

6.2.4 Planning Proposal – General Amendments

REPORT BY THE MANAGER STRATEGIC PLANNING TO 20 FEBRUARY 2013 COUNCIL MEETING

Planning Proposal General Amendments
A0100056, A0420254

RECOMMENDATION

That:

1. the report by the Manager Strategic Planning on the Planning Proposal – General Amendments be received;
2. Council prepare a Planning Proposal for a General Amendment to the Mid-Western Regional Local Environmental Plan 2012 for the following;
 - (a) Amendment to the R5 zone at Grattai – Lot 153 and 162 DP 756880,
 - (b) Extension of the B3 Commercial Core zone over Lot 100 DP 1080880 (Mitre 10),
 - (c) Insert the Environmentally Sensitive Land – Water Map ,
 - (d) Clarify dwelling provisions as they relate to split parcels on the Rylstone Lot Size Map ,
 - (e) Insert a Farm Adjustment Clause ,
 - (f) Amend anomalies in the heritage schedule,
 - (g) Clarification of clause 4.2 A – dwellings on rural land,
 - (h) Subdivision of land below MLS for a non-agricultural purpose,
 - (i) Clarification of the 2 ha minimum lot size on Lot 1 DP 1166658,
 - (j) Reclassify drainage reserves from Community to Operational Land,
 - (k) Reclassify surplus land in Gulgong being Lot 2 DP 718061 and Lot 3 DP 626037 as Operational Land,
 - (l) Permissibility of camping in RE1 Public Recreation zone,
 - (m) Rezoning land from R1 General Residential to B4 Mixed Use in Inglis St Mudgee,
 - (n) Rezoning land from IN2 Light Industrial to B4 Mixed Use on Lots 1 & 2 Section 49 DP 758721 Inglis St Mudgee,

for determination by the Gateway.

Executive summary

The purpose of this report is to seek a resolution to proceed with a planning proposal the purpose of which is to make corrections to the Mid-Western Regional Local Environmental Plan 2012 (LEP2012) and fix anomalies in the instrument. The amendment includes:

- Amendment to the R5 zone at Grattai
- Extension of the B3 Commercial Core zone over the brick yard at Mitre 10
- Insert the Environmentally Sensitive Land – Water Map
- Clarify dwelling provisions as they relate to split parcels on the Rylstone Lot Size Map
- Insert a Farm Adjustment Clause
- Amend anomalies in the heritage schedule
- Clarification of clause 4.2 a – dwellings on rural land
- Subdivision of land below MLS for a non-agricultural purpose

- Clarification of the 2 ha minimum lot size at the airport.
- Reclassify drainage reserves
- Permissibility of camping in RE1
- Rezoning land from R1 General Residential to B4 Mixed Use in Inglis St Mudgee
- Rezoning land from IN2 Light Industrial to B4 Mixed Use on the corner of Inglis and Church Streets

Some of these issues were raised during the exhibition period for the LEP, however, were considered by either Council or the Department of Planning to involve a change that may result in re-exhibition of the instrument, therefore, the changes were not incorporated into the published plan. Others are matters that have arisen following the implementation of the plan and the general amendment provides a platform to address these issues. The amendments are outlined in detail below.

Detailed report

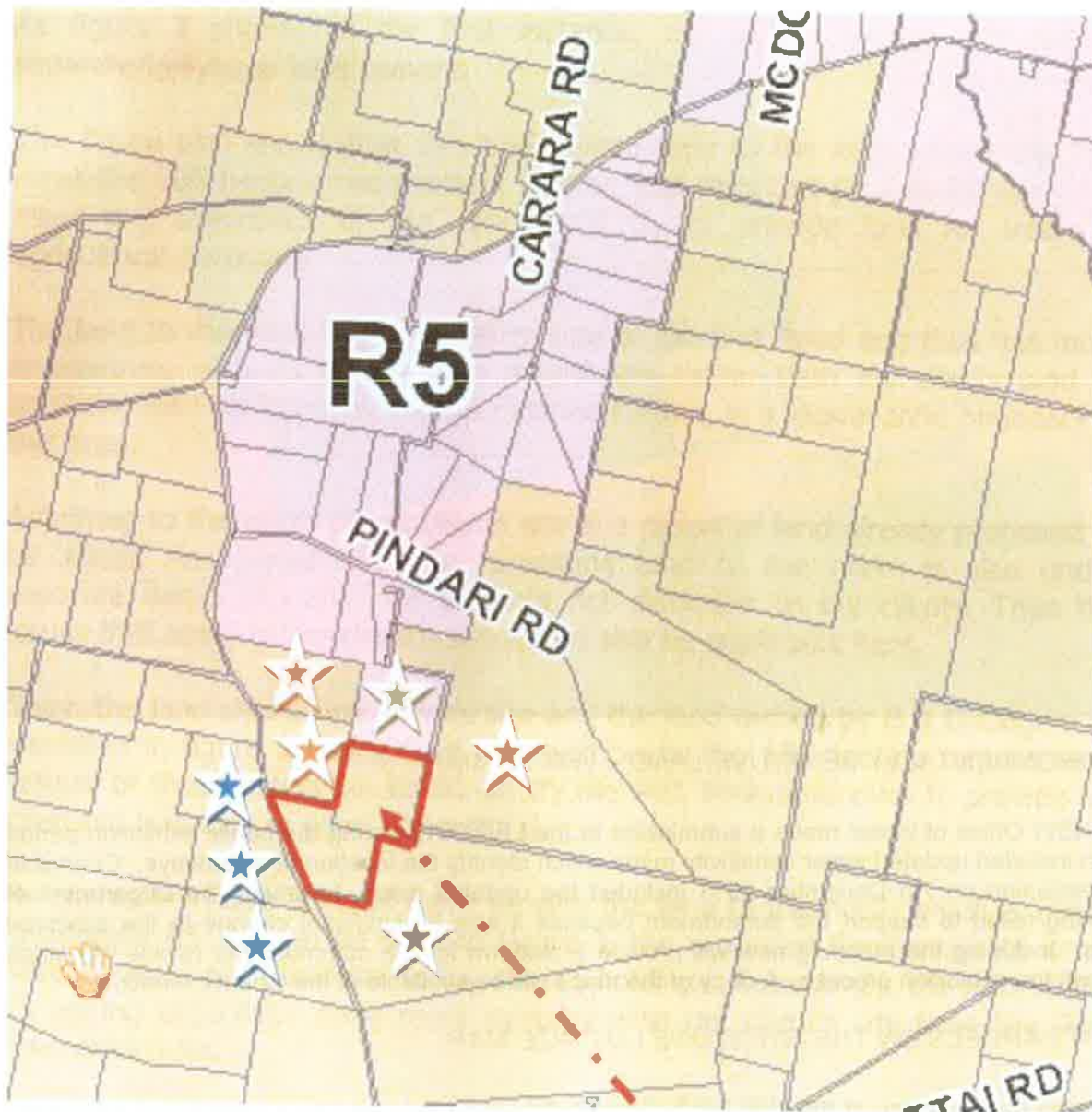
Amendment to the R5 zone at Grattai – Lot 153 and 162 DP 756880

The proposal, prepared by GAT & Associates on behalf of the land owner, involves the rezoning of the subject land from RU1 General Rural to R5 Large Lot Residential consistent with surrounding development. The land owner made representations during the public exhibition of the Draft LEP, however, Council did not receive the electronically lodged submission and the matter was not considered in the post exhibition report. Given the manner in which Council dealt with the matter in Black Springs Road, which is an identical scenario, it is likely that the recommendation would have been a suggestion that the proponent lodge a Planning Proposal. In the case of Black Springs Road, Council supported the planning proposal, as did the Department of Planning and the amendment is awaiting gazettal.

In this instance, the proponent was advised that they could either lodge a planning proposal or wait and have the matter included in the general amendment which is what they have now done.

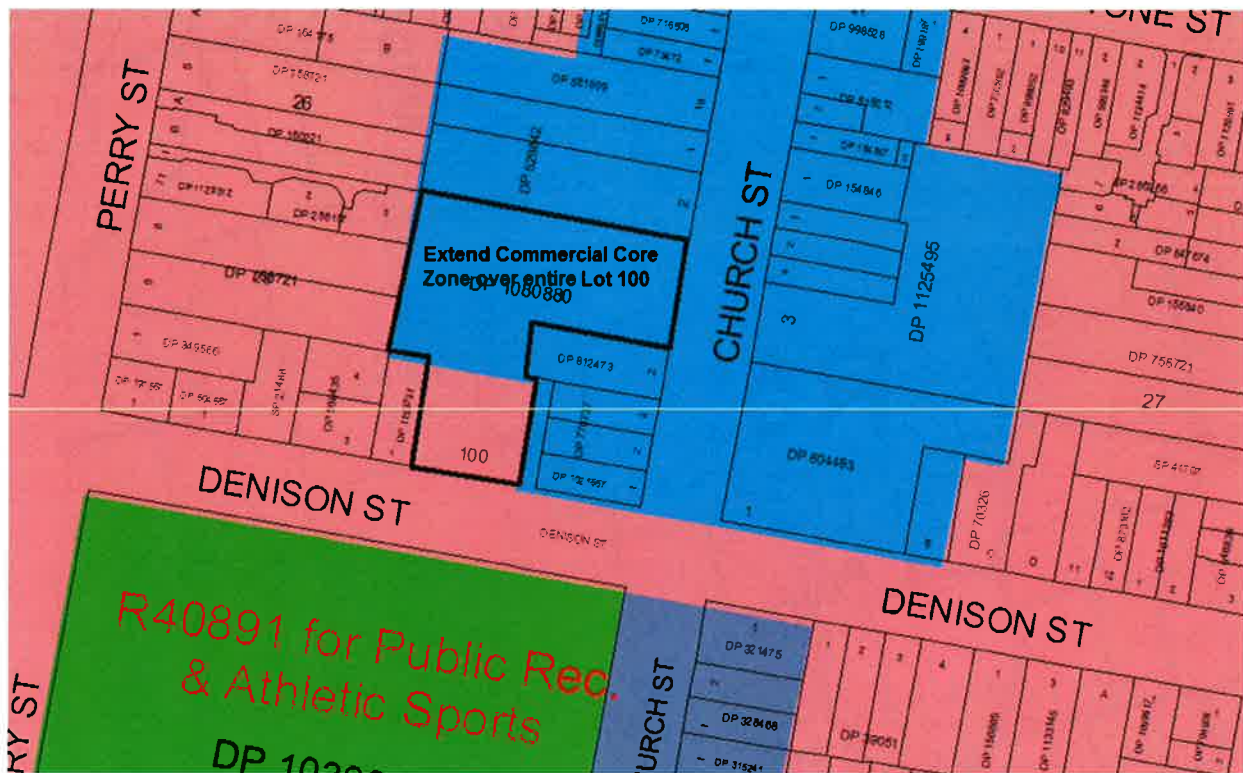
The land is located adjoining the R5 Large Lot Residential Zone on Hill End Road and is approximately 32 ha. There is no dwelling on the holding. The land is within the area identified as unconstrained for the purposes of lifestyle or small holding development in the Comprehensive Land Use Strategy. The map extract below shows that location of existing dwellings on neighbouring properties.

In the case of Black Springs Road, Council, on advice from the Department of Planning, amended the Lot Size Map. As this is a similar circumstance, it is recommended that the zone remain RU1 General Rural and the Lot Size Map be amended to 12ha consistent with the adjoining land.



EXTENSION OF THE B3 COMMERCIAL CORE ZONE OVER THE BRICK YARD AT MITRE 10

The Mitre 10 tenure is split zoned part Commercial Core and part Medium Density Residential. The amendment proposed to extend the commercial zoning to include all of Lot 100 DP 1080880 as shown in the figure below.



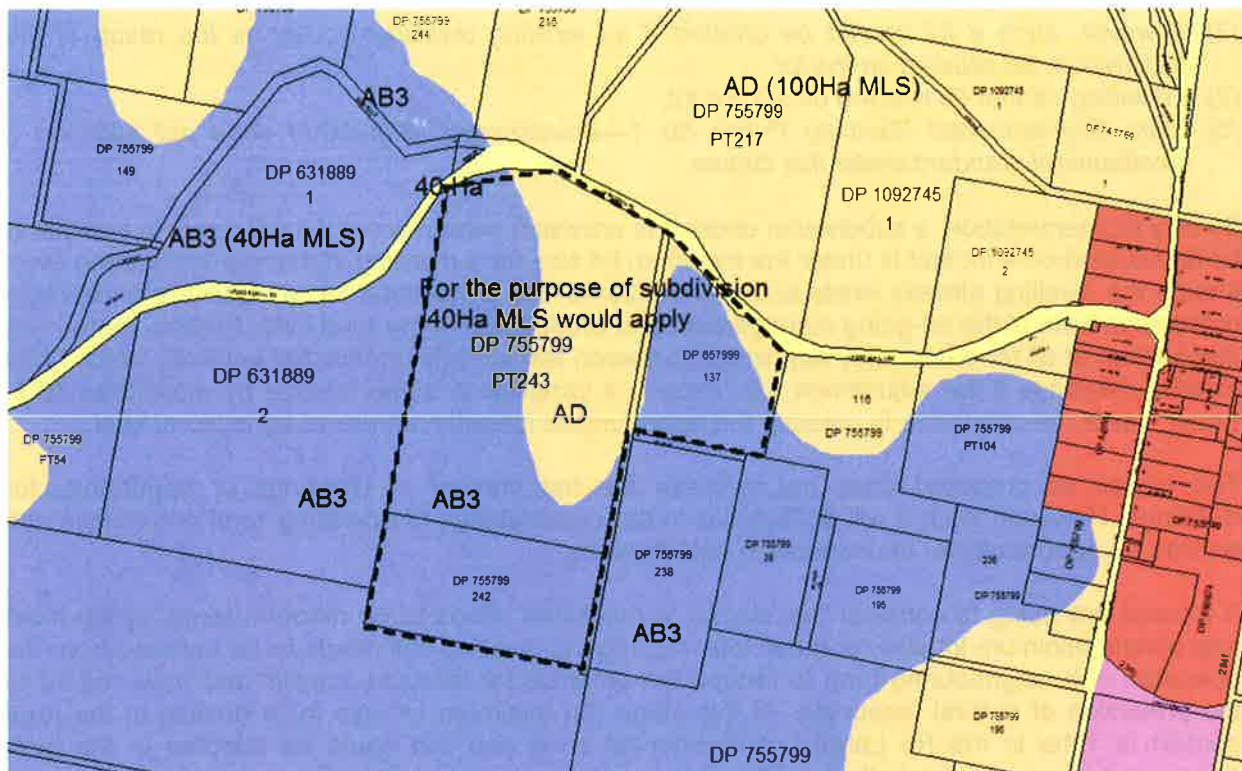
ENVIRONMENTALLY SENSITIVE LAND – WATER MAP

The NSW Office of Water made a submission to the LEP 2012 during the public exhibition period which included updated water sensitivity maps which identify the location of waterways. Council in the resolution on 7th December 2011 included the updated maps, however, the Department of Planning failed to support the amendment because it was a significant change to the exhibited maps. Including the mapping now will provide a platform for the community to review the maps through the exhibition process. A copy of the maps will be available at the Council meeting.

SPLIT PARCELS ON THE RYLSTONE LOT SIZE MAP

Following the exhibition of the LEP 2012, Council discussed the need for a clause that addressed the circumstance where a lot has two minimum lot sizes as is the case on land that was under the former Rylstone LEP. The Department considered an additional clause a significant change and it was not endorsed at that time. Flexibility is considered to be warranted here because of the scale and accuracy of the baseline mapping and current ability to refute this. It is considered that such flexibility is consistent with the intention of Council to “maintain the status quo” in relation to existing subdivision and minimum lot size provisions.

The intention of the clause would be that despite any other provisions of the LEP, where a lot or holding is mapped with two minimum lot sizes including AB3 40Ha minimum, then the 40Ha MLS will apply to the whole lot or holding (refer to following example).



FARM ADJUSTMENT CLAUSE

Again, this was an issue that was included in the report to Council on 7th December 2011. If following paragraphs have been lifted from that report and remain valid.

The inclusion of this clause has been an on-going issue for Council throughout the negotiations with the DOPI leading to the exhibition and remains unresolved in terms of both clarifying the mechanism for facilitating farm adjustments both with and without exiting dwellings and between rural zones.

The clause does not create the opportunity of additional dwellings.

The intent of the clause is to provide the opportunity for land that is underutilised or not required on one property to be transferred to a productive holding. This is supported by the first aim of the Rural Lands SEPP which says:

The aims of this Policy are as follows:

- (a) to facilitate the orderly and economic use and development of rural lands for rural and related purposes,*

Further, like the clause proposed by Council, the Rural SEPP provides the opportunity for subdivision for agricultural purposes as follows:

9 RURAL SUBDIVISION FOR AGRICULTURAL PURPOSES

- (1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.*
- (2) Land in a rural zone may, with consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size otherwise permitted for that land.*

- (3) *However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.*
- (4) *A dwelling cannot be erected on such a lot.*
- (5) *State Environmental Planning Policy No 1—Development Standards does not apply to a development standard under this clause.*

By way of interpretation, a subdivision under this provision cannot occur if it will result in a dwelling being situated on a lot that is under the minimum lot size for a dwelling in that particular zone even though the dwelling already exists and the creation of the agricultural lot will facilitate a desirable outcome in term of the on-going management and productivity of the rural land. Further, there is no mechanism at all for a boundary adjustment between two already undersized lots both which have existing dwellings if the adjustment will result in a variation to either lot size by more than 10%. Again, this is not conducive to creating the opportunities for optimum use of agricultural land.

The clause as proposed does not increase the net number of dwellings or opportunity for dwellings. However, what it will do is assist in the consolidation of operating rural enterprises and provide an opportunity for an increase in holding sizes.

If Council are going to consider this clause, a resolution needs to be made in terms of the most appropriate minimum lot size for these lots. An existing dwelling still needs to be buffered from the operation of a neighbouring farm to reduce the potential for land use conflict and have regard to the protection of natural resources. At this stage the minimum lot size for a holding in the rural context is 12ha in the R5 Large Lot Residential zone and this could be adopted in the farm adjustment provisions for both the RU1 Primary Production and RU4 Primary Production Small Lots zones. In terms of the R5 zone, the minimum lot size for a dwelling on existing lots is 5ha (Clause 48 (2) in the Interim LEP 2008) and provided no net increase in dwellings this could be adopted as the minimum lot size in the R5 zone.

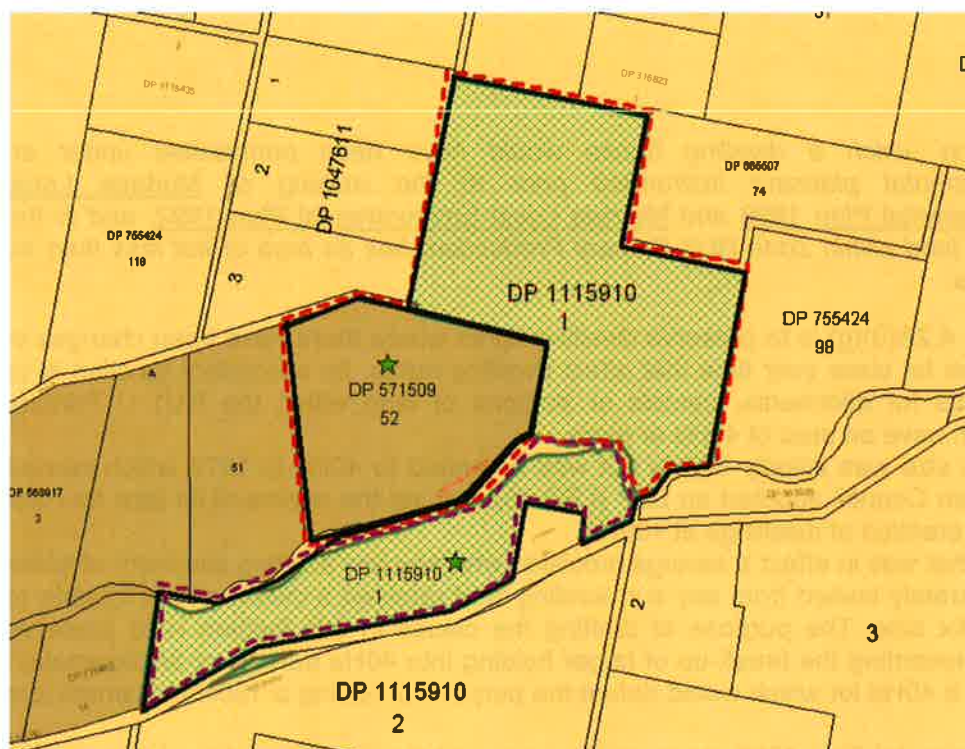
The Farm adjustment Clause proposed is consistent with the Council resolution of 7 December 2011 as follows:

4.2B Subdivision for a farm adjustment [local]

- (1) The objectives of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve sustainable agricultural development in the relevant zone.
- (2) This clause applies to the following zones:
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU4 Primary Production Small Lots
 - (c) Zone R5 Large Lot Residential
- (3) despite clause 4.1 and any other provision of this plan, consent may be granted to a subdivision for a boundary adjustment between two adjoining lots, but only if;
 - (a) the subdivision will not result in a net increase in the number of lots or the opportunities for additional dwellings, and
 - (b) the number of dwellings on, or the opportunity for dwellings for, each lot after the subdivision is the same as before the subdivision, and
 - (c) the net outcome of the subdivision is likely to assist in achievement of the objectives for development in the zone,

- (d) the subdivision design will not set up a situation where the relative position of existing or proposed improvements and rural activities on the new lots is likely to result in conflict, and
- (e) the minimum lot size for any lot created by a subdivision under this clause is 12ha in the case of the RU1 and RU4 zones and 5ha in the case of the R5 zone.

Example of how the clause would work.



Lot 1 DP 1115910 – Zoned Agriculture, has an existing dwelling. Lot size 50.06ha (undersized lot in the Agriculture Zone).

Lot 52 DP 571509 – Zoned Rural Small Holdings, has an existing dwelling. Lot size 20.23 ha. The owner of Lot 1 is seeking a boundary adjustment with the owner of Lot 52 for the area of Lot 1 that is north of Cooyal Creek. The proposal would not result in an increase in the net number of dwellings or create the opportunity for additional dwellings on either lot. The proposal will result in the better utilisation and efficient management of agricultural land. As both lots have existing dwellings and the adjustment (based on the area) is not “minor”, there is no mechanism within the current planning framework to facilitate that proposal.

ANOMALIES IN THE HERITAGE SCHEDULE

The Heritage Schedule includes items which have incorrect property data as follows:

Item	Description in LEP	Correction proposed
Guntawang Homestead Item I390	Lot 2 DP 534376	Lot 3 DP 718231
House Bowman St Gulgong Item I213	5 Bowman St	9 Bowman St
Gulgong Hospital	Portion 196	Lots 195 & 196 DP 755434

4.2A ERECTION OF DWELLING HOUSES AND DUAL OCCUPANCIES ON LAND IN CERTAIN ZONES

The provisions of clause 4.2A were specifically drafted to enact the outcomes of the Mid-Western Regional Comprehensive Land Use Study (CLUS) in relation to dwelling rights, expanded largely as a result of the threat to increase minimum rural lot sizes from 100Ha to 400Ha (this did not eventuate). In this regard CLUS recommends the preservation or where necessary, the reanimation of any dwelling right that land has or may have had. This led to the reinstatement of existing holding provisions within the LEP and notably Clause 4.2A(3)(g).

Clause 4.2A(3)(g)*Extract*

a lot on which a dwelling house would have been permissible under an environmental planning instrument prior to the making of Mudgee Local Environmental Plan 1998 and Merriwa Local Environmental Plan 1992, and in the case of land within Zone RU1 Primary Production, has an area of not less than 40 hectares.

The function of clause 4.2A(3)(g) is to preserve dwelling rights where there have been changes in zoning and or minimum lot sizes over time that affect dwelling rights. Its secondary function is to reinstate dwelling rights for allotments, parcels or portions of land within the RU1 – Primary Production zone, which have an area of 40Ha or more.

The minimum rural lot size was initially 100Ha but was amended to 40Ha in 1975 which carried through until 1985 when Council adopted an LEP (LEP 15) that set the minimum lot size for rural subdivision and or the erection of dwellings at 100Ha.

LEP 15 had a clause that was in effect a savings provision whereby any existing allotment of 40Ha or more that was separately owned from any surrounding land retained a dwelling right in spite of the 100Ha minimum lot size. The purpose of drafting the clause in this fashion is to preserve dwelling rights while preventing the break-up of larger holding into 40Ha parcels or amalgamation of smaller parcels into a 40Ha lot which would defeat the purpose of having a 100Ha minimum lot size.

Mudgee Local Environmental Plan 1998 momentarily preserved the dwelling rights of the existing 40Ha lots however, a sunset clause in MLEP 1998 terminated the clause three years after the commencement of that LEP and the subsequent Interim LEP 2008 did not contain any 40Ha provisions.

Since the commencement of LEP 2012 Council has assessed a number of development applications for dwellings or staged dwellings which rely on the provisions of 4.2A(3)(g) and this has revealed that the clause works as designed in relation to the preservation of rights affected over time by zone changes and the like but is not sufficiently clear in relation to which instruments should be referred to or that there are limitations on 40Ha parcels ie the parcel had to be separately owned at 11 February 1985. This has led to a number of attempts at creating a defacto 40Ha subdivision.

It is recommended that the clause be amended to reflect that the instruments of reference are those in force immediately prior to MLEP 1998 and Merriwa LEP 1992 in addition to the following, in relation to land marked "Mudgee" on the Former LEP Boundaries Map on an allotment that has an area of not less than 40 hectares and that was in existence as a separate lot, portion or parcel of land as at 11 February 1985, and was separately owned from any adjoining or adjacent lands as at that date.

CLAUSE 4.2A(3)(F)

4.2A(3) (f) as gazetted was, in the original version of the Draft LEP submitted to the Department, two separate clauses that Parliamentary Counsel have combined resulting in confusion and unintended consequences. The published clause reads:

"(f) is, in the case of land:

(i) within 500 metres of land within Zone RU5 Village, or

(ii) within Zone R5 Large Lot Residential,

a lot that has an area of at least 5 hectares, that has a sealed road frontage and that is connected to the sealed road network, or"

The clause needs to be separated once again as follows:

(e) in the case of a land within the R5 Large Lot Residential Zone on a lot that has an area not less than 5ha, or

(f) on an existing lot located partly or wholly within 500m of a RU5 Village Zone that has an area of not less than 5ha, and provision is made for the lot to have a tar sealed road frontage and that the lot is connected to the sealed road network, or

The intention of sub-clause (e) is to save dwelling provisions for existing lots in the R5 zone that are below the 12ha MLS with an area of at least 5ha (as per the Interim LEP and LEP 1998 before that).

The intention of sub-clause (f) is to introduce a new provision which facilitates the growth of Villages by extending entitlements beyond the boundary BUT ONLY WHERE the proponent provides a sealed road connection.

SUBDIVISION OF LAND BELOW MLS FOR A NON-AGRICULTURAL PURPOSE

There were provisions in the Interim LEP 2008 which allowed subdivision below the minimum lot size for a purpose other than agriculture or a dwelling. Council has a current example of infrastructure associated with the rail loop at Bylong whereby a 2ha lot cannot be created for the purpose of a refuelling facility because the land is within the RU1 Primary Production zone.

These provisions are not contrary to the Rural SEPP rather provides flexibility within the zone to accommodate the development other than agriculture and dwellings in accordance with the land use table.

The clause in LEP 2008 was as follows and the new local clause would be along similar lines and with the same intent:

39 SUBDIVISION OF LAND WITHIN INTENSIVE AGRICULTURE ZONE FOR PURPOSES OTHER THAN AGRICULTURE, INTENSIVE PLANT AGRICULTURE, AQUACULTURE OR DWELLINGS

- (1) This clause applies to a subdivision of land within the Intensive Agriculture Zone where, in the opinion of the consent authority, it is intended that no allotments created by the subdivision will be used for the purpose of agriculture, intensive plant agriculture, aquaculture or any dwelling.
- (2) Clause 19 (Minimum subdivision lot size) does not apply to a subdivision to which this clause applies.
- (3) The consent authority, before granting consent to a subdivision to which this clause applies, must:
 - (a) be satisfied that:
 - (i) the size of the proposed allotment and its future use will be consistent with the objectives of the zone, and

- (ii) the level of demand for any goods and services that are to be supplied from the allotment, and for any activities that are to be carried out on the allotment, and the extent to which the allotment is proposed to be used to meet that demand, justify the creation of the allotment, and
 - (iii) the creation of the allotment is unlikely to adversely affect the existing and potential capability of the adjoining and adjacent land to be used for other permissible land uses in that zone, and
 - (iv) the allotment to be created and any subsequent development on the allotment is unlikely to have the effect of creating a demand for uneconomic provision of public infrastructure and utilities, and
 - (v) the allotment to be created is of an adequate area and has appropriate topography and geology to facilitate an on-site effluent disposal system, and
 - (vi) the future use of the allotment will not result in land use conflict or degradation of natural resources, including water resources, and
- (b) consider:
- (i) the effect of the subdivision on the existing and potential capability of the land and adjacent land to produce food or fibre or to be used for agricultural purposes, and
 - (ii) whether legal and practical access to any proposed lot can be provided to an existing dedicated road reserve, and
 - (iii) the effect of the proposed use on adjoining existing development, and
 - (iv) the effect of the proposed use on the natural environment, including water resources, and
 - (v) the effect of the proposed development on vegetation, timber production, land capability (including soil resources and soil stability) and water resources (including the availability, quality and stability of watercourses and ground water storage and riparian rights), and
 - (vi) the protection of areas of significance for nature conservation or of high scenic or recreational value, and
 - (vii) the potential for rural land use conflict with adjoining uses where the new allotments, and any resulting potential future development, are likely to inhibit or give rise to complaints about normal farming practice (such as pesticide spraying, noxious weeds and feral animal control, bush fire hazard reduction work, noise, separation from noxious odours and the like).

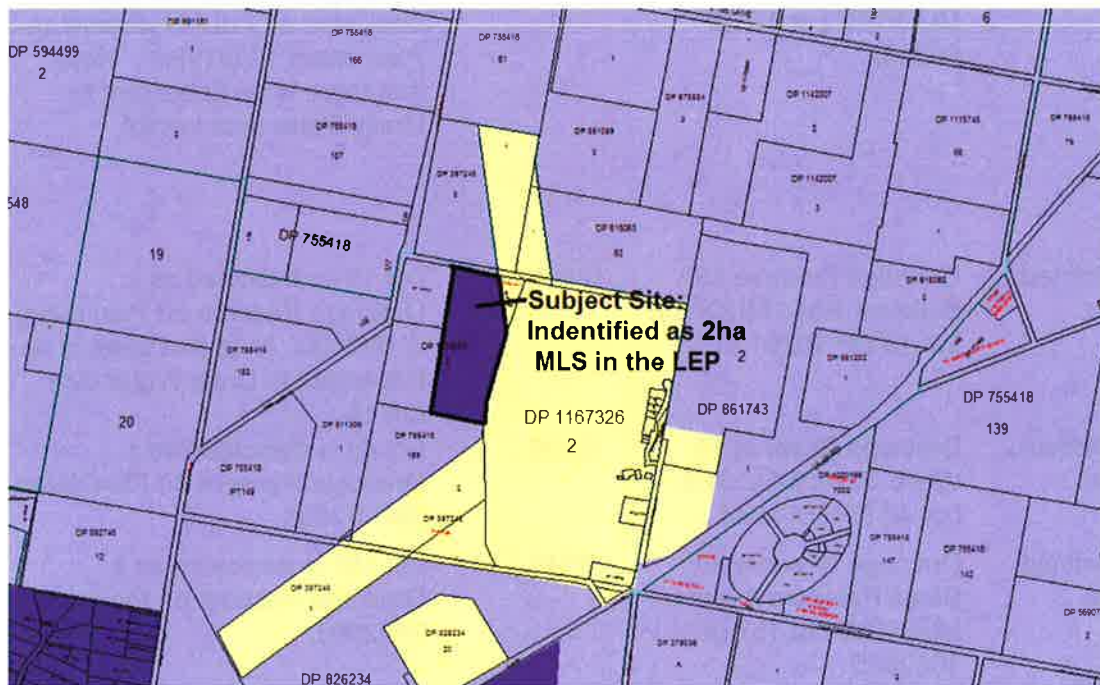
A local clause in the LEP 2012 would have a similar intent and will catch those uses that are permissible but which do not necessarily require 100ha of land.

CLARIFICATION OF THE 2 HA MINIMUM LOT SIZE AT THE AIRPORT

In the review of public submissions to the Draft LEP 2012 on December 7, 2011, Council resolved to include part of Lot 1 DP 1166658 in the SP1 Special Purposes Airport related facilities zone.

The Department of Planning vetoed the inclusion of the land in the SP1 zone, however, permitted an amendment to the Lot Size Map to show the site as having a 2ha minimum lot size. The RU4 Primary Production Small Lots zone was retained. This creates an anomaly in so far as while the lot size map permits the land to be subdivided to 2ha, clause 4.2B requires that the proponent must demonstrate an intensive agricultural use.

The intention of the site was to provide freehold hanger development and an associated dwelling. This can be achieved but for clause 4.2B. In order to overcome this, it is proposed to insert a local clause into the LEP which deals specifically with this site and or land adjoining the airport. Council will need to seek the advice of the Department of Planning as to the most suitable mechanism for achieving this outcome.



RECLASSIFY DRAINAGE RESERVES AND SURPLUS LAND

In the course of subdivision development, Council has acquired via dedication a number of drainage reserves. These are operational in nature and should be classified as such to allow Council to continue to manage and maintain them effectively and the avoid having to prepare Plans of Management of each individual reserve. The LEP 2012 will need to be amended to include the re-classification of this land from Community Land to Operational Land. The following properties are included:

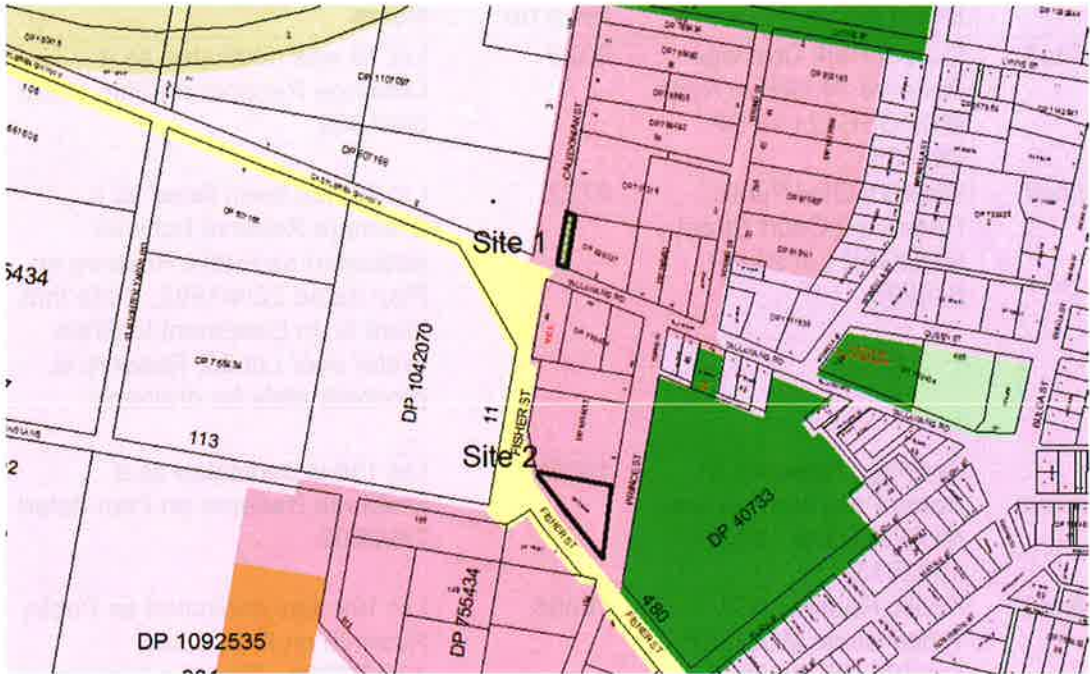
Asset No	Description	Prop no	Notes
140758 - Defined as Drainage Reserve	Drainage Reserve 44A Mortimer Street MUDGEES Lot A DP 408150	1827	Plan dated 1957 doesn't specifically dedicate reserve for drainage

Asset No	Description	Prop no	Notes
140799 - Defined as Drainage Reserve	Collyer Park Public Reserve 16A Lisbon Road MUDGEE Lot 2 DP 802143	9150	Lot 2 had been listed as a Drainage Reserve but was dedicated as Public Reserve on Plan dated 2/7/1990. Note that there is an Easement to Drain Water over Lot 2. There is a retention basin for drainage on Lot 2.
140833 - Defined as Drainage Reserve	Public Reserve 18A Macquarie Drive MUDGEE Lot 47 DP 862452	11219	Lot 47 had been listed as a Drainage Reserve but was dedicated as Public Reserve on Plan dated 17/9/1996. Note that there is an Easement to Drain Water over Lot 47.
140853 - Defined as Drainage Reserve	Drainage Reserve 76A Bellevue Road MUDGEE Lot 19 DP 1020110	12635	Lot 19 is dedicated as a Drainage Reserve on Plan dated 6/12/2000. Note that there is an Easement to Drain Water over Lot 19.
140858 - Defined as Drainage Reserve	Drainage Reserve 15 White Circle MUDGEE Lot 49 DP 1062044	13436	Lot 49 is dedicated as a Drainage Reserve on Plan dated 28/11/2003.
140895 - Defined as Drainage Reserve	Drainage Reserve 2A Banjo Paterson Avenue MUDGEE Lot 157 DP 1082615	18549	Lot 157 is dedicated as a Drainage Reserve on Plan dated 7/6/2005.
140897 - Defined as Drainage Reserve	Drainage Reserve 30 Vera Court MUDGEE Lot 33 DP 1087576	18613	Lot 33 is dedicated as a Drainage Reserve on Plan dated 26/9/2005.
140902 - Defined as Drainage Reserve	Drainage Reserve 152 Robertson Street MUDGEE Lot 18 DP 1110787	19250	Lot 18 was dedicated as a Drainage Reserve on Plan dated 30/4/2007.
140908 - Defined as Drainage Reserve	Drainage Reserve 72 White Circle MUDGEE Lot 227 DP 1119919	19621	Lot 227 was dedicated as a Drainage Reserve on Plan dated 10/12/2007.
140922- Defined as Drainage Reserve	Public Reserve 29 Woodside Close MUDGEE Lot 29 DP 871844	20174	Lot 29 had been listed as an Access to Drainage Reserve but was dedicated as a Public Reserve on Plan dated 3/11/1997. Lot 29 includes an area for drainage ie it is just not for access.

Asset No	Description	Prop no	Notes
140798 - Defined as Drainage Reserve	Collyer Park Drainage Reserve 14 Lisbon Road MUDGEES Lot 18 DP 788035	8928	Lot 18 was dedicated as a Drainage Reserve on Plan dated 6/4/1989.
140814 - Defined as Drainage Reserve	Walkers Oval Public Reserve 3 Court Street MUDGEES Lot 23 DP 816236	9772	Lot 23 had been listed as a Drainage Reserve but was dedicated as Public Reserve on Plan dated 22/4/1992. Note that there is an Easement to Drain Water over Lot 23. Reserve is predominately for drainage.
- Defined as Drainage Reserve	Drainage Reserve 3A Banjo Paterson Avenue MUDGEES Lot 158 DP 1082615	18550	Lot 158 is dedicated as a Drainage Reserve on Plan dated 7/6/2005.
140899 - Defined as Drainage Reserve	Public Reserve 65A White Circle MUDGEES Lot 199 DP 1089672	18866	Lot 199 was dedicated as Public Reserve on Plan dated 12/12/2005. Reserve contains a retention basin.
136570/136571 - Defined as Drainage Reserve	Public Reserve 85-95 White Circle MUDGEES Lot 228 DP 1119919	19614	Lot 228 was dedicated as Public Reserve on Plan dated 10/12/2007. Reserve contains a retention basin
	Drainage Reserve - 69 Banjo Paterson Avenue MUDGEES Lot 271 DP 1175650	21766	Lot 271 was dedicated as a Drainage Reserve on plan dated 16 March 2012

In addition to the drainage reserves, the following properties are proposed to be re-classified from Community to Operational land to enable Council to consider disposal in the future:

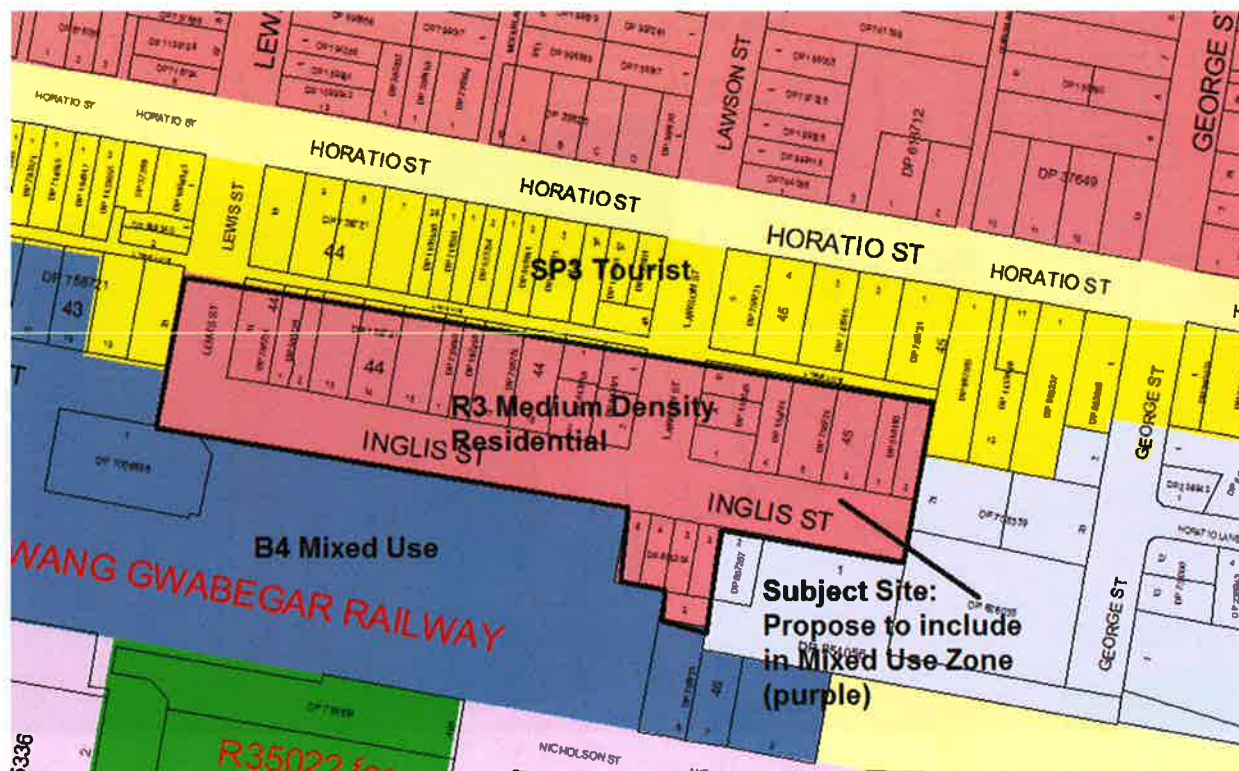
- Site 1 (see Map) Property No. 11104 - Lot 3 DP 626037 – 630.9 m2. Reserve in Caledonian Street Gulgong. It is fenced in and is being used as part of the garden area of Lot 2. Zoned Residential
- Site 2 (see Map) Property 11128, Lot 2 DP 718061 – vacant land owned by Council in Fisher Street Gulgong. Zoned Residential



PERMISSIBILITY OF CAMPING IN RE1

In the process of preparation of a Development Application for the Mudgee Showground, it was noted that camping grounds and caravan parks were not permitted with consent in Item 3 in the RE1 Public Recreation zone. An amendment to the land use table is required to insert the uses are permissible with consent.

REZONING LAND FROM R1 GENERAL RESIDENTIAL TO B4 MIXED USE IN INGLIS ST MUDGEE



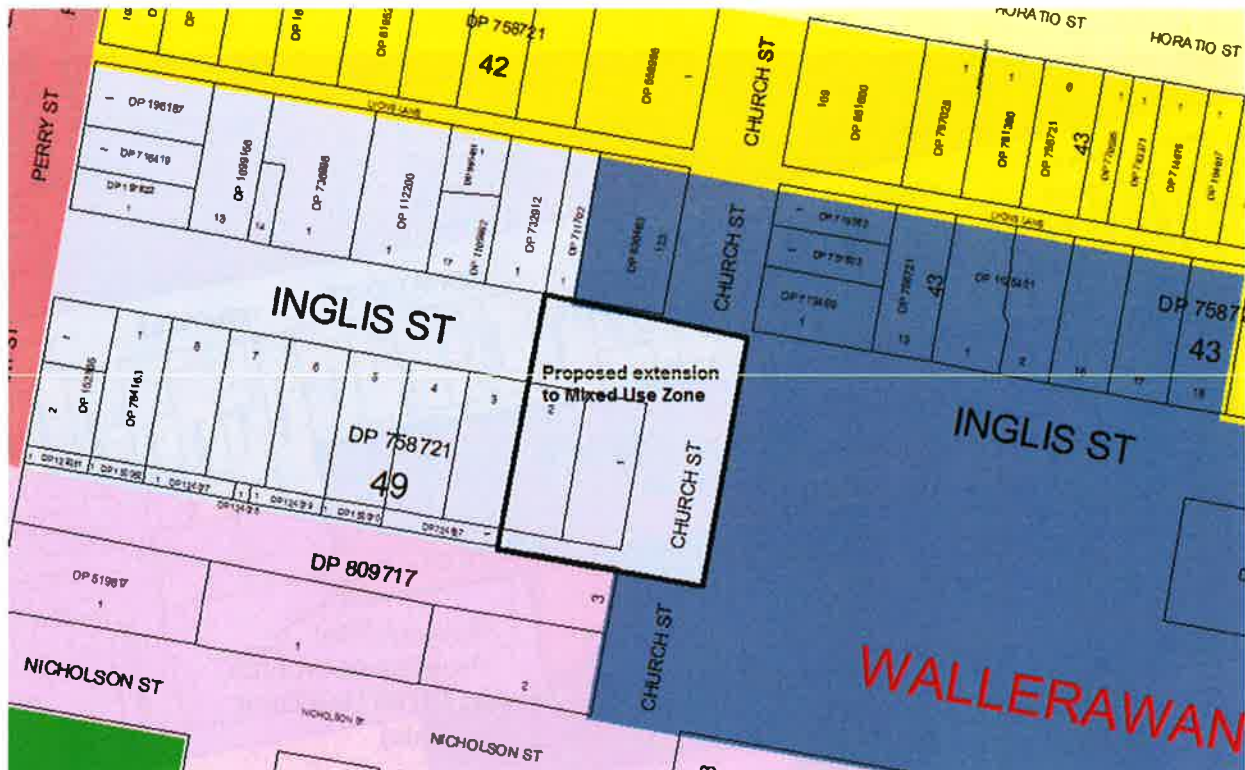
The LEP 2012 introduced a number of new zones including an SP3 Tourist zone and B4 Mixed Use zone. The application of these zones either side of Inglis St in Mudgee has resulted in a small area of R3 Medium Density residential in isolation from other residential land. Further, there are a number of large garages and storage sheds, some of a commercial nature fronting the rear lane between Inglis St and Horatio Street. Given that the land is zoned R3, the legal commercial use of this land is limited. There is an opportunity to consider expanding the Mixed Use zone like that which occurs in the western end of Inglis Street and in Church Street opposite the tennis courts.

In addition to the uses already permissible in the R3 zone the B4 zone would allow: Business, Office and Retail Premises, Vets, Wholesale supplies, water supply systems, car parks, passenger transport facilities, hotel or motel accommodation, camping grounds, caravan parks, emergency services facilities, public administration buildings, major recreation facilities, exhibition villages, helipad and mortuaries.

The proposal would require targeted consultation with land owners in Inglis Street and this can be undertaken in parallel with the planning proposal.

EXTENSION OF THE MIXED USE ZONE IN INGLIS STREET WEST OF CHURCH STREET

The west end of Inglis Street is currently zone part Mixed Use and Part IN2 Light Industrial. An amendment is proposed that would extend the Mixed Use zone over Lots 1 & 2 Section 49 DP 758721 to both coincide with the mixed use zone on the opposite side of Inglis Street where Country Physio and the Dry-cleaners currently operate. This would extend the range of commercial activities permissible on these lots and be more consistent with the surrounding development. Lot 1 has an upholstery business and dwelling and Lot 2 is a heritage listed dwelling. Again, consultation with affected landowners could occur parallel with the planning proposal.



Financial implications

The only financial implication relates to the re-classification of the drainage reserves. Should Council continue to hold these as Community Land under the Local Government Act, there is an obligation to prepare and update Plans of Management for them and this would need to be incorporated into the annual budget process.

Strategic or policy implications

This project was identified in the Strategic Planning Program adopted by Council 6 February 2013.

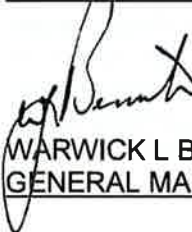
ELIZABETH DENSLEY
MANAGER STRATEGIC PLANNING


CATHERINE VAN LAEREN
GROUP MANAGER DEVELOPMENT AND
COMMUNITY SERVICES

11 February 2013

Attachments: Nil

APPROVED FOR SUBMISSION:


WARWICK L BENNETT
GENERAL MANAGER

6.2.4 PLANNING PROPOSAL – GENERAL AMENDMENTS

A0100056, A0420254

62/13

MOTION: Shelley/Webb**That:**

1. the report by the Manager Strategic Planning on the Planning Proposal – General Amendments be received;
2. Council prepare a Planning Proposal for a General Amendment to the Mid-Western Regional Local Environmental Plan 2012 for the following;
 - (a) Amendment to the R5 zone at Grattai – Lot 153 and 162 DP 756880,
 - (b) Extension of the B3 Commercial Core zone over Lot 100 DP 1080880 (Mitre 10),
 - (c) Insert the Environmentally Sensitive Land – Water Map ,
 - (d) Clarify dwelling provisions as they relate to split parcels on the Rylstone Lot Size Map ,
 - (e) Insert a Farm Adjustment Clause ,
 - (f) Amend anomalies in the heritage schedule,
 - (g) Clarification of clause 4.2 A – dwellings on rural land,
 - (h) Subdivision of land below MLS for a non-agricultural purpose,
 - (i) Clarification of the 2 ha minimum lot size on Lot 1 DP 1166658,
 - (j) Reclassify drainage reserves from Community to Operational Land,
 - (k) Reclassify surplus land in Gulgong being Lot 2 DP 718061 and Lot 3 DP 626037 as Operational Land,
 - (l) Permissibility of camping in RE1 Public Recreation zone,
 - (m) Rezoning land from R1 General Residential to B4 Mixed Use in Inglis St Mudgee,
 - (n) Rezoning land from IN2 Light Industrial to B4 Mixed Use on Lots 1 & 2 Section 49 DP 758721 Inglis St Mudgee, for determination by the Gateway.

The motion was put and carried.

