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EXECUTIVE SUMMARY

This submission is made by Barnson Pty Ltd to Mid-Western Regional Council on behalf of Mr. David Newall, seeking support in principle for the rezoning of a 12ha portion of rural land under the Mid-Western Regional Local Environmental Plan 2012 ("the LEP").

The subject site identified as Lot 1 DP841458 and known as 148 Wyoming Rd, Stubbo. The subject land is located on the south-eastern edge of Stubbo, which is a large rural-residential settlement approximately 7km north-east of the town of Gulgong. Existing development on the site comprises two detached dwellings approved as a dual occupancy by the Council circa 2012.

The site has an area of 111.3ha and in accordance with the LEP is zoned RU1 – Primary Production, with a corresponding minimum lot size of 100ha. The 12ha portion of the site proposed for rezoning adjoins the south-eastern edge of the Stubbo area zoned R5 Large Lot Residential with a corresponding minimum lot size of 12ha. Approximately 380ha of rural land on the south side of Stubbo (including the subject site) is identified in the Mid-Western Region Comprehensive Land Use Strategy as being suitable for supporting large lot residential subdivision with a minimum lot size of 12ha, which the proposal is consistent with.

Stubbo is characterised by large lot residential subdivision over an area of approximately 15km² (1,500ha), bound by Governor Road to the north, Wyoming Road to the east, Raydon Lane to the south and Stubbo Road to the west.

The proposal also seeks an amendment to the minimum lot size applying to the 12ha portion of the site proposed for rezoning. The proposed minimum lot size of 12ha is consistent with the adjoining area of land zoned R5 Large Lot Residential with a corresponding minimum lot size of 12ha. The residual RU1 zoned portion of the site will have an area of 99.3ha, which is deemed to comply with the minimum lot size of 100ha that currently applies.

No new development is expected as an outcome of the Planning Proposal, rather it will simply enable the land to be subdivided into two lots of 12ha and 99.3ha respectively, with an existing dwelling on each lot. Both dwellings exist independently insofar that they benefit from independent water supply, effluent disposal, electricity and telephone services. Separate access to the western side dwelling may be provided without requiring any clearing, with no constraints in this regard.

Based on a preliminary assessment, the subject site is predominantly cleared and limited in productivity to low intensity grazing. The subject land has all weather road access with frontage to Wyoming Road. The potential for the area to support further rezoning and large lot residential subdivision is recognised by the Mid-Western Region Comprehensive Land Use Strategy, identifying land south of Stubbo towards Gulgong for its suitability for large lot rural residential subdivision with a minimum lot size of 12ha. Favourably the site adjoining the existing large lot rural-residential subdivision pattern, and shares its physical characteristics.

The submission consists of two copies of this report, including Maps and Plans by Mid-Western Regional Council and Barnson; and an Aboriginal Heritage - AHIMS database check.

1.0 OVERVIEW OF SITE CHARACTERISTICS

1.1 Site Location

The subject land is located at the south-eastern corner of Stubbo on the southern side of Wyoming Road, approximately 7km north-east of Gulgong. Refer to **Figure 1** - location plan and **Figure 2** - aerial cadastre.



Figure 1 - aerial view location plan of site, located approximately 7km north-east of Gulgong

1.2 Property Description & Zonings

The subject land consists of one lot identified as Lot 1 DP841458. The land has an area of 111.3ha. Existing development comprises a detached dual occupancy with the principal dwelling having a detached garage and studio. Both dwellings are located towards the western boundary of the site, approximately 400m south of the gate entry from Wyoming Road.

The subject land is currently zoned RU1 - Primary Production pursuant to the Mid-Western Regional Local Environmental Plan 2012 (the LEP). A riparian corridor traversing through the north-eastern corner of the site is mapped by the LEP as Biodiversity Sensitivity, approximately 1km east of the dwellings. Refer to LEP map, in **Appendix A**.

The proposed rezoning is to R5 - Large Lot Residential, with a minimum lot size of 12ha pursuant to the LEP, which applies this lot size to the neighbouring land to the north and west in Stubbo. Refer to proposed plan of subdivision at **Appendix B**.



Figure 2 - Aerial cadastre – 148 Wyoming Road, Stubbo
dual occupancy located towards western boundary, riparian corridor towards eastern side

1.3 Landform and Topography

Soils of the site are included in the group 'Home Rule', these soils generally occur north of Gulgong and are characterised by low lying flat to undulating land comprising sediment soils derived from granite, plus yellow Podzolic and yellow Solodic soils. (Lawrie, B.W. and Murphy, J.W, (1998), Soil Landscapes of the Dubbo 1:250 000 Sheet, Department of Land and Water Conservation of NSW, Sydney). A description on salinity is not available.

The subject land is generally flat with a slight cross fall to the north-west. Some surface runoff is captured by five dams (three 'off line' and two 'on line' dams) which are located within the western half of the site. The near level form of the land has enabled its development to be carried out with minimal earthworks thereby preserving the natural drainage regime across the site.

1.4 Land-uses

The subject land is occupied by its owners with cattle grazing being carried out on the land. Improvements comprise a residential dual occupancy (detached), detached garage, and studio. The two dwellings are separated approximately 55m apart with the owners residence being the eastern side dwelling and the second dwelling being the western side dwelling within a fenced area of approximately 2,300m², adjacent to the western boundary of the site. Access to both dwellings is via a common driveway from Wyoming Road.



Photo 1: View south of site and dual occupancy from Wyoming Road gate access



Photo 2: principle dwelling, looking south



Photo 3: dual occupancy dwelling, looking south-west

1.5 Surrounding Development

The surrounding development is characterised by rural subdivision and rural-residential (large lot residential subdivision) generally with a minimum lot size of 12ha, as follows:

- To the north is an 11 lot rural-residential subdivision with each lot featuring a dwelling;
- To the east along the south-eastern boundary is the Sandy Hollow – Gulgong Railway line, with land further east and south characterised by large lot rural subdivision, generally with a minimum area of 100ha/lot;
- To the west is a dwelling on land zoned R5 large lot residential with an area of 18ha. Further west on either side of Cope Road is rural-residential lots, ranging in area from a minimum of 12ha/lot.

Refer to Aerial Map in **Appendix A**.

Noting the predominance of rural residential subdivision in the surrounds, estimated at 1,500ha total, the proposed rezoning of 12ha of the subject site to R5 - Large Lot Residential provides a minor extension to this zone. By virtue of maintaining its existing land use it is unlikely to result in any significant conflicts with adjoining farmland uses, nor adversely impact on sustainable agricultural practices in the locality.

1.6 Flora and Fauna

The subject land is predominantly cleared having a long established use as low intensity grazing land. Isolated stands of established eucalypt trees are noted on the subject land in close proximity to the original dwelling, and approximately 1km east of the dwelling along a creekline corridor towards the eastern side of the site, with this corridor mapped in the LEP as Biodiversity Sensitive. Refer to **Figure 2** for location of the riparian corridor.

No fauna was observed onsite, however it is acknowledged that the site may be inhabited on occasion by roaming kangaroos and certain avian species. Based upon this it is unlikely that any flora shall be disturbed as part of any future development relating to the possible rezoning of the site, and no core habitat for local fauna will be threatened.

1.7 Heritage

There are no heritage items listed for the subject site in the New South Wales Heritage Register (NSW Heritage Council, 2010) or the Mid-Western Local Environmental Plan 2012. Refer to **Appendix C** for searches conducted utilising the Aboriginal Heritage Information Management System (AHIMS).

The National Parks and Wildlife Act 1974 provides for the protection of Aboriginal relics/sites across New South Wales regardless of significance, land tenure and whether or not they are recorded in the NPWS Sites Register. It is an offence to knowingly damage, deface, cause or permit the destruction of an Aboriginal relic or place without the prior written consent of the director general of NPWS.

1.8 Flooding

Three first order streams cross through the eastern part of the site, falling to the northern boundary. Being first order they were observed as dry during a dry weather period, and are not considered to form significant watercourses. A check of Council's Flood Map does not identify the land as flood prone.

1.9 Groundwater

The land is identified as groundwater vulnerable on Council's "Groundwater Vulnerability Map", therefore effluent disposal requires consideration. Noting the two existing dwellings both have separate on-site effluent disposal systems installed, this matter has been addressed in Council's previous approvals for the development of the site.

1.10 Noise

Noise measurements of background levels have not been undertaken onsite. The main contributor to noise in the vicinity is considered to be created by background machinery noise from farming activities to the east and south, plus occasional passing freight trains.

1.11 Services

Water & sewer - The proposed rezoning of 12ha of the site to R5 Large Lot Residential with a minimum lot size of 12ha is premised upon maintaining existing on-site rainwater harvesting and on-site effluent disposal, which service both dwellings on site, independently of each other. This is consistent with neighbouring development in the R5 Large Lot Residential zone.

Stormwater - Noting on-site rainwater harvesting is provided for each dwelling, no stormwater measures are necessary for the proposed rezoning and subdivision.

Power / communications - Both electricity and telecommunications services are provided to both dwellings on the subject land.

1.12 Access

The subject land has all weather road access with frontage to Wyoming Road, which connects with Cope Road to the west for close access to Gulgong. As part of any future subdivision of the site, a new driveway may form part of the land subdivision which will require provision of a intersections with Spring Flat Road as indicated in the Concept Plan attached at **Appendix B**. Additional detail can be provided as required by Council.

1.13 Bushfire

A review of Mid-Western Regional Council's Bushfire Prone Land Map confirms that both portions of the subject site are substantially clear from the boundaries of bushfire prone land. Notwithstanding, with a predominant vegetation classification of **Grasslands** some level of bushfire risk is acknowledged. Future development of the land as large lot residential would result in a transformation of the site to **Managed land** thereby reducing the risk of grassfires.

2.0 PROPOSED DEVELOPMENT

2.1 General

This proposal seeks Mid-Western Regional Council's support to rezoning a 12ha portion of the subject land from the RU1 - Primary Production Lot zone to the R5 - Large Lot Residential zone, with a minimum lot size of 12ha pursuant to the Mid-Western Regional Local Environmental Plan 2012. The residual land will remain zoned RU1 - Primary Production with a minimum lot size of 100ha. No new development will result and no new services are required to each of the two existing dwellings on the site.

The intention of rezoning the land in this manner is to permit the future subdivision of the land, so that the two existing dwellings on the site may be subdivided into two separate titles. The western proposed lot at 12ha and its occupation for rural residential purposes is consistent with the objectives of the R5 - Large Lot Residential zone, and the minimum lot size of 12ha. Noting its location and cleared state with frontage to Wyoming Road, and adjoining a rural-residential subdivision zoned RU5 Large Lot Residential, the proposed part rezoning of the site to RU5 is consistent with its surrounds, representing a minor extension to this zone.

2.2 Lot Yield

The subject land comprises a single lot with an area of 111.3ha. Under the current RU1 - Primary Production zone, the minimum lot size is 100ha whereby the land cannot be subdivided irrespective of containing a detached dual occupancy with both dwellings benefiting from independent services.

The minimum lot size for land in Stubbo that is zoned R5 - Large Lot Residential is 12ha (being lots not connected to water and sewer mains), as confirmed from the LEP lot size maps. Accordingly the minimum lot size to accompany this proposal is 12ha. Based on this minimum lot size, the potential lot yield is indicated in **Table 2**, as follows.

Table 2: potential lot yield

Lot	DP	Owner	Lot Size	Existing RU1 zone
14	841458	David Newall	111.3ha*	1 lot @ 100ha +/- lot
				Proposed zone
1		David Newall	99.3ha	RU1 // 100ha/lot
2		David Newall or other	12ha	RU5 // 12ha/lot
NET AREA		Individual owners	111.3ha	
Proposed lot yield		Individual owners	111.3ha	2 lots @ 99.3ha RU1 zone + 12ha R5 zone

* approximate measurement, to be confirmed by survey

3.0 SITE OPPORTUNITIES – SUBSTANTIAL PUBLIC BENEFIT

3.1 Existing constraints and opportunities to development

The land subject to the proposed rezoning is zoned RU1 - Primary Production under the provisions of the Mid-Western Regional Local Environmental Plan 2012, with a minimum lot size of 100ha. The land is located on the edge of approximately 1,500ha of land developed and zoned R5 Large Lot Residential in the area of Stubbo, approximately 7km north-east of Gulgong.

The current zoning as RU1 - Primary Production effectively limits the land to its current use as low intensity grazing land with a farmers dwelling. The current zone and corresponding minimum lot size of 100ha prevents its further subdivision noting its area of 111.3ha. In contrast the neighbouring land to the north and west zoned R5 - Large Lot Residential has a minimum lot size of 12ha, while having similar physical characteristics as flat and cleared farmland. Further, given the site has frontage to Wyoming Road it is consistent in accessibility with the neighbouring land zoned R5.

It is also noted that the two dwellings on the site are within view of neighbouring houses in the R5 zoned surrounds, and are on similarly cleared flat land such that it is consistent with the housing density and environmental character of its surrounds. Consequently the subject site is recognised for its suitability for subdivision, creating a 12ha lot (and a residual 99.3ha lot) that enables the two existing dwellings to be subdivided.

Whilst most agriculture zoned land surrounding Gulgong and Mudgee has been retained from the previous Mid-Western Interim LEP 2008 in terms of zoning and minimum lot size, over the past 5 years the Region has experienced significant growth in housing with limited supply of large lot residential / rural-residential land to accommodate future demands for this. In considering this, the proposal will enable one additional R5 zoned lot to be provided containing an existing dwelling on the edge of the existing R5 zone, whilst retaining a residual RU1 zoned lot of 99.3ha which effectively complies with the minimum lot size of 100ha and continues largely unaffected to serve its principal zoning objective as extensive agricultural land.

3.2 Consideration of proposed zoning

The proposed rezoning of 12ha of the site to R5 - Large Lot Residential permits a wide range of rural, residential and non-residential related development as indicated in the 'Permitted with consent' land use table for the zone:

Aquaculture; Bed and breakfast accommodation; Cellar door premises; Dual occupancies; Dwelling houses; Garden centres; Home Industries; Intensive plant agriculture; Landscaping material supplies; Markets; Neighbourhood shops; Plant nurseries; Roadside stalls; Secondary dwellings; Serviced apartments; Waste or resource transfer stations; Water recycling facilities; (plus any used not specified as prohibited)

In considering the range of permissible uses, the two existing dwelling remains permissible with consent. By way of the proposal, the two dwellings may be subdivided so that a dwelling is located on each lot.

Consideration of the rezoning proposal against the zone objectives is provided as follows:

Objectives of zone

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*

Comment - The proposal enables two lots to be created from the existing 111.3ha lot; with a 12ha lot to be zoned R5 - Large Lot Residential neighbouring the existing R5 zone, and a 99.3ha farm lot which will maintain a natural corridor identified of biodiversity sensitivity towards its eastern boundary. The proposal will not result in any new development therefore no impacts on the existing rural scenery and natural features are envisaged. Access to the western side dwelling as part of the proposed R5 zoned land may be provided from Wyoming Road across a cleared and flat portion of the site, with no vegetation requiring removal and no adverse visual impacts envisaged.

- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*

Comment - The site is located on the south-eastern edge of approximately 1,500ha of developed land in Stubbo zoned R5 - Large Lot Residential, approximately 7km north-east of the town of Gulgong. By virtue of this separation to Gulgong, the proposal is not considered to affect potential urban growth on the north side of the town, noting that Council's Urban Release Strategy 2014 identifies land approximately 1km north-west of the Gulgong Town Centre for residential subdivision.

- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities*

Comment - The site has all weather road access from Wyoming Road to the same standard as all of the R5 zoned land in the surrounds. Both existing dwellings benefit from independent services in terms of water supply, effluent disposal, power and telephone. The proposal will not create opportunities for further development noting that both proposed lots will have an existing dwelling.

In terms of demands on community services, rates and developer contributions collected from future subdivision would assist towards funding such services. Furthermore with no increase in housing noting the two existing dwellings which will be subdivided, the proposal will not result in any increase in demand for community services.

The creation of one additional lot on the edge of the R5 zone and containing an existing dwelling will not affect supply or demand for housing in Gulgong and Stubbo, however will beneficially enable separate ownership of the two existing dwellings.

- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

Comment - The proposal will result in 12ha of land zoned R5 enabling its creation through subdivision and the residual rural lot of 99.3ha containing the original farm dwelling. Given it's area this is deemed to comply with the minimum lot size of 100ha for land zoned RU1 Primary Production.

The proposal will retain the two existing dwellings except it will enable their future subdivision, with the existing low intensity grazing able to continue unaffected. Land use in the surrounds is predominantly characterised by low intensity livestock grazing within both the RU1 and R5 zoned areas neighbouring the site. Accordingly the proposal will not give rise to land use conflict with the neighbouring RU1 Primary Production zone to the south and east.

Other LEP provisions for consideration

Clause 6.4 - Groundwater vulnerability requires Council's consideration in the determination of a Development Application (DA) for development on land that is groundwater vulnerable. Whilst the Planning Proposal does not seek development consent for the accompanying concept subdivision plan, it is acknowledged that a future DA for subdivision would require consideration of this matter. Noting on-site effluent disposal is provided independently to both dwellings on this site, this matter has been addressed under the Council's approvals for these.

3.3 Land use conflict

As discussed in Sections 4.1 and 4.2 above, the proposed 12ha R5 zoned lot is considered a minor extension to the existing R5 zoned land to the north and west.

With regard to existing agriculture to the south and east, the proposed R5 zoned 12ha large lot will contain an existing dwelling as will the residual 99.3ha lot. Both dwellings are substantially setback from the southern and eastern boundaries of the site such that they are not affected by any impacts from farming activity on neighbouring land. On this basis grazing on the larger farm lot and neighbouring land is unlikely to be affected, with the rezoning and subdivision not considered to cause any land use conflict.

3.4 Summary of opportunities and constraints

The main planning opportunities relating to the proposed rezoning of the subject land, include the following:

Location - The site is located on the south-eastern edge of the R5 Large Lot Residential area of Stubbo, identified by occupied lots ranging in area generally from 12ha - 20ha. The location of the land in this regard adjoining the edge of the R5 zone makes it suitable for large lot residential development. The creation of one additional R5 lot is considered unlikely to impact on grazing activity on larger RU1 Primary Production zoned land to the south and east.

Environment - The site is predominantly cleared in its current state as grazing land, with no likely presence of any threatened or endangered flora and fauna within the 12ha portion of the site identified for rezoning. The biodiversity sensitive riparian corridor towards the north-eastern corner of the site is separated approximately 1km from the land identified for rezoning and will not be affected.

Land use compatibility with surrounds - The surrounding land uses comprise a mix of land uses including grazing land and rail line to the south and east, and large lot residential to the north and west. Based upon this mix of land uses, the proposed rezoning of 12ha of the site to enable its subdivision is considered compatible with the surrounding land uses, representing a minor extension to the existing R5 Large Lot Residential zone.

Potential land supply - The proposed rezoning of 12ha to R5 Large Lot Residential will enable a two lot subdivision of the site, creating one additional R5 zoned lot which will be occupied by an existing dwelling approved by Council, complementing Gulgang's supply of rural-residential land.

Access - The proposed subdivision will have frontage for both lots to Wyoming Road. The proposed Concept Plan enabled separate access to be provided to the 12ha lot from Wyoming Road through cleared flat land with no constraints in this regard.

Services - The proposed minimum lot size of 12ha does not require connection to water and sewer in accordance with Council's subdivision controls, noting both existing dwellings on the site benefit from independent services.

Land use suitability - The land's suitability for Large Lot Residential subdivision is recognised by the Mid-Western Region Comprehensive Land Use Strategy, which is discussed further in Section 4.2 of this report.

The subject site is located on the south-eastern edge of the R5 Large Lot Residential area of Stubbo. The site is similar in physical characteristics to the R5 zone being relatively flat and cleared with frontage to Wyoming Road. The proposed two lot subdivision that will result from rezoning 12ha of the site to R5 large lot residential will enable the existing use of livestock grazing to continue unaffected on the land and in the surrounds. No physical constraints are identified to the proposed rezoning and subsequent two lot subdivision.

No physical constraints are identified that would hinder the future subdivision and development of the land for rural - residential purposes, noting:

- a) There are no obvious signs of salinity over the subject land;
- b) The subject land does not appear to be flood prone land;
- c) The site is located outside the boundaries of Bushfire Prone Lands;

- d) The site does not contain any known items of heritage significance, nor will its two lot subdivision give rise to clearing and disturbance;
- e) The biodiversity sensitive tree corridor associated with the riparian zone near the north-eastern corner of the site will be retained in one lot, and is located approximately 1km from the proposed area of rezoning such that it will not be affected.
- f) The subject land is not identified as prime agricultural land that will reduce in agricultural viability as a result of rezoning 12ha to R5 Large Lot Residential, noting that the residual lot of 99.3ha zoned RU1 Primary Production effectively complies with its minimum lot size of 100ha;
- g) It is also unlikely that additional land can be acquired to make the subject land worthwhile for sustainable agricultural use;
- h) The proposed rezoning of 12ha of the site to R5 - Large Lot Residential represents a minor extension to the existing R5 zoned area of Stubbo.

4.0 STRATEGIC CONTEXT

4.1 Contribution to Land Supply

Due to its location and few constraints the subject land can be readily incorporated into Council's plans for future large lot residential subdivision in Stubbo and Gulgong.

From review of large lot residential type subdivision in the Mid-Western Region it is apparent the Region has experienced significant residential growth over the past 5 - 10 years including the development of large lot rural residential land in both Mudgee and Gulgong, with few vacant lots. The result is that there appears to be scope for supporting further large lot rural - residential subdivision and development consistent with the principles of Council's Comprehensive Land Use Strategy.

The Strategy identifies a take up rate of 5 - 10 rural residential ('rural lifestyle') lots per year for the Gulgong area, whereby the proposal will provide one additional developed lot zoned R5 Large Lot Residential without significantly affecting rural land productivity. In this regard, the balance of the site at 99.3ha will retain its zoning as RU1 Primary Production and use as low intensity livestock grazing with a farm dwelling.

4.2 Key Council Strategies

The rationale for supporting the rezoning can be found in Council's key planning strategies and instruments. The following is a brief summary of Council's planning strategies and instruments which are relevant to future planning of the site:

4.2.1 Mid-Western Regional Comprehensive Land Use Strategy

The Mid-Western Regional Comprehensive Land Use Strategy ("the Strategy") dated October 2009 provides *"a basis for identifying options...to meet long term urban and rural growth needs... and provide direction for targeted growth in specific areas.* The Strategy commenced preparation in 2007 by Parsons Brinkerhoff consultants for Council, and was adopted in 2009.

In relation to the proposed development, the Strategy specifically identifies the site as 'Opportunity Land'. Figure 4-4 of the Strategy identifies some 379.4ha of rural land on the south side of Stubbo including the subject site as 'Area B'. Under *Section 4.8 Rural Lifestyle Landuse*, Area B is identified as a long term release area with a minimum recommended lot size of 12ha/lot.

Whilst the Strategy identifies Area B as a long term release area, the proposal is limited to rezoning a relatively small area of land at 12ha and represents a logical extension to the existing RU5 zone to the north and west where a minimum lot size of 12ha applies. As the proposal does not require any new road or road extension, it would not otherwise affect the timing for rezoning Area B. Based upon this, the proposal is broadly consistent with the Strategy insofar that the site is recognised as suitable to support large lot residential (formerly 'rural-residential') subdivision, as proposed.

4.2.2 Mid-Western Regional Local Environmental Plan 2012

The general objectives of the plan support the rezoning of the land to R5 - Large Lot Residential for rural-residential type development, as the land is appropriately located having regard to environmental constraints, accessibility and existing land-use patterns. The general objectives also support the rezoning of the site for large lot rural residential as it achieves orderly and efficient development of the site. Consideration of the zone objectives as provided in Section 4.2 of this report indicate that future subdivision and rural - residential development of the land may be carried out in an orderly manner without adversely impacting on the surrounds.

4.3 Section 117 Directions

Pursuant to Section 117(2) of the *Environmental Planning and Assessment Act, 1979*, any relevant planning direction issued by the Minister must be followed by Council upon determining to prepare a new Local Environmental Plan (LEP) or an amendment to its LEP as initiated by a Planning Proposal.

The directions that are relevant to the proposal are identified as follows:

- Direction 1.2 - Rural Zones
- Direction 1.5 - Rural Lands

4.3.1 Direction 1.2 - Rural Zones

Consideration is given to this direction whereby the proposal seeks rezoning of rural land to permit large lot residential subdivision. As stated, the objective of this direction is to *protect the agricultural production value of rural land*.

In circumstances where a Planning Proposal is not consistent with this Direction and not identified for potential rezoning under the Council's Strategy, a study in support of the proposal is required *which gives justification to the objectives of this direction*.

As discussed in this report, the land in its current state has a relatively low level of agricultural production noting its use for low intensity grazing. Given the land's relatively low productivity and that it is recognised in the Comprehensive Land Use Strategy as suitable for large lot residential subdivision at 12ha/lot, it is submitted that the current zoning as RU1 Primary Production does not reflect its highest and best use.

Based on this, the rezoning of 12ha of the site to R5 - Large lot residential would not result in a significant loss of productive agricultural land in the region, noting the residual lot at 99.3ha will remain zoned RU1 - Primary Production so that it may be retained in its use as grazing land.

4.3.2 Direction 1.5 - Rural Lands

Consideration is given to this direction which applies where a *planning proposal affects land within an existing rural zone*, and where the proposal *changes the existing minimum lot size on land within a rural zone*.

The direction requires the proposal to be consistent with the rural planning and subdivision principles listed in *State Environmental Planning Policy (Rural Lands) 2008*. Notwithstanding, a planning proposal may be inconsistent with the Direction (and the SEPP) if the proposal is justified by a strategy that identifies the land for future rezoning (that the proposal is consistent with), and the strategy has been endorsed by the Department of Planning.

In the circumstances of this Planning Proposal for rezoning the site to R5 - Large lot residential, the site is identified as part of land for such rezoning and development under the Council's Strategy, as discussed in Section 4.2.1.

5.0 CONCLUSION

Rezoning of the land is generally consistent with the objectives set out in Council's planning Instruments, and planning strategies including the Mid-Western Regional Comprehensive Land Use Strategy and the Mid-Western Regional Local Environmental Plan 2012. Part rezoning of the land to R5 - Large Lot Residential under the LEP would facilitate a future large lot residential parcel of land containing an existing dwelling, being a minor extension to the existing R5 zone whilst not requiring connection to water and sewer services. The site presents few physical constraints to development.

The proposed rezoning would result in:

- Subdivision that is suitable in the locality;
- Development that is compatible with adjoining and adjacent land uses, including neighbouring large lot residential development to the north and west along Wyoming Road;
- Subdivision that supports demand for low density rural residential housing that provide for rural lifestyle;
- Subdivision that is consistent with the opportunity areas identified in the Mid-Western Region Comprehensive Land Use Strategy.

Council is encouraged to support this Planning Proposal and take all necessary steps to amend the Mid-Western Regional Local Environmental Plan 2012 to rezone the subject land to R5 - Large Lot Residential with a minimum lot size of 12ha, thereby enabling subdivision of the land and the two existing dwellings.

We would be happy to meet with Council representatives to discuss this matter further. Should Council require any further information please contact the undersigned at our Mudgee office.

Yours faithfully

BARNSON PTY LTD

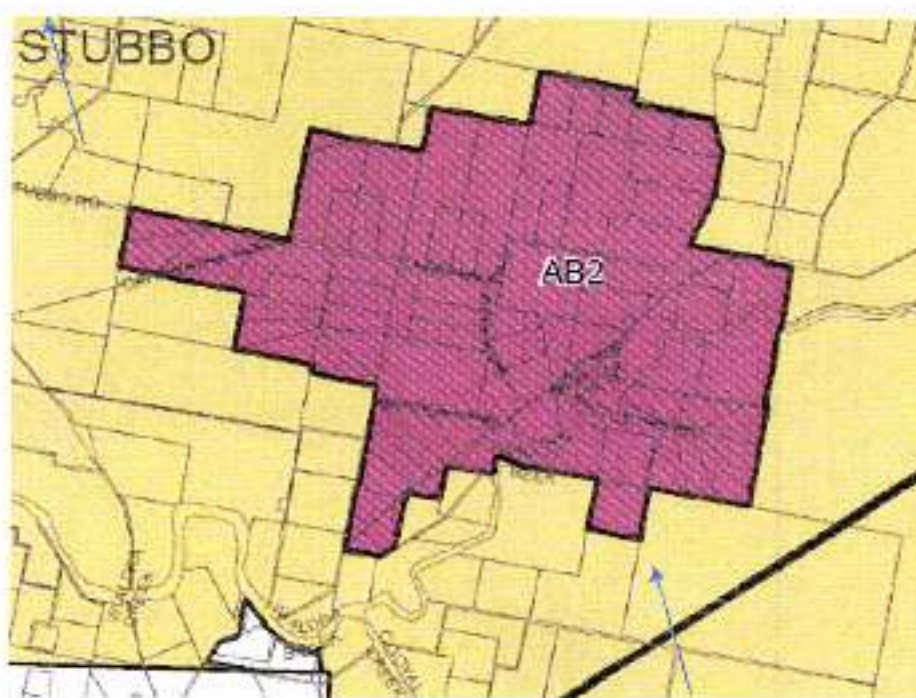
Ben Rourke - BTP, MEnvLaw

SENIOR TOWN PLANNER

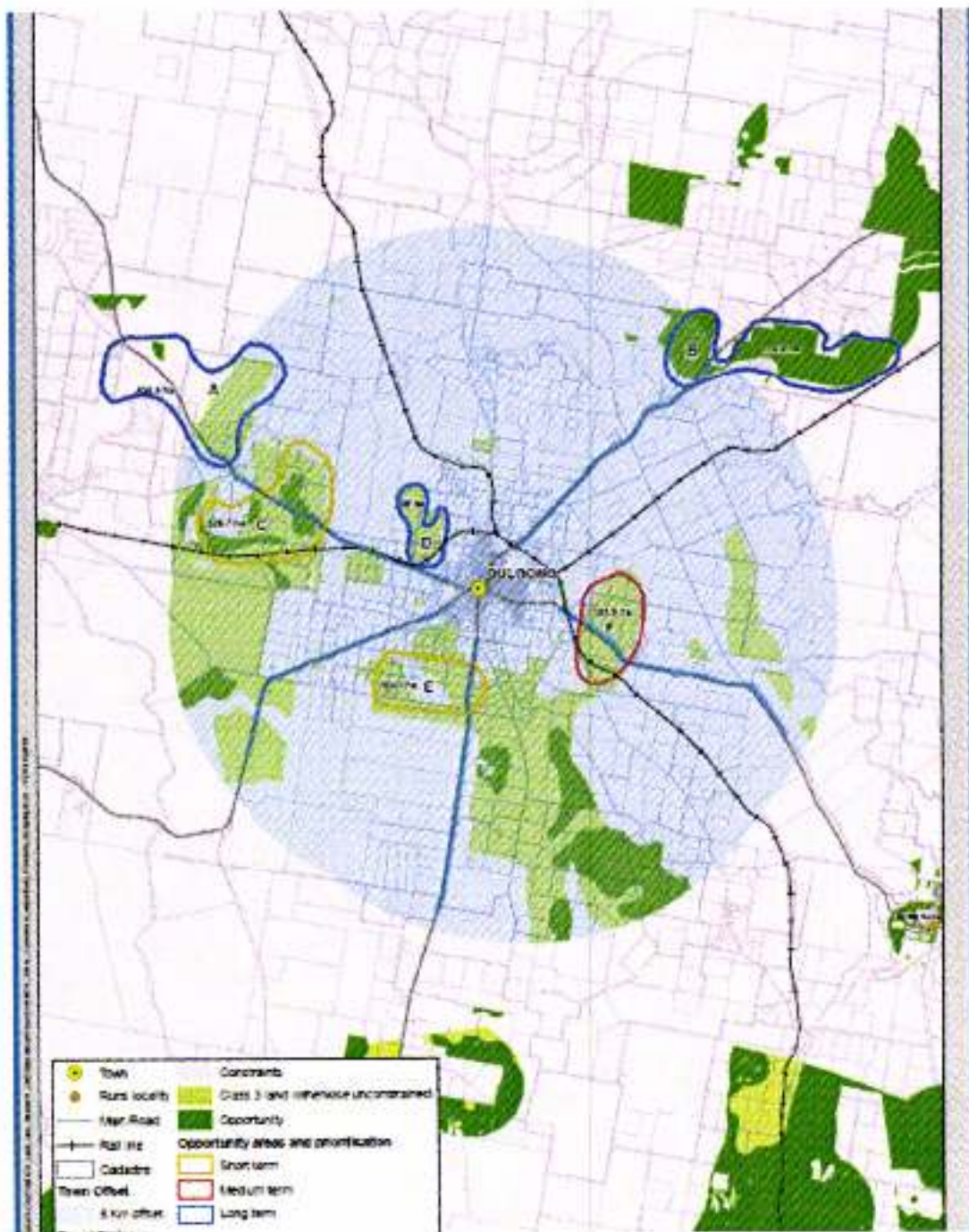
Appendix A



LEP 2012 – zoning map extract [\(site\)](#)



LEP 2012 – minimum lot size map extract [\(site\)](#)



*Mid-Western Region Comprehensive Land Use Strategy (Figure 4-4)
Site located within Opportunity Area B located north-east of Guigang
(site located at eastern side of Area B)*

Appendix B

Proposed Concept Plan of land subdivision



Appendix C

Archaeological Assessment and AHIMS search results



Office of
Environment
& Heritage

AHIMS Web Services (AWS) Search Result

Purchase Order Reference: 148 Wyoming Rd, Shubba

Client Service ID: 345790

Ben Rourke

Date: 18 March 2015

8 / 100 110 Market St
MUDGER, New South Wales 2450

Attention: Ben Rourke

Email: benrourke@barnson.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot: 2, RP-DPR41438 with a Buffer of 200 meters, conducted by Ben Rourke on 13 March 2015.

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 Systems) has shown that:

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