

**Rezoning of Lots 16 and 17 DP 756897, Hill End Road, Mudgee**

Proposal Title : **Rezoning of Lots 16 and 17 DP 756897, Hill End Road, Mudgee**

Proposal Summary : **To rezone Lots 16 and 17 DP 756897, Hill End Road, Mudgee from RU1 - Primary Production to IN1 - General Industrial.**

PP Number : **PP\_2013\_MIDWR\_004\_00**      Dop File No : **13/14789**

**Proposal Details**

Date Planning Proposal Received : **30-Aug-2013**      LGA covered : **Mid-Western Regional**

Region : **Western**      RPA : **Mid-Western Regional Council**

State Electorate : **ORANGE**      Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

**Location Details**

Street : **Hill End Road**

Suburb :      City : **Mudgee**      Postcode : **2850**

Land Parcel : **Lots 16 and 17 DP 756897, Hill End Road, Mudgee**

**DoP Planning Officer Contact Details**

Contact Name : **Jenna McNabb**

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**RPA Contact Details**

Contact Name : **Mark Lyndon**

Contact Number : **0263782875**

Contact Email : **Mark.Lyndon@midwestern.nsw.gov.au**

**DoP Project Manager Contact Details**

Contact Name : **Wayne Garnsey**

Contact Number : **0268412180**

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

**Land Release Data**

Growth Centre : **N/A**      Release Area Name :

Regional / Sub Regional Strategy : **N/A**      Consistent with Strategy : **Yes**

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MDP Number :		Date of Release :	
Area of Release (Ha) :	<b>19.00</b>	Type of Release (eg Residential / Employment land) :	<b>N/A</b>
No. of Lots :	<b>55</b>	No. of Dwellings (where relevant) :	<b>0</b>
Gross Floor Area :	<b>0</b>	No of Jobs Created :	<b>0</b>

The NSW Government Lobbyists Code of Conduct has been complied with :

If No, comment :

Have there been meetings or communications with registered lobbyists? :

If Yes, comment : **There have been no known meetings or communications with registered lobbyists.**

### Supporting notes

Internal Supporting Notes : **On 7 August 2013, Council resolved to prepare a Planning Proposal for gateway determination for the rezoning of the subject land.**

**The purpose of the planning proposal is to amend the Mid Western LEP 2012 to rezone Lots 16 and 17 DP 756897, Hill End Road, Mudgee from RU1 - Primary Production to IN1 - General Industrial. The total land area subject to the proposed rezoning is 19.24 hectares (ha). It is also proposed to amend the Minimum Lot Size (MLS) Map for the subject land to 3000m<sup>2</sup>. Currently the MLS for the land (zoned RU1) is 100ha.**

**The subject site is vacant and cleared, with both allotments containing a dam. The site was formerly part of a larger rural holding which was primarily used as grazing land. The site is located approximately 1km west of the Castlereagh Highway, on the northern edge of Mudgee.**

**Documentation submitted with the planning proposal identifies that following the rezoning of the land, it is proposed to subdivide the land into approximately 55 industrial allotments to accommodate larger, heavy industries. A concept plan of subdivision has been provided as part of the planning proposal, however, the subdivision is not being considered as part of the assessment of this planning proposal.**

**The subject site is adjacent to the Mudgee Waste Facility, and is identified in the LEP as being located within the Treatment Plant Buffer Area.**

**The Mudgee Comprehensive Land Use Strategy (CLUS) has identified that the subject land provides an additional opportunity for industrial land, subject to further site specific investigations. The planning proposal is consistent with the endorsed Mid Western Comprehensive Land Use Strategy.**

**Rezoning of the land will provide additional industrial land to the Mudgee township and district for future development.**

External Supporting Notes :

### Adequacy Assessment

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

Is a statement of the objectives provided? **No**

Comment : **A Statement of the Objectives of the Planning Proposal has not been provided. However, documentation submitted to the Department clearly identifies the purpose of the planning proposal, which is to rezone the subject land from RU1 to IN1, and amend the MLS and LNZ map to allow future subdivision of the subject land.**

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

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

Comment : **An explanation of the provisions has been provided and is considered to be acceptable and consistent with the planning proposal.**

**Justification - s55 (2)(c)**

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

b) S.117 directions identified by RPA : **1.1 Business and Industrial Zones**  
**1.2 Rural Zones**  
\* May need the Director General's agreement **1.5 Rural Lands**

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **SEPP No 1—Development Standards**  
**SEPP No 4—Development Without Consent and Miscellaneous Exempt and Complying Development**  
**SEPP No 6—Number of Storeys in a Building**  
**SEPP No 14—Coastal Wetlands**  
**SEPP No 15—Rural Landsharing Communities**  
**SEPP No 19—Bushland in Urban Areas**  
**SEPP No 21—Caravan Parks**  
**SEPP No 22—Shops and Commercial Premises**  
**SEPP No 26—Littoral Rainforests**  
**SEPP No 29—Western Sydney Recreation Area**  
**SEPP No 30—Intensive Agriculture**  
**SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)**  
**SEPP No 33—Hazardous and Offensive Development**  
**SEPP No 36—Manufactured Home Estates**  
**SEPP No 44—Koala Habitat Protection**  
**SEPP No 55—Remediation of Land**  
**SEPP No 60—Exempt and Complying Development**  
**SEPP No 62—Sustainable Aquaculture**  
**SEPP No 64—Advertising and Signage**  
**SEPP No 65—Design Quality of Residential Flat Development**  
**SEPP No 70—Affordable Housing (Revised Schemes)**  
**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 (Major Projects) 2005**  
**SEPP (Mining, Petroleum Production and Extractive Industries) 2007**  
**SEPP (Rural Lands) 2008**  
**SEPP (Affordable Rental Housing) 2009**

e) List any other matters that need to be considered : **See assessment section.**

**Not all of the above SEPPs are applicable to the planning proposal.**

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

If No, explain : **The planning proposal is consistent with applicable s117 planning directions. The subject land is identified in the LUS as being suitable for industrial development.**

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

Is mapping provided? **No**

Comment : **No mapping has been provided demonstrating the proposed changes to the MLS and zoning maps. This will be a condition of the planning proposal.**

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

Has community consultation been proposed? **Yes**

Comment : **Council has proposed 14 days of community consultation in additional information submitted to the Department. It is considered that 28 days is an appropriate timeframe for community consultation to be undertaken by Council.**

### Additional Director General's requirements

Are there any additional Director General's requirements? **N/A**

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 :

Comments in relation to Principal LEP : **The Mid Western LEP 2012 in the Standard Instrument format was notified on 9 August 2012.**

### Assessment Criteria

Need for planning proposal : **The planning proposal is the only means of amending the Mid Western LEP 2012 to deliver the outcomes that Council is seeking.**

Consistency with strategic planning framework : **The planning proposal is consistent with the Comprehensive Land Use Strategy (CLUS).**

**The CLUS states:**

**"A preliminary investigation identified the land to the north of the Mudgee Waste Transfer Station on Hill End Road as a suitable location for heavier industries. A land area of 54 hectares has been identified which would yield 100-200 lots based on the current minimum subdivision requirement. This land is not currently serviced by water or sewer and its development will be at considerable expense to Council. It is likely that a new reservoir would be required to feed the site, plus a new sewerage pump station."**

**The subject land was identified within the CLUS as being suitable for industrial development. The planning proposal's purpose is to provide additional industrial land near the Mudgee township for heavy industries. It is considered that the subject land is suitable for this purpose, given its location, and unsuitability as a viable commercial agricultural landuse due to its small size.**

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Environmental social economic impacts :

**The proposed rezoning of the subject land will allow for the future subdivision of the land, resulting in the generation of between 500-1000 jobs.**

**There are no environmental impacts identified as a result of the rezoning. Environmental impacts on the subject land from the use of the land and construction on the site (eg. services, roads, buildings etc) will be assessed at the development stage by Council.**

### Assessment Process

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

Timeframe to make LEP : **12 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) :

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. :

#### Bushfire

**Other - provide details below**

If Other, provide reasons :

#### Ground water

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 :

### Documents

Document File Name	DocumentType Name	Is Public
<b>MWCover Letter.pdf</b>	<b>Proposal Covering Letter</b>	<b>No</b>
<b>MWCouncil Report.pdf</b>	<b>Proposal</b>	<b>No</b>
<b>MWCouncil Minutes.pdf</b>	<b>Proposal</b>	<b>No</b>
<b>MWAdditional Information Documents from Council.pdf</b>	<b>Proposal</b>	<b>No</b>
<b>MWRezoning Submission - Barnsons Report to Council.pdf</b>	<b>Proposal</b>	<b>No</b>

### Planning Team Recommendation

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

S.117 directions: **1.1 Business and Industrial Zones**  
**1.2 Rural Zones**

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**1.5 Rural Lands**

Additional Information : **That Gateway determine to support the Planning Proposal, subject to the following conditions:**

- 1. Proceed and finalise the planning proposal within 12 months of the Gateway Determination date.**
- 2. Community and agency consultation occur for a minimum of 28 days. The following agencies are to be consulted:**
  - NSW Office of Environment and Heritage
  - NSW Department of Primary Industries - Agriculture
  - NSW Rural Fire Service
  - NSW Office of Water
  - NSW Roads and Maritime Services
- 3. Council is to prepare amended maps which are at an appropriate scale and clearly identify the subject land for the Section 59 submission that are compliant with the Departments Standard technical requirements for LEP maps. The following maps are to be amended:**
  - Lot Size Map (LSZ\_006)
  - Land Zoning Map (LZN\_006)
- 4. Council is to request the Department to draft and finalise the amendment no later than 6 weeks prior to the projected making of the amendment date.**

Supporting Reasons : **The planning proposal is consistent with the CLUS, and is considered to be an appropriate use of the subject land.**

**Regional Director delegation can be exercised in this case as the proposal is a spot rezoning that is consistent with an endorsed Comprehensive Land Use Strategy.**

Signature: 

Printed Name: Jenna McNabb Date: 9 September 2013

*endorsed .  
W Gannsey 9/9/13.  
A/T leader .*

*endorsed  
d.w. alt  
Regional Director 9-09-2013*