

**Saleyards Lane, Mudgee residential release**

Proposal Title : **Saleyards Lane, Mudgee residential release**

Proposal Summary : **Rezone land from Investigation to Residential**

PP Number : **PP\_2012\_MIDWR\_002\_00**

Dop File No : **12/08279**

**Proposal Details**

Date Planning : **09-May-2012**

LGA covered : **Mid-Western Regional**

Proposal Received :

Region : **Western**

RPA : **Mid-Western Regional Council**

State Electorate : **UPPER HUNTER**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

**Location Details**

Street : **Saleyards**

Suburb :

City : **Mudgee**

Postcode : **2850**

Land Parcel : **Lot 399 DP 1132580**

**DoP Planning Officer Contact Details**

Contact Name : **Wayne Garnsey**

Contact Number : **0268412192**

Contact Email : **wayne.garnsey@planning.nsw.gov.au**

**RPA Contact Details**

Contact Name : **Elizabeth Densley**

Contact Number : **0263782850**

Contact Email : **elizabeth.densley@midwestern.nsw.gov.au**

**DoP Project Manager Contact Details**

Contact Name :

Contact Number :

Contact Email :

**Land Release Data**

Growth Centre : **N/A**

Release Area Name : **N/A**

Regional / Sub : **N/A**

Consistent with Strategy : **Yes**

Regional Strategy :

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MDP Number :

Date of Release :

Area of Release (Ha) **51.00**

Type of Release (eg **Residential**

:

Residential /  
Employment land) :

No. of Lots : **300**

No. of Dwellings **0**

(where relevant) :

Gross Floor Area : **0**

No of Jobs Created : **0**

The NSW Government **Yes**

Lobbyists Code of  
Conduct has been  
complied with :

If No, comment :

Have there been **No**  
meetings or  
communications with  
registered lobbyists? :

If Yes, comment :

### Supporting notes

Internal Supporting  
Notes :

**This land is identified in the approved Land Use Strategy for future residential purposes.**

**The land is currently zoned Investigation under the Mid Western Regional Interim LEP 2008 and is proposed to be RU1 Primary Production under the draft Mid Western LEP 2012.**

**There needs to be investigation into potential contamination, salinity and impacts of the rail corridor (although disused has the potential to be reactivated).**

External Supporting  
Notes :

### Adequacy Assessment

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

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

Comment :

#### 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? **Yes**

b) S.117 directions identified by RPA :

\* May need the Director General's agreement

**1.5 Rural Lands**

**2.3 Heritage Conservation**

**3.1 Residential Zones**

**3.3 Home Occupations**

**3.4 Integrating Land Use and Transport**

**3.5 Development Near Licensed Aerodromes**

**4.4 Planning for Bushfire Protection**

**6.3 Site Specific Provisions**

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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 65—Design Quality of Residential Flat Development  
SEPP (Housing for Seniors or People with a Disability) 2004  
SEPP (Infrastructure) 2007  
SEPP (Rural Lands) 2008  
SEPP (Affordable Rental Housing) 2009**

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

**\* Assess impact of and buffer for Railway line  
\* Preliminary site contamination assessment to be undertaken in accordance with SEPP 55 due to the land being former saleyards and used for agriculture  
\* Salinity impacts**

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

**\* Need to address s117 Directions 1.2 Rural Zones and 1.5 Rural Areas - land is currently zone investigation and used for agriculture.  
\* Preliminary contamination assessment required to be undertaken in accordance with SEPP 55**

### Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

**But needs to comply with standard LEP mapping guidelines**

### Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

**Council proposed for 28 days with relevant agencies - this can be reduced to 14 days as proposal is consistent with Strategy**

### Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons :

**\* Assess impact of and buffer for Railway line  
\* Preliminary site contamination assessment to be undertaken in accordance with SEPP 55 due to the land being former saleyards and used for agriculture  
\* Undertake salinity investigations**

### Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

## Proposal Assessment

**Principal LEP:**

Due Date : **June 2012**

Comments in relation to Principal LEP :

**Land indicated as zone RU1 - Primary Production in the draft Mid Western LEP 2012.  
Draft Mid Western LEP 2012 currently with PC seeking an Opinion**

### Assessment Criteria

Need for planning proposal :

**Yes required as proposed residential uses are prohibited**

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Consistency with  
strategic planning  
framework : **Yes**

Environmental social  
economic impacts : **Need to undertake aboriginal heritage, salinity investigations, contamination assessment  
and impacts of railway**

### Assessment Process

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

Timeframe to make  
LEP : **9 Month** Delegation : **DG**

Public Authority **Essential Energy**  
Consultation - 56(2)(d) **Central West Catchment Management Authority**  
: **Office of Environment and Heritage - NSW National Parks and Wildlife Service**  
**Other**

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. :

**Flora**

**Fauna**

**Heritage**

**Bushfire**

**Other - provide details below**

If Other, provide reasons :

- \* Undertake contamination investigation and assessment in accordance with SEPP 55 as land is used for agriculture
- \* Aboriginal Heritage and biodiversity
- \* Undertake salinity investigations
- \* Consult with authority responsible for railway and assess impacts

Identify any internal consultations, if required :

**No internal consultation required**

Is the provision and funding of state infrastructure relevant to this plan? **Yes**

If Yes, reasons : **Because part of the larger Caerleon precinct with potentially 1700 lots**

### Documents

| Document File Name                            | DocumentType Name        | Is Public |
|-----------------------------------------------|--------------------------|-----------|
| council request for gateway determination.pdf | Proposal Covering Letter | Yes       |
| Saleyards Maps.pdf                            | Proposal                 | Yes       |
| Planning Proposal Saleyards.pdf               | Proposal                 | Yes       |
| Minute Saleyards 020512.pdf                   | Proposal                 | Yes       |
| 9 May 2012 Council letter to DP&I.pdf         | Proposal Covering Letter | Yes       |
| 6.2.5 Report Sale Yards.pdf                   | Proposal                 | Yes       |
| 9 may 2012 Council request 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:

- 1.5 Rural Lands
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 3.5 Development Near Licensed Aerodromes
- 4.4 Planning for Bushfire Protection
- 6.3 Site Specific Provisions

Additional Information : The Planning Proposal should proceed subject to the following conditions:

1. Prior to community consultation provide the following information to the Departments Regional office:

- i. Address s117 Directions 1.2 - Rural Zones and 1.5 - Rural Lands in respect of the proposed change from rural land to residential.
- ii. a zoning map that complies with the Departments standard requirements for LEP maps.

2. Prior to the s59 submission requesting the Proposal be finalised undertake and submit the following to the Regional office demonstrating the land is suitable for residential development:-

- i. undertake an Aboriginal Heritage assessment to the requirements of Office of Environment and Heritage
- ii. undertake a site contamination assessment in accordance with SEPP 55
- iii. undertake biodiversity assessment to the requirements of Office of Environment and Heritage
- iv. undertake a salinity investigation to the requirements of the Office of Environment and Heritage.
- v. consult with authority for the railway line and corridor to ascertain requirements for residential development near the railway.

3. 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 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Central West Catchment Management Authority
- Roads and Maritime Services
- NSW Office of Water
- Essential Energy
- Office of Environment and Heritage in respect to Aboriginal heritage, biodiversity and salinity
- Telecommunication provider
- authority responsible for the railway line and corridor

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

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comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

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

6. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

7. That the site be identified as an Urban Release Area for Designated State Public Infrastructure.

Supporting Reasons :

The land is identified in the approved Strategy for future residential use and can be supported subject to the site specific investigations identified above being undertaken prior to finalisation for land use change to residential

Signature:



Printed Name:

Ashley Albury

Date:

14/05/2012