

MidCoast Amendment to Great Lakes LEP 2014 - Reduce the minimum lot sizes for key greenfield sites identified on the Dwelling Density Maps

Proposal Title : MidCoast Amendment to Great Lakes LEP 2014 - Reduce the minimum lot sizes for key greenfield sites identified on the Dwelling Density Maps

Proposal Summary : The planning proposal aims to reduce the minimum lot size requirement for a number of key greenfield sites from 1000sqm to 300sqm. These sites are identified on the Dwelling Density Map and zoned R3 Medium Density Residential under Great Lakes Local Environmental Plan 2014.

The proposed amendment will make it possible to subdivide smaller allotments without the need to provide detailed building designs. It is envisaged that this should help facilitate the development of small lot housing and other forms of housing, to deliver the desired medium density targets.

PP Number : PP_2016_MCOAS_002_00 **Dop File No :** 16/13778

Proposal Details

Date Planning Proposal Received :	20-Oct-2016	LGA covered :	Mid-Coast
Region :	Hunter	RPA :	Mid-Coast Council
State Electorate :	MYALL LAKES PORT STEPHENS	Section of the Act :	55.- Planning Proposal
LEP Type :	Precinct		

Location Details

Street : /

Suburb : / **City :** / **Postcode :** 2428

Land Parcel : The key greenfield sites are identified on the Dwelling Density Maps under Great Lakes Local Environmental Plan 2014

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	N/A	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	Residential
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 : **Great Lakes Local Environmental Plan 2014 (Amendment No.5) introduced clause 7.23 Minimum Dwelling Density to achieve the desired density target of at least 30 dwellings per hectare. Clause 4.1A Exceptions to minimum lot sizes for certain residential development - permits the creation of 200sqm allotments in the R3 Medium Density Residential zone, where the building design for each lot is considered and approved concurrently with the proposal for subdivision.**

Also, clause 4.1 Minimum subdivision lot size - permits strata or community titled subdivision, to create allotments less than the minimum lot size.

External Supporting Notes :

Adequacy Assessment

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

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

Comment : **The statement of objectives explains the intended outcomes of the planning proposal. Reducing the minimum lot size should assist in achieving the desired density targets for the nominated key greenfield sites.**

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

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

Comment : **The explanation of provisions clearly outlines how the planning proposal intends to amend the Minimum Lot Size maps for a number of key greenfield sites.**

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Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA : **3.1 Residential Zones**
3.4 Integrating Land Use and Transport
* May need the Director General's agreement **5.1 Implementation of Regional Strategies**

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 14—Coastal Wetlands**
SEPP No 71—Coastal Protection

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

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

If No, explain : **The planning proposal is consistent with the relevant SEPPS and Minister's S117 Directions.**

SEPP No.14 - Coastal Wetlands

There are numerous SEPP 14 lands in the Wallis Lakes and in Pipers Creek area, adjacent to Forster, as well as in the lower Myall River, adjacent to Tea Gardens and Hawks Nest. A small area of one of the greenfield sites, adjacent Piper's Bay, is mapped as SEPP 14 lands. Council advises that the land has been substantially modified over time, cleared and used for grazing cattle. If development is proposed within the area mapped as SEPP 14 it may be necessary to prepare an Environment Impact Statement after obtaining the Secretary's Environmental assessment requirements. It is considered that the development assessment process will determine whether this site is suitable for medium density development.

SEPP 71 - Coastal Protection

The planning proposal is considered consistent with the aims of SEPP No.71. Future development of these key greenfield sites should not impinge on the scenic qualities of the NSW coast.

Minister's S117 Directions

3.1 Residential zones

The planning proposal is consistent with this direction by providing housing choice, making efficient use of existing infrastructure and services.

3.4 Integrated Land Use and Transport

The planning proposal is consistent with this direction by encouraging housing diversity to achieve the desired medium density targets. This will in turn improve access to housing, jobs and services by walking, cycling and public transport.

5.10 Implementation of Regional Plans

The planning proposal is consistent with the Hunter Regional Plan 2036. Increasing residential densities and creating more compact settlement achieves a number of key environmental and housing goals and directions.

The planning proposal implements Goal 4 Greater Housing Choice and Jobs, Direction 21, which requires Council to investigate opportunities for compact settlements and to promote greater housing diversity, including small lot housing in infill and greenfield locations.

It is recommended that the Gateway determination be conditioned that prior to commencing public exhibition, the planning proposal be updated to provide an

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assessment against the key goals, directions and actions of the Hunter Regional Plan 2036.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **It is recommended that the Gateway determination be conditioned that prior to commencing public exhibition, the minimum lot size maps be amended to clearly identify the key greenfield sites.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council suggests a public exhibition period of 28 days. This planning proposal is considered a low impact proposal because the creation of 200sqm allotments in the R3 Medium Density Residential zone is already permitted as part of a combined development application. It is recommended that the planning proposal only needs to be exhibited for a minimum of 14 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 : **The Great Lakes LEP 2014 was prepared in accordance with the Standard Instrument.**

Assessment Criteria

Need for planning proposal : **Yes. The preparation of a Planning Proposal is the most appropriate mechanism to amend the Minimum Lot Size maps for a number of key greenfield sites from 1000sqm to 300sqm.**

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Consistency with strategic planning framework :

Hunter Regional Plan 2036

The planning proposal is consistent with the Hunter Regional Plan 2036.

The planning proposal implements Goal 4 Greater Housing Choice and Jobs, Direction 21, which requires Council to investigate opportunities for compact settlements and to promote greater housing diversity, including small lot housing in infill and greenfield locations.

Mid North Coast Regional Strategy

The planning proposal is consistent with the previous Strategy and its settlement principles by encouraging housing diversity to achieve the desired medium density targets.

Local Strategies

The planning proposal is consistent with the various local strategies prepared for Forster/Tuncurry and Tea Gardens/Hawks Nest areas. These strategies include the Forster Tuncurry Conservation and Development Strategy (2003), Housing Strategy for Forster Tuncurry 2005, Tea Gardens Hawks Nest Conservation and Development Strategy 2003, Tea Gardens/Hawks Nest Housing Strategy 2006 and South Forster Structure Plan 2006.

All these strategies support increasing residential densities, housing diversity and better utilisation of existing infrastructure and services within identified urban areas.

Environmental social economic impacts :

Environmental Impact

The planning proposal will not result in any adverse environmental impacts. As already discussed, the development assessment process will determine whether the small area of one of the greenfield sites mapped as SEPP 14 lands is suitable for development.

Social and Economic Impacts

Higher residential densities and housing diversity in closer proximity to existing infrastructure and services should result in positive social and economic impacts.

This planning proposal was prepared in response to developer's requests to reduce the minimum lot size to 300sqm to facilitate the development of small lot housing and other forms of housing, to deliver the desired medium density targets of at least 30 dwellings per hectare. The developers prefer small lot housing over other forms of medium density development because it provides more economically viable returns without costly development overheads and long term holding costs.

The Department supports Council's initiative to review its planning controls to deliver more compact settlements in its identified key greenfield sites. In conclusion, the planning proposal should provide a net community benefit.

Assessment Process

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

Timeframe to make LEP : **6 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d)

:

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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 :

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 : **This planning proposal reduces the minimum lot sizes for land already zoned residential. Three of the Tea Garden greenfield sites are already mapped as urban release areas and need to contribute towards the provision of State Infrastructure. No other key sites need to be mapped as future urban release areas.**

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal - LEP Amendment - Minimum Lot Size - Version 1 Sept 2016.pdf	Proposal	Yes
Midcoast Council_20-10-2016_Request for Gateway determination - Planning proposal for Minimum Lot size provisions for R3 Medium Density_.pdf	Proposal Covering Letter	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
5.1 Implementation of Regional Strategies**

Additional Information : **The planning proposal should proceed subject to the following conditions:**

1. Prior to undertaking community consultation, amend the Planning proposal as follows:-
a) provide an assessment of the key goals, directions and actions of the Hunter Regional Plan 2036, and
b) Clearly identify the key greenfield sites on the current and proposed minimum lot size maps by using hatching or bold line around the property boundaries.

2. 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 Proposal be made publicly available for a minimum 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 LEPs (Planning & Infrastructure 2013).

3. A public hearing is not required to be held into the matter by any person or body

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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 6 months from the week following the date of the Gateway determination.

Supporting Reasons :

The Department supports Council's initiative to review its planning controls to deliver more compact settlements in its identified key greenfield sites.

Currently, small lot subdivisions are only permitted within the R3 Medium Density Residential zone, where the building design for each lot is considered and approved concurrently with the proposal for subdivision.

The proposed amendment will make it possible to create smaller allotments without the need to provide detailed building designs. It is anticipated that this may help facilitate the development of small lot housing and other forms of housing, to deliver the desired medium density target of 30 dwellings per hectare.

Council is also introducing new Development Control Plan provisions for small lot housing developments.

Signature:



Printed Name:

PAVL MAHER

Date:

3/11/16

