

Grimshaw Lane, Gulgong - proposed residential

Proposal Title : **Grimshaw Lane, Gulgong - proposed residential**

Proposal Summary : **Proposal for residential development - rezone land from part rural residential and part agriculture to general residential to allow an increased residential density (lot size of 600 m2) and variety of residential opportunities**

PP Number : **PP_2012_MIDWR_004_00** Dop File No : **12/12313**

Proposal Details

Date Planning Proposal Received :	25-Jul-2012	LGA covered :	Mid-Western Regional
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 : **Grimshaw Lane**

Suburb : **Gulgong** City : Postcode : **2852**

Land Parcel : **Lots 9 and 10 DP 251803; Lots 72,150 to 159, 164 to 167, 229, 231, 233, 234, 235 and 294 DP 755433; and Lot 519 DP 725032**

DoP Planning Officer Contact Details

Contact Name : **Wayne Garnsey**

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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 Regional Strategy :	N/A	Consistent with Strategy :	N/A

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MDP Number :		Date of Release :	
Area of Release (Ha) :	68.00	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	400	No. of Dwellings (where relevant) :	400
Gross Floor Area :	0	No of Jobs Created :	0
The NSW Government Lobbyists Code of Conduct has been complied with : Yes			
If No, comment :	To the best knowledge of the Regional Team the Lobbyist Code has been complied as at 30 July 2012		
Have there been meetings or communications with registered lobbyists? :	No		
If Yes, comment :	No known meetings have occurred as at 30 July 2012		

Supporting notes

Internal Supporting Notes : **The subject land is located at the southern side of and contiguous with the Gulgong urban area.**

The total area of land is 68ha being 61ha freehold and 7ha Crown Land

The subject land is affected by the Mid Western Interim LEP 2008 and the draft Mid Western LEP 2012 which is in the very final stages of the plan making process and notification is expected in the next 2 weeks.

The subject land is currently under the Mid Western Interim LEP 2008 with approx. 37 ha currently zoned rural residential (lot size=2ha) while 31ha is zoned agriculture (lot size=100ha). All of the Crown Land is currently zoned rural residential.

Under the draft Mid Western Regional LEP 2012 - the subject land is to be zoned R5 - Large Lot Residential (lot size=2ha with part of the land identified suitable for 4000m2 subject to servicing).

The approved Comprehensive Mid Western Land Use Strategy identifies all the land as suitable for large lot residential.

External Supporting Notes :

Adequacy Assessment

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

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

Comment : **Yes - to enable the development of land for residential purposes with a lot size of 600 m2**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **To rezone the land to zone R1-General Residential - this will provide a variety of residential uses. The proposed lot size of 600 m2 is also consistent with residential use in Gulgong and Mudgee.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

1.2 Rural Zones

* May need the Director General's agreement

1.5 Rural Lands

3.1 Residential Zones

3.4 Integrating Land Use and Transport

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 (Building Sustainability Index: BASIX) 2004

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Housing for Seniors or People with a Disability) 2004

SEPP (Infrastructure) 2007

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

SEPP (Rural Lands) 2008

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

SEPP 55 - Contamination

Salinity investigations

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

The proposal is inconsistent with Directions 1.2 Rural Zones, 1.3 Mining, Petroleum Production and Extractive Industries and 1.5 Rural Lands as part of the land is proposed to be rezoned from rural residential and part agriculture to residential.

Under the draft Mid Western Regional LEP 2012 it is proposed to change all of this land to zone R5- large lot residential which is consistent with the approved strategy. Therefore based on the approved strategy and draft LEP the proposed inconsistencies can be considered to be of minor significance.

The proposal is consistent with s117 Directions 3.1 Residential Zones and 3.4 Integrating Land Use and Transport.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Yes - adequate locality maps provided

Land zoning and lot size maps to the technical requirements of the Standard Instrument will be required for public exhibition purposes.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Consult for 28 days. While the proposal is consistent with the strategy in terms of residential use the increase in density is proposed to be increased from 2ha/4000m2 to 600 m2 which requires further community consultation.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

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

If No, comment :

Proposal Assessment**Principal LEP:**

Due Date : **August 2012**

Comments in relation to Principal LEP : **The draft Mid Western LEP 2012 is in the very final stages of the plan making process and is anticipated to be notified within 2 weeks.**

Assessment Criteria

Need for planning proposal : **Yes to allow the land to be used for residential purposes with a lot size of 600m2 requires rezoning. The current and draft LEP's do not allow for the development of the land for residential purposes at the density of 600m2.**

Consistency with strategic planning framework : **Yes - the approved strategy and draft Mid Western LEP 2012 proposes this land for large lot living purposes. It is being proposed that the lot size be increased from 2ha/4000m2 to 600 m2.**

Environmental social economic impacts : **The environmental and social impacts have been adequately addressed by the proponent and Council. Council will need to consider future servicing priorities for the land.**

Assessment Process

Proposal type : **Consistent** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 Month** Delegation : **DG**

Public Authority Consultation - 56(2)(d) : **Essential Energy
Department of Education and Communities
Office of Environment and Heritage
NSW Department of Primary Industries - Minerals and Petroleum
Transport for NSW
Fire and Rescue NSW**

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

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If Other, provide reasons :

Finalise salinity investigations

Consider potential contamination

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 :

The proposal will allow for about an additional 400 residential lots. Consultation with the Department's Strategy and Infrastructure Branch confirmed that the proposal would not warrant identification as a Urban Release Area and that State Infrastructure contribution is unlikely to be required.

Documents

Document File Name	DocumentType Name	Is Public
17 July 2012 Council Report Planning Proposal Grimshaw Lane Gulgongx.pdf	Proposal	No
23 July 2012 Planning Proposal Letter - Grimshaw Lane Gulgong.pdf	Proposal Covering Letter	No
23 July 2012 Request for Initial Gateway Determination.pdf	Proposal Covering Letter	No
30 July 2012 Request for Determination.pdf	Proposal Covering Letter	No

Planning Team Recommendation

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

S.117 directions: **1.2 Rural Zones
1.5 Rural Lands
3.1 Residential Zones
3.4 Integrating Land Use and Transport**

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

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 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.

4. 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).

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

- Central West Catchment Management Authority
- Essential Energy
- NSW Office of Water
- Office of Environment and Heritage -
- Roads and Maritime Services
- Department of Primary Industries - Catchments and Lands in respect to Crown Land.
- 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.

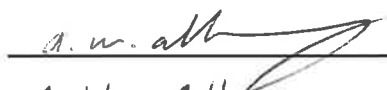
8. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

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

Supporting Reasons :

The land is identified in the approved Strategy for future large lot residential use and can be supported subject to the site specific investigations identified above being undertaken prior to finalisation of the land use change to residential.
This proposed land release will provide additional living opportunities in Gulgong to assist with accommodating additional workers associated with mine developments in the region.

Signature:


Ashley Albright

Printed Name:

2/8/2012

Date:

2/8/2012