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Planning Proposal 5 Yamble Close

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1320 PLANNING FEES	\$3,186.00
1 x Planning proposal 5 Yamble Close	

Transaction Total: **\$3,186.00**

Includes GST of: **\$0.00**

Amounts Tendered

Cash	\$0.00
Cheque	\$3,186.00
Cr Card	\$0.00
Db Card	\$0.00
Money Order	\$0.00
Agency	\$0.00
Total	\$3,186.00
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Planning Proposal

Amend minimum lot size map to enable one additional R2 Residential Lot

Lot 306 DP739789

5 Yamble Close, MUDGEE NSW 2850

for

S&J Campbell

Project Ref. – SC171_A238

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ISSUE AND AMENDMENT CONTROL HISTORY

ISSUE	REVISION	DATE	DESCRIPTION	AUTHOR	QA/QC
1	0	MAR 14	DRAFT FOR CLIENT	EY	SC & JC
2	1	24 MAR 14	FINAL	EY	GM

OVERVIEW OF PROPOSAL

Minespex was commissioned on behalf of Mr & Mrs S & J Campbell to prepare a Planning Proposal under Section 55 of the *Environmental Planning and Assessment Act 1979* to accommodate a low density residential subdivision of land. This report describes the proposed rezoning, objectives and outcomes, explanation of provisions and justification for the planning proposal. The planning proposal is consistent with R2 Low Density zone character and objectives.

The planning proposal intends to:

- Make amendment of the relevant lot size map within Mid-Western Regional LEP 2012 to reduce the potential minimum lot size for the identified parcel, to facilitate the development of the available 4597m² into two (2) low density lots.

The planning proposal has included a concept plan to highlight the feasibility of future subdivision development and integration with existing road access and existing development. The concept plan as a whole provides a feasible option to provide residential housing in a low density residential setting while minimising impact on neighbours' amenity.

In summary, this planning proposal aims to:

- Retain consistency with the low density residential character and objectives of the zoning of the locality facilitating one additional lot in Yamble Close;
- Make best use of land available within the existing town structure of the Mudgee town.
- Include land that is able to be readily accessed and contains otherwise unconstrained residential land.

The planning proposal can be supported by MWRC with consideration of the issues addressed in this report. The proposal will not set a precedent for further planning proposals of a similar nature as other land in the Dewhurst Reserve locality has reached residential development capacity and no other parcel presents a similar opportunity for additional 'low density' development.

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TABLE OF CONTENTS

INTRODUCTION	6
Purpose and Objectives	6
Site Identification.....	6
Background.....	7
SITE DESCRIPTION.....	9
Site Location	9
Current Zoning.....	9
Land use patterns of the surrounding area	12
Topography and Soils.....	14
Groundwater Vulnerability	16
Salinity	16
Flora and Fauna	17
Heritage.....	18
Road Network.....	18
Essential Services.....	18
Drainage and Flooding	19
PART 1 - Objectives and intended outcomes of the proposal	20
Statement of Intended outcomes	20
Policy Context.....	20
Details of the proposed activity to be carried out – Concept Plan	21
PART 2 - Explanation of Provisions.....	23
PART 3 - Justification	24
SECTION A - Need for the Planning Proposal.....	24
SECTION B - Relationship to the strategic planning framework	29
State Environmental Planning Policies.....	29
SECTION C - Environmental, Social and Economic Impact.....	33
SECTION D - State and Commonwealth interests	34
PART 4 - Details of the community Consultation that is to be undertaken on the planning proposal.....	36
CONCLUSION	36
References	37

Appendix A AHIMS Search Results

ABBREVIATIONS

AHIMS	Aboriginal Heritage Information Management System
CLUS	Mid-Western Regional Comprehensive Land Use Strategy
DoP	Department of Planning
DP	Deposited Plan
DP&I	Department of Planning and Infrastructure
EDS	Economic Development Strategy
EP&A Act	Environmental Planning and Assessment Act 1979
LGA	Local Government Area
MWRLEP	Mid-Western Regional Local Environmental Plan 2012
RFS	Rural Fire Service
PBP	Planning For Bushfire Protection 2006
SEPP	State Environmental Planning Policy

INTRODUCTION

PURPOSE AND OBJECTIVES

This planning proposal describes the intended effect and justification for a proposed amendment to *Mid-Western Regional Local Environmental Plan 2012* (MWRLEP) for site specific amendments to the Lot Size Map Sheet LSZ_006D to facilitate subdivision for one additional lot. The concept plan demonstrates the site can accommodate appropriate setbacks and access for the existing dwelling at 5 Yamble Close and create a second building envelope that is considerate to the neighbouring properties.

This planning proposal has been prepared in accordance with Section 55 of the (NSW) *Environmental Planning and Assessment Act 1979* (EP&A Act) and the following Department of Planning (DoP) guidelines:

- *A guide to preparing planning proposals* (July 2009)
- *A guide to preparing local environmental plans* (July 2009).

SITE IDENTIFICATION

The site is located within the Mudgee Township within the Mid-Western Regional Local Government Area (LGA). The subject land which is 4597m² in area is irregular in shape and includes an existing brick dwelling and separate domestic brick shed. The site adjoins to the rear south eastern boundary with the Dewhurst Reserve (public reserve).

Legal Description: Lot 306 DP739789
5 Yamble Close
Mudgee NSW

The lot is currently owned by Mr and Mrs S & J Campbell. The land is bounded by developed existing R2 Low Density Residential zoned land and adjoins the RE1 zoned Public Reserve.

BACKGROUND

The subdivision pattern and lot size of the wider locality is influenced by an historic Development Control Plan (DCP). The neighbouring land in Norman Road, to the south/south west of the site was previously subject to the DCP. Further, the subject land and surrounding sites were developed prior to the gazettal of the Mid-Western Regional LEP 2012. At the time, the land was considered to have generally reached its development capacity, and was hence subject to the larger minimum lot size (i.e. 10ha) to prevent further subdivision, sympathetic to the standards established by the historic DCP.

The site is unique in its location and situation. No other land in the vicinity has similar development potential and it is unlikely that a precedent could be set for other LEP amendments. The aforementioned superseded DCP did not apply to the subject land. It is considered that this standalone Planning Proposal to achieve one additional lot for a dwelling will not compromise the residential amenity or subdivision pattern of the locality. The subject land, with an area of 4597m², is able to be subdivided to create two lots and comply with development standards set by Clause 4.1(3A) of the MWR LEP 2012. A concept plan has been prepared to demonstrate the feasibility of the future site development.

Constraints Assessment for 5 Yamble Close, Mudgee

Preliminary constraints assessment has been undertaken with this proposal with the 'Site Description' provided below. No significant constraints have been highlighted. The site is considered suitable for development and specific site conditions are able to be addressed in the concept design and future development application process.

Demand and supply of residential land in Mudgee

Two main studies relevant to the consideration of demand and supply of residential land in Mudgee are available: 'The Comprehensive Land Use Strategy (CLUS)' and 'The Mid-Western Regional – Local Services Assessment Report'. However, it is considered that the development potential of the site will not make a significant impact upon the supply of residential land in Mudgee.

The planning proposal is not in response to any identified need for additional R2 Low Density Lots, as one new lot would not contribute significantly to addressing any need. The proposal seeks to achieve a consistent lot size with other lots in Yamble Close Norman Road and Caerleon Court, and enable the current land owners to 'downsize' without relocating.

In summary, this planning proposal:

- Is consistent with the CLUS and will meet LEP development standards of other R2 Low Density Residential land in Mudgee.
- Includes land that is able to be readily serviced and accessed; and
- Contains land suitable for a future dwelling.

SITE DESCRIPTION

SITE LOCATION

The subject site is located within the township of Mudgee, situated on land located approximately 1.8 kilometres (km) south-west of the Central Business District (CBD) in the Mid-Western Regional Local Government Area (LGA). The site location is shown at **Figure 1**. The land is well accessed with frontage to Yamble Close via Norman Road in south Mudgee.

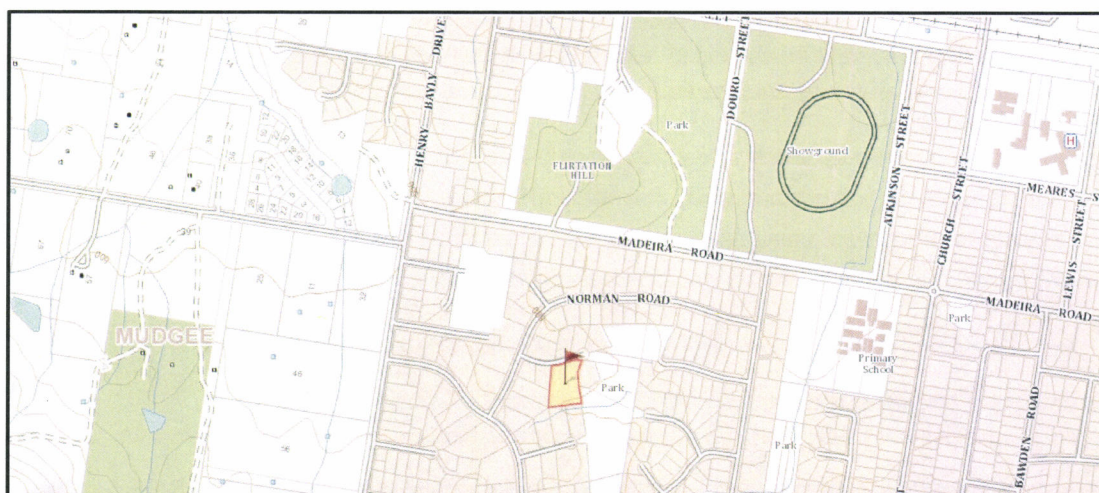


Figure 1: Locality Map

(Source: Department of Lands, 2014)

CURRENT ZONING

The site is located wholly within the Mid-Western Regional LGA and is subject to the provisions of *Mid-Western Regional Local Environmental Plan 2012* (MWRLEP). The MWRLEP commenced on 10 August 2012.

Land the subject of this planning proposal is located within the *R2 Low Density* zone (refer to **Figure 2**). The objectives of the current zone and land use table are provided below.

Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.

- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

2 Permitted without consent

Home-based child care; Home businesses; Home occupations; Roads; Water reticulation systems

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Child care centres; Community facilities; Dwelling houses; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Garden centres; Group homes; Health consulting rooms; Home industries; Hospitals; Hostels; Information and education facilities; Markets; Neighbourhood shops; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Residential accommodation; Respite day care centres; Signage; Water recycling facilities; Water storage facilities

4 Prohibited

Advertising structures; Attached dwellings; Dual occupancies (detached); Multi dwelling housing; Residential flat buildings; Rural workers' dwellings; Semi-detached dwellings; Any other development not specified in item 2 or 3

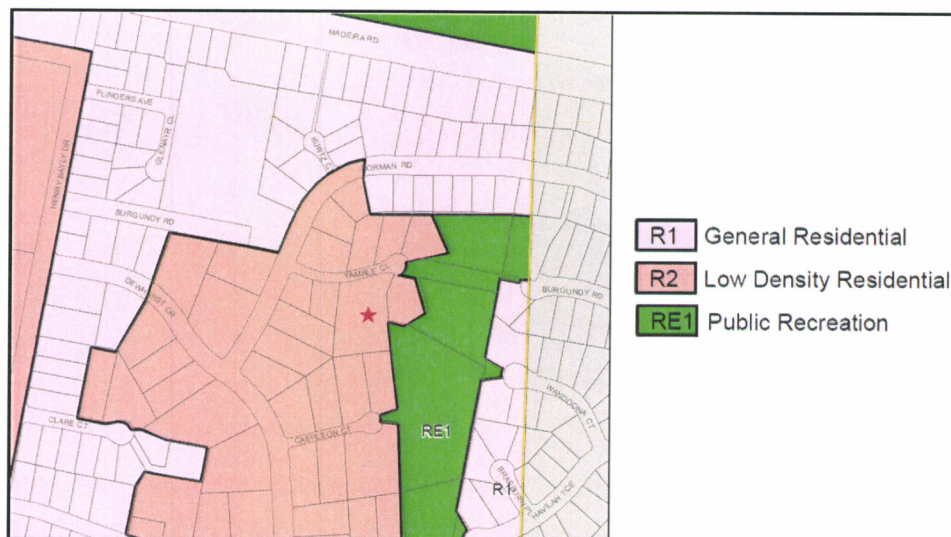


Figure 2: Current zoning R2 Low Density Residential under Mid-Western Regional Local Environmental Plan 2012

(Source: Excerpt from MWRLEP 2012 Land Zoning Map - Sheet LZN_006D)

Minimum Lot Size

The size of any lot resulting from a subdivision of land to which Clause 4.1(3) applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land. (Refer to **Figure 3**). The subject site is within land is marked **AB1** which has a minimum lot size of 10ha.

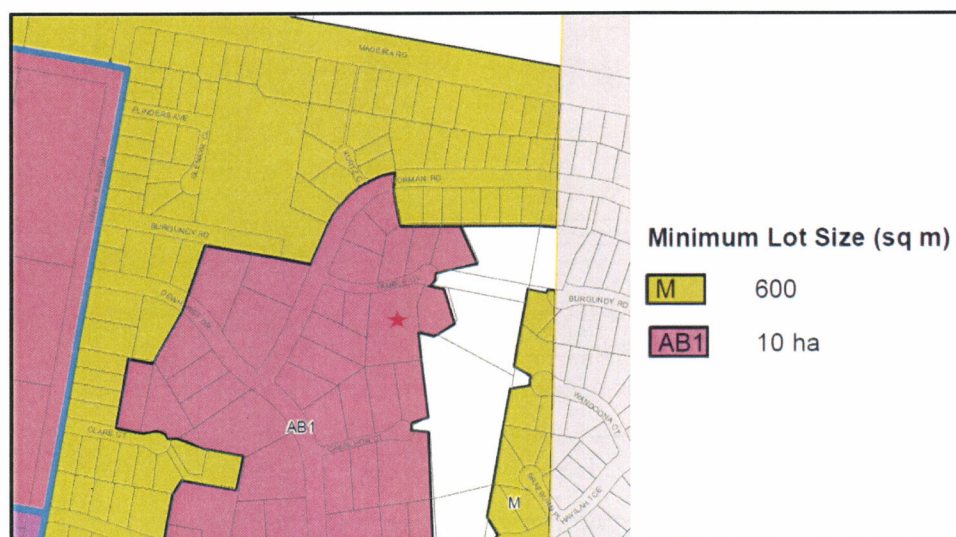


Figure 3: Current Lot Size Map under Mid-Western Regional Local Environmental Plan 2012

(Source: Excerpt from MWRLEP 2012 Lot Size Map - Sheet LSZ_006D)

LAND USE PATTERNS OF THE SURROUNDING AREA

The site is surrounded by R2 Low Density Residential zoned lots that have existing dwellings with areas ranging from 1050m^2 to 1910m^2 (refer to **Figure 4**). The smaller lots (approx. 800m^2) to the north of the site in Norman Road are zoned R1 General Residential. Other R2 zoned land adjoining the southern boundary of the subject land is in the vicinity of 2000m^2 . With one existing dwelling to the east of the site in Yamble Close, other adjoining land to the east forms the Dewhurst Reserve.

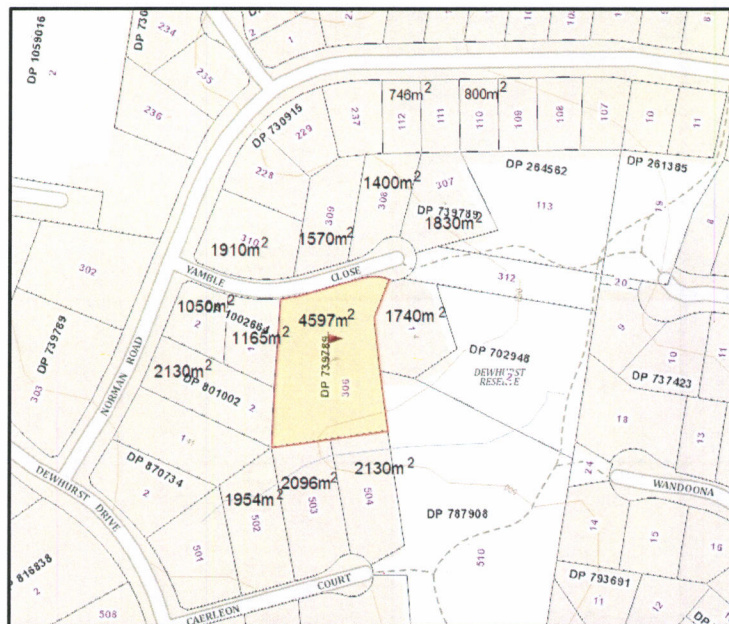


Figure 4: Approximate lots sizes of developed residential land in vicinity to the site



Plate 1: Existing Dwelling



Plate 2: Looking West along Yamble
Close from existing driveway access

TOPOGRAPHY AND SOILS

Reference has been made to the 'Soil Landscapes of the Dubbo 1:250000 Sheet' prepared by Murphy and Lawrie (1998), published by Department of Land and Water Conservation and supporting report. The soil landscape groups are correlated to the topographic features of the subject site. Consistent with the majority of the existing urban area of Mudgee the site is mapped as Craigmore (cm) (refer to **Figure 5**).

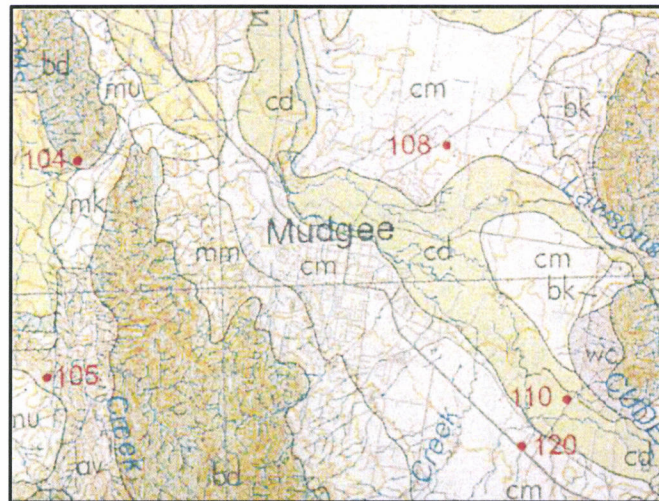


Figure 5: Soil Landscapes Map (Murphy and Lawrie, 1998)

Craigmore Soil Landscape – Typical soils include: Non-calci Brown Soils and Red Earths on very old Quaternary alluvium. Yellow Podzolic-Solodic Soils intergrades on lower lying areas. Some Alluvial soils and leached loams on lower terraces adjacent to major streams (Murphy and Lawrie, 1998).

Urban Capability – Land is generally suitable for urban development, provided account is taken of the moderate shrink-swell potential of many sub-soils and small areas of salinity occurring on drainage lines and depressions. The susceptibility of the soils to erosion when exposed is noted.

No soil testing has been carried out as part of the Planning Proposal preparation, as the existing developments attest to the suitability for future development and the mapped soil type does not warrant further investigation at this stage.

The MWRELP has provisions to preserve the visual setting of the Mudgee Township, particularly through Clause 6.10 Visually sensitive land near Mudgee. The land subject of the planning proposal is located outside of the Visually Sensitive Land area identified under

the MWRLEP, and future residential subdivision will not compromise the visual setting forming the backdrop of Mudgee.

The setting is depicted in the aerial photo below (refer to **Figure 6**). The topography is sloping to the east towards the Reserve. A level building site, appropriate for a future dwelling, would be in the location of the existing brick shed. This would enable any future development to be established with a similar setback from Yamble Close as the neighbouring dwellings.

The soil type and topography have not raised any concerns as to the suitability of the land to accommodate one additional dwelling in the landscape.



Figure 6: Aerial depiction of the subject land

(Source: Department of Lands - imagery dated Nov 2009)

GROUNDWATER VULNERABILITY

Clause 6.4 Groundwater vulnerability of MWRLEP applies to future development of the subject land as part of the site falls within land identified as “Groundwater vulnerable” on the Groundwater Vulnerability Map, as depicted in the excerpt from the map in **Figure 7** below.

MWRC must consider this clause before determining a development application, and consider relevant issues such as: the likelihood of groundwater contamination caused by development, the likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals), and impacts on groundwater dependent ecosystems. This requirement is for the development stage and does not hinder further consideration of the planning proposal. Further, it is noted that any future development will not involve on-site effluent disposal areas and likelihood of any impact to groundwater is minimal due to the type of residential development.

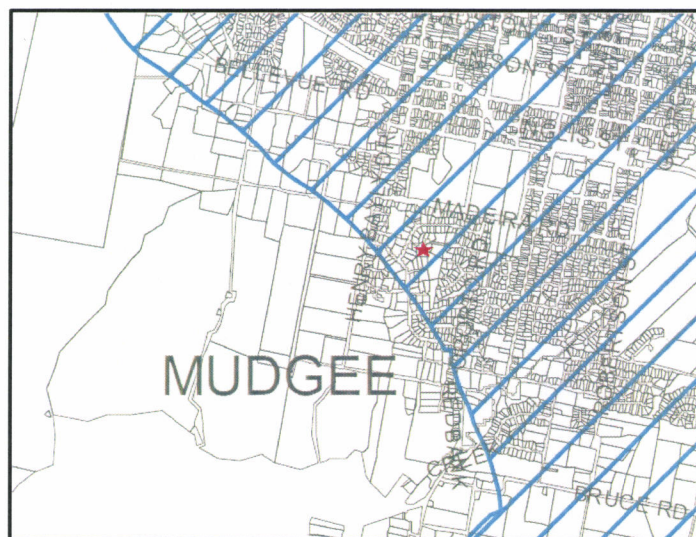


Figure 7: Groundwater Vulnerability

(Excerpt Mid-Western Regional Local Environmental Plan 2012 - Groundwater Vulnerability Map -Sheet GRV_006)

SALINITY

As indicated by Murphy and Lawrie (1998) isolated low levels of salinity occur along some drainage lines and depressions in the Craigmores soil landscape group. Sites can become saline if salts in subsurface layers of the soil are mobilised and brought to the surface through rising groundwater or development of a perched water-table due to an impediment to water drainage. It is understood, salinity potential is inherent to the Mid-Western

Regional LGA and the potential susceptibility of future dwellings to salt damage in the subject development site should be acknowledged.

Site specific soil samples have not been collected for this planning proposal. The soil landscape features and current conditions do not indicate a high risk for salinity to occur. Future subdivision developments are able to consider the potential for salinity.

FLORA AND FAUNA

Formal flora and fauna surveys have not been carried out at the site. The site does support some existing mature eucalypt trees that may need to be removed in a future subdivision to allow for a driveway (refer to **Plate 3**). Otherwise the site is maintained domestic garden and will not pose hindrance to future subdivision potential.



Plate 3: View from 5 Yamble Close to the north east, depicting mature trees

HERITAGE

No European heritage items are listed within or in vicinity of the subject land as listed under the MWRLEP.

A search was completed for the site of the Office of Environment and Heritage Aboriginal Heritage Information Management System (AHIMS) web services. The search, with a buffer of 1km to the site, showed that one (1) Aboriginal sites are recorded in or near the above location, and no Aboriginal places have been declared in or near the above location. A further search was carried out refining the criteria to a buffer of 200m, with the following results:

- No Aboriginal sites are recorded in or near the above location, and
- No Aboriginal places have been declared in or near the above location.

The AHIMS search results are attached at **Appendix A**.

Where items are in vicinity of the site the potential for heritage items to occur with the site in similar landscape scenarios is acknowledged. However, due the existing shed constructed and size of the future lot, the occurrence of heritage items within the site does not constrain the future development of the land for residential purposes. A process of due diligence in accordance with the DECCW guidelines has been applied to the assessment of indigenous heritage. At the planning proposal stage, no ground disturbance is proposed, and further heritage assessment is not warranted prior to the Gateway determination.

ROAD NETWORK

The site has frontage to Yamble Close. The front boundary extends to the cul-de-sac head. No issues have been identified that may indicate vehicular access may be a future constraint.

ESSENTIAL SERVICES

Electricity and telecommunication services are all available on the subject land and can be readily extended to service all lots within the development. Consultation with relevant authorities would be required at the development stage.

Reticulated water and sewerage services are available to the subject land. The land is not affected by any known easements for these services. The water service is available in Yamble Close with the existing sewerage line traversing alongside the rear boundary.

DRAINAGE AND FLOODING

The site is located outside of the associated Flood Planning Area identified under MWRLEP. The wider setting contains a mapped watercourse (refer to **Figure 8**). The unnamed mapped watercourse is located to the south of the subject land. The site is not constrained by riparian environments or future need to apply Vegetated Riparian Zones (VRZ) or offset areas.

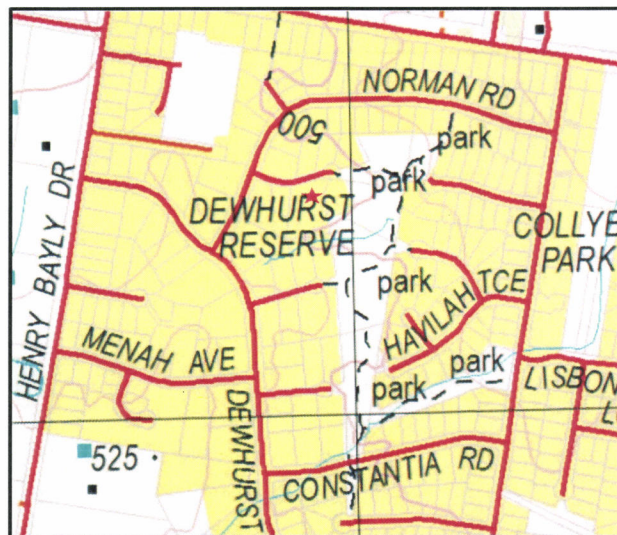


Figure 8: Topographic Map with natural watercourse system.

(Excerpt NSW Department of Lands (2006) Mudgee 8832-4N First Edition Topographic Map 1:25000, Source Dept Lands)

THE PROPOSAL

PART 1 - OBJECTIVES AND INTENDED OUTCOMES OF THE PROPOSAL

STATEMENT OF INTENDED OUTCOMES

The Planning Proposal is consistent with the CLUS and seeks to amend the Mid-Western Regional LEP 2012, to facilitate the development of one additional low density lot.

The planning proposal intends to:

- Make amendment of the relevant lot size map within Mid-Western Regional LEP 2012 to reduce the minimum lot size for the identified parcel, to facilitate the development of the available 4597m² into two (2) low density lots.

The objectives of the proposed R2 Low Density Residential zone are consistent with the vision for future development of the site. The concept plan as a whole provides a feasible option to provide a residential lot without impact to the low density setting while being sympathetic to neighbours amenity and scenic aspects.

POLICY CONTEXT

The framework as established within the CLUS, is the basis on which the opportunities for this planning proposal have been explored and policy basis. The CLUS encourages opportunities for infill development and housing diversity in Mudgee. At the time of the adoption of the CLUS the Yamble Close area was developed land, as such the site is within the existing town structure as mapped on the Mudgee Town Structure Plan. This planning proposal is consistent with the CLUS as it makes the best use of available infrastructure, and allows for one additional low density lot in the the existing urban area of Mudgee.

DETAILS OF THE PROPOSED ACTIVITY TO BE CARRIED OUT – CONCEPT PLAN

The purpose of this planning proposal is to alter the minimum lot size through an amendment to the relevant LEP lot size map, to enable one additional lot. The type of proposed development has been depicted in a concept plan (refer to **Figure 9** and **Plate 4**). The proposed concept development plan is consistent with the objectives of the R2 Low Density Residential zone. The concept for future development proposes lots having areas of the minimum of 2000m². The Lot 1 will contain the established dwelling. No constraints have been identified to suggest that a dwelling would not be able to be established on the land labelled Lot 2.



Figure 9: Overview of Concept Plan

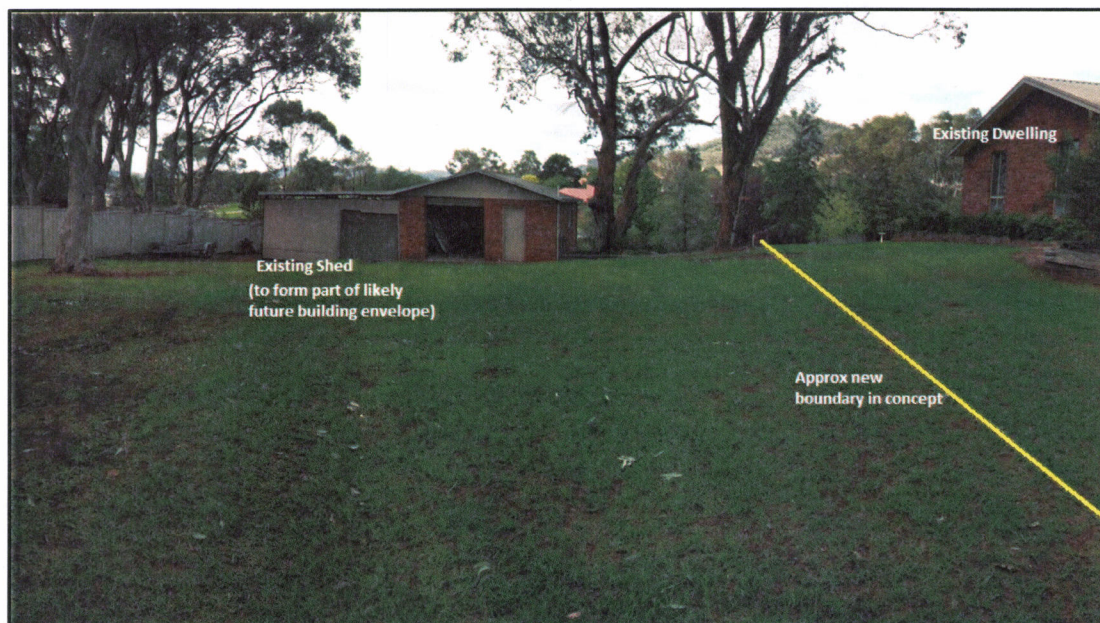


Plate 4: View of subject land to south from Yamble Close depicting concept boundary location

PART 2 - EXPLANATION OF PROVISIONS

It is intended that the objectives and intended outcomes described in Part 1 will be achieved by the following:

1. Land Zoning Map (Sheet LZN_006D) to remain unchanged - with the R2 Low Density Residential zoning to be retained.
2. Lot Size Map (Sheet LSZ_006D) to be amended - where this map depicts the subject land, i.e. Lot 306 DP739789, it is proposed to identify the area as "Area A' on the Lot Size Map to enable subdivision to create lots of at least 2000 square metres (in accordance with sub-clause 4.1 (3A)(a)).

(Note: this relates to the intention to subdivide the existing parcel with an area of 4597m² to achieve two (2) lots each with areas complying with the 2000m² minimum).

PART 3 - JUSTIFICATION

This section sets out the reasoning for the proposed changes to the LEP, taking into consideration the intended outcomes and objectives outlined. The following questions are based on requirements contained in DoP's *A guide to preparing planning proposals* (July 2009) and address the need for the planning proposal, relationship to strategic planning framework, environmental, social and economic impacts and its effect on State and Commonwealth interests.

SECTION A - NEED FOR THE PLANNING PROPOSAL

Q.1. Is the planning proposal the result of any strategic study or report?

No. The Planning Proposal stems from opportunities considered to make greatest utilisation of the available land and infrastructure.

However, the proposal does not contradict the provisions of the Mid-Western Regional Comprehensive Land Use Strategy for residential development, as well as being aligned with Mid-Western Region Community Plan towards 2030 and Mid-Western Regional Council's Economic Strategy as discussed below.

Mid-Western Regional Draft Comprehensive Land Use Strategy (CLUS)

The Mid-Western Regional Council has prepared the CLUS, which provides clear direction for growth for the next 15-20 years. The Strategy has informed the comprehensive MWRLEP and provides a context for future land use. At the time of the adoption of the CLUS the subject area was developed and is within the boundary of the Mudgee Town Structure Plan (Figure 3-4 of the CLUS). This planning proposal is consistent with the CLUS and the objectives of the zone, as the land will support Low Density Residential development in accordance with the zone objectives.

The planning proposal provides an opportunity to utilise the land without any additional demand on services, as the following attributes support the planning proposal:

- Reticulated services (water and sewerage) and electricity being available;
- Good road access with frontage to Yamble Close;
- Existing brick shed footprint providing residential building opportunity with alignment of future dwelling setbacks possible;
- School bus services; and
- Close to parks.

Draft Mid-Western Region Towards 2030 Community Plan

Goals of the Community Plan and how the Planning Proposal achieves these, is discussed in the table below correlating to strategies identified in the Plan.

Goal	Strategy From Community Plan	Planning Proposal/Response
Theme 1: Looking after our Community		
2. Vibrant towns and Villages	Make available diverse, sustainable, adaptable and affordable housing options through effective and use planning	<i>The planning proposal will provide 1 additional low density lot. The utilisation of land that has available infrastructure is effective and efficient planning.</i>
Theme 2: Protecting our Natural Environment		
1. Protect and enhance our natural environment	Ensure land use planning and management enhances and protects biodiversity and natural heritage.	<i>Biodiversity outcomes have been considered in the proposal with no constraints identified.</i>
Theme 3: Connecting Our Region		
3. High quality road network that is safe and efficient	Provide traffic management solutions that promote safer local roads and minimise traffic congestion.	<i>The Planning Proposal is considerate to the existing road network, and new driveway access will not impact upon the safety of Yamble Close.</i>

Mid-Western Regional Economic Development Strategy

Mid-Western Regional Council has prepared an Economic Development Strategy (EDS) outlining a future economic direction for the Regional in the next 10 years, to June 2020. The EDS provides a broad framework for the various lead agencies and stakeholders involved in economic development to identify their roles and engage in economic development initiatives for the Region. The planning proposal will have negligible impact on economic development.

State and Regional Policies

There is no specific State or Regional Environmental Plan that addresses the Mid-Western Regional LGA. The proposal will not have far reaching impacts, with one new lot proposed.

Q.2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. It is considered that the Planning Proposal is the best means of achieving the intended outcomes.

Q.3. Is there a net community benefit?

The proposed development is considered likely to achieve a net community benefit, as determined by the application of the Net Community Benefit Test adapted from the *Draft Centres Policy: Planning for retail and commercial development* (April 2009), which provides a series of questions to determine the nature of a Planning Proposal, as detailed in **Table 1** below. A net community benefit arises where the sum of all the benefits of rezoning outweigh the sum of all costs.

The assessment evaluates the external costs and benefits of the proposal (i.e. the externalities). The assessment generally assumes that any private costs will be cancelled out by any private benefits. Net Community Benefit Test is not a quantitative test, but useful tool to inform debate and help decision making on planning proposals.

The merits of the rezoning proposal have been considered against the base case, being 'no change' to zoning/retaining the status quo.

Table 1: Net Community Benefit Test

Question	Application to Planning Proposal
<i>Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800 metres of a transit node)?</i>	There is no applicable State or Regional strategic direction for development. However, the development is consistent with the <i>Mid-Western Regional Comprehensive Land Use Strategy</i> (CLUS). The NSW Government is currently preparing a draft strategic regional land use plan for the Western region.
<i>Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy?</i>	No.
<i>Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?</i>	No. The planning proposal has been discussed with Council's planning staff. The proposal is not likely to set a precedent with no other similar land available for development in the location. The planning proposal will result in lot sizes which are consistent with surrounding development. The development is the only existing site within Yamble CI which has the capacity for 2000m ²

Question	Application to Planning Proposal
	subdivision. The remaining seven lots are currently around the 2000m ² size demonstrating that the development will be consistent with existing lot size and no precedent will be set.
<i>Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?</i>	The MWRLEP commenced on 10 August 2012. There have been no identified minimum lot size changes in the locality under the LEP. The proposed change will create the ability for establishment of one additional lot with dwelling entitlement. There are no significant cumulative impacts which will result from this development.
<i>Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?</i>	The MWRLEP amendment will not facilitate a permanent employment generating activity or result in a loss of employment lands.
<i>Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?</i>	Yes. The proposal provides one additional lot within an established urban environment. The addition of one lot is not perceived to significantly impact on housing affordability within the greater Mid-Western Region.
<i>Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?</i>	The site is well serviced by the sealed road network, with frontage to Yamble Cl. Reticulated sewer and water services are available existing on the subject lot, furthermore electrical and telecommunication services are also present. Dewhurst Reserve is accessible from the cul-de-sac located at the end of Yamble Close. This provides a direct link to the existing cycle path/walking network located within the South Mudgee area.
<i>Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?</i>	No distances travelled will be affected by the planning proposal.
<i>Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?</i>	No.
<i>Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the</i>	The site is not within an identified Flood Planning Area under MWRLEP 2102. The site is not identified as containing sensitive biodiversity pursuant to map BIO_006 of the MWRLEP 2012.

Question	Application to Planning Proposal
<i>land constrained by environmental factors such as flooding?</i>	
<i>Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community?</i>	The proposed minimum lot size is comparable to the size of established lots within the South Mudgee area. The proposed use will not adversely impact on amenity of the existing dwelling, as the concept plan has addressed integration with existing development.
<i>Will the public domain improve?</i>	N/A It is anticipated that Council's planning instruments will ensure that adequate setbacks for future housing development is provided along the boundaries of the site to ensure safety and amenity is not compromised from the public domain.
<i>Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?</i>	N/A
<i>If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?</i>	N/A The MWRLEP amendment would not have the potential to develop into a centre.
<i>What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?</i>	The MWRLEP amendment is intended to provide the best use of land without increasing the demand on services.

SECTION B - RELATIONSHIP TO THE STRATEGIC PLANNING FRAMEWORK

Q.4. Is the planning proposal consistent with the applicable regional or sub-regional strategy?

There are no regional strategies in place relevant to the planning proposal.

Q.5. Is the proposal consistent with Council's Community Strategic Plan or other local strategic plan?

Yes. Also refer to PART 1 and Q.1.

State Environmental Planning Policies

Q.6. Is the planning proposal consistent with applicable state environmental planning policies?

Yes. The Planning Proposal is considered to be consistent with applicable State Environmental Planning Policies as discussed below.

SEPP	Applicable/Consistency
1 – Development Standards	Not relevant to planning proposal.
4 – Development without consent	Not relevant to planning proposal.
6 – Number of Storeys	Not relevant to planning proposal.
10 – Retention of Low Cost Rental Accommodation	Not relevant to planning proposal.
14 – Coastal Wetlands	Not relevant to planning proposal.
19 – Bushland in Urban Areas	Not relevant to planning proposal.
21 – Caravan Parks	Not relevant to planning proposal.
22 – Shops and Commercial Premises	Not relevant to planning proposal.
26 – Littoral Rainforests	Not relevant to planning proposal.
29 – Western Sydney Recreation Area	Not relevant to planning proposal.
30 – Intensive Agriculture	Not relevant to planning proposal.
32 – Urban Consolidation (Redevelopment of Urban Land)	Not relevant to planning proposal.
33 – Hazardous and Offensive Development	Not relevant to planning proposal.
36 – Manufactured Home Estates	Not relevant to planning proposal.
39 – Spit Island Bird Habitat	Not relevant to planning proposal.
41 – Casino Entertainment Complex	Not relevant to planning proposal.
44 – Koala Habitat Protection	Not relevant to planning proposal.
47 – Moore Park Showground	Not relevant to planning proposal.
50 – Canal Estate Development	Not relevant to planning proposal.
52 – Farm Dams and other works in Land and Water Management Plan Areas	Not relevant to planning proposal.

SEPP	Applicable/Consistency
53 – Metropolitan Residential Development	Not relevant to planning proposal.
55 – Remediation of Land	Not relevant to planning proposal. <i>See comments below.</i>
59 – Central Western Sydney Economic and Employment Area	Not relevant to planning proposal.
60 – Exempt and Complying Development	Not relevant to planning proposal.
62 – Sustainable Aquaculture	Not relevant to planning proposal.
64 – Advertising and Signage	Not relevant to planning proposal.
65 – Design Quality of Residential Flat Development	Not relevant to planning proposal. Residential flat buildings are prohibited in the zone.
70 – Affordable Housing	Not relevant to planning proposal.
71 – Coastal Protection	Not relevant to planning proposal.
BASIX 2004	Future development for housing will be required to address the provisions of BASIX.
Exempt and Complying Development Codes 2008	Not relevant to planning proposal.
Housing for Seniors or People with a Disability 2009	Future development will be able to deliver accessible housing.
Infrastructure 2007	Not relevant to planning proposal.
Kosciusko National Park – Alpine Resorts 2007	Not relevant to planning proposal.
Major Development 2005	Not relevant to planning proposal.
Sydney Region Growth Centres 2006	Not relevant to planning proposal.
Mining and Petroleum Production and Extractive Industries 2007	Not relevant to planning proposal.
Temporary Structures and Places of Public Entertainment 2007	Not relevant to planning proposal.
Rural Lands 2008	Not relevant to planning proposal.
Western Sydney Employment Area 2009	Not relevant to planning proposal.
Western Sydney Parklands 2009	Not relevant to planning proposal.
Affordable Rental Housing	Through the provision of a variety of lot sizes, the housing options in Mudgee will potentially cater to a range of income levels. An objective of the planning proposal is to enable the current owners to ‘downsize’ without incurring costs of relocation.

State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) applies to the whole of the State of NSW and is required to be considered in a rezoning proposal under Clause 6 of SEPP 55. Given the previous use of the site (i.e. residential component and historical grazing) the likelihood of contamination indicating the land is not suitable for the proposed concept is minimal.

Any localised surface soil contamination will require remediation before the land can be used for residential development. Should remediation be required, it is anticipated that this can occur at future development application stage. The Planning Proposal is consistent with SEPP 55.

Q.7. Is the proposal consistent with applicable Ministerial directions (s.117 directions)?

Section 117 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) enables the Minister for Planning and Infrastructure to issue directions regarding the content of LEPs to the extent that the content must achieve or give effect to particular principles, aims, objectives or policies set out in those directions.

The proposal is consistent with those 117 Directions that are relevant to the site. An overview of applicable directions and compliance is included in **Table 2**.

Table 2: Section 117 Ministerial directions

Section 117 Ministerial directions		Compliance of Planning Proposal
1.1	Business and Industrial Zones	N/A
1.2	Rural Zones	N/A
1.3	Mining, Petroleum Production and Extractive Industries	N/A
1.4	Oyster Aquaculture	N/A
1.5	Rural Lands	N/A
2.1	Environment Protection Zones	N/A
2.2	Coastal Protection	N/A
2.3	Heritage Conservation	No items of European heritage have been identified in the subject site. The planning proposal adopts measures that facilitate the conservation of environmental heritage.
2.4	Recreation Vehicle Areas	N/A
3.1	Residential Zones	The planning proposal will create the potential for a single existing residential lot to be subdivided into two individual lots. Any future development of the site will utilise existing services with direct frontage to Yamble Cl, creating a link to the existing sealed road network.
3.2	Caravan Parks and Manufactured Home Estates	N/A
3.3	Home Occupations	The planning proposal is consistent with this Direction, and the capacity for any future dwelling to accommodate small businesses will not be hindered.
3.4	Integrating Land Use and Transport	The proposal has considered the existing infrastructure, residential development patterns, and local transport issues

Section 117 Ministerial directions				Compliance of Planning Proposal
				when developing the concept plan for future subdivision. The planning proposal will build upon the existing level of access.
3.5	Development Near Aerodromes	Licensed		N/A
3.6	Shooting Ranges			N/A
4.1	Acid Sulfate Soils			N/A
4.2	Mine Subsidence and Unstable Land			N/A
4.3	Flood Prone Land			N/A
4.4	Planning for Bushfire Protection			Mid-Western Regional LGA has a bushfire prone land map prepared under s146 of the <i>Environmental Planning and Assessment Act 1979</i> . The planning proposal is not affected by the mapped bushfire prone land.
5.1	Implementation of Strategies	Regional		N/A
5.2	Sydney Drinking Catchment	Water		N/A
5.3	Farmland of State and Regional Significance on the North Coast	NSW Far		N/A
5.4	Commercial and Development along the Pacific Highway, North Coast	Retail		N/A
5.8	Second Sydney Airport: Badgerys Creek			N/A
6.1	Approval and Requirements	Referral		This direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. The planning proposal does not include LEP provisions requiring concurrence, consultation or referral.
6.2	Reserving Land for Public Purposes	Public		N/A
6.3	Site Specific Provisions			N/A
7.1	Implementation of the Metropolitan Plan for Sydney 2036			N/A

SECTION C - ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

Q.8. Is there any likelihood that Critical Habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The subject site is not identified as having any level of biodiversity sensitivity on the Sensitivity Biodiversity Map (BIO_006) within MWRLEP (see map excerpt below). The planning proposal is not likely to cause any impact on critical habitat or threatened species, populations or ecological communities. Future development will be located in a cleared area with established domestic gardens. Site specific native flora and fauna survey is not warranted.



Q.9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

With reference to *A Guide to Preparing Planning Proposals*, technical studies to address an identified issue should be undertaken following the initial Gateway determination. Such studies together with community and public authority consultation can explore the mitigation of any potential impacts.

The planning proposal constraints assessment has not identified any specific technical assessment that would be required.

Q.10. How has the planning proposal adequately addressed any social and economic effects?

The proposal will facilitate one new lot in Mudgee. Mudgee has recently been facing upward pressure on rent through demand for housing. Though one new lot will not significantly address this pressure, the development of the land will not place undue demand on services in its creation. Refer to Q11.

SECTION D - STATE AND COMMONWEALTH INTERESTS

Q.11. Is there adequate public infrastructure for the planning proposal?

The Local Services Assessment prepared by Mandis Roberts referred to public infrastructure issues in addition to the land and housing shortage. Potential impacts of the planning proposal and subsequent development of the site include the demand for infrastructure and utility services and demand for community facilities and social services. It is considered that the site can be adequately serviced with the existing infrastructure without placing undue demand on services in Mudgee. Demand on public infrastructure will require consultation with appropriate public authorities at the design stage; however the current infrastructure is considered sufficient to provide for the future residential development and therefore is considered acceptable for the Planning Proposal.

Utilities – one new lot will not be hindered by capacity of the current system. The site will be easily serviced by existing electricity, water and telecommunication services.

Sewer – with the new sewer augmentation system to service the Mudgee Township, there is no concern raised regarding the capacity of the system with the proposed one additional lot in South Mudgee.

Roads – the proposal will not generate a significant volume of traffic to warrant any upgrade to the existing road system.

Recreation - Accessibility of passive recreational areas within vicinity to the subject area is 'good' due to the adjoining Dewhurst Reserve, accessible via Yamble Close. The parks and sporting grounds in the Mudgee Township would be closest utilised.

Q.12. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the Planning proposal?

A summary of the views of State and Commonwealth Public Authorities will be provided following gateway determination.

PART 4 - DETAILS OF THE COMMUNITY CONSULTATION THAT IS TO BE UNDERTAKEN ON THE PLANNING PROPOSAL

Community consultation for the Planning Proposal would be undertaken in accordance with the consultation requirements set out in *A guide to preparing local environmental plans* (DoP 2009).

The consultation requirements for this Planning Proposal are expected to be confirmed by the Department of Planning and Infrastructure (DP&I) at the gateway determination.

CONCLUSION

This Planning Proposal relates to an amendment to *Mid-Western Regional Local Environmental Plan 2012* for land at Lot 306 DP739789, 5 Yamble Close, Mudgee. The aim of this report has been to describe the proposed amendment to the Mid-Western Regional Local Environmental Plan 2012 to permit the development of one additional low density lot.

The proposal does not include need for mitigation of potential significant environmental, social or economic impacts. The proposal is consistent with the applicable strategic planning frameworks as demonstrated in this report.

In summary, this planning proposal aims to:

- Retain consistency with the low density residential character and objectives of the zoning of the locality facilitating one additional lot in Yamble Close;
- Make best use of land available within the existing town structure of the Mudgee town.
- Include land that is able to be readily accessed and contains otherwise unconstrained residential land

Future development of land associated with the planning proposal would be consistent with the surrounding residential density.

References

Department of Planning (DoP) (July 2009) *A guide to preparing planning proposals.*

Department of Planning (DoP) (July 2009) *A guide to preparing local environmental plans.*

Department of Planning (DoP) (April 2009) *Draft Centres Policy Planning for Retail and Commercial Development.*

Mandis Roberts (August 2012) *Mid-Western Regional Council – Local Services Assessment.*

Mid-Western Regional Council (2010) *Mid-Western Region Economic Development Strategy A 10 Year Plan.*

Mid-Western Region Community Plan – Towards 2030.

Murphy B.W. and Lawrie J.W. (1998) *Soil Landscapes of Dubbo 1:250000 Sheet*, published by Department of Land and Water Conservation.

NSW Rural Fire Service (December 2006) *Planning for Bushfire Protection.*

APPENDIX A – AHIMS SEARCH RESULTS

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AHIMS Web Services (AWS) Search Result

Your Ref Number : SC171_A238 Campbell 1km

Client Service ID : 127463

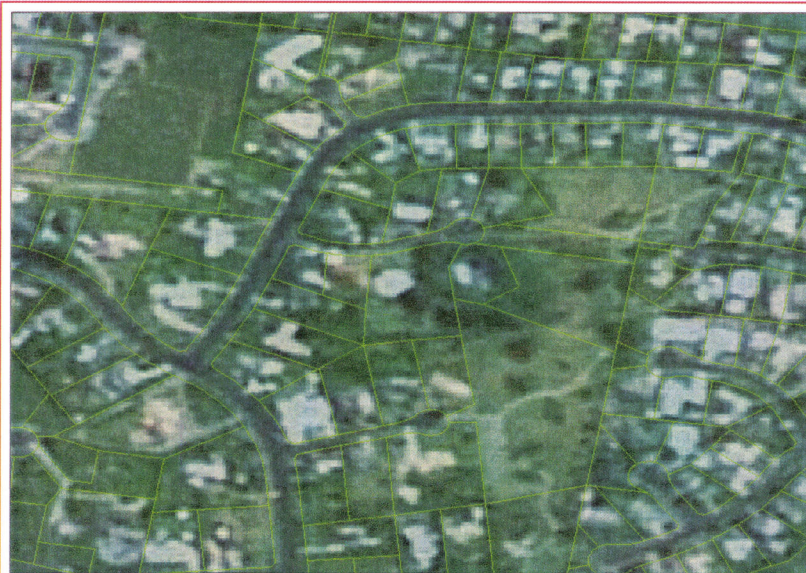
Minespex Pty Ltd
Units 1 and 2 73 Market Street
Mudgee New South Wales 2850
Attention: Emma Yule
Email: emma.yule@minespex.com.au

Date: 06 March 2014

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 306, DP:DP739789 with a Buffer of 200 meters, conducted by Emma Yule on 06 March 2014.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette](http://www.nsw.gov.au/gazette) (<http://www.nsw.gov.au/gazette>) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.

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