

Nattai Ponds - apply 450sqm minimum lot size

Proposal Title : **Nattai Ponds - apply 450sqm minimum lot size**

Proposal Summary : **Amend Lot Size Map to change the lot size from 0sqm to 450sqm on the Nattai Ponds site, Braemar (Lots 1-8, DP 1044854 and Lots 2-3, DP 607486).**

PP Number : **PP_2015_WINGE_002_00**

Dop File No : **15/03844-1**

Proposal Details

Date Planning
Proposal Received : **23-Feb-2015**

LGA covered : **Wingecarribee**

Region : **Southern**

RPA : **Wingecarribee Shire Council**

State Electorate : **GOULBURN**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Policy**

Location Details

Street : **Isedale Road**

Suburb : **Braemar**

City :

Postcode :

Land Parcel : **Lots 1-8, DP 1044854**

Street : **71-73 and 75-77 Old Hume Highway**

Suburb : **Braemar**

City :

Postcode :

Land Parcel : **Lots 2 & 3, DP 607486**

DoP Planning Officer Contact Details

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RPA Contact Details

Contact Name : **David Matthews**

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DoP Project Manager Contact Details

Contact Name : **Graham Towers**

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Contact Email : **graham.towers@planning.nsw.gov.au**

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Sydney-Canberra Corridor Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes :

External Supporting Notes : **This is a minor proposal to introduce a minimum lot size of 450sqm to the subject land that currently has no minimum lot size restrictions. The site was previously zoned industrial without a minimum lot size and is now zoned R2 Low Density Residential. A subdivision has been approved for the site and stage 1 is being implemented on part of the site.**

Council wants to introduce the minimum lot size on the site in line with the approved subdivision to ensure it is consistent with the density of other residential release areas in Wingecarribee. This will prevent further subdivision or pressure for smaller lots in future subdivision plans for the remainder of the site.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **To ensure that no further reduction in the minimum lot size is available so that the approved subdivision and the density of development is maintained on the site.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **Amend Lot Size Map LSZ_007I to annotate the subject land to have a 450sqm lot size.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

3.1 Residential Zones

* May need the Director General's agreement

3.4 Integrating Land Use and Transport

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

5.2 Sydney Drinking Water Catchments

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 44—Koala Habitat Protection

SEPP (Infrastructure) 2007

Drinking Water Catchments Regional Environmental Plan No. 1

e) List any other matters that need to be considered :

SECTION 117 DIRECTIONS:

3.1 RESIDENTIAL ZONES: This Direction does apply to the planning proposal as it will affect land within an existing residential zone.
The proposal is considered to be **CONSISTENT** with this direction.

3.4 INTEGRATING LAND USE AND TRANSPORT: This Direction does apply to the planning proposal as it will create a provision relating to urban land.
The proposal is considered to be **CONSISTENT** with this direction.

4.4 PLANNING FOR BUSHFIRE PROTECTION: This Direction does apply to the planning proposal as it will affect/is in close proximity to land mapped as bushfire prone land.

RECOMMENDATION: The Secretary can be satisfied that the requirements of the Direction have been met. Given that the Rural Fire Service already provided comment on the development application approved on the site, no further consultation is required. The proposal does not increase the density of development allowed on the site.

5.1 IMPLEMENTATION OF REGIONAL STRATEGIES: This Direction does apply to the planning proposal as the Sydney-Canberra Corridor Regional Strategy applies to the land.
The proposal is considered to be **CONSISTENT** with this direction.

5.2 SYDNEY DRINKING WATER CATCHMENT: This Direction does apply to the planning proposal as the land is within the Sydney drinking water catchment.
The proposal is considered to be **CONSISTENT** with this direction.

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The maps are suitable for exhibition.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council's report indicated an exhibition of 28 days is proposed.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Wingecarribee Local Environmental Plan 2010 is in place.**

Assessment Criteria

Need for planning proposal : **The development of the site was initiated by an independent panel report in 2008 into the Northern Gateway Strategy that recommended the subject land be rezoned from industrial to residential development.**

No minimum lot size was introduced on the site when it was rezoned for residential purposes. Council would like certainty in relation to development density and would like to introduce a 450sqm minimum lot size. As such, Council wants the LEP controls to reflect this policy decision.

Consistency with strategic planning framework : **The proposal is a minor policy change to the LEP. It is therefore consistent with the local and State policy framework.**

Environmental social economic impacts : **Whilst there are environmental values on the site, these have been considered at the development application stage. This planning proposal is a minor policy change that does not affect the ability to develop the site for residential purposes.**

Assessment Process

Proposal type : **Minor** Community Consultation Period : **14 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) :

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

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Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Wingecarribee Shire Council_23-02-2015_Planning Proposal - Nattai Pond Lot Size_.pdf	Proposal Covering Letter	Yes
Nattai Ponds Planning Proposals Feb 2015 V1 for Gateway.pdf	Proposal	Yes
Attachment 2 - Council Report 12 Nov 2014.pdf	Proposal	Yes
Attachment 3 - Council Resolution 12 Nov 2014.pdf	Proposal	Yes
Attachment 9 - SCA Comments 2012.pdf	Proposal	Yes
Attachment 10 - RFS Comments 26 June 2012.pdf	Proposal	Yes
Attachment 1 - 1-1-3 Delegation Request Evaluation Form.doc	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **3.1 Residential Zones**
 3.4 Integrating Land Use and Transport
 4.4 Planning for Bushfire Protection
 5.1 Implementation of Regional Strategies
 5.2 Sydney Drinking Water Catchments

Additional Information : **RECOMMENDATIONS.**
It is **RECOMMENDED** that the General Manager, as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that an amendment to the Wingecarribee Local Environmental Plan 2010 to amend the Lot Size Map to apply a 450sqm minimum lot size to the Nattai Ponds residential release area.

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

(a) the planning proposal must be made publicly available for 14 days; and
(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of 'A guide to preparing local environmental plans (Planning and Infrastructure, 2013)'.

2. No further consultation is required with public authorities under section 56(2)(d) of the EP&A Act.

3. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example in response to a submission or if reclassifying

land).

4. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

5. Council be authorised to use the Minister's plan making functions under sections 59(2),(3)&(4) of the Environmental Planning and Assessment Act 1979.

6. SECTION 117 DIRECTIONS - It is recommended that:

(a) The Secretary's delegate can be satisfied that the planning proposal is consistent with s117 Directions 3.1 Residential Zones, 3.4. Integrating Transport and Land Use, 4.4 Planning for Bushfire Protection, 5.1 Implementing Regional Strategies, and 5.2 Sydney Drinking Water Catchments.

(b) The Secretary's delegate can be satisfied that the planning proposal is consistent with all other relevant s117 Directions or that any inconsistencies are of minor significance; and

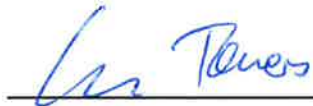
(c) No further consultation or referral is required in relation to s117 Directions while the planning proposal remains in its current form.

7. The planning proposal is considered to be consistent with all relevant SEPPs.

Supporting Reasons :

This is considered a minor policy change with little expected impact. The matter is suitable to proceed under delegation.

Signature:



Printed Name:

Graham Towers

Date:

9/3/15