

**Mid-Western Regional Local Environmental Plan 2012 - Rezone land at part Lot 1 DP
841458 Wyoming Road, Stubbo**

Proposal Title :	Mid-Western Regional Local Environmental Plan 2012 - Rezone land at part Lot 1 DP 841458 Wyoming Road, Stubbo		
Proposal Summary :	Amend the minimum lot size on land at part Lot 1 DP 841458 Wyoming Road, Stubbo from 100 hectares to 12 hectares and rezone land R5 Large Lot Residential, to permit subdivision of the land (2 lots).		
PP Number :	PP_2015_MIDWR_005_00	Dop File No :	15/12699

Proposal Details

Date Planning Proposal Received :	07-Sep-2015	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 :	Wyoming		
Suburb :	Stubbo	City :	Mudgee
		Postcode :	2850
Land Parcel :	Part Lot 1 DP 841458		

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :	Wayne Garnsey
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Land Release Data

Growth Centre :	Release Area Name :
Regional / Sub	Consistent with Strategy :
Regional Strategy :	

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MDP Number :

Date of Release :

Area of Release
(Ha) :

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

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 :

External Supporting
Notes :

Adequacy Assessment

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

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

Comment : **The planning proposal clearly states the objective is to amend the minimum lot size on land at part Lot 1 DP 841458 Wyoming Road, Stubbo and to zone land R5 Large Lot Residential, to excise an existing dual occupancy.**

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

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

Comment : **The explanation of provisions clearly states that the objective of the planning proposal will be achieved by amending Lot Size Map Sheet LSZ_005 and Land Zoning Map Sheet LZN_005.**

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

1.2 Rural Zones

* May need the Director General's agreement

1.5 Rural Lands

2.1 Environment Protection Zones

3.1 Residential Zones

3.4 Integrating Land Use and Transport

Is the Director General's agreement required? **Yes**

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

d) Which SEPPs have the RPA identified?

SEPP No 44—Koala Habitat Protection

SEPP No 55—Remediation of Land
SEPP (Rural Lands) 2008

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

1.2 Rural Zones: The Ministerial Direction is relevant as the planning proposal seeks to rezone land within an existing rural zone and amend the minimum lot size on the land. The Direction requires that the land is not amended from a rural zone to a residential zone and not contain provisions that increase the permissible density of the land. The planning proposal is inconsistent with the Direction. However, the land is identified in the Mid-Western Regional Comprehensive Land Use Strategy (CLUS) as an opportunity for long term release of land for rural lifestyle development; the inconsistency with the Direction is justified by an endorsed strategy.

1.5 Rural Lands: The Ministerial Direction is relevant as the Planning Proposal seeks to rezone land within an existing rural zone and amend the minimum lot size on the land. The Direction requires consistency with the Rural Planning Principles and Rural Subdivision Principles of SEPP (Rural Lands) 2008. The Planning Proposal is inconsistent with the Principles in respect of the importance of rural lands and agriculture, rural land fragmentation and land use conflict. The inconsistency is justified by the CLUS which identifies the land as a long term opportunity area for the purpose of rural lifestyle development, and an existing dual occupancy is situated on the land.

2.1 Environment Protection Management: The Ministerial Direction applies to protect and conserve environmentally sensitive areas. The Direction is relevant to the planning proposal as the subject land is identified on the LEP Groundwater Vulnerability Map as groundwater vulnerable and the Sensitivity Biodiversity Map as high biodiversity sensitivity (a small portion of the land is identified). The planning proposal does not alter the existing provisions of the LEP for protection and conservation of environmentally sensitive areas. The planning proposal is consistent with this Direction.

3.1 Residential Zones: The Ministerial Direction is relevant as the planning proposal affects land within a proposed residential zone; the subject land is proposed to be zone R5 Large Lot Residential. The proposal seeks to broaden the choice of housing types available in the area and to make efficient use of the infrastructure and services in the locality, provided to support adjoining residential development to the north of the land. The planning proposal is consistent with this Direction.

3.4 Integrating Land Use and Transport: The Ministerial Direction is relevant as the planning proposal alters the minimum lot size provisions. The planning proposal is consistent with this Direction.

SEPP 44 Koala Habitat Protection: The SEPP is relevant as the subject site is identified as potential koala habitat. The planning proposal outlines that prior to any development assessment, an assessment will be conducted as to the presence of core koala habitat and if necessary, a plan of management shall be prepared. This is acceptable.

SEPP 55 Remediation of Land: The planning proposal has considered past land uses and identified that there are no known potential contaminants which would prevent future development of the site, noting a dual occupancy exists on the land. There is no further work required for this matter as part of the planning proposal.

SEPP (Rural Lands) 2008: The planning proposal must be consistent with the Rural Planning Principles contained within the SEPP as the rezoning effects land that is zone RU1 Primary Production. The planning proposal is inconsistent with a number of principles, as discussed above, but is justified by the endorsed Mid-Western CLUS.

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Adequate locality maps are included in the planning proposal to identify the subject land.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The planning proposal shall be publicly exhibited for a period 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 : **The planning proposal is adequate in the information provided.**

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The Mid-Western Regional Environmental Plan 2012 was notified on 10 August 2012.**

Assessment Criteria

Need for planning proposal : **The planning proposal is required to permit subdivision of the land.**

Consistency with strategic planning framework : **The endorsed Comprehensive Land Use Strategy (CLUS) identifies the land is subject to opportunities for long term rural lifestyle development, suitable for lots of 12 hectares zone R5 Large Lot Residential.**

The subject allotment is approximately 111 hectares in size and currently has a minimum lot size of 100 hectares. The planning proposal states that the sought reduction to the minimum lot size (to 12 hectares) is to provide an opportunity to subdivide the existing dual occupancy development situated on the land.

Environmental social economic impacts : **The land is identified as vulnerable land on the Groundwater Vulnerability Map GRV_005 (Mid-Western Regional LEP 2012).**

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Assessment Process

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

Timeframe to make LEP : **9 months** Delegation : **RPA**

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

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
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Planning Team Recommendation

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

S.117 directions: **1.2 Rural Zones
1.5 Rural Lands
2.1 Environment Protection Zones
3.1 Residential Zones
3.4 Integrating Land Use and Transport**

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

(a)The planning proposal is required to be made publicly available on exhibition for 28 days as described in A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).

(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 LEPs.

2.Consultation is required with the following under Section 56 (2)(d) of the EP&A Act and/or to comply with the requirements of relevant section 117 Directions:

(a) Australian Rail Track Corporation

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the planning proposal prior to community consultation.

3.A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. 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).

4.Prior to submission of the planning proposal under Section 59 of the EP&A Act, the LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for LEP maps'.

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

Supporting Reasons :

The planning proposal seeks to permit use of a portion of the land for rural residential purposes, an existing dual occupancy is situated on the land.

The planning proposal is supported by the endorsed Mid-Western Regional Comprehensive Land Use Strategy and will provide a rural residential development opportunity on the land and this locality.

Signature:



Printed Name:

Jessica Holland

Date:

21 September 2015

Endorsed
Wyamwoy
TLWR 21/9/15