

Change of lot size for Lot 1 DP 876505, 502 Black Springs Road Mudgee

Proposal Title : **Change of lot size for Lot 1 DP 876505, 502 Black Springs Road Mudgee**

Proposal Summary : **Proposal to allow the subdivision of the land into two lots to allow a dwelling on each lot.**

PP Number : **PP_2012_MIDWR_005_00** Dop File No : **12/14207**

Proposal Details

Date Planning Proposal Received : **29-Aug-2012** LGA covered : **Mid-Western Regional**

Region : **Western** RPA : **Mid-Western Regional Council**

State Electorate : **UPPER HUNTER** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street :
Suburb : City : Postcode :
Land Parcel :

DoP Planning Officer Contact Details

Contact Name : **Wayne Garnsey**
Contact Number : **0268412192**
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RPA Contact Details

Contact Name : **Elizabeth Densley**
Contact Number : **0263782850**
Contact Email : **elizabeth.densley@midwestern.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

Land Release Data

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

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MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	2	No. of Dwellings (where relevant) :	1
Gross Floor Area :	0	No of Jobs Created :	0

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

If No, comment : **Yes as at 4 September 2012**

Have there been meetings or communications with registered lobbyists? :

If Yes, comment : **No known meetings or communications as at 4 September 2012**

Supporting notes

Internal Supporting Notes : **This proposal is to create an additional lot and dwelling in an area that is settled with dwellings on similar sized lots. The surrounding land is zoned RU1 and R5 in this locality.**

Council should investigate the area that is currently zone RU1 and surrounded by zone R5 in this locality.

The subject land is currently zone RU1 Primary Production with lot size of 100 ha. The land and surrounding land to the west, north and east is primarily used for large lot living.

External Supporting Notes :

Adequacy Assessment

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

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

Comment : **The objective is clear in that Council wish to have an additional lot and dwelling on the subject land**

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

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

Comment : **To achieve the desired outcome there is a choice to rezone the land to R5 and change the lot size to 12 ha OR retain zone RU1 and change the lot size to 12ha**

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

1.5 Rural Lands

* May need the Director General's agreement

4.4 Planning for Bushfire Protection

6.3 Site Specific Provisions

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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 1—Development Standards
SEPP No 33—Hazardous and Offensive Development
SEPP No 55—Remediation of Land
SEPP No 60—Exempt and Complying Development
SEPP No 64—Advertising and Signage
SEPP (Building Sustainability Index: BASIX) 2004
SEPP (Exempt and Complying Development Codes) 2008
SEPP (Infrastructure) 2007
SEPP (Major Projects) 2005
SEPP (Mining, Petroleum Production and Extractive Industries) 2007
SEPP (Rural Lands) 2008

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

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

If No, explain :

The D-G approved the Mid Western Comprehensive Land Use Strategy on 1 August 2011. The subject land adjoins land that has been identified in the approved Strategy as being suitable for living purposes. The land adjoins land for large lot residential purposes. The zone RU1 land in this area needs to be investigated strategically in the long term.

The inconsistencies with s117 Directions 1.2 Rural Zones, 1.5 Rural Lands and SEPP Rural Lands is considered to be of minor significance in this case as the proposal will be of minor impact in this locality.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Locality mapping provided but no maps in the Standard Instrument format**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **14 days has been proposed which is considered adequate**

Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons : **In the short term the Proposal can be supported however the nearby zone RU1 land needs to be reviewed strategically**

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

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

Assessment Criteria

Need for planning proposal :	The planning proposal is required to achieve the objective to allow an additional lot and dwelling on this land.
Consistency with strategic planning framework :	The proposal adjoins an area that is identified for large lot living in the approved strategy with the subject land being retained as agriculture. Given the information provided in the Planning Proposal and that the surrounding development is primarily large lot living it is considered that this inconsistency with the strategy is of minor significance. However the area that is agriculture between the large lot living and Mudgee should be reassessed in a broader strategy review.
Environmental social economic impacts :	The information provided indicates there are no environmental or social economic impediments to an additional lot and dwelling in this locality.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	14 Days
Timeframe to make LEP :	6 Month	Delegation :	DG
Public Authority Consultation - 56(2)(d)			

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

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

If no, provide reasons :

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 :

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Documents

Document File Name	DocumentType Name	Is Public
6.2.5 Black Springs Rd Planning Proposal.pdf	Proposal	No
Council Report 6.2.5 Black Springs Planning Proposalx.pdf	Proposal Covering Letter	No
Cover sheet PP Black Springs.pdf	Proposal Covering Letter	No
27 August 2012 Council letter to DoP.pdf	Proposal Covering Letter	No
Cover sheet PP Black Springs.pdf	Proposal	No
Minute to proceed to GAtewayx.pdf	Proposal	No
Request for Initial Gateway Determinationx.pdf	Proposal Covering Letter	No
Subject Site Mapx.pdf	Proposal	No

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**
- 4.4 Planning for Bushfire Protection**
- 6.3 Site Specific Provisions**

Additional Information :

- 1. That the Planning Proposal be supported for the option of retaining the subject land being Lot 1 DP 876505 as zone RU1 Primary Production and change the Lot Size Map (sheet LSZ_006) from 100 ha to a lot size of 12 ha.**
- 2. Prior to public exhibition Council is to submit to the Departments Western Region office exhibition material including a compliant Standard Instrument amended map cover sheet and an amended Map Sheet LSZ_006 indicating a lot size of AB2 = 12 ha for Lot 1 DP 876505.**
- 3. Council is to undertake a strategic review of the land that is currently zone RU1 Primary Production along Black Springs Road, Ulan / Wollar Road and south towards Crowleys Lane to determine the best land use allocation for such land.**
- 4. 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 plannig proposal must be made publicly available for 14 days; and**
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).**
- 5. 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).**
- 6. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination.**

Supporting Reasons :

The land adjoins land that is identified in the approved strategy for large lot living. An additional lot and dwelling in this locality is of minor impact.

The best way to facilitate this proposal at this time is to retain the current zone RU1 and amend the lot size map to 12ha.

Council should strategically review the surrounding land that is currently zoned as primary production even though dwellings are located on smaller lots.

Inconsistencies with s117 Directions 1.2 Rural Zones, 1.5. Rural Lands and SEPP Rural

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Lands is of minor significance in this case.

Signature:

Ashley Albrey

Printed Name:

Ashley Albrey

Date:

6/9/2012