

Mid-Western LEP 2012 (Amendment 10) General Amendments

Proposal Title : **Mid-Western LEP 2012 (Amendment 10) General Amendments**

Proposal Summary : **The planning proposal contains three separate amendments:**
1) Amending the Lot Size Map for 10 lots along Yamble Close and part of Norman Road, Mudgee from 10ha to 2000m2.
2) Amending Schedule 1 Additional Permitted Uses to include 'Transport Depot' as a permissible use at Lot 113 DP 755433 being 10 Snelsons Lane, Gulgong.
3) Amending the minimum lot size for multi-dwelling housing from 400m2 to 300m2.

PP Number : **PP_2014_MIDWR_002_00** Dop File No : **14/10799**

Proposal Details

Date Planning Proposal Received :	23-Jun-2014	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 :	Yamble Close and part Norman Road		
Suburb :	City :	Mudgee	Postcode : 2850
Land Parcel :	Land alongside Yamble Close and also part of Norman Road		
Street :	10 Snelsons Lane		
Suburb :	City :	Gulgong	Postcode : 2852
Land Parcel :	Lot 113 DP 755433		

DoP Planning Officer Contact Details

Contact Name : **Ryan Thomas**
 Contact Number : **0268412196**
 Contact Email : **ryan.thomas@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Liz Densley**
 Contact Number : **0263782723**
 Contact Email : **elizabeth.densley@midwestern.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Wayne Garnsey**
 Contact Number : **0268412192**
 Contact Email : **wayne.garnsey@planning.nsw.gov.au**

Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :		Consistent with Strategy :	
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	1
Gross Floor Area :	0	No of Jobs Created :	0

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

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes : ***Yamble Close, Mudgee**

This amendment within the planning proposal was instigated by an applicant at 5 Yamble Close requesting that the minimum lot size map is reduced from 10 ha to 2000m2 to enable the subdivision of the 4597m2 lot into two. 2000m2 is in accordance with sub-clause 4.1 (3A)(a).

This lot is located within the township of Mudgee, situated 1.8 kilometres from the CBD. The land is within the existing town structure of the Mudgee town structure plan. The land is Zone R2 Low Density Residential. Existing dwellings adjoining the property are on land less than 2000m2.

Council state that a minimum lot size of 10ha inadvertently included the subject area when the Mid-Western Regional LEP 2012 was made. All lots within the Yamble Close area other than 5 Yamble Close have a lot size less than 2000m2. To achieve consistency in the Lot Size Map with the current use and capable use, council proposes to extend the provisions of clause 4.1(3A), Area A being a minimum lot size of 2000m2, to all of Yamble Close.

The amendment is supported.

***Lot 113 DP 755433, 10 Snelsons Lane Gulgong**

This property houses two buses under exempt development policy. The property owner is seeking to extend the use to house another two buses onsite. The property is Zone RU1 Primary Production, 3.7 ha and located on the fringe of the Gulgong township, approximately 1.8 kilometres south east of the Central Business District. The property contains an existing residence and sheds. The extended use sought would be defined as a transport depot which is prohibited in Zone RU1.

Council propose to amend Schedule 1 of the LEP 2012 to enable this particular use to occur on this specific parcel of land.

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Council offer the alternatives to rezone the site industrial or the amend the land use table for Zone RU1 to include "Transport depots" as a development permissible with consent. However, council justifies why these outcomes are not considered as ideal.

Council considers that the land is on the fringe of Gulgong and the surrounding land is primarily residential.

The applicant's planning proposal documentation identified that there is currently good road access available in the surrounding road and traffic network to service the proposal. The application identifies that more detailed traffic investigations will be undertaken as the planning proposal progresses through the Gateway process. It states the technical studies, together with community and public authority consultation, will investigate the potential for other likely environmental effects arising from the planning proposal and explore options for the mitigation and management of any environmental effects.

The use of Schedule 1 is supported as it is assessed that it is the best mechanism to achieve the sought outcome.

*Amendment of minimum lot size for multi-dwelling housing from 400m² to 300m²
This was a council led proposal. "Multi dwelling housing" refers to three or more dwellings on a single lot of land. To streamline development process, an amendment to section 4.1B(2) and (3) is proposed to reduce the lot size to 300 m² for multi-dwelling housing. This would align multi-unit housing with dual occupancy (attached) developments.

The amendment is supported.

External Supporting
Notes :

Adequacy Assessment

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

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

Comment : **The objective of the proposal is to increase the permissibility for additional development.**

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

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

Comment : **Three separate amendments are proposed:**
1) Amending the Lot Size Map for 10 lots along Yamble Close and part of Norman Road, Mudgee from 10ha to 2000m². This would allow for standardisation of the minimum lot size.
2) Amending Schedule 1 Additional Permitted Uses to include "Transport Depot" as a permissible use at Lot 113 DP 755433 being 10 Snelsons Lane, Gulgong.
3) Amending the minimum lot size for multi-dwelling housing from 400m² to 300m².

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

1.5 Rural Lands

* May need the Director General's agreement

3.1 Residential Zones

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

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 (Rural Lands) 2008

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

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

If No, explain :

The proposal is inconsistent with Direction 1.5 Rural Lands as the proposal will allow the permissibility of a transport depot on Zone RU1. However, under section 6 the proposal is assessed to be of minor significance as the land is on the fringe of Gulgong and operational issues can be addressed through exhibition and development application processes.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Concept mapping is provided and is adequate for exhibition purposes. The planning proposal will require an amendment to Map Sheet LSZ 0006D. Mapping assistance will be requested from the Department of Planning and Environment. Final mapping must comply with the technical guidelines prior to submission to Parliamentary Counsel.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council consider that the proposal is of minor significance and it is a low impact proposal. Council considers an exhibition period of 14 days with advertising in the local newspaper and on Council's website. No external consultation with agencies is proposed.

It is assessed that the proposal to extend the use of Lot 113 DP 755433 to allow for a transport depot is not considered as minor and therefore exhibition should be a minimum of 28 days.

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 : **July 2014**

Comments in relation to Principal LEP :

Assessment Criteria

Need for planning proposal :

***Yamble Close, Mudgee**

This is an applicant led proposal. This amendment is required to reduce the minimum lot size from 10 hectares to 2000m2. This 10ha lot size was applied inadvertently when the Mid-Western Regional LEP 2012 was made. This would enable the subdivision of a 4597m2 lot at 5 Yamble Close into two to reflect the adjoining properties and provide consistency with the underlying lot sizes of the area. 2000m2 accords with sub-clause 4.1 (3A)(a).

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This change is justified and can be supported.

***Lot 113 DP 755433, 10 Snelsons Lane Gulgong**

This is an applicant led proposal. This property houses two buses under exempt development policy. The property owner is seeking to extend the use to contain another two buses onsite.

The proposed use would be defined as a 'transport depot' as followed: 'a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a business, industry, shop or passenger or freight transport undertaking'.

The property is Zone RU1 Primary Production. A transport depot is prohibited in Zone RU1. The proposal seeks to amend Schedule 1 of the Mid-Western Regional LEP 2012 to enable this particular use to occur on this specific parcel of land.

The subject land is large lot residential in nature and isolated from nearby dwellings.

The widespread use of Schedule 1 is not generally supported. However, in this case, it is the best mechanism to achieve council's outcome. It will allow the development to expand with Council's consent.

***Amendment of minimum lot size for multi-dwelling housing from 400m2 to 300m2**

This is a council led proposal. The amendment is required to align the minimum lot size of multi-dwelling housing with dual occupancy (attached) developments to allow for consistency and streamlining of process. This has been justified and can be supported.

Consistency with strategic planning framework :

The planning proposal is consistent with the Section 117 Directions. The amendment is consistent with Direction 1.2, as no rezoning is proposed. Direction 1.5 is applicable as it is proposed to allow the permissibility of a transport depot on Zone RU1. The proposal is consistent with Direction 3.1, Residential Zones, as it will provide for a range of dwelling types including the streamlined delivery of multi-dwelling housing.

Environmental social economic impacts :

There will be no impact to critical habitats or threatened species, populations or ecological communities, or their habitats as a result of this amendment.

The proposal will facilitate the permissibility of additional development within the region. Specifically this includes expanding an existing bus depot from 2 to 4 buses and increasing the density of residential land use.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	9 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 :			

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if 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
letter from council dated 26.6.14#2.pdf	Proposal Covering Letter	No
Planning proposal - 10 Snelson Lane.pdf	Proposal	No
Planning Proposal 5 Yamble Close - .pdf	Proposal	No
Evaluation Criteria for Delegation.pdf	Proposal	No
Planning Proposal Doc.pdf	Proposal	No
Report to Council meeting 21 May 2014 -6.2.5 Planning Proposals report.pdf	Proposal	No

Planning Team Recommendation

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

S.117 directions:

- 1.5 Rural Lands**
- 3.1 Residential Zones**
- 6.1 Approval and Referral Requirements**
- 6.3 Site Specific Provisions**

Additional Information :

The Planning Proposal:

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 as follows:

- a) the planning proposal must be made publicly available for a minimum of 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 5.5.2 of 'A guide to Preparing Local Environmental Plans' (Department of Planning and Infrastructure, 2013).

No consultation is required with public authorities under section 56(2)(d) of the Environmental Planning and Assessment Act 1979.

2. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Environmental Planning and Assessment Act 1979. 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).

3. Prior to submission of the Planning Proposal to Parliamentary Counsel the maps are to be compliant with the department's standard technical requirements for maps.

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

5. Council is authorised to exercise delegation to finalise the planning proposal.

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Supporting Reasons :

The proposal is supported for the following reasons:

- The planning proposal is considered consistent with state policy framework and a Director General endorsed local strategy and it provides permissibility of additional development.
- The reduction in minimum lot size at Yamble Close would correct the site being inadvertently provided a larger lot size than the underlying area and also provide consistency with adjoining lot sizes. This would also allow for an additional residential property where existing services are provided.
- The amendment at 10 Snelsons Lane would allow for the extension to an operating use in an area that is already fragmented. By inserting 'transport depot' land use into Schedule 1 of the Mid-Western LEP 2012 this would allow for a targeted extension of use and not open the whole Zone RU1 to transport depots.
- The reduction in minimum lot size for multi-unit housing to 300m2 provides consistency with dual occupancy (attached) developments to allow for consistency and streamlining of process.

Signature:



Printed Name:

RYAN THOMAS

Date:

7/7/14

Endorsed
W/Garnsey
W/Garnsey
A/TL

7/7/14