



MID-WESTERN REGIONAL COUNCIL

Council Meeting Extract
Council Meeting: 16 December 2009

6.2 REPORTS TO COUNCIL

6.2.11 PLANNING PROPOSALS – RYLSTONE RURAL RESIDENTIAL, ULAN INDUSTRIAL NODE

A0100050, A0420211, A0420210

305/09

MOTION: Loneragan / Shelley

That Council resolves to endorse the Planning Proposal to rezone lots 1, 2, 3 and 4 of DP 837670 titled Panorama Court Rylstone – Rural Residential Development, and submit the endorsed Planning Proposal to the NSW Department of Planning for assessment.

The motion was put and carried with Councillors voting as follows:

<i>Councillors</i>	<i>Ayes</i>	<i>Nays</i>
<i>Cr Thompson</i>	✓	
<i>Cr Holden</i>	✓	
<i>Cr Kennedy</i>	✓	
<i>Cr Lang</i>	✓	
<i>Cr Loneragan</i>	✓	
<i>Cr Martens</i>	✓	
<i>Cr Shelley</i>	✓	
<i>Cr Walker</i>	✓	
<i>Cr Webb</i>	✓	

PLANNING PROPOSALS – RYLSTONE RURAL RESIDENTIAL, ULAN INDUSTRIAL NODE

REPORT BY GROUP MANAGER PLANNING AND DEVELOPMENT
Planning Proposals – Ulan Industrial & Rylstone Rural Res
A0100050, A0420211, A0420210

THIS IS A PLANNING DECISION AND A DIVISION IS REQUIRED

RECOMMENDATION

That:

- 1. Council resolves to endorse the Planning Proposal to rezone lots 1, 2, 3 and 4 of DP 837670 titled Panorama Court Rylstone – Rural Residential Development, and submit the endorsed Planning Proposal to the NSW Department of Planning for assessment.**
- 2. Council resolves to endorse the Planning Proposal to rezone lots 271 and 276 of DP 755442 titled Ulan Industrial Node, and submit the endorsed Planning Proposal to the NSW Department of Planning for assessment.**

EXECUTIVE SUMMARY

This report is to seek the endorsement of two planning proposals which seek to commence the rezoning process in accordance with relevant provisions of Part 3 of the Environmental Planning and Assessment Act, 1979. A summary of the new plan making process is included as attachment 1 of this report, it is noted that at this juncture the purpose of a Planning Proposal is to provide a summary of the intended outcomes of the proposal, an explanation of the intended statutory provisions, justification and detail what community consultation will be carried out if further consideration of the proposal is approved by the LEP Gateway. The Planning Proposals are not to be regarded as the final and comprehensive approval of the rezoning application, in addition to this endorsement of the Planning Proposals is not to be considered as tacit approval for the rezoning.

DETAILED REPORT

Panorama Court Rylstone – Rural Residential Development

The Planning and Development Committee at its August 2009 meeting resolved to pursue an amendment to the Rylstone Local Environmental Plan 1996 (Rylstone LEP) seeking a rezoning of the subject land from 1(c1) – Rural Small Holdings to 1(c) – Rural Residential on the basis that the site had been incorrectly zoned in error. In accordance with the resolution the matter was forwarded to the NSW Department of Planning (DoP) for consideration and was rejected by the DoP. Subsequently it was revealed that the site had not been zoned in error and had in fact been development to its full potential. The current proposal seeks to rezone the land in accordance with the recommendations contained in the Draft Mid-Western Regional Comprehensive Land Use Strategy (CLUS). In this regard the crux of the Planning Proposal is that the site is located in proximity to hard and soft infrastructure and can be readily delivered to market in a manner that does not place an undue burden on the community. The creation of additional housing opportunities in proximity to Rylstone is in accordance with the CLUS.

Ulan Industrial Node

At its August 2009 meeting Council considered a report regarding the preparation of a Planning Proposal to rezone 38ha of land known as Lots 271 and 276 DP 755442 on the corner of Toole and Ulan Roads, Ulan from Agriculture to General Industry under the Interim LEP 2008. The primary purpose of the rezoning is to provide suitable industrial land for industries ancillary to the nearby mining operations. Council resolved at the time to support the preparation of a Planning Proposal in addition to investigating other opportunities for industrial land within the locality. The Planning Proposal may be viewed as an attachment to this report.

Other opportunities for Industrial land within the locality of Ulan:

In accordance with the resolution of Council a review of land within the locality of Ulan was undertaken which revealed the following constraints to rezoning alternate sites.

- Willingness to develop.

The Draft Mid-Western Regional Comprehensive Land Use Strategy has been placed on formal public exhibition and informal public exhibition. While the Strategy identified a potential opportunity for an industrial node to be located in the Ulan locality, no submissions were received other than the subject planning proposal seeking consideration for such a zoning. While it is technically feasible to establish potentially suitable industrial land, it is crucial to have willingness on behalf of the land owner to carry through such development.

- Cost of establishing suitability.

There are extensive environmental, economic and social studies that must be conducted prior to the eventual rezoning of land, particularly in the case of a change in land use to industrial development. These reports are valued in tens of thousands of dollars and present a constraint on the identification of alternate sites.

- Proximity to the intended market.

One of the key justifications for the current Planning Proposal is that it is within proximity to the intended market. This consideration limits the geographic extent of alternate considerations.

- Access to road and rail infrastructure.

The current site has frontage Ulan Rd in addition to rail frontage. Seeking sites that have similar qualities which are not owned or controlled by mining companies or are within an acquisition zone presents a challenge.

- Size and shape of allotments.

Not all lots will be suitable for the intended purpose

Council could undertake to contact individual owners however; a methodology should be established with regard to how the cost burden associated with undertaking an assessment of the environmental factors will be allocated, that is, whether the cost will be borne by the community or the land owner.

Impact on existing Industrial zoned land:

The proposed zoning for the industrial node is Heavy Industrial. The purpose of this is to differentiate it the Ulan area from the existing industrial land within Gulgong and Mudgee. In this regard specific subdivision and land use controls can be formulated so that the Ulan node targets the specific market of mining related industry. A further economic assessment of the impacts related to the establishment of the Ulan node will be required before the rezoning process can be completed.

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC OR POLICY IMPLICATIONS

The Planning Proposals seek to enact recommendations contained within the Draft Mid-Western Regional Comprehensive Land Use Strategy which has been publicly exhibited.

CATHERINE VAN LAEREN
GROUP MANAGER
PLANNING AND DEVELOPMENT

4 December 2009

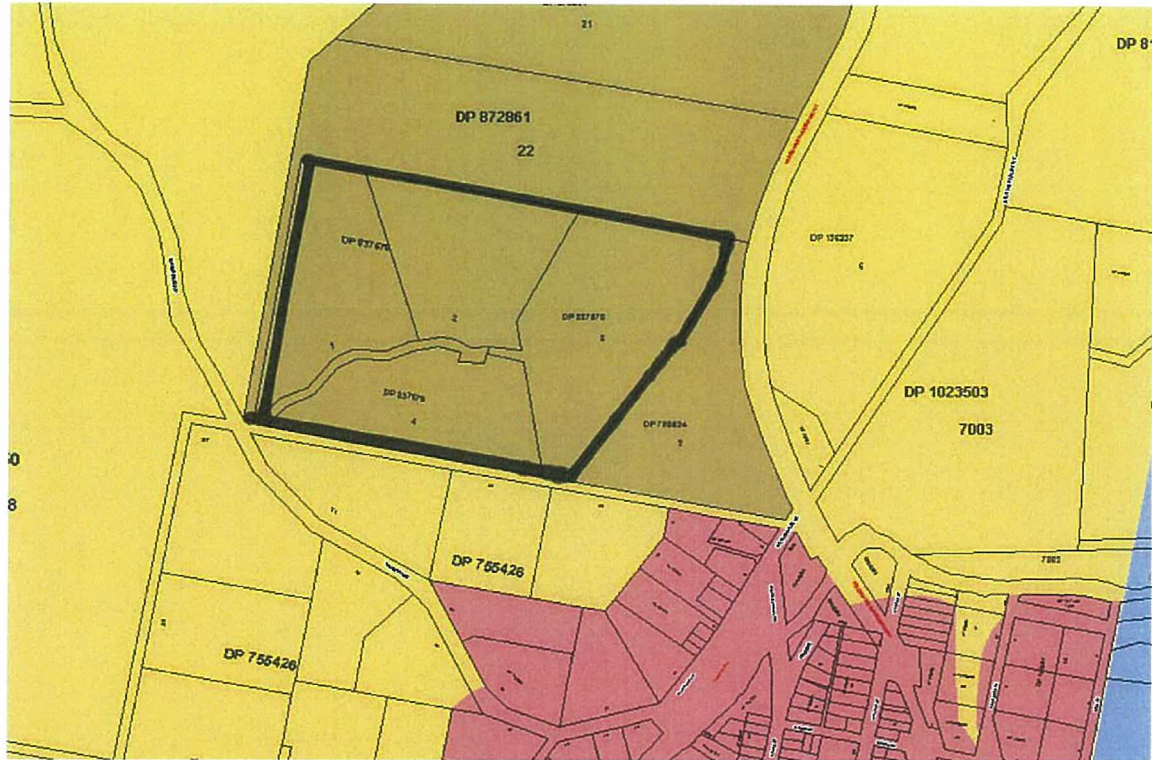
Attachments:

1. Location Map – Panorama Court - Rural Residential Development
2. Location Map – Ulan Industrial Node
3. LEP Local Plan Making Process
4. Planning Proposals (following at end of Business Paper)

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

Attachment 1 Subject Site



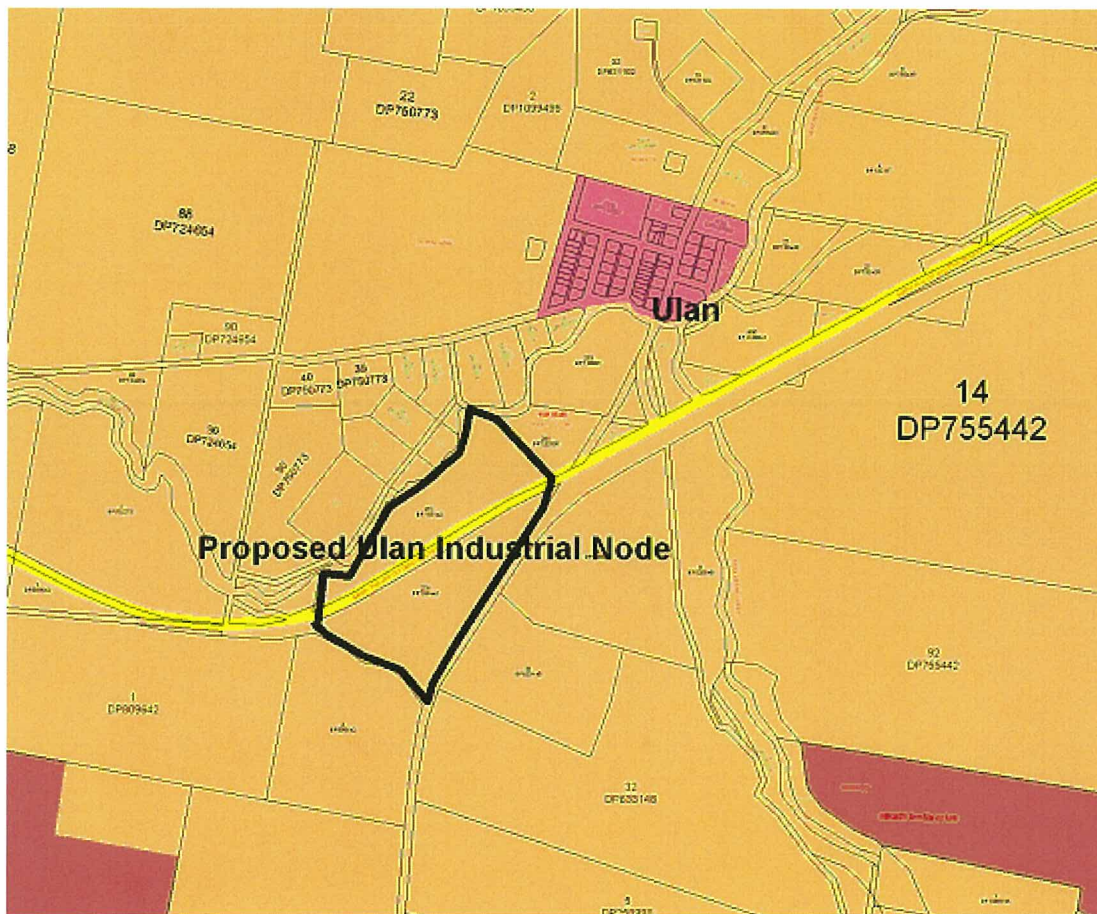


Figure 5 – Process to make a local environmental plan

