

Planning Proposal

For certain residential development standards
within Wingecarribee Local Environmental Plan
2010.

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ATTACHMENTS WHICH FORM PART OF THIS PLANNING PROPOSAL

1	Report to Council 9 May 2018
2	Resolution of Council 9 May 2018
3	Report to Council 10 October 2018
4	Resolution of Council 10 October 2018
5	Delegation Request Evaluation Form

PART 1 : OBJECTIVES AND INTENDED OUTCOMES

The Objectives of this Planning Proposal are:

Objective 1 - To extend the provisions of both clauses 4.1A and 4.1AA to the E3 and E4 zones and to make it unambiguously clear that the minimum lot size standard does not apply to a subdivision created by the registration of a strata plan or community title plan in these zones.

Objective 2 - To introduce a new 'dual occupancy' clause similar to clause 4.2A in WLEP 2010, nominally named 4.2AA, to provide a minimum lot size of 1000m² for a dual occupancy development under the Codes SEPP and minimum standards of 50% or 600m², whichever is the greater, for the size of each lot resulting from the subdivision of any dual occupancy development under the Codes SEPP.

The Intended Outcomes of this Planning Proposal are:

Intended Outcome of Objective 1 – To amend clauses 4.1A and 4.1AA of WLEP 2010 to ensure that the current development standards in WLEP 2010 prevail for the nominated zones following the amendment of these clauses in the Standard Instrument on 20 April 2018. At the same time the application of these clauses will be extended to include the E3 Environmental Management and E4 Environmental Living zones.

Intended Outcome of Objective 2 – To maintain the minimum lot size of 1000m² for dual occupancy development as currently provided in the relevant Development Control Plans for the Shire and to nominate the lot sizes resulting from the subdivision of such a development (600m² or 50% of the minimum lot size, whichever is greater) to support and maintain consistency with the provisions in the Codes SEPP for dual occupancy subdivision.

It is noted that the intent of the draft clause is to only address Torrens title subdivision of a dual occupancy under the Codes SEPP. It is not intended that the draft clause will impact any other subdivision which may apply under minimum lot size provisions of the LEP.

PART 2 : EXPLANATION OF THE PROVISIONS

Objective 1 - Amendments to Clauses 4.1A and 4.1AA

To achieve Objective 1 of the Planning Proposal it is proposed to amend clauses 4.1A and 4.1AA of WLEP 2010 to insert the following text as **highlighted** below.

4.1A Minimum subdivision lot size for strata plan schemes in certain rural and residential zones

(1) *The objective of this clause is to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.*

(2) *This clause applies to land in the following zones that is used, or is proposed to be used, for residential accommodation or tourist and visitor accommodation:*

- (a) *Zone RU1 Primary Production,*
- (b) *Zone RU2 Rural Landscape,*
- (c) *Zone RU4 Primary Production Small Lots,*
- (d) *Zone E3 Environmental Management,***
- (e) *Zone E4 Environmental Living,***
- (f) *Zone R5 Large Lot Residential.*

but does not apply to a subdivision by the registration of a community plan.

(3) *The size of any lot resulting from a subdivision of land to which this clause applies for a strata plan scheme (other than any lot comprising common property within the meaning of the Strata Schemes (Freehold Development) Act 1973 or Strata Schemes (Leasehold Development) Act 1986) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.*

(4) *This clause applies despite clause 4.1.*

Note. Part 6 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provides that strata subdivision of a building in certain circumstances is specified complying development.

4.1AA Minimum subdivision lot size for community title schemes

(1) *The objective of this clause is as follows:*

- (a) *to ensure that land to which this clause applies is not fragmented by subdivision that would create additional dwelling entitlements.*

(2) *This clause applies to a subdivision (being a subdivision that requires development consent) under the Community Land Development Act 1989 of land in any of the following zones:*

- (a) *Zone RU1 Primary Production,*
- (b) *Zone RU2 Rural Landscape,*
- (c) *Zone RU4 Primary Production Small Lots,*
- (d) *Zone E3 Environmental Management,***
- (e) *Zone E4 Environmental Living,***
- (f) *Zone R5 Large Lot Residential.*

but does not apply to a subdivision by the registration of a strata plan.

(3) *The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the Community Land Development Act 1989) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.*

(4) This clause applies despite clause 4.1.

Objective 2 – Minimum Lot Size for Dual Occupancy Development

It is proposed to meet the objectives and intended outcomes of Objective 2 of this Planning Proposal through the insertion into WLEP 2010 of a draft clause similar to the following, provisionally nominated as clause 4.2AA.

4.2AA Erection and subdivision of dual occupancies on land in certain residential zones

(1) The objectives of this clause are as follows:

- (a) to identify a minimum lot size for dual occupancy development,*
- (b) to identify a minimum lot size for the subdivision of dual occupancy development, and*
- (c) to ensure that dual occupancy development is compatible with the character of existing development within the surrounding area.*

(2) This clause applies to land in the following zones:

- (a) Zone R2 Low Density Residential*
- (b) Zone R3 Medium Density Residential*

(3) Development consent must not be granted for the erection of a dual occupancy on a lot in a zone to which this clause applies, and on which no dwelling house or dual occupancy has been erected, unless the lot is a lot that is at least 1000m².

(4) Development consent must not be granted for the Torrens title subdivision of a dual occupancy to which this clause applies, unless the size of any lot resulting from the subdivision:

- a) is not less than 50% of the minimum size shown on the Lot Size Map in relation to that land, or*
- b) is not less than 600m²,*

whichever is the greater.

It is anticipated that this draft clause will be redrafted by the Parliamentary Counsel's Office should the Planning Proposal proceed and result in a draft Opinion being sought from PCO.

PART 3 : JUSTIFICATION OF OBJECTIVES, OUTCOMES & PROCESS

Justification for Objective 1 - Amendments to Clauses 4.1A and 4.1AA

Key events leading to this draft amendment are:

20 April 2018	Clauses 4.1 and 4.1AA of the Standard Instrument were amended and consequently WLEP 2010 was amended.
9 May 2018	In response to the Standard Instrument amendment on 20 April 2018, Council <u>resolved</u> to further amend clauses 4.1A and 4.1AA once Amendment 45 was Notified to: <ol style="list-style-type: none">1) insert additional wording to ensure that clauses 4.1A and 4.1AA serve to maintain the current development standards for the nominated zones despite the provisions of clause 4.1.2) include the E3 Environmental Management zone and the E4 Environmental Living zone under the provisions of clauses 4.1 and 4.1AA of WLEP 2010.
13 July 2018	Amendment 45 to WLEP 2010 was Notified. This amendment included the insertion of two (2) new clauses 4.1A and clause 4.1AA into WLEP 2010.

On 20 April 2018 Clauses 4.1 and 4.1AA of the Standard Instrument were amended and consequently WLEP 2010 was amended. The impact of this amendment makes it unambiguously clear that the minimum lot size standard does not apply to a subdivision created by the registration of a strata plan or community plan.

As a consequence of this amendment, clauses 4.1A and 4.1AA, inserted into WLEP2010 through Amendment #45, need to be amended as per Council's Resolution of 9 May 2018.

The Report to and Resoution of Council of 9 May 2018 associated with this Objective of the Planning Proposal are included as **Attachment 1** and **Attchment 2** to this Proposal.

Objective 2 – Dual Occupancy Provisions

Key events leading to this draft amendment are:

28 June 2018	Council was granted a 12 month deferral of the introduction to State Environmental Planning Policy (Exempt & Complying Development Codes) (Codes SEPP) of Low Rise Medium Density Development (Part 3B).
6 July 2018	Amendments to Codes SEPP came into effect.
18 October 2018	In response to the introduction of Part 3B of the Codes SEPP and Council's 12 month deferral from their application in the Shire, Council <u>resolved</u> to prepare a Planning Proposal to amend WLEP 2010 to introduce a minimum lot size of 1000m ² for dual occupancy development in the R2 Low Density Residential and R3 Medium Density Residential zones.

Section 3B.8 of the Codes SEPP allows Council to nominate its own minimum lot size standard for dual occupancy development under the SEPP, stating that the minimum lot size required for Dual Occupancy Development under the Codes SEPP is 400m² *or the minimum lot area specified for dual occupancies in the environmental planning instrument that applies to the land concerned, whichever is the greater* (Council's emphasis).

Under WLEP 2010, Dual Occupancy is permitted with consent in the R2 Low Density Residential and R3 Medium density residential zones. Because a Dual Occupancy constructed under the Codes SEPP is capable of either Strata or Torrens subdivision, Council wants to be certain that such development does not detrimentally impact on the prevailing residential amenity of a locality, or set an inappropriate standard of development in any new residential area.

Currently, under Council's Development Control Plan provisions, construction of a Dual Occupancy is not permitted on a lot less than 1000m². To maintain consistency with this current standard, Objective 2 of this Planning Proposal seeks to insert a new clause into WLEP 2010 to set the minimum lot size for Dual occupancy development at 1000m². Council proposes addressing this provision in the SEPP through subclause (3) of draft clause 4.2AA which states:

(3) Development consent must not be granted for the erection of a dual occupancy on a lot in a zone to which this clause applies, and on which no dwelling house or dual occupancy has been erected, unless the lot is a lot that is at least 1000m².

Division 2 (Torrens subdivision) development standard in the Codes SEPP (s.3B.6.4(1)(d)(i)) provides the following option for subdivision of an approved dual occupancy development under the SEPP:

the area of each resulting lot must be at least 60% of the minimum size specified for the subdivision of land for the purpose of a dual occupancy in the environmental planning instrument that applies to the land

This option addresses two aspects of the subdivision of an approved dual occupancy – (a) it enables Council to nominate its own minimum lot size for dual occupancy subdivision under the SEPP and (b) by setting a resulting lot sizes at 60% of the minimum, it is restricting the subdivision of a dual occupancy development to a lot at least 20% larger than the minimum lot size in the Local Environmental Plan.

Council proposes utilising this provision in the SEPP through subclause (4) of draft clause 4.2AA which states:

(4) Development consent must not be granted for the Torrens title subdivision of a dual occupancy to which this clause applies, unless the size of any lot resulting from the subdivision:

a) is not less than 50% of the minimum size shown on the Lot Size Map in relation to that land, or

b) is not less than 600m²,

whichever is the greater.

The result will be that, although a dual occupancy may be constructed on a lot which is at least 1000m² in area, in accordance with Council's current standard under the DCP, Torrens subdivision of an approved dual occupancy under the Codes SEPP can only occur on a lot that is at least 1200m².

Currently Council does not approve the subdivision of a dual occupancy unless each resulting lot meets the minimum lot size. The only exception to this is contained in clause 7.2 of WLEP 2010 which permits the subdivision of an approved dual occupancy on a corner lot in the R2 Low Density Residential and B1 Neighbourhood Centre zones (except in Berrima) if the allotment is not less than 1000m² and there is a reticulated water supply and sewerage system. The intent of this clause was to enable some minor infill development on existing corner allotments and it can work quite well where the minimum lot size is 700m². However where the minimum lot size is 2000m², it can result in development which is out of character with the main streetscape. Council may review the operation of this clause at a future time.

Council considers that draft subclause (4) supports and is entirely consistent with s.3B.6.4(1)(d)(i) of the Codes SEPP which, through the provision of nominating that lots resulting from the subdivision of an approved dual occupancy each needs to be 60% of the minimum lot size, is requiring that any lot to be so subdivided needs to be above the minimum lot size.

It is noted that, for lots with a minimum lot size greater than 1000m² Council is prepared to accept that 50% of the minimum lot size is satisfactory, but for lots where the minimum lot size is 700m², a very common standards within the R2 and R3 zones across the Shire, that a lot no smaller than 600m² is appropriate to maintain existing character and to minimise additional demand on existing water and sewer infrastructure designed for 700m² lots. To reduce the minimum lot size in these areas to 350m² (50% of 700m²) would overload existing infrastructure and inherent difficulties in 'retro-fitting' improved infrastructure into well-established suburban areas.

It is further noted that the intent of the draft clause is to only address Torrens title subdivision of a dual occupancy under the Codes SEPP. It is not intended that the draft clause will impact any other subdivision which may apply under minimum lot size provisions of the LEP. For example, if a 1000m² lot was located within an area with a 300m² minimum lot size, the subdivision of that lot into 3 lots of 300m² would still be permitted under the provisions of clause 4.1 of WLEP 2010.

The Report to and Resoution of Council of 10 October 2018 associated with this Objective of the Planning Proposal are included as **Attachment 3** and **Attchment 4** to this Proposal.

Section A – Need for the Planning Proposal

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

Objective 1 of the Planning Proposal is the result of an amendment to the Standard Instrument with regard to Clause 4.1AA. Council has recently inserted clauses 4.1A and 4.1AA through amendment 45 to WLEP 2010 made on 13 July 2018. Council now seeks to extend the provision of those clauses to the E3 Environmental Management and E4 Environmental Living zones and amend them to reflect the 20 April 2018 amendments to those clauses in the Standard Instrument.

Objective 2 of the Planning Proposal is the result of the introduction of Low Rise Medium Density Development provisions into the Codes SEPP and the opportunity for Council to amend WLEP 2010 to ensure that a satisfactory minimum lot size applies to future dual

occupancy complying development under the Codes SEPP which maintains Council's current Development Control Plan standard of 1000m². The current DCP standard is consistent with the Wingecarribee Local Planning Strategy and has been through extensive community consultation as part of the Local Planning Strategy and amendments to the DCPs.

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

A Planning Proposal is the only means of achieving the stated objectives.

With regard to Objective 1, the Standard Instrument does not contain Clause 4.1A so any amendment must be done through a Planning Proposal. Although the Standard Instrument does contain Clause 4.1AA, it requires Councils to nominate the zones to which the clause applies.

With regard to Objective 2, the Codes SEPP provides for Council to nominate a minimum lot size for dual occupancy development in the LEP and as no such control currently exists, a Planning Proposal is required.

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)?

Goal 3 of the South East and Tablelands Regional Plan focusses on the provision of healthy and connected communities. Direction 23 requires the protection of the region's heritage. Action 23.3 – Conserve heritage assets during local strategic planning and development - is particularly relevant to this Planning Proposal.

Council is fully supportive of this Goal and associated Action. The draft clauses contained in this Planning Proposal seek to ensure that future dual occupancy development and residential subdivisions are in keeping with community expectations and the existing and desired future character of the Shire.

The following Directions specifically apply to this Planning Proposal:

Direction 9 – Grow tourism within the region
Direction 14 – Protect important environmental assets
Direction 23 – protect the region's heritage
Direction 24 – Deliver greater housing supply and choice
Direction 25 - Focus housing growth in locations that maximise infrastructure and services
Direction 27 - Deliver more opportunities for affordable housing
Direction 28 – Manage rural lifestyles

Council is fully supportive of all of these Directions. These Directions require a balanced approach to residential development, both through dual occupancy and rural residential opportunities which Council believes fully support Goal 4 – Environmentally Sustainable Housing Choices. The proposed amendments seek to achieve this outcome. Council believes that the best way to meet this Goal and relevant Directions and Actions in particular, is to

ensure that the minimum lot size standards within WLEP 2010 are maintained and not eroded through subdivision below those standards.

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

The Wingecarribee Local Planning Strategy 2015-2031 was adopted by Council on 23 March 2015 and conditionally endorsed by the Department of Planning and Environment on 15 May 2017. Chapter 2 (Managing Our Natural Environment) and Chapter 3 (Managing Our Rural Lands) were both endorsed by the Department.

Chapter 2 notes that there are 5 environmental protection zones within the Shire of which the E3 Environmental Management zone is the largest, covering almost 100,000 hectares. The E4 Environmental Living zone covers almost 160 hectares. In total, some 45% of the Shire is within an Environmental protection zone. Chapter 3 notes that there are 4 rural zones within the Shire covering some 14.5% of the Shire if the RU3 Forestry zone is excluded.

The agricultural value of both the environmental protection and rural zones is recognised by Council. The Shire is ideally located for agricultural business in terms of transport routes to Sydney, Wollongong and Canberra, as fresh produce can easily be moved to all three locations. This in turn provides opportunities for expansion into international markets. New agricultural activities are being developed within the Shire including crops such as grapes, olives, lavender and other plants for the cut flower industry and for the production of food and drink products. Livestock farming is expanding from dairy and beef cattle into alpacas and goats and equestrian based activities are also expanding. Furthermore, these zones also offer tourism potential.

Council maintains a minimum lot size across its key environmental protection and rural zones of 40 hectares. In drafting WLEP 2010, the Department of Planning and Environment nominated 100 hectares, but Council undertook an Agricultural Lands Study to demonstrate that 40 hectares was more appropriate. Council does not want to see that minimum undermined by provisions which allow further subdivision of the environmental protection and rural zones and the draft clauses in this Planning proposal seek to ensure that does not occur.

Although Chapter 4 (Meeting Our Housing Needs) was not endorsed, it strongly supports providing more medium density housing to meet the demand of older residents and to free up larger lots including rural residential lots minimising the need for additional greenfields development. Chapter 6 (Managing our Built Environment) was endorsed and supports the protection of the Shire's built heritage which is appreciated both by residents and tourists. Minimum lot size provisions for dual occupancy development both enable infill development to occur but at a scale which protects the valuable character and heritage of the Shire's towns and villages.

Therefore, it is concluded that the proposed amendments support the Wingecarribee Local Planning Strategy 2015-2031.

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

The Proposal has been assessed against relevant SEPPs as indicated below.

SEPP	Relevance to Planning Proposal
No.1 Development Standards	<u>Not relevant</u> – replaced by Clause 4.6 of WLEP2010 as the mechanism for any variation to development standards.
No.14 Coastal Wetlands	<u>Not relevant</u> – There are no Coastal Wetlands within the Shire.
No.19 Bushland in Urban Areas	<u>Not relevant</u> – does not apply to Wingecarribee Shire.
No.21 Caravan Parks	<u>Consistent</u> - The Planning Proposal will ensure that any residential development in the environmental protection or rural zones cannot be subdivided below the minimum lot size in WLEP 2010.
No.26 Littoral Rainforests	<u>Not relevant</u> – does not apply to Wingecarribee Shire.
No.30 Intensive Agriculture	<u>Consistent</u> - The Planning Proposal does not apply to any development applicable under this SEPP.
No.33 Hazardous and Offensive Development	<u>Consistent</u> - The Planning Proposal does not apply to any development applicable under this SEPP.
No.36 Manufactured Home Estates	<u>Consistent</u> - The Planning Proposal will ensure that any residential development in the environmental protection or rural zones cannot be subdivided below the minimum lot size in WLEP 2010.
No.44 Koala Habitat Protection	<u>Consistent</u> - The Planning Proposal will ensure that any residential development in the environmental protection or rural zones cannot be subdivided below the minimum lot size in WLEP 2010 thereby contributing to the protection of koala habitat.
No. 47 Moore Park Showground	<u>Not relevant</u> – does not apply to Wingecarribee Shire.
No.50 Canal Estate Development	<u>Consistent</u> - The Planning Proposal does not apply to any development applicable under this SEPP.
No.52 Farm Dams and Other Works in Land and	<u>Not relevant</u> – does not apply to Wingecarribee Shire.

Water Management Plan Areas	
No.55 Remediation of Land	<u>Consistent</u> – The Planning Proposal will ensure that any residential development in the environmental protection or rural zones cannot be subdivided below the minimum lot size in WLEP 2010, which would benefit any potential need to remediate land.
No. 62 Sustainable Aquaculture	<u>Consistent</u> - The Planning Proposal does not apply to any development applicable under this SEPP.
No.64 Advertising and Signage	<u>Consistent</u> – The Planning Proposal does not apply to advertising or signage on land to which this SEPP applies.
No.65 Design Quality of Residential Apartment Development	<u>Consistent</u> - The Planning Proposal does not result in any development applicable under this SEPP.
No.70 Affordable Housing (Revised Schemes)	<u>Not relevant</u> – does not apply to Wingecarribee Shire.
No.71 Coastal Protection	<u>Not relevant</u> – does not apply to Wingecarribee Shire.
Affordable Rental Housing 2009	<u>Consistent</u> – The Planning Proposal will ensure that any residential development in the environmental protection or rural zones cannot be subdivided below the minimum lot size in WLEP 2010 and that dual occupancy development can only occur on lots of at least 1,000m ² . It is considered that these provisions still support the aims of the SEPP while protecting environmental and heritage values of the Shire.
Building Sustainability Index: Basix 2004	<u>Consistent</u> – The Planning Proposal will ensure that any residential development in the environmental protection or rural zones cannot be subdivided below the minimum lot size in WLEP 2010, but will not adversely impact on the aims of the SEPP.
Educational Establishments and Child Care Facilities 2017	<u>Consistent</u> - The Planning Proposal does not apply to any development applicable under this SEPP.
Exempt and Complying Development Codes 2008	<u>Consistent</u> - The Planning Proposal gives effect to the Codes SEPP for lot of 1,000m ² and above as provided for in the SEPP.
Housing for Seniors or People with a Disability 2004	<u>Consistent</u> - The Planning Proposal does not impact the use of the SEPP where applicable under WLEP 2010.
Infrastructure 2007	<u>Consistent</u> - The SEPP does not apply in the zones which are the subject of this Planning Proposal.
Integration and Repeals 2016	<u>Not relevant</u> – does not apply to Wingecarribee Shire.

Kosciuszko National Park - Alpine Resorts 2007	<u>Not relevant</u> – does not apply to Wingecarribee Shire.
Kurnell Peninsula 1989	<u>Not relevant</u> – does not apply to Wingecarribee Shire.
Mining, Petroleum Production and Extractive Industries 2007	<u>Consistent</u> - The Planning Proposal does not apply to any development applicable under this SEPP.
Miscellaneous Consent Provisions 2007	<u>Consistent</u> - The Planning Proposal will ensure that any residential development in the environmental protection or rural zones cannot be subdivided below the minimum lot size in WLEP 2010 which is consistent with one of the aims of the SEPP – to encourage the protection of the environment – where the temporary structure is being considered.
Penrith Lakes Scheme 1989	<u>Not relevant</u> – does not apply to Wingecarribee Shire.
Rural Lands 2008	<u>Consistent</u> - The Planning Proposal will ensure that any residential development in the environmental protection or rural zones cannot be subdivided below the minimum lot size in WLEP 2010. The proposal is considered to be entirely consistent with the SEPP.
State and Regional Development 2011	<u>Consistent</u> - The Planning Proposal does not apply to any development applicable under this SEPP.
State Significant Precincts 2005	<u>Consistent</u> - The Planning Proposal does not apply to any development applicable under this SEPP.
Sydney Drinking Water Catchment 2011	<u>Consistent</u> - The Planning Proposal will ensure that any residential development in the environmental protection or rural zones cannot be subdivided below the minimum lot size in WLEP 2010 and that dual occupancy development will occur as appropriate for the existing infrastructure. This is totally consistent with the aims of the SEPP.
Sydney Region Growth Centres 2006	<u>Not relevant</u> – does not apply to Wingecarribee Shire.
Three Ports 2013	<u>Not relevant</u> – does not apply to Wingecarribee Shire.
Urban Renewal 2010	<u>Consistent</u> - The Planning Proposal does not apply to any development applicable under this SEPP.
Vegetation in Non-Rural Areas 2017	<u>Not relevant</u> – does not apply to Wingecarribee Shire.
Western Sydney Employment Area 2009	<u>Not relevant</u> – does not apply to Wingecarribee Shire.

Western Sydney Parklands	<u>Not relevant</u> – does not apply to Wingecarribee Shire.
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6. Is the Planning Proposal consistent with applicable Section 9.1 Directions?

The Planning Proposal has been assessed against applicable Directions issued by the Minister for Planning under section 9.1 of the *Environmental Planning & Assessment Act 1979*. These assessments are reproduced below. Directions not applicable to Wingecarribee Shire have been excluded.

1. Employment & Resources	Assessment
1.1 Business & Industrial Zones	<u>Not relevant.</u> The Planning Proposal addresses only certain residential and rural zones.
1.2 Rural Zones	<u>Consistent</u> – The Planning Proposal does not rezone rural land nor contain provisions to increase density on rural zoned land.
1.2 Mining, Petroleum Production & Extractive Industries	<u>Not relevant.</u>
1.4 Oyster Aquaculture	<u>Not relevant.</u>
1.5 Rural Lands	<u>Consistent</u> – The Planning Proposal will ensure that any residential development in the environmental protection or rural zones cannot be subdivided below the minimum lot size in WLEP 2010. These provisions are consistent with the Rural Planning Principles in the Rural Lands SEPP.
2. Environment & Heritage	Assessment
2.1 Environment Protection Zones	<u>Consistent</u> – The Planning Proposal will ensure that any residential development in the environmental protection or rural zones cannot be subdivided below the minimum lot size in WLEP 2010. These provisions will facilitate the protection and conservation of environmentally sensitive areas and does not reduce the environmental protection standards that apply.
2.2 Coastal Management	<u>Not relevant.</u>
2.3 Heritage Conservation	<u>Consistent</u> - The Planning Proposal will ensure that any residential development in the environmental protection or rural zones cannot be subdivided below the minimum lot size in WLEP 2010. It will also ensure that approved dual occupancy development only occurs on lots which are at least 1,000m ² . These

	provisions will facilitate the places or items of heritage located in these zones including Aboriginal objects or places.
2.4 Recreation Vehicle Areas	<u>Not relevant.</u>
2.5 E2 & E3 zones in Far North Coast LEPs	<u>Not relevant.</u>
3. Housing, Infrastructure & Urban Development	Assessment
3.1 Residential Zones	<u>Consistent</u> – The Planning Proposal seeks to maintain the current DCP standard of limiting dual occupancy development to lots of at least 1,000m ² . This standard has served the Shire well, providing infill development while also ensuring protection of existing town and village character.
3.2 Caravan Parks & Manufactured Home Estates	<u>Not relevant.</u>
3.3 Home Occupations	<u>Not relevant.</u>
3.3 Integrating Land Use & Transport	<u>Not relevant.</u>
3.5 Development near Licensed Aerodromes	<u>Not relevant.</u>
3.6 Shooting Ranges	<u>Not relevant.</u>
4. Hazard & Risk	Assessment
4.1 Acid Sulphate Soils	<u>Consistent</u> – The Planning Proposal will ensure that any residential development in the environmental protection or rural zones cannot be subdivided below the minimum lot size in WLEP 2010 and any dual occupancy development cannot occur on lots below 1,000m ² . Some of these lands may contain acid sulphate soils but the proposed amendments will not result in any intensification of uses on such soils.
4.2 Mine Subsidence & Unstable Land	<u>Consistent</u> – The Planning Proposal will ensure that any residential development in the environmental protection or rural zones cannot be subdivided below the minimum lot size in WLEP 2010 and any dual occupancy development cannot occur on lots below 1,000m ² . Some of these lands may be in min subsidence areas or on unstable land but the proposed amendments will not result in any intensification of uses

	on such land.
4.3 Flood Prone Land	<u>Consistent</u> – The Planning Proposal will ensure that any residential development in the environmental protection or rural zones cannot be subdivided below the minimum lot size in WLEP 2010 and any dual occupancy development cannot occur on lots below 1,000m ² . These provisions do not involve any rezoning of such land.
4.4 Planning for Bushfire Protection	<u>Consistent</u> – The Planning Proposal will ensure that any residential development in the environmental protection or rural zones cannot be subdivided below the minimum lot size in WLEP 2010 and any dual occupancy development cannot occur on lots below 1,000m ² . These provisions may result in an intensification of use on bushfire prone land and will need to be addressed at the DA stage.
4.5 Development near Licensed Aerodromes	<u>Not relevant.</u>
4.6 Shooting Ranges	<u>Not relevant.</u>
5. Regional Planning	Assessment
5.1 Implementation of Regional Strategies	<u>Not relevant</u> - replaced by 5.10
5.2 Sydney Drinking Water Catchments	<u>Consistent</u> – The Planning Proposal will ensure that any residential development in the environmental protection or rural zones cannot be subdivided below the minimum lot size in WLEP 2010 and any dual occupancy development cannot occur on lots below 1,000m ² . These provisions support the aims of the SEPP, and therefore, this Direction.
5.3 – 5.9	Not applicable to Wingecarribee Shire
5.10 Implementation of Regional Plans	<u>Consistent</u> - The Planning Proposal will ensure that any residential development in the environmental protection or rural zones cannot be subdivided below the minimum lot size in WLEP 2010 and any dual occupancy development cannot occur on lots below 1,000m ² . These provisions are consistent with the South East & Tablelands Regional Plan as discussed in Section B3 above.
6. Local Plan Making	Assessment
6.1 Approval & Referral Requirements	<u>Consistent</u> – The Planning Proposal does not require any Ministerial or public authority concurrence and

	does not identify any designated development.
6.2 Reserving Land for Public Purposes	<u>Consistent</u> – The Planning Proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.
6.3 Site Specific Provisions	<u>Consistent</u> – The Planning Proposal does not involve allowing a particular development.

Section C – Environmental, Social & Economic Impacts

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?

One of the intents of the Planning Proposal is to ensure that any residential development in the environmental protection or rural zones cannot be subdivided below the minimum lot size in WLEP 2010. These provisions will act to protect any critical habitat or threatened species, populations or ecological communities, or their habitats.

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

One of the intents of the Planning Proposal is to ensure that any residential development in the environmental protection or rural zones cannot be subdivided below the minimum lot size in WLEP 2010. There are not considered to be any other environmental impacts resulting from the Planning Proposal.

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

One of the intents of the Planning Proposal is on the protection of the environmental protection and rural zones. The other provides opportunities for infill dual occupancy development. The proposed development controls for these zones is considered to be a benefit to the community. These lands also contribute to tourism and are considered to have a positive economic impact.

Section D – State and Commonwealth Interests

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

No public infrastructure is impacted by this Planning Proposal.

PART 4 – MAPPING

No map amendments are required for this Planning Proposal.

PART 5 – COMMUNITY CONSULTATION

Community consultation will occur as directed in the Gateway Determination and in accordance with the Department's *Guide to preparing LEPs*. Council provides at least 28 days of public exhibition which includes, as relevant, notification by letter/email to adjoining property owners and/or major stakeholders and weekly advertising in the Southern Highland News for the duration of the exhibition period. Copies of the Planning Proposal and relevant documentation are provided on Council's website, at the Customer Service Counter at the Civic Centre and at all relevant libraries including Council's Rural Outreach & Delivery Service (ROADS) Mobile Library.

Prior to community consultation any referrals required by the Gateway Determination will be done. This always includes referral to Water NSW.

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	April 2019
Agency Consultation	April 2019
Public Exhibition	May 2019
Report to Council on exhibition of Planning Proposal.	June 2019
Drafting Requests to PCO & s.3.36 report to Dept.	June 2019
Approximate completion date	June 2019

DELEGATIONS

Council is applying to use its delegations to complete this Proposal. The Department's form *Evaluation Criteria for Delegation of Plan Making Functions* forms **Attachment 5** to this Planning Proposal.

END