

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**

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 planning 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

Lands is of minor significance in this case.

Panel Recommendation

Recommendation Date : 13-Sep-2012

Gateway Recommendation : Passed with Conditions

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. Prior to undertaking public exhibition, Council is to amend the planning proposal to:
 - (a) update the 'objectives of the proposal', 'planning provisions' and any references to controls throughout the planning proposal to accurately reference the Mid-Western LEP 2012 and current controls applicable to the site,
 - (b) remove reference to the option to rezone the site from RU1 Primary Production to R5 Large Lot Residential, and
 - (c) clearly identify that the main change sought by this planning proposal is an amendment to the minimum lot size map for the subject site to 12 ha.

2. 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 classified as low impact as described in A Guide to Preparing LEPs (Department of Planning 2009) and 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).

3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- NSW Rural Fire Service

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

4. Further to Condition 3 above, Council is to consult with the Commissioner of the NSW Rural Fire Service as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection. Council is to amend the planning proposal, if necessary, to take into consideration any comments prior to the commencement of public exhibition.

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 9 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

NEIL SELMAN

Date:

18/9/2012