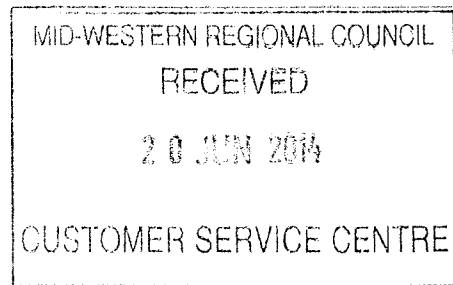


SUNRAI | designs |

21 June 2014

Mid-Western Regional Council
Planning & Development
86 Market Street
Mudgee NSW 2850



Attention: Elizabeth Densley

RE: PLANNING PROPOSAL – 10 SNELSONS LANE, GULGONG NSW 2852, LOT 113 – DP 755433

Dear Elizabeth,

Please find a copy of the Planning Proposal attached for the above mentioned property. We understand that you will submit this proposal to the Department of Planning for further consideration.

Also attached with this proposal is a cheque for the 'Re-zoning' fee advised by Council as being \$3186.00.

Thank you with your help in preparing this application and we look forward to hearing from you regarding the Department of Planning's assessment.

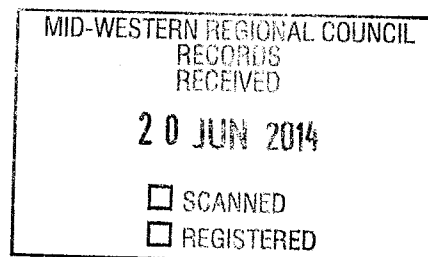
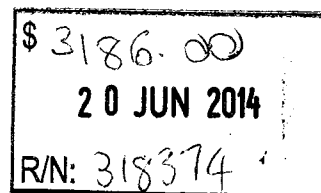
Regards

A handwritten signature in black ink, appearing to read "Railene Geddes".

Railene Geddes

On behalf of

Bradley John Ellis



Mid-Western Regional Council
ABN: 96 149 391 332

PO BOX 156
MUDGEES NSW 2850
1300 765 002

Official Receipt

20/06/2014 Receipt No: **318374**

To: Susan Maree Kinsela & Bradley
John Ellis T/As Eastend Garden
& Landscape Supplies
10 Snelsons Lane
GULGONG NSW 2852

10 Snelsons Lane Gulgong

Applic	Reference	Amount
GL Receipt		
1520 PLANNING FEES		\$3,186.00
1 x Payment		
Transaction Total:		\$3,186.00

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
Rounding	\$0.00
Change	\$0.00
Nett	\$3,186.00

Printed 20/06/2014 2:31:30PM

www.midwestern.nsw.gov.au

PLANNING PROPOSAL



TO FACILITATE THE DEVELOPMENT OF A TRANSPORT DEPOT

Lot 113 DP 755433

10 Snelsons Lane, GULGONG NSW 2852

for

Bradley John Ellis

Prepared by

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02 6372 3103 | 0418 605 898
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ABN: 9243 9450 078

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1.0 INTRODUCTION

This Planning Proposal has been prepared by SUNRAI I designs on behalf of Bradley John Ellis under Section 55 of the *Environmental Planning and Assessment Act 1979* to accommodate a transport depot expansion. This report outlines the proposed development, objectives and outcomes, explanation of provisions and justification for the planning proposal.

The planning proposal intends to:

- Make amendment to Schedule 1 *Additional Permitted Uses* of the *Mid-Western Regional Local Environmental Plan 2012* (MWRLEP) to enable the development of a transport depot on Lot 113 DP 755433 at 10 Snelsons Lane, Gulgong NSW 2852.

2.0 SUBJECT PROPERTY

2.1 Legal Description

Title Description: Lot 113 DP755433
Site Area: 3.7 ha
Zone: RU1 Primary Production

2.2 Site Description

The subject site is located on the fringe of the Gulgong township, approximately 1.8 kilometres (km) south east of the Central Business District (CBD) in the Mid-Western Regional Local Government Area (LGA). The site location is shown at **Figure 1** below. The land is located on the corner of Snelsons Lane and Henry Lawson Drive.

The subject site is 3.7 hectares in size, is irregular in shape and includes an existing residence and sheds. The owners currently operate a school bus business and accommodate two buses on the site. The site is bounded by RU1 Primary Production zoned land. The land is able to be used as a bus depot currently under the Exempt Development provisions however; as the owners wish to expand this business to accommodate a further two busses a development application will be required.

The use for this is defined in the MWRLEP as a 'transport depot' as follows;

***transport depot** means 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.*

Currently a 'transport depot' is prohibited in an RU1 Zone under the MWRLEP.

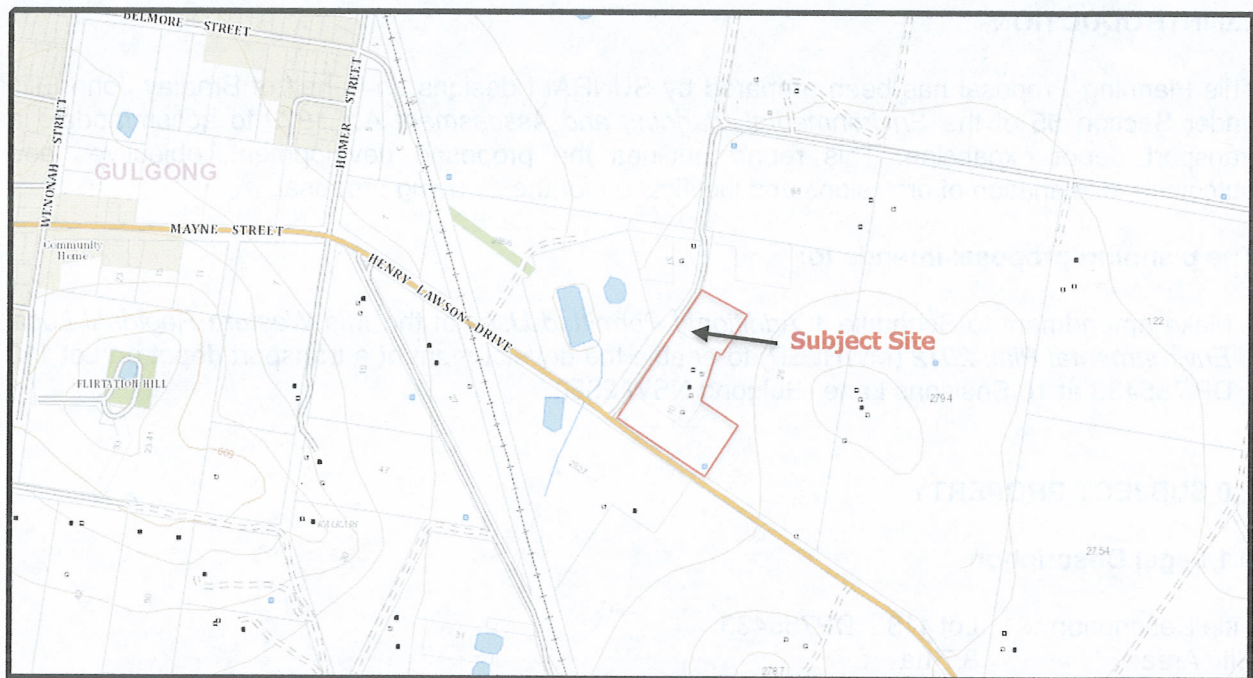


FIGURE 1: Locality Map
(Source: Department of Lands, 2014)

2.3 Current Zoning

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

The land subject to this Planning Proposal is zoned *RU1 Primary Production*. Refer to **Figure 2** below.

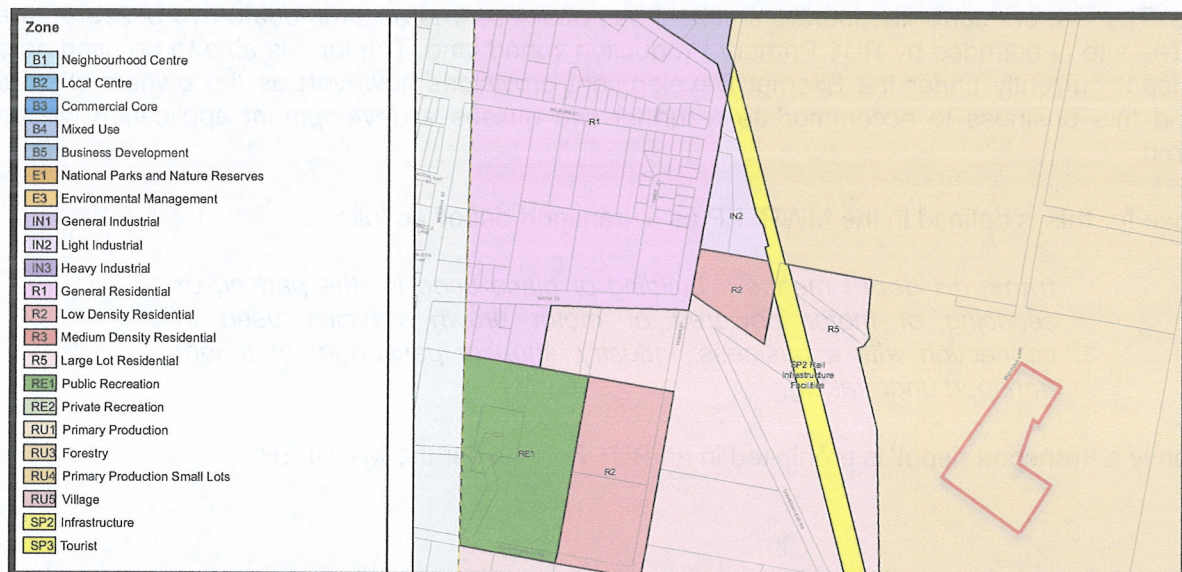


FIGURE 2: Current Zoning RU1 Primary Production under Mid-Western REgional Local Environment Plan 2013

(Source: Excerpt from MWRLEP 2012 Land Zoning Map - Sheet LZN_005E)

The objectives of this zone are;

Zone RU1 Primary Production

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To maintain the visual amenity and landscape quality of Mid-Western Regional by preserving the area's open rural landscapes and environmental and cultural heritage values.
- To promote the unique rural character of Mid-Western Regional and facilitate a variety of tourist land uses.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Home businesses; Home occupations; Intensive plant agriculture; Roads; Water reticulation systems

3 Permitted with consent

Building identification signs; Business identification signs; Cellar door premises; Dwelling houses; Extractive industries; Farm buildings; Home industries; Intensive livestock agriculture; Landscaping material supplies; Markets; Open cut mining; Plant nurseries; Restaurants or cafes; Roadside stalls; Any other development not specified in item 2 or 4

4 Prohibited

Amusement centres; Attached dwellings; Backpackers' accommodation; Boarding houses; Boat building and repair facilities; Car parks; Child care centres; Commercial premises; Correctional centres; Crematoria; Educational establishments; Exhibition homes; Exhibition villages; Freight transport facilities; Group homes; Health services facilities; Heavy industrial storage establishments; Hostels; Industrial retail outlets; Industries; Marinas; Mortuaries; Multi dwelling housing; Passenger transport facilities; Places of public worship; Public administration buildings; Pubs; Recreational facilities (indoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Semi-detached dwellings; Seniors housing; Service stations; Sex services premises; Shops; Shop top housing; Signage; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Wholesale supplies

3.0 THE PROPOSAL

3.1 Objectives and Intended Outcomes

The Planning Proposal seeks to amend the MWRLEP to facilitate the development of a transport depot for a school bus business.

The planning proposal intends to:

- Make amendment to Schedule 1 *Additional Permitted Uses* of the *Mid-Western Regional Local Environmental Plan 2012* (MWRLEP) to enable the development of a transport depot on Lot 113 DP 755433 in 10 Snelson's Lane, Gulgong NSW 2852.

Currently a transport depot is prohibited under the MWRLEP for a RU1 Primary Production Zone and is generally not compatible with the objectives of the Primary Production Zone. However in this specific circumstance the site is already being used to accommodate school buses and as the land is located on the fringe of the township the land is primarily residential with a bus business.

The surrounding land is also identified as primarily a non-agricultural area despite being located within the RU1 Primary Production Zone.

The alternative mechanisms available are rezoning the site or all land in Snelsons Lane or an amendment to the Land Use Table in the MWRLEP.

Difficulties arise in the rezoning of the site to an industrial zone in terms of consistency with the Comprehensive Land Use Strategy, expectation of adjoining land owners and implications for development of infrastructure and servicing of an industrial zone. While it is acknowledged that the vicinity of Snelsons Lane is already representative of a non-agricultural zone, the uncertainty associated with actually changing the zone for the purpose of facilitating the development of a site to accommodate additional buses is not desirable.

The other option is to amend the Land Use Tables for the Primary Production RU1 Zone to include 'transport depot' as a permissible use. This would open the use up to all parcels in the RU1 zone and as suggested above is not considered consistent with the objectives of the zone.

Amending Schedule 1 provides the opportunity to permit a particular development on a specific parcel of land not ordinarily or otherwise permissible in a particular zone. There are always going to be circumstances specific to a particular site, hence, the inclusion of Schedule 1 in the Standard Instrument LEP. In this case the use is existing under the previous planning instrument as exempt development and the intensification of that use could reasonably be considered through the development application process.

3.2 Explanation of Provisions

It is intended that the objectives and intended outcomes outlined in the previous section be achieved by the following;

- Amend Schedule 1 *Additional Permitted Uses* to include the particular use of **transport depot** on this specific parcel of land **Lot 113 DP 755433** at 10 Snelsons Lane, Gulgong NSW 2852.

3.3 Justification

This section outlines the reasoning for the proposed changes to the LEP. The following questions are based on requirements contained in the Department of Planning's *A guide to preparing planning proposals (Oct 2012)* and will 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

Q1 Is the planning proposal the result of any strategic study or report?

No - The Planning Proposal stems from an opportunity to allow an existing business to continue to operate from the site if the business is intensified. Currently the business is operating well with no negative impacts on the surrounding locality and will have no additional demands on services or infrastructure.

Mid-Western Regional Draft Comprehensive Land Use Strategy

The Mid-Western Regional Council has prepared the Mid-Western Regional Comprehensive Land Use Strategy. The Strategy provides clear direction for future growth and land-use change in the area for the next 15 to 20 years. The proposed amendments are generally consistent with the strategic direction established in the Strategy.

Q2 Is the planning proposal the best means of achieving the objectives or outcomes or is there a better way?

The Planning Proposal is the best means of achieving the outcomes explicit to the Planning Proposal.

Section B - Relationship to the Strategic Planning Framework

Q3: Is the planning proposal consistent with the application regional or sub-regional strategy?

There are no regional strategies in place.

Q4: Is the proposal consistent with Council's Community Strategic Plan or other local strategic plan?

Yes. Refer to Q1

Q5: Is the planning proposal consistent with applicable state environmental planning policies?

Yes. An analysis of the applicable State Environmental Planning Policies (SEPP's) is included in the following table. The proposal is either consistent with or not offensive to any applicable SEPP's.

SEPP	Consistency / Response
1 – DEVELOPMENT STANDARDS	Not relevant
4 – DEVELOPMENT WITHOUT CONSENT	Not relevant
6 – NUMBER OF STOREYS	Not relevant

SEPP	Consistency / Response
10 – RETENTION OF LOW COST RENTAL ACCOMMODATION	Not relevant
14 – COASTAL WETLANDS	Not relevant
19 – BUSHLAND IN URBAN AREAS	Not relevant
21 – CARAVAN PARKS	Not relevant
22 – SHOPS AND COMMERCIAL PURPOSES	Not relevant
26 – LITTORAL RAINFORESTS	Not relevant
29 – WESTERN SYDNEY RECREATION AREA	Not relevant
30 – INTENSIVE AGRICULTURE	Not relevant
32 – URBAN CONSOLIDATION (Redevelopment of Urban Land)	Not relevant
33 – HAZARDOUS AND OFFENSIVE DEVELOPMENT	Not relevant
36 – MANUFACTURED HOME ESTATES	Not relevant
39 – SPIT ISLAND BIRD HABITAT	Not relevant
41 – CASINO ENTERTAINMENT COMPLEX	Not relevant
44 – KOALA HABITAT PROTECTION	Not relevant
47 – MOORE PARK SHOWGROUND	Not relevant
50 – CANAL ESTATE DEVELOPMENT	Not relevant
52 – FARM DAMS AND OTHER WORKS IN LAND AND WATER MANAGEMENT PLAN AREAS	Not relevant
53 - METROPOLITAN RESIDENTIAL DEVELOPMENT	Not relevant
55 – REMEDIATION OF LAND	Not relevant
59 – CENTRAL WESTERN SYDNEY ECONOMIC AND EMPLOYMENT AREA	Not relevant
60 – EXEMPT AND COMPLYING DEVELOPMENT	Not relevant
62 – SUSTAINABLE AQUACULTURE	Not relevant
64 – ADVERTISING AND SIGNAGE	Not relevant
65 – DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT	Not relevant
70 – AFFORDABLE HOUSING	Not relevant
71 - COASTAL PROTECTION	Not relevant
BASIX 2004	Not relevant
EXEMPT AND COMPLYING DEVELOPMENT CODES 2008	Not relevant
HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY 2009	Not relevant
INFRASTRUCTURE 2007	Not relevant
KOSCIUSZKO NATIONAL PARK - ALPINE RESORTS 2007	Not relevant
MAJOR DEVELOPMENT 2005	Not relevant
SYDNEY REGION GROWTH CENTRES 2006	Not relevant
MINING, PETROLEUM PRODUCTION AND EXTRACTIVE INDUSTRIES 2007	Not relevant
TEMPORARY STRUCTURES AND PLACES OF PUBLIC ENTERTAINMENT 2007	Not relevant

SEPP	Consistency / Response
RURAL LANDS 2008	The aim of this SEPP is to facilitate the orderly and economic use and development of rural lands for rural and related purposes. Council is of the view that the provisions within the Planning Proposal are consistent with the intent of the Rural Lands SEPP.
EXEMPT AND COMPLYING DEVELOPMENT CODES 2008	Not relevant
WESTERN SYDNEY EMPLOYMENT AREA 2009	Not relevant
WESTERN SYDNEY PARKLANDS 2009	Not relevant
AFFORDABLE RENTAL HOUSING	Not relevant

There are no relevant Deemed SEPPs.

Q6: Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The relevant section 117 Directions are addressed in Appendix 1. The proposal is consistent with those 117 Directions that are relevant to the site.

Section C - Environmental, Social and Economic Impact

Q8: 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?

No. The land is not subject to these items. See **Figure 3** below.

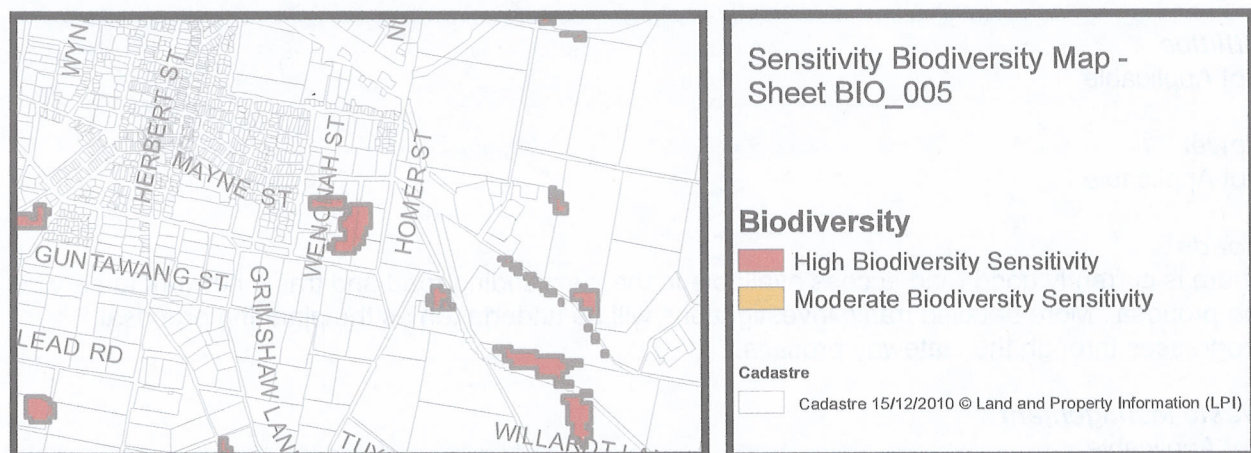


FIGURE 3: Current Sensitivity Biodiversity Map under Mid-Western Regional Local Environment Plan 2013

(Source: Excerpt from MWRLEP 2012 Land Zoning Map - Sheet BIO_005)

Q9: Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

As set out in *A Guide to Preparing Planning Proposals*, the purpose of this question is to ascertain the likely environmental effects that may be relevant. It states that technical investigations to address an identified environmental issue should be undertaken following the initial Gateway determination.

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.

Q10: How has the planning proposal adequately addressed any social and economic effects?

The proposal will facilitate the continued use of land that has been able to operate thus far under the Exempt Development Provisions and now that the use is being intensified its operation is prohibited under the MWRLEP.

The intensification of this use will not place undue demands on existing public infrastructure or services.

Section D - State and Commonwealth Interests

Q11: Is there adequate public infrastructure for the planning proposal?

The assessment of public infrastructure is a relevant matter. At this stage the following infrastructure has been considered:

Utilities

Not Applicable

Sewer

Not Applicable

Roads

There is currently good road access available in the surrounding road and traffic network to service the proposal. More detailed traffic investigations will be undertaken as the planning proposal progresses through the Gateway process.

Waste Management

Not Applicable

Q12: What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

N/A at this stage

3.4 Community Consultation

The consultation requirements for this Planning Proposal are expected to be confirmed by the Department of Planning at the gateway determination.

4.0 CONCLUSION

This Planning Proposal relates to an amendment to Mid-Western Regional Local Environmental Plan 2012 for land at Lot 113 DP 755433, 10 Snelsons Lane, Gulgong. The aim of this report has been to describe the proposed amendment to the Mid-Western Regional Local Environmental Plan 2012 to permit an amendment to Schedule 1 to permit an additional use so that land at Lot 113 DP 755433 may be used as a transport depot.