

Planning Proposal

Planning Proposal to amend Wingecarribee
Local Environmental Plan 2010 by including
a Minimum Lot Size of 450 square metres
(sqm) on the Nattai Ponds development site

Version 1 – For Gateway

February 2015



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ATTACHMENTS WHICH FORM PART OF THIS PLANNING PROPOSAL

1	Evaluation Criteria for Delegation of Plan Making Functions (MS Word)
2	Report to Council of 12 November 2014 (PDF)
3	Resolution of Council of 12 November 2014 (PDF)
4	Development Consent Conditions LUA12/0380 (PDF)
5	Voluntary Planning Agreement No1 (PDF)
6	Nattai Ponds Signed Second Deed of Variation (PDF)
7	Nattai Ponds Deed of Variation Executed Version (PDF)
8	<i>Report of the Panel into the Northern Gateway Strategy 2008' (PDF)</i>
9	Water New South Wales (formerly Sydney Catchment Authority) comments 12 July 2012 (PDF)
10	NSW Rural Fire Service (RFS) comments 26 June 2012 (PDF)

LOCAL GOVERNMENT AREA : WINGECARRIBEE SHIRE COUNCIL

ADDRESS OF LAND: Lot 1-8 DP 1044854, Isedale Road Braemar.
Lot 3 DP 607486, 75-77 Old Hume Highway Braemar
Lot 2 DP 607486, 71-73 Old Hume Highway Braemar

SHIRE WIDE LOCATION



SITE LOCATION & DESCRIPTION

Figure 1.0 below identifies the ten (10) lots comprising the subject land as the *Nattai Ponds* site.

The Nattai Ponds site (outlined in red below) comprises ten (10) lots:

Lots 1-8 DP 1044854, Isedale Road, Braemar

Lot 3 DP 607486, 75-77 Old Hume Highway Braemar

Lot 2 DP 607486, 71-73 Old Hume Highway Braemar

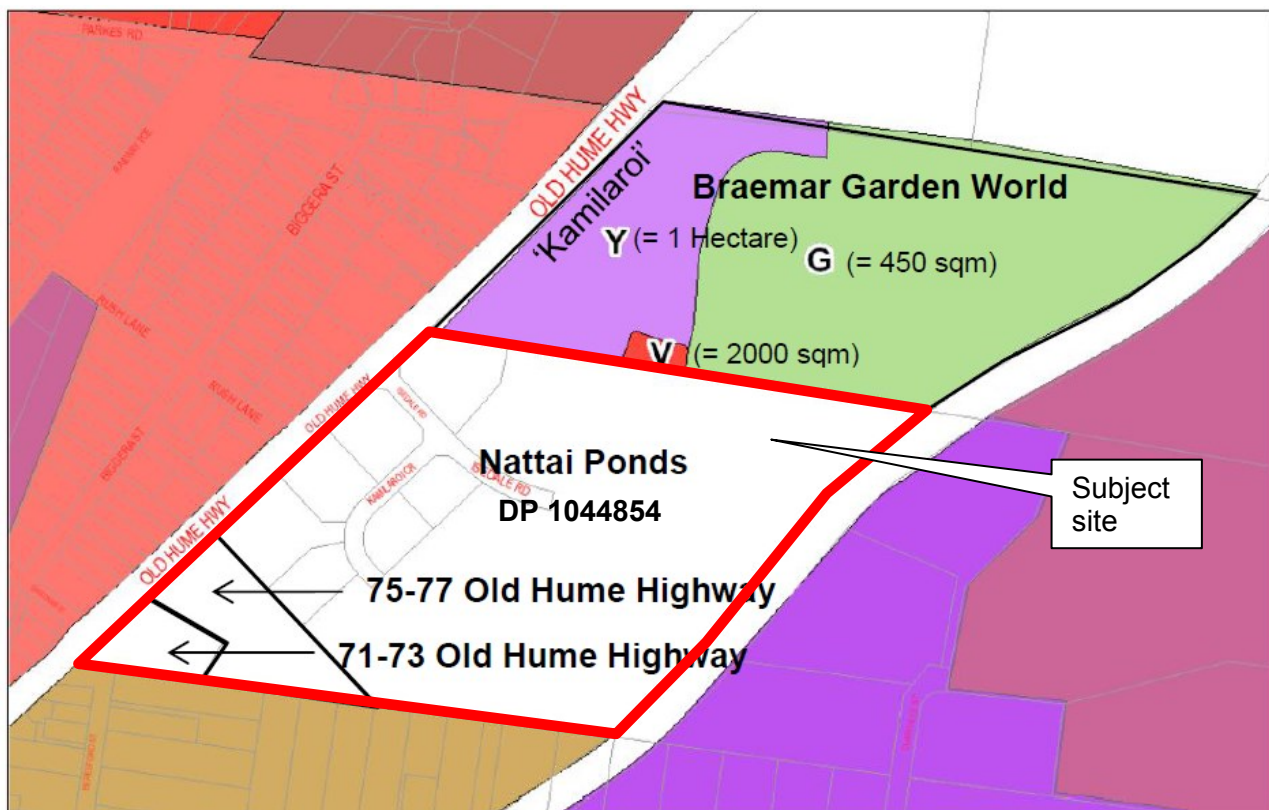


Figure 1.0 Existing Minimum Lot Size Notation

The subject land is located on the eastern side of Old Hume Highway at Braemar, between the Great Southern Railway in the Wingecarribee Shire.

The site is generally level at the street frontage with a slight depression towards the watercourses and a gentle rise to the railway line at the rear (east). There is also a slight rise in the south western corner that meets the Old Hume Highway near 71-73 Old Hume Highway. There are two watercourses that traverse and connect on the Nattai Ponds site, (Figure 2.0), one running to the north, the other running to the east. Much of the site is clear of vegetation other than on the riparian corridors and the frontage of the property (Figure 3.0). There has been considerable work done on the land, including construction of roads and berms and vegetation planting fronting Old Hume Highway in respect of new residential subdivisions.

The residential subdivision was approved under DA 12/0380 and Stage 1 is nearing completion (57 lots). The development application covers the entire site and has 5 stages. As the consent for the subdivision has been approved, SCA and RFS comments are not required for the

Planning Proposal. However, comments made during the DA process are attached including the DA consent.

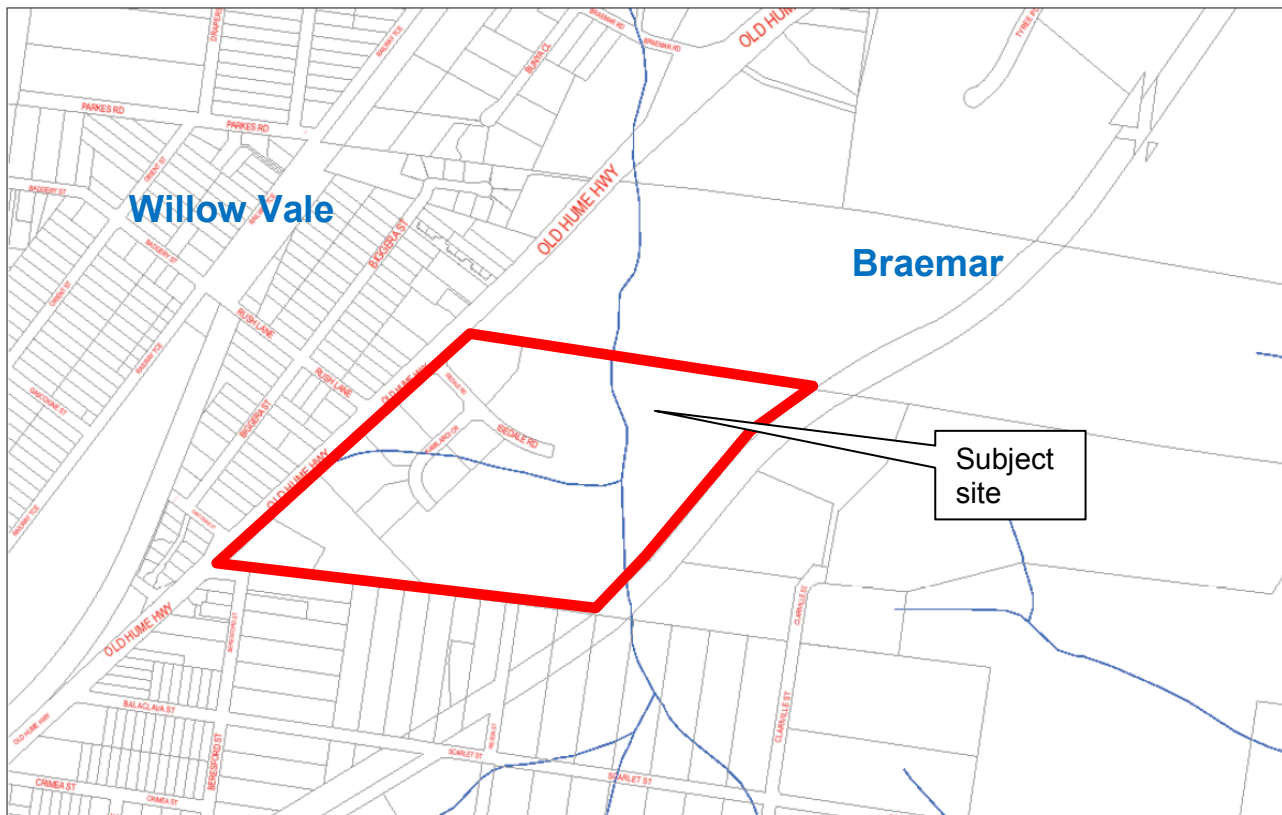


Figure 2.0; Watercourses traversing Nattai Ponds Site

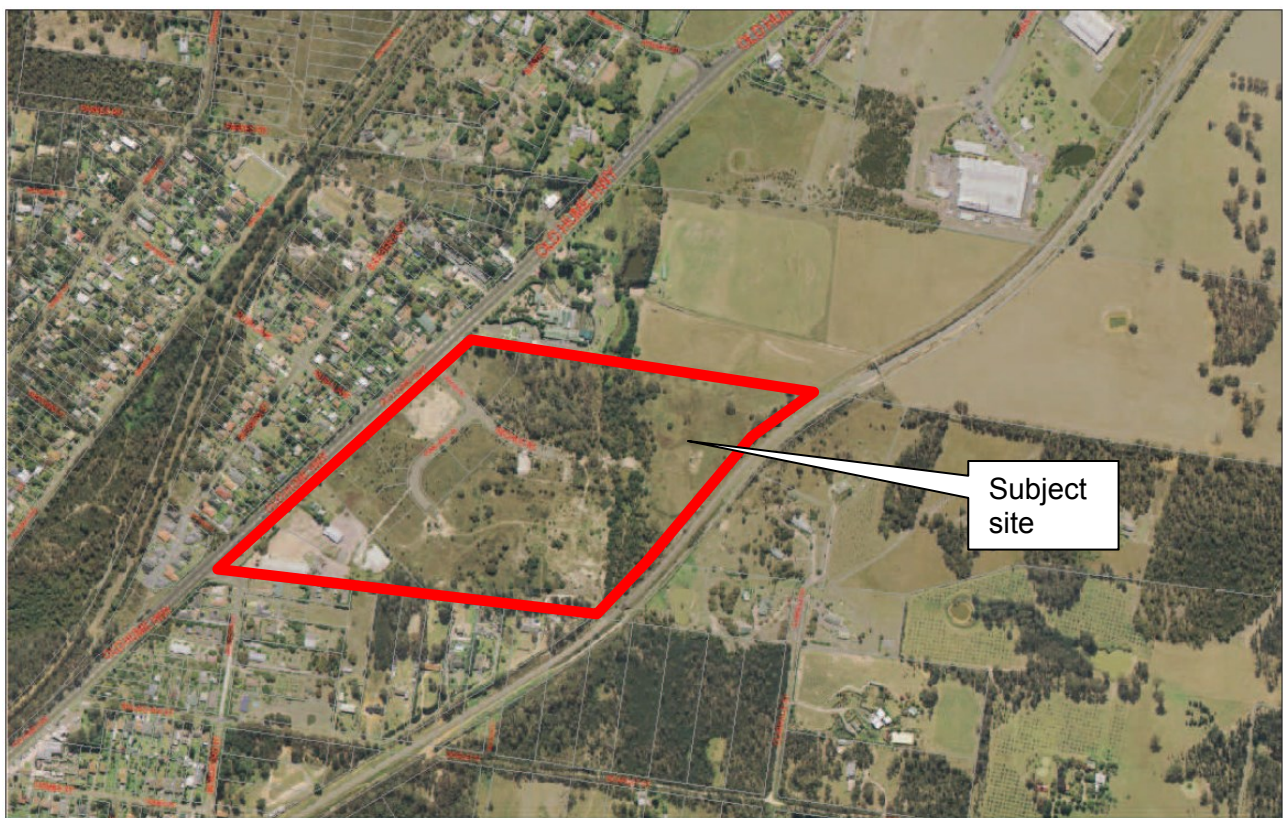


Figure 3.0; Vegetation Cover on Nattai Ponds

PART 1 : OBJECTIVES OR INTENDED OUTCOMES

The objective of this Planning Proposal is to impose a Minimum Lot Size of 450 square metres (sqm) over all of the subject lots by way of an amendment to the Minimum Lot Size Map. The intended outcome is to ensure no further reduction in the Minimum Lot Size is available so that the approved plan of subdivision under LUA12/0380, the established pattern and the density of the development is maintained for the site.

PART 2 : EXPLANATION OF THE PROVISIONS

The subject site does not have a Minimum Lot Size because it was previously zoned IN1 General Industrial under Wingecarribee LEP 2010 (WLEP 2010). The land was rezoned R2 Low Density Residential by Amendment 2 to the WLEP 2010. Industrial zoned land under WLEP 2010 is not assigned a Minimum Lot Size. A study of the distribution of zones in the Northern Gateway to the Shire done in 2008 identified opportunities to reallocate zones to particular properties. With regard to the subject land, it was allocated a zone of R2 Low Density Residential by Amendment 2 under WLEP 2010 to consolidate residential zoned land on the eastern side of the Old Hume Highway and permitted the development of the site for residential purposes.

The site currently has development consent for subdivision (LUA12/0380) on the site with a minimum lot size of 450 square metres (sqm). As discussed, this development has commenced.

The intention of imposing the minimum lot size on the WLEP 2010 Minimum Lot Size Map is to formalise the minimum lot size to achieve the desired density of residential land use and restrict any further subdivision (as would not be possible with the existing 'no minimum lot size' notation).

Map to be amended	Detail of amendment
Minimum Lot Size Map 8350_COM_LSZ_007I_020_20140812	Place a Minimum Lot Size notation on Lots 1-8 DP 1044854, Isedale Road, Braemar Lot 3 DP 607486, 75-77 Old Hume Highway Braemar Lot 2 DP 607486, 71-73 Old Hume Highway Braemar

PART 3 : JUSTIFICATION OF OBJECTIVES, OUTCOMES & PROCESS

Section A – Need for the Planning Proposal

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

The subject Planning Proposal is the result of a '*Report of the Panel into the Northern Gateway Strategy 2008*' authored by Dr Andrew Refshauge and Dr John Whitehouse (attached). This report acknowledges that the Braemar locality represents part of the Northern Gateway to the Shire.

The conclusion of that report was *inter alia*:

To assist in meeting the housing targets in the Sydney-Canberra Corridor Regional Strategy by providing for residential use of the Knox (the subject site) and Braemar Garden World Site, thereby removing an anomalous industrial and rural area and providing for a consistent transition from employment lands to residential lands at the entry to Mittagong.

This Planning Proposal finalises the recommendations of the Panel Report for the Nattai Ponds site by introducing a minimum lot size of 450 sqm onto land zoned R2 Residential zoned land as part of Amendment 2 of the WLEP 2010. Amendment 2 was published by the Department of Planning & Infrastructure on 24 June 2011.

The subject Planning Proposal is required because of a mapping notation inconsistency that identifies R2 Low Density Residential as having no minimum lot size development standard on the subject land.

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

There is one option available to achieve the desired outcome. The alternative is no action, which does not achieve the desired outcome.

Option 1: Notation on the Minimum Lot Size Map

This option would notate a minimum lot size notation of 450 sqm ('G') on the Minimum Lot Size map (LSZ_0071) of WLEP 2010 for the subject lands as delineated in Figure 4.0 below. This method of achieving the intended outcome requires a Planning Proposal, so that the existing LSZ map can be revised and updated accordingly to identify the minimum lot size for the R2 Low Density Residential zoning under WLEP 2010. Identifying the minimum lot size is intended to match that approved in LUA12/0380.

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)?**

Sydney Canberra Corridor Regional Strategy (SCCRS)

The Planning Proposal is consistent with the *Sydney - Canberra Corridor Regional Strategy* that applies to the Wingecarribee Shire Local Government Area. The Planning Proposal is considered consistent for the following reasons.

- The Population and Housing Section of 'Regional Challenges' (P5) outlines that opportunities should be provided for the shift in new dwelling demand for medium density/ infill development. Further, the section states that there will continue to be a demand for affordable housing options particularly in areas close to economic development opportunities. It is considered that the intended and approved pattern of development is consistent with the SCCRCS in this respect and the Planning Proposal formalises the WLEP 2010 to match the approved subdivision.

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

The Planning Proposal is consistent with the following Strategic Plans that have either been adopted by Council or endorsed as strategic reference documents.

- Wingecarribee Our Future 2002
- Wingecarribee Community Strategic Plan 2031+
- Northern Gateway Strategy (Department of Planning & Infrastructure supported 9 January 2009))

The Planning Proposal is considered consistent with these strategies as it simply formalises a minimum lot size that matches with recently approved subdivision on the site. The approved subdivision was considered consistent with the above strategies.

5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?State Environmental Planning Policy No. 44 – Koala Habitat Protection

SEPP 44 applies to all land within the Wingecarribee Local Government Area and the site contains pockets of an Endangered Ecological Community (EEC) consisting of Southern Highlands Shale Woodland. The subject Planning Proposal will not directly have an affect on the integrity of the existing EEC vegetation. Any impact on vegetation has previously been considered as part of the development application assessment process for the approved subdivision (LUA12/0380). The Planning Proposal is therefore considered satisfactory in this regard.

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

The subject site was assessed as part of the Land Use Application process. (See SCA conditions – Attachment 9)

State Environmental Planning Policy (Infrastructure) 2007

Section 101 of the SEPP (Infrastructure) 2007 requires '*Development with frontage to classified road*' development consent from the consent authority. The subject site already has development consent and VPA for the development of the subject site (LUA12/0380). The subject Planning Proposal is therefore considered satisfactory in this regard.

Is the Planning Proposal consistent with applicable Section 117 Directions?

Local Direction	Assessment
1. Employment and Resources	
1.1 Business and Industrial Zones	NA
1.2 Rural Zones	NA
1.3 Mining, Petroleum Production and Extractive Industries	NA
1.4 Oyster Aquaculture	NA
1.5 Rural Lands	NA
2. Environment and Heritage	
2.1 Environment Protection Zones	NA
2.2 Coastal Protection	NA
2.3 Heritage Conservation	NA
2.4 Recreation Vehicle Areas	NA
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	The objective and intended outcome of the Planning Proposal is to provide a minimum lot size control to an existing approved subdivision.
3.2 Caravan Parks and Manufactured Home Estates	NA
3.3 Home Occupations	NA
3.4 Integrating Land Use and Transport	The subject Planning Proposal is considered to be consistent with this Local Planning Direction.
3.5 Development Near Licensed Aerodromes	NA
3.6 Shooting Ranges	NA
4. Hazard and Risk	
4.1 Acid Sulfate Soils	NA
4.2 Mine Subsidence and Unstable Land	NA
4.3 Flood Prone Land	NA
4.4 Planning for Bushfire Protection	The subject Planning Proposal is consistent with this Direction. Development Application conditions from the Rural Fire Service are attached.
5. Regional Planning	
5.1 Implementation of Regional Strategies	The subject Planning Proposal is consistent with Regional Strategies as

NB: This Direction has been revised to include previous Directions 5.6 and 5.7.	demonstrated in Part 3 of this report.
5.2 Sydney Drinking Water Catchments	LUA12/0380 was referred to WNSW (formerly SCA) for conditions of consent (attached).
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	NA
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	NA
5.8 Second Sydney Airport: Badgerys Creek	NA
5.9 North West Rail Link Corridor Strategy	NA
6. Local Plan Making	
6.1 Approval and Referral Requirements	No additional referral or approval requirements are intended to be generated through this amendment to the WLEP 2010.
6.2 Reserving Land for Public Purposes	NA
6.3 Site Specific Provisions	No site specific provisions, other than the 450 sqm Minimum Lot Size Map will be generated through this amendment to the WLEP 2010.

Section C – Environmental, Social & Economic Impacts**6. 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 properties are notated as containing areas of the Endangered Ecological Community (EEC) of Southern Highlands Shale Woodland. It is possible that this community will be impacted with residential land uses proceeding on the subject lands. The impact has however been considered as part of the assessment of development application (LUA12/0380). See attachments

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

No other environmental impacts are envisaged as a direct result of the Planning Proposal that have not been previously addressed in the development application or Section 5 of this report. The subject Planning Proposal will correct a mapping notation that will notate the lots as having a minimum Lot Size of 450 sqm.

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

The impacts of amending the minimum lot size notation will be beneficial, by delineating to prospective purchases the minimum lot size that was intended for the site and the desired future character to be achieved.

There are no heritage issues in relation to the properties the subject of the Planning Proposal.

Section D – State and Commonwealth Interests**9. Is there adequate public infrastructure for the Planning Proposal?**

Public Infrastructure intended to serve the subject land has been considered and negotiated through the Voluntary Planning Agreement process undertaken as part of the assessment of development application (LUA12/0380). Attachments 5, 6 and 7 provide for adequate infrastructure.

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

Refer to DA Conditions and Referrals attached.

PART 4 – MAPPING

The following map requires amendment as indicated below:

Minimum Lot Size Map

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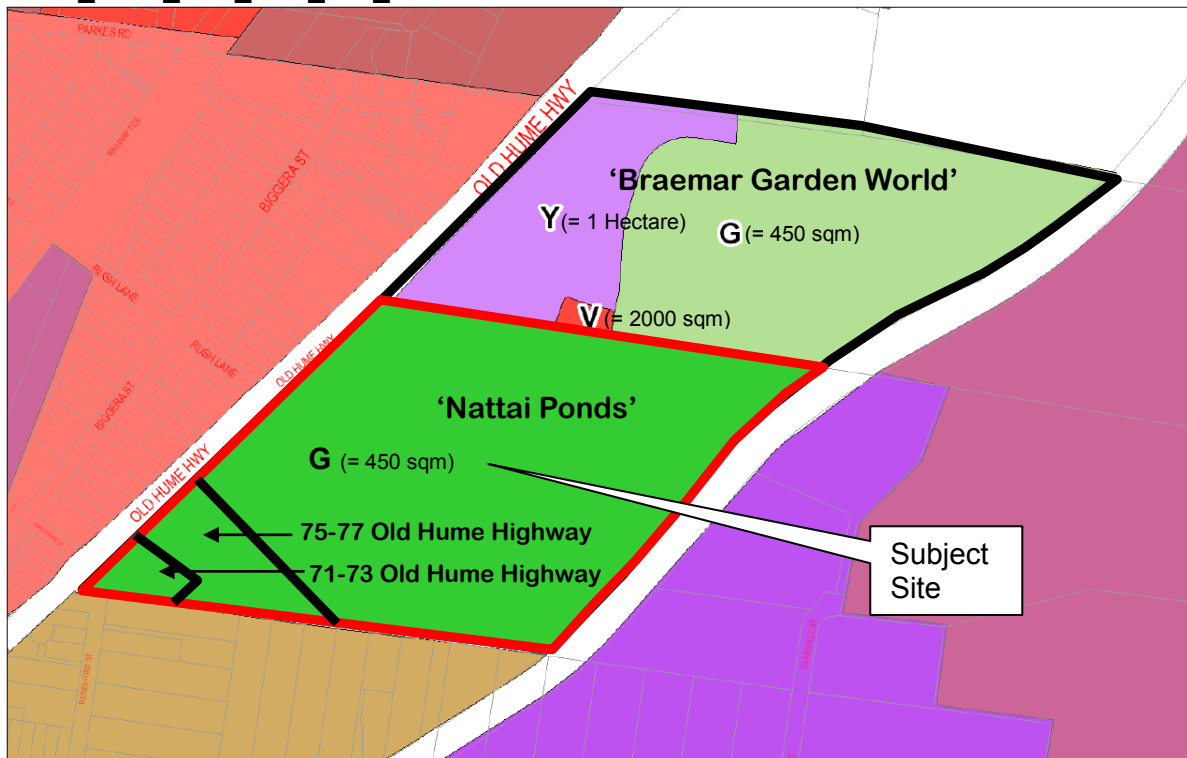


Figure 4.0 Proposed Minimum Lot Size (LSZ) Map Amendment (outlined in red).

PART 5 – COMMUNITY CONSULTATION

Community Consultation would occur as directed under the Gateway Determination.

PART 6 – TIMELINE

It is anticipated that the Planning Proposal will progress in accordance with the following key timeline milestones.

MILESTONE	INDICATIVE DATE
Gateway Determination	March 2015
Completion of technical studies if required	NA
Public Exhibition/Consultation with government agencies	April 2015
Public hearing – if required (if not exclude)	NA
Report to Council on exhibition of Planning Proposal.	June 2015
Documents to DP&I & PCO.	July 2015
Approximate completion date	September 2015

DELEGATIONS

Council is applying to use its delegations to complete this Proposal. The Department's form, *Evaluation Criteria for Delegation of Plan Making Functions*, has been attached for consideration.