

CLAUSE CL02**TITLE** Planning Proposal - Minimum Lot Size Alteration - 1-5 Orfeo Court, Griffith**FROM** Kelly McNicol, Consultant Planner**TRIM REF** 23/54828

SUMMARY

A Planning Proposal (PP 2023-426) was submitted by Salvestro Planning on the NSW Planning Portal to amend the minimum lot size of 1-5 Orfeo Court, Griffith from 4000 m2 to 3000 m2 to permit the further subdivision of an additional residential lot (Attachment A). An assessment of the Planning Proposal is provided at Attachment B.

The purpose of this report is for Council to endorse the Planning Proposal (set out in Attachment (A)) and, if endorsed, to delegate to Director Sustainable Development the authority to submit the Planning Proposal to the Department of Planning and Environment for a gateway determination. The gateway determination will enable Council to progress with the intended amendment to the LEP and give effect to the Planning Proposal.

The following is a brief summary of the process:

- **Planning Proposal** – a planning proposal has been prepared seeking amendments to Griffith Local Environmental Plan 2014.
- **Gateway Determination** – subject to Council resolution the planning proposal is referred to the Department of Planning and Environment, whereby the Minister or their delegate decides whether or not the planning proposal can proceed, either with or without variation.
- **Community Consultation** – the gateway determination will set down procedural requirements in respect to community consultation which is a minimum of 10 working days for minor amendments. The Minister will also advise whether or not public authorities are to be consulted.
- **Assessment** – that Council will review any public submissions, including any made by a public authority. The assessment will be referred to Parliamentary Counsel for preparation of the draft LEP.
- **The making of the LEP** – that upon review of Parliamentary Counsel and subsequent approval by the Minister, the amendments to the local environmental plan are published and come into effect.

RECOMMENDATION

- (a) That Council endorse the Planning Proposal in Attachment A to amend the Griffith Local Environmental Plan 2014 to reduce the minimum lot size of Lots 1-6 in DP28698 from 4000 m² to 3000 m².
- (b) That Council submit the Planning Proposal to the NSW Department of Planning and Environment for a Gateway Determination.

- (c) That Council request the General Manager (or delegate) be authorised as the Local Plan Making Authority under Section 3.36 of the Environmental Planning and Assessment Act 1979.
- (d) That, subject to the conditions of a Gateway Determination, Council endorse a minimum 10 working day public exhibition period for the Planning Proposal.
- (e) That following completion of the public exhibition period, a further report be presented to Council for consideration, including the results of public exhibition.

REPORT

A proponent initiated Planning Proposal has been received from Salvestro Planning to amend the Griffith Local Environmental Plan 2014. The objective of the Planning Proposal is to reduce the minimum lot size of the lots on Orfeo Court (legally referred to as Lots 1-6 in DP28698) to permit the creation of an additional residential lot within Lot 5 which has an area of 6202 m². Subject to the approval of a development application, the additional lot would have an area of 3000 m².

To achieve this objective, the Applicant has proposed to amend Lot Size Map – LSZ-004A in the Griffith Local Environmental Plan 2014 to reduce the minimum lot size of the site from 4000 m² to 3000 m².

The Planning Proposal is provided at Attachment A. An assessment of the Planning Proposal is provided at Attachment B. Based on this assessment, the Planning Proposal is considered to be minor in nature and have strategic merit and should be submitted to the NSW Department of Planning and Environment for a Gateway Determination.

OPTIONS

OPTION 1

As per the Recommendation.

OPTION 2

Any other resolution of Council.

POLICY IMPLICATIONS

The proposed planning proposal will not require any amendment to the Griffith Land Use Strategy: Beyond 2030 or the Griffith Local Strategic Planning Statement.

FINANCIAL IMPLICATIONS

There are no significant financial implications to Council arising from the recommendations in this report

LEGAL/STATUTORY IMPLICATIONS

Griffith Local Environmental Plan 2014 is an environmental planning instrument for the purpose of the Environmental Planning and Assessment Act, 1979 and it provides the statutory provisions whereby Council establishes the zoning of land and the means for identifying permissible land uses. A planning proposal is a lawful mechanism that enables Council to consider amendments to its environmental planning instrument for land uses that are otherwise prohibited within a zone.

ENVIRONMENTAL IMPLICATIONS

Not Applicable

COMMUNITY IMPLICATIONS

The community expectation is that the Ministerial directions provided by Section 9.1 of the Environmental Planning and Assessment Act, 1979. These directions provide planning principles which need to be considered when making decisions of land.

LINK TO STRATEGIC PLAN

This item links to Council's Strategic Plan item 7.1 Encourage respectful planning, balanced growth and sustainable design.

CONSULTATION

Senior Management Team, Director Sustainable Development

ATTACHMENTS

- (a) Planning Proposal - Salvestro Planning (under separate cover) ⇨
- (b) Council Assessment Report (under separate cover) ⇨