

Caerleon Blaxland Estate, Mudgee

Proposal Title : **Caerleon Blaxland Estate, Mudgee**

Proposal Summary : **rezone land from part zone agriculture and part zone investigation to residential**

PP Number : **PP_2012_MIDWR_003_00**

Dop File No : **12/08278**

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 : **Fairy Dale**

Suburb :

City : **Mudgee**

Postcode : **2850**

Land Parcel : **lot 129A DP 756894**

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) **310.00**

Type of Release (eg

:

Residential /

Employment land) :

No. of Lots : **1,400**

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 :

The subject land is part zone Agriculture and part zone Investigation under the Mid Western Interim LEP 2008. The land is identified as zone RU1 Primary Production in the draft Mid Western LEP 2012.

Part of the land is identified for future residential in the approved Mid Western Comprehensive Land use Strategy- while the western section remains rural.

The proposal can be strategically supported because it contains land that is identified for future residential use. Environmental and servicing assessments will need to be finalised prior to the land use being changed.

There also needs to be investigations into potential site contamination, impacts of the waste management facility to the west and the railway 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 :

3.1 Residential Zones

* May need the Director General's agreement

3.3 Home Occupations

- 3.4 Integrating Land Use and Transport
- 3.5 Development Near Licensed Aerodromes
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection

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 22—Shops and Commercial Premises
SEPP No 44—Koala Habitat Protection
SEPP No 65—Design Quality of Residential Flat Development
SEPP (Building Sustainability Index: BASIX) 2004
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 :

SEPP 55 - Remediation of Land is required to be addressed as the land is currently used for agriculture which maybe potentially contaminated

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

If No, explain :

S117 Directions 1.2 Rural Zones and 1.5 Rural Lands need to be addressed as the part of the land is zoned agriculture and all the land is used for agriculture. It is proposed to rezone the land residential.
Part of the land is identified in the approved LU Strategy is identified for residential use while the remainder is rural. While the generally the proposal can be supported there needs to be additional work undertaken to address environmental and servicing issues.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

The PP proposes 30 days for exhibition - a minimum of 28 days is required. Consultation with relevant agencies has been proposed

Additional Director General's requirements

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

If Yes, reasons :

Consideration of including the land as an Urban Release Area as the the combined Blaxland and Saleyards precincts may yield 1700 lots.

Assess impact of railway and waste management facility

Preliminary site contamination assessment as land is used for agriculture

Finalise salinity investigations

RPA to demonstrate land can be adequately serviced with water, sewer, road access and consult with Roads and Maritime Services.

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 : **The draft Mid Western LEP 2012 is currently with PC seeking an Opinion. The land is indicated as being zone RU1-Primary Production.**

Assessment Criteria

Need for planning proposal :	PP required as land is currently Agriculture and Investigation which does not permit the proposed residential development
Consistency with strategic planning framework :	Yes - part of the land is identified in the approved strategy for residential use. The remaining western part is identified to remain rural. Generally the proposal is supported from a strategic viewpoint subject to satisfactory environmental and servicing assessments being undertaken.
Environmental social economic impacts :	Very broadly the environmental considerations have been identified that indicates that the land is worthy of more detailed investigation for residential development. Further site specific investigations are required to demonstrate the land is suitable for residential development prior to land use change

Assessment Process

Proposal type :	Consistent	Community Consultation Period :	28 Days
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Timeframe to make LEP :	12 Month	Delegation :	DG
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Public Authority Consultation - 56(2)(d) :	Essential Energy Central West Catchment Management Authority Office of Environment and Heritage NSW Department of Primary Industries - Agriculture NSW Rural Fire Service Telstra Other
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Is Public Hearing by the PAC required?	No
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(2)(a) Should the matter proceed ?	Yes
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If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

Other - provide details below

If Other, provide reasons :

Land contamination assessment - comply with SEPP 55

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Aboriginal Heritage assessment - NPWS Act

Biodiversity

Salinity investigations to be finalised

Servicing - water, sewer, stormwater, electricity & telecommunications

Impact of the Waste Management Facility

Access - consult with RMS

Rail corridor issue - consult with authority responsible for railway

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? No

If Yes, reasons : This area should be considered as an Urban Release Area and consultation undertaken with relevant agencies

Documents

Document File Name	DocumentType Name	Is Public
Council request for gateway.pdf	Proposal	Yes
Planning Proposal Blaxland Property Mudgee.pdf	Proposal	Yes
Minute 020512.pdf	Proposal	Yes
Council Report Planning Proposal Blaxland.pdf	Proposal	Yes
9 May 2012 Council letter to DP&I.pdf	Proposal Covering Letter	Yes
9 May 2012 Council request for gateway - blaxland.pdf	Proposal Covering Letter	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 3.1 Residential Zones
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 3.5 Development Near Licensed Aerodromes
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection

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

1. Prior to community consultation provide the following information to the Department's 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 current standard requirements for LEP maps.
2. Prior to the s59 Submission requesting the Proposal be finalised undertake and submit the following to the Department's Regional office demonstrating that the land is suitable for residential development:-
 - i. Undertake an Aboriginal Heritage assessment to the requirement 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. Finalising and submitting the salinity investigation to the requirments of the Office of Environment and Heritage.
 - v. A statement from Council that the site and proposed development can be adequately serviced with water, sewage and road access.
 - vi. consult with the authority for the railway line and corridor to ascertain requirements for residential near the railway.

vii. assess and provide information to demonstrate if separation and treatment is required between the waste management facility site and the proposed residential development.

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
- Essential Energy
- Office of Environment and Heritage in respect to Aboriginal heritage, biodiversity, salinity and buffer distance and treatment between the proposed residential development and the adjoining waste management facility site.
- NSW Department of Primary Industries – Agriculture
- NSW Department of Primary Industries – Minerals and Petroleum
- NSW Office of Water
- NSW Rural Fire Service
- Electricity and Telecommunication providers
- 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 12 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 :

Strategically the proposal is reasonable subject to the RPA demonstrating that the site is suitable for residential development.

Signature:



Printed Name:

Ashley Albury

Date:

14/05/2012