

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 19 December 2016

PE5 – Development Control Plan Provisions for Boundary Adjustments

PE5

Development Control Plan Provisions for Boundary Adjustments

265508

TRIM 9019

Applicant: Wollondilly Shire Council
Owner: Shire Wide

Stage	Completed
Preliminary notification	NA
Gateway Determination	6/9/2016
Consultation with Public Agencies	08/09/2016 – 11/11/2016
Specialist Studies	NA
Public exhibition/community consultation	Not yet completed
Referred to Minister for Publication	Not yet completed

EXECUTIVE SUMMARY

- The purpose of this report is to seek Council's endorsement of proposed amendments to the Wollondilly Development Control Plan, 2016 to accompany the Boundary Adjustment and Minimum Subdivision Lot Size for Community Title Scheme Planning Proposal.
- The controls seek to guide the preparation and assessment of development applications seeking boundary adjustment.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirements extends to any person with a financial interest in the application or any associate of the person making a public submission. No disclosure of political donation has been made in association with this application.
- It is recommended:
 - That Council support the proposed amendments to WDCP 2016 as described in Section 1.4 and the attached draft amended provisions.
 - That the amended provisions to the WDCP 2016 be publicly exhibited at the same time as the Planning Proposal for Boundary Adjustment and Minimum Subdivision Lot Size for Community Title Schemes.
 - That persons who have made submissions regarding this proposal be notified of Council's decision.

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REPORT

1.1 BACKGROUND

Council is currently progressing a planning proposal to introduce two (2) provisions into the Wollondilly LEP to control certain types of subdivision. One of these is to allow for boundary adjustment in certain residential, rural and environment protection zones.

The DCP amendment discussed in this report relates to this proposed clause only. Amendments to the DCP are not required for the second provision.

A boundary adjustment is considered a subdivision and so any development application under this clause will need to comply with the standard controls in Volume 3 of the Wollondilly DCP (WDCP) 2016. This includes controls for minimum lot dimensions in part 2.4 Lot Size and Shape, which will require a variation if an undersized lot does not meet these specifications.

The proposed DCP amendments aim to provide guidance in the preparation and assessment of an application under this clause and to streamline the process by avoiding the need to vary existing DCP controls.

1.2 PROPOSED CLAUSE 4.2B BOUNDARY ADJUSTMENT IN CERTAIN RESIDENTIAL, ENVIRONMENT PROTECTION AND RURAL ZONES

The Planning Proposal was endorsed by Council at its meetings held on 20 July 2015 and 20 June 2016. The proposal has since received a Gateway Determination to proceed from the Department of Planning and Environment dated 6 September 2016.

The proposal seeks to introduce a Clause into part 4 of the WLEP 2011 to allow for a more flexible option for boundary adjustments. The clause applies to mostly rural zoned land (RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots) and also includes R5 Large Lot Residential and E4 Environmental Living land use zones.

The proposed Clause will allow land owners who do not meet the minimum lot size for their land, to carry out a 'boundary adjustment' in the form of a minor realignment of lot boundaries. Boundary adjustment is considered a subdivision of land and so land owners will need to seek approval through the development application process before carrying out this activity.

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There are a number of benefits to introducing this clause, including:

- to facilitate improved land management outcomes
- to address issues when a property is sold
- rectifying encroachments
- to enable larger agricultural production units
- enabling the creation of more logical property boundaries
- reducing land conflict
- consolidation of lots.

The Planning Proposal is now ready to be placed on formal public exhibition to seek community feedback.

1.3 WOLLONDILLY DEVELOPMENT CONTROL PLAN 2016 AMENDMENTS

It is proposed to amend the WDCP (2016) to provide additional controls within the subdivision volume.

The amendments provide specific controls to guide the assessment of applications under the proposed Clause 4.2B of the WLEP 2011. These controls have been based on internal feedback and agency consultation that was undertaken for the planning proposal.

These controls are considered appropriate in response to the issues raised and it is proposed that these controls will be exhibited at the same time as the Planning Proposal.

The amended WDCP provisions are included in Attachment 1.

1.4 FINANCIAL IMPLICATIONS

Funding for the maintenance of Planning Instruments is part of the ongoing operational budget for Strategic Planning and no additional funding sources are required.

This matter has no financial impact on Council's adopted budget of forward estimates.

ATTACHMENTS IN A SEPARATE BOOKLET

1. Proposed Amendments to the Wollondilly DCP 2016.
2. Report and Minutes from Ordinary Meeting of Council which relates to Draft Planning Proposal for Lot Boundary Adjustments - 20 June 2016.

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RECOMMENDATION

1. That Council support the proposed amendments to WDCP 2016 as described in Section 1.4 and the attached draft amended provisions.
2. That the amended provisions to the WDCP 2016 be publically exhibited at the same time as the Planning Proposal for Boundary Adjustment and Minimum Subdivision Lot Size for Community Title Schemes.
3. That persons who have made submissions regarding this proposal be notified of Council's decision.