



Permit the subdivision of Lot 3 DP1074706 to create 6 residential lots plus 1 residue

Proposal Title : Permit the subdivision of Lot 3 DP1074706 to create 6 residential lots plus 1 residue

Proposal Summary : Use Schedule 1 to permit the subdivision of Lot 3, DP 1074706 to create 6 residential lots and 1 residue on E4 Environmental Living zoned land.

PP Number : PP_2016_QPREG_002_00 Dop File No : 16/01230-1

Proposal Details

Date Planning Proposal Received : 08-Jul-2016 LGA covered : Queanbeyan-Palerang Regic

Region : Southern RPA : Queanbeyan-Palerang Regional

State Electorate : MONARO Section of the Act : 55 - Planning Proposal

LEP Type : Policy

Location Details

Street : Goolabri Drive

Suburb : Sutton City : Postcode : 2620

Land Parcel : Lot 3, DP 1074706

DoP Planning Officer Contact Details

Contact Name : Meredith McIntyre

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RPA Contact Details

Contact Name : Sue Robb

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DoP Project Manager Contact Details

Contact Name : Deanne Frankel

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Land Release Data

Growth Centre : N/A Release Area Name : N/A

Regional / Sub Regional Strategy : Sydney-Canberra Corridor Consistent with Strategy : Yes

Regional Strategy : Regional Strategy

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MDP Number :	Date of Release :	
Area of Release (Ha) :	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots : 0	No. of Dwellings (where relevant) :	6
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 : **The proposal seeks to amend Schedule 1 to permit the subdivision of the subject land into 7 lots.**

The subject land is zoned E4 Environmental Living and is 94.5 ha in size.

In 1998, the subject land was part of a 60 lot staged development to create rural residential lots using lot averaging provisions in the Yarrowlumla LEP 1993. The subject land was subdivided as a "resulting" lot, on which the LEP does not allow any further subdivision. It contains a golf course and accommodation. The current proposal is to retain the golf course and resort on a single separate lot.

The subject land is located in the centre of an existing large rural living area and the creation of an additional 6 residential lots is not considered to be out of character or unreasonable.

Adequacy Assessment

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

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

Comment : **Amend Schedule 1 to permit the subdivision of Lot 3 DP 107406 to create 6 residential lots and one residue lot that are subject to the existing E4 Environmental Living provisions of the Palarang LEP 2014.**

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

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

Comment :

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? No

b) S.117 directions identified by RPA :

* May need the Director General's agreement

- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 2.4 Recreation Vehicle Areas
- 3.1 Residential Zones
- 3.2 Caravan Parks and Manufactured Home Estates
- 3.3 Home Occupations
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes

Is the Director General's agreement required? Yes

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

d) Which SEPPs have the RPA identified?

SEPP No 44—Koala Habitat Protection
SEPP No 55—Remediation of Land

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

SECTION 117 DIRECTIONS:

1.5 RURAL LANDS: Council has not identified that this Direction applies to the planning proposal, however it does apply as it will affect land within an existing environmental protection zone.

The proposal is considered to be **CONSISTENT** with this direction.

2.1 ENVIRONMENT PROTECTION ZONES: This Direction does apply to the planning proposal as it will affect land within an environment protection zone or land otherwise identified for environment protection purposes.

The proposal is considered to be **CONSISTENT** with this direction.

2.3 HERITAGE CONSERVATION: This Direction does apply to the planning proposal as it affects items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance.

The proposal is considered to be **CONSISTENT** with this direction.

2.4 RECREATION VEHICLE AREAS: Council has identified that this Direction applies to the planning proposal, however it does not apply as it does not relate to the development of a recreation vehicle area.

3.1 RESIDENTIAL ZONES: This Direction does apply to the planning proposal as it will affect land within an existing or proposed residential zone or any other zone in which significant residential development is permitted or proposed to be permitted.

The proposal is considered to be **CONSISTENT** with this direction.

3.2 CARAVAN PARKS AND MANUFACTURED HOME ESTATES: Council has identified that this Direction applies to the planning proposal, however it does not apply as it does not affect land or provisions relating to caravan parks or manufactured home estates.

3.3 HOME OCCUPATIONS: Council has identified that this Direction applies to the planning proposal, however it does not apply as it does not affect land or provisions relating to the permissibility of home occupations in dwelling houses.

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. A condition should be included in the Gateway determination that consultation should be undertaken with the Rural Fire Service in accordance with the Direction.

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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.

6.1 APPROVAL AND REFERRAL REQUIREMENTS: Council has identified that this Direction applies to the planning proposal, however it does not apply as it does not include provisions that require the concurrence, consultation or referral of development applications to the Minister or a public authority.

6.2 RESERVING LAND FOR PUBLIC PURPOSES: Council has identified that this Direction applies to the planning proposal, however it does not apply as it does not create/alter/reduce existing zonings or reservations of land for public purposes.

6.3 SITE SPECIFIC PROVISIONS: Council has not identified that this Direction applies to the planning proposal, however it does apply as it allows a particular development to be carried out.

The proposal is considered to be **CONSISTENT** with this direction.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The mapping is suitable for exhibition however appropriate technical maps will need to be produced prior to notification in accordance with the Department's Technical Guidelines.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : The planning proposal recommends that consultation be undertaken with Office of Environment and Heritage and the Rural Fire Service as well as the community. It recommends community consultation of 28 days.

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 : **Palerang LEP 2014**

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Assessment Criteria

Need for planning proposal :	The subject land falls within the meaning of a 'resulting lot' under clause 4.1B of the Palerang LEP 2014 (as a consequence of its creation under the Yarrowlumla LEP 1993). Therefore, it cannot be further subdivided, despite it having an area of 94.5ha and the potential to create approximately 15 lots under the minimum lot size in the LEP, were it not a resulting lot. The land is already zoned E4 Environmental Living with the average minimum lot size of 6ha but no less than 2ha. The only way to extinguish the provisions of clause 4.1B(6) is to allow the subdivision of the land through Schedule 1.
Consistency with strategic planning framework :	Council does not have a local strategy that affects this land. The proposal does not seek to rezone the subject land as it is already zoned for Environmental living small lot subdivision. Council has identified that the proposal is consistent with the Sydney-Canberra Corridor Regional Strategy.
Environmental social economic impacts :	A flora and fauna assessment was undertaken for the proposal and found that the vegetation on the site is not considered to be significant. It found that the proposed subdivision will not adversely affect the vegetation on the site, however Council is recommending that the planning proposal be referred to the Office of Environment and Heritage for review. An Aboriginal cultural heritage assessment was undertaken for the proposal and it found that no existing sites will be affected by the proposal and any archaeological potential is very low. Council is also recommending that the planning proposal be referred to the Office of Environment and Heritage for review. The majority of the subject land is identified as bushfire prone. The planning proposal will need to be referred to the NSW Rural Fire Service however a Bushfire report was prepared for the planning proposal and it found that the development can comply with bushfire requirements.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 months	Delegation :	RPA
Public Authority Consultation - 56(2)(d) :	Office of Environment and Heritage NSW Rural Fire Service		
Is Public Hearing by the PAC required?	No		
(2)(a) Should the matter proceed ?	Yes		
If no, provide reasons :			
Resubmission - s56(2)(b) :	No		
If Yes, reasons :			

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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
FINAL Planning Proposal for Lot 3 DP 1074706 - Amend Sch1 to permit subdivision of 7 lots.pdf	Proposal	Yes
Council meeting minutes 3 December 2015.pdf	Proposal	Yes
Appendix A Water Supply.pdf	Proposal	Yes
Appendix B Effluent Disposal.pdf	Proposal	Yes
Appendix C Aboriginal Cultural Heritage.pdf	Proposal	Yes
Appendix D Flora and Fauna.pdf	Proposal	Yes
Appendix E Bushfire.pdf	Proposal	Yes
QPRC Submission of Planning Proposal for Gateway.pdf	Proposal Covering Letter	Yes

Planning Team Recommendation

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

- S.117 directions:
- 2.1 Environment Protection Zones
 - 2.3 Heritage Conservation
 - 2.4 Recreation Vehicle Areas
 - 3.1 Residential Zones
 - 3.2 Caravan Parks and Manufactured Home Estates
 - 3.3 Home Occupations
 - 4.4 Planning for Bushfire Protection
 - 5.1 Implementation of Regional Strategies
 - 6.1 Approval and Referral Requirements
 - 6.2 Reserving Land for Public Purposes

- Additional Information :
- It is **RECOMMENDED** that the Acting Director Regions, as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that an amendment to the Palarang LEP 2014 to permit the subdivision of Lot 3 DP 1074706 into 6 residential lots and 1 residue lot should proceed subject to the following conditions:
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 28 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. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - * NSW Rural Fire Service (s117 Direction 4.4)
 - * Office of Environment and Heritage

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Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

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 12 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 1.5 Rural Lands, 2.1 Environmental Protection Zones, 2.3 Heritage Conservation, 3.1 Residential Zones, 5.1 Implementation of Regional Strategies, 6.3 Site Specific Provisions.

(b) The Secretary's delegate can be satisfied that the planning proposal will be consistent with s117 Direction 4.4 Planning for Bushfire Protection, when Council has consulted with the Rural Fire Service prior to undertaking community consultation;

(c) 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

(d) 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 :

Signature:



Printed Name:

Deanne Frankel

Date:

3/8/16

