

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**

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 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

Panel Recommendation

Recommendation Date : **17-Jun-2012**

Gateway Recommendation : **Passed with Conditions**

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. Council is to prepare additional maps to accurately indicate the proposed zoning and minimum lot size under the draft Mid-Western Regional LEP 2012. Council is to include these maps with the planning proposal for the purposes of community consultation, and provide the Department's Regional Team with a copy of the exhibition material
2. Council is to undertake a preliminary contamination assessment into potential contamination of the land in accordance with SEPP 55 – Remediation of Land to ensure the land is capable of supporting the proposed future land use. The planning proposal is to be amended to reflect the outcome of the investigation prior to the commencement of public exhibition.
3. Council is to ensure the requirements of S117 Direction 1.2 Rural Zones and 1.5 Rural Lands are addressed and any inconsistencies justified in the public exhibition material.
4. Council needs to provide additional information within the public exhibition material regarding the following matters to identify all impacts that may result from the proposed development:
 - o Aboriginal archaeology and heritage
 - o Salinity assessment
 - o Biodiversity

Council needs to include the outcomes of this assessment with the planning proposal to provide advice that the land is suitable for the proposed use for the purposes of community consultation.

5. Council is to identify the land as an Urban Release Area under Part 6 of the Mid-Western Regional Interim LEP 2008 and Part 6 of the draft Mid-Western Regional LEP 2012 to ensure that satisfactory arrangements for the provision of state public infrastructure are met prior to the development of the site. The planning proposal is to be amended to reflect state infrastructure provision prior to the commencement of public exhibition.

6. 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).

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

- Australian Rail Track Corporation (ARTC)
- Central West Catchment Management Authority
- Essential Energy
- NSW Rural Fire Service
- NSW Office of Water
- Office of Environment and Heritage - NSW National Parks and Wildlife Service
- Transport for NSW – Roads and Maritime Services
- Telstra

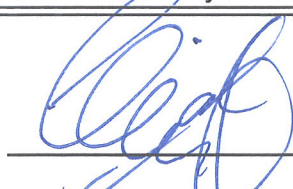
Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

8. Further to Condition 7 above, Council is to consult with the Commissioner of the NSW Rural Fire Service and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection. Council is to amend the planning proposal, if necessary, and forward a copy of the revised planning proposal to the Department's Regional Office.

9. 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).

10. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

Neil McGaffin

Date:

12
Jun 2012