide a choice of separation distances between buildings while optimising access between the front and rear of properties.

The proposed new section has been included to provide side setback controls for lot sizes below 600m² down to 450m² where they do not currently exist in the side setback table.

Lot size	Minimum required side setback
450 m ² to 600 m ²	0m & 2m (attached) or 1m (detached) 2m (Secondary front setback)
Between 601m ² and 900m ²	0.9m (1.9m Second Storey)
Between 900m ² and 1500m ²	1.5m (2.5m Second Storey)
Over 1500m ²	2.5m

Building Height

The following should be included as an addendum to Section C2.9.2(a) *'The second storey may be in the roof space'*.

It should be noted that the NV DCP Amendments, once approved, will apply to both the Nattai Ponds and Braemar Garden World developments.

On-Street Parking and Road Reserve widths

The following additional controls are also proposed in accordance with Council's Resolution of 24 April 2012:

On-street parking bays designed in accordance with Australian Standards at a rate of 1 space per 4 allotments as close to or outside those allotments less than 499 square metres.

Minimum street width be 17 metres for local roads and 20 metres for collector roads.

PLANNING CONSIDERATIONS

The recommended Planning Proposal and additional development controls for the NV DCP will facilitate an improved amenity for the increased density of development and maintain the existing minimum lot size of the site.

STATUTORY PROVISIONS

WINGECARRIBEE LEP 2010 (WLEP 2010)

It is recommended Council resolve to proceed with a Planning Proposal to implement a Minimum Lot Size at the Nattai Ponds site of 450 sqm. A development application for subdivision of the Nattai Ponds, with lots down to 450sqm site is approved and the subdivision certificate is currently being processed; subject to adoption of the Second Deed of Variation to the Nattai Ponds Planning Agreement (currently on public exhibition).

The Planning Proposal outlined in this report will maintain the minimum development standard on the Nattai Ponds site and eliminate the risk of further subdivision of the approved lots.

DEVELOPMENT CONTROL PLAN (DCP)

The Braemar Garden World development site has three Minimum Lot Sizes ('Y', 'V' and 'G'). The Nattai Ponds site has no minimum lot size. The proposed revision of the NV DCP is intended to provide suitable local controls for development for these minimum lot sizes at the 'Nattai Ponds' and 'Braemar Garden World' sites.

The NV DCP is proposed to be amended by insertion of the above additional provisions for residential subdivision and development. The above controls are similar and consistent with those currently operating at the Renwick release area.

STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS)

The Draft DCP Amendments are compliant with the current SEPP's. However, it is likely that most residential development in Nattai Ponds and Braemar Garden World, once the residential lots are released, will be approved as Complying Development under the state-

wide Housing Code. The NV DCP will only be used in assessment of housing that does not meet the complying development provisions.

CONSULTATION

COMMUNITY CONSULTATION

The proposed amendment to the NV DCP will be publicly exhibited for a period of 28 days with comments invited from the public, in accordance with the Section 74E of the EP&A Act, 1979 and Section 18 of the EP&A Regulations 2000.

The Planning Proposal would be publicly exhibited in accordance with any Gateway Determination conditions and in accordance with '*A guide to preparing local environmental plans*' and '*A guide to preparing planning proposals*' issued by the Department of Planning and Environment.

EXTERNAL REFERRALS

The proposed amendment to the NV DCP does not require referral to external agencies for comment.

External Referrals for the Planning Proposal to amend Wingecarribee LEP 2010 will be required in accordance with the Gateway Determination.

INTERNAL REFERRALS

Internal referrals will be forwarded to Council's Development Assessment Branch for their comments during the consultation period.

Internal Referrals for the Planning Proposal to amend Wingecarribee LEP 2010 will be sought following Gateway Determination.

COMMUNITY CONSULTATION

Community consultation for the amendment to the NV DCP will occur as set out in accordance with the EP&A Act, 1979 and the EP&A Regulations 2000.

Community Consultation for the amendment to the Wingecarribee LEP 2010 will occur in accordance with the Gateway Determination.

SUSTAINABILITY ASSESSMENT

- **Environment**

The NV DCP will form part of the development standards and controls pertaining to the site that will need to be considered during the assessment of any future development applications on the site, including their impact on the environment.

Therefore, impacts upon environmental heritage, habitat disturbance, biodiversity, water consumption/disposal, material consumption/waste, energy consumption, transport and air

quality etc will be assessed as part of any future development application on the site, using the DCP as the guiding standard.

- **Social**

There are several social advantages and benefits of a 450 sqm minimum lot size for the site, including greater housing choice in the market, especially affordable housing, which creates opportunities for new residents to be in close proximity to existing services such as transport, medical, retail and commercial, and mixed communities containing single persons households, families and retirees etc. It is also consistent with the Renwick land release.

- **Broader Economic Implications**

The Nattai Ponds site can be developed before the minimum lot size on the land is amended under WLEP 2010 (an existing development application is approved), however the current lack of a minimum lot size over the site provides no certainty that the approved lots will maintain their lot size, i.e. future owners may seek further subdivision. Therefore the WLEP 2010 should be amended to provide this minimum development standard.

- **Culture**

There are no Aboriginal or European items of heritage identified on the Nattai Ponds or Braemar Garden World sites. The Planning Proposal and NV DCP amendments will therefore not have any impacts on the Aboriginal and non-Aboriginal Culture.

- **Governance**

Processing the amendments will be in accordance with the requirements of the Environmental Planning & Assessment Act 1979 (EP&A Act) and Environment Planning & Assessment Regulations 2000.

RELATIONSHIP TO CORPORATE PLANS

The Planning Proposal to have a 450 sqm minimum lot size on the subject site meets the goals of the Wingecarribee Community Strategic Plan 2031+ in the following ways.

Goal 3.4 Wingecarribee housing options are diverse:

- 3.4.1 Provide housing types that match projected demographic and household needs in appropriate locations*
- 3.4.2 Provide housing options in all towns and villages that will enable residents to age in their communities.*
- 3.4.3 Provide for higher density of development within the towns of Mittagong, Bowral, Moss Vale and Bundanoon*
- 3.4.4 Promote universal design in housing to enable people of all ages and abilities to live independently.*

The minor amendment to the DCP does not impact on Council's Operation and Delivery Plans and meets the goals and objectives of the Wingecarribee 2031+ by ensuring Council's planning documents are consistent.

The Planning Proposal to insert a 450 sqm minimum lot size ensures no further subdivision of lots approved under the current DA can occur meeting the above objectives.



BUDGET IMPLICATIONS

The Planning Proposal and the amendments to the NV DCP do not propose any budget implications for Council as it is being carried out by Council staff and the Department of Planning and Environment.

RELATED COUNCIL POLICY

There are no other Council policies associated with the planning proposal and draft amendments to the NV DCP other than those discussed in this report.

OPTIONS

There are two (2) options available to Council:

Option 1

Proceed with the Planning Proposal and exhibition of the Draft NV DCP Amendments.

Option 2

Do not proceed with the Planning Proposal and proceed with the Draft NV DCP Amendments or vice-versa.

Option 1 is recommended as the proposed amendments to both the Wingecarribee LEP 2010 and the NV DCP would maintain the amenity of the area and provide consistent development standards to any further development.

ATTACHMENTS

There are no attachments to this report.