

## Request for Initial Gateway Determination

### Instructions to Users

When forwarding a planning proposal to the Minister under section 56(1), the relevant planning authority must provide the information specified on this form. This form and the required information should be sent to your local Regional Office. Please note one (1) electronic copy and two (2) hard copies of the completed Planning Proposal must be sent to your local Regional Office.

### Relevant Planning Authority Details

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**Name of Relevant Planning Authority:** Mid-Western Regional Council

**Contact Person:** Liz Densley

**Contact Phone Number and Email Address:** 0263 782850

Elizabeth.densley@midwestern.nsw.gov.au

### Planning Proposal Details - Attachments

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|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|
| <b>1. LAND INVOLVED</b> (If relevant - e.g. Street Address and Lot and Deposited Plan):                                                                                                                                                                                                                                                                                                                                                     | <b>Attached/Completed</b> ✓ |
| <br>                                                                                                                                                                                                                                                                                                                                                                                                                                        |                             |
| <b>2. MAPS</b> <u>(If applicable – 1 electronic and 2 hard copy)</u>                                                                                                                                                                                                                                                                                                                                                                        | ✓                           |
| <ul style="list-style-type: none"><li>o Location map showing the land affected by the proposed draft plan in the context of the LGA (tagged 'location map').</li><li>o Existing zoning map showing the existing zoning of the site and surrounding land and proposed zoning change for the site/s (tagged 'comparative existing/proposed zoning')</li></ul>                                                                                 |                             |
| <br>                                                                                                                                                                                                                                                                                                                                                                                                                                        |                             |
| <b>3. PHOTOS and other visual material (if applicable)</b>                                                                                                                                                                                                                                                                                                                                                                                  | ✓                           |
| <ul style="list-style-type: none"><li>o Aerial photos of land affected by the Planning Proposal</li><li>o Photos of land involved and surrounding land uses</li></ul>                                                                                                                                                                                                                                                                       |                             |
| <br>                                                                                                                                                                                                                                                                                                                                                                                                                                        |                             |
| <b>4. COMPLETE PLANNING PROPOSAL</b> <u>(1 electronic and 2 hard copy)</u>                                                                                                                                                                                                                                                                                                                                                                  | ✓                           |
| <ul style="list-style-type: none"><li>o <u>All</u> matters to be addressed in a planning proposal – including Director-General's requirements for the justification of all planning proposals (other than those that solely reclassify public land) in accordance with a 'Guide to preparing a planning proposal ' are completed prior to forwarding to the Regional Office in the first instance. See <u>attached</u> pro-forma.</li></ul> |                             |
| <br>                                                                                                                                                                                                                                                                                                                                                                                                                                        |                             |
| <b>4. PLANNING PROPOSAL HAS BEEN SUPPORTED BY COUNCIL</b>                                                                                                                                                                                                                                                                                                                                                                                   | ✓                           |
| <ul style="list-style-type: none"><li>o Council has considered the written planning proposal before it is sent to the Department of Planning.</li></ul>                                                                                                                                                                                                                                                                                     |                             |

- o Attached is Council's resolution to send the written planning proposal to the Department of Planning.

.....  
Signed for and on behalf of the Relevant Planning Authority

DATE: 27/8/12

# **Black Springs Road – Large Lot Residential Refer Planning Proposal Documents Prepared by Doherty Smith & Associates**

## **Part 1 - Objectives or Intended Outcomes**

The objective of the Planning Proposal is to enable the land to be subdivided into two lots for the erection of a dwelling on the new lot.

The lot size and intended use would be consistent with surrounding development.

## **Part 2 - Explanation of Provisions**

This could be achieved by:

- (a) an amendment of the Land Zoning Map for the subject site from RU1 General Rural to R5 Large Lot Residential consistent with all of the surrounding land; and
- (b) an amendment to the Lot Size Map from AD 100ha to AB1 12ha.

**Alternatively, the outcome could be achieved by amending only the Lot Size Map and retaining the RU1 zone.**

## **Part 3 - Justification**

### **Section A - Need for the planning proposal**

1. Is the planning proposal a result of any strategic study or report?

The Planning Proposal is based on the report prepared by Doherty Smith & Associates (attached) and is consistent with Council's recommendation in considering the submission to Draft LEP 2012.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is the most relevant means of achieving the desired outcome and provides consistency in zoning and land

DoP&I Circular No PS06/005 "*Local Environmental Plan Review Panel*" (6 February 2006) sets out a pro-forma evaluation criteria sheet to be used to determine whether to commence a rezoning process. Table 6 addresses the evaluation criteria.

| <b>DoP&amp;I Criteria</b>                                                                                                                                                                      | <b>Response</b>                                                                                                                                                                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800m of a transit node)? | Yes<br><br>The Planning Proposal is consistent with the local strategic policy direction, as the site is on the edge of a rural living opportunity area as identified in the Comprehensive Land Use Strategy for the LGA |

|                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Will the LEP implement studies and strategic work consistent with State and regional policies and Ministerial (s.117) directions?                             | Yes<br><br>Refer to Table below.                                                                                                                                                                                                                                                                                |
| Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy? | No                                                                                                                                                                                                                                                                                                              |
| Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?                                                   | Not Applicable                                                                                                                                                                                                                                                                                                  |
| Will the LEP be compatible/complementary with surrounding land uses?                                                                                          | Yes<br><br>The adjoining land consists of small lifestyle lots with dwellings. There are some hobby farm activities, however, the predominate use of the land is residential.                                                                                                                                   |
| Is the LEP likely to create a precedent; or create or change the expectations of the landowner or other landholders?                                          | No<br><br>This Planning Proposal relates to the only site in the vicinity which is larger than 15ha with the ability to achieve a second lot. There is a holding further south which is significantly larger than the surrounding lots and which, at this stage will remain as a viable primary production lot. |
| Will the LEP deal with a deferred matter in an existing LEP?                                                                                                  | No                                                                                                                                                                                                                                                                                                              |
| Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?                   | Yes<br><br>There are no other spot rezonings of relevance to this proposal.                                                                                                                                                                                                                                     |

### 3. Is there a net community benefit?

The Net Community Benefit Test (Appendix 1) has been used to assess the merits of the planning proposal using the questions set out in the draft Centres Policy, as recommended in Part 3 Section A of the *Guidelines for Preparing Planning Proposals*.

## Section B - Relationship to strategic planning framework.

### 4. Is the planning proposal consistent with the objectives and actions contained within the applicable **regional or sub-regional strategy**

Not Applicable

5. Is the planning proposal consistent with the local council's **Community Strategic Plan**, or other **local strategic plan**?

The Planning proposal is generally consistent with the Comprehensive Land Use Strategy (refer Doherty Smith & Associates document)

6. Is the planning proposal consistent with applicable state **environmental planning policies**?

Yes

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

Refer Appendix 2

### **Section C - Environmental, social and economic impact.**

8. 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

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

No

10. How has the planning proposal adequately addressed any social and economic effects?

Not Applicable

### **Section D - State and Commonwealth interests.**

11. Is there adequate public infrastructure for the planning proposal? Yes

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?

Note (1): Do State or Commonwealth own or have an interest in any of the land involved?

Note (2): The RPA must list the State and Commonwealth public authorities to be consulted.

All of the relevant government agencies were consulted during the Comprehensive Land use Strategy process and as the proposal is generally consistent with the principles of the strategy. Together with the fact that the proposal is of such a minor nature, additional agency consultation is not considered necessary.

Consultation will be undertaken with:

Rural Fire Service

## Part 4 - Community Consultation

The Planning Proposal is of a minor nature and 14 days is considered adequate for the community consultation/exhibition periods.

## Part 5 – Risks to the Planning Proposal.

NOTE (1): RPA must identify strategic and operational risks that could adversely impact the progress of the planning proposal and the making of the plan within the required time frame. Examples of risks Council should consider include;

- o State or Commonwealth public authority objection to the LEP
- o Community objection to the LEP
- o Time required to resolve public and or community objections
- o Requirement to re-exhibit
- o Requirement for a public hearing
- o Missing Council meetings
- o Delay in finalising the associated development control plan
- o Department of Planning delay in resolving Standard Instrument policy and practice
- o Department of Planning changing Standard Instrument policy and practice
- o Council staff taking leave or resigning
- o Council lack of resources (please specify e.g. Council does not have capacity to complete SI LEP mapping )

NOTE (2): If the RPA believes a risk will prevent the making of the plan within the required time frame the RPA should consider not lodging a planning proposal with the Department of Planning until the risk has been resolved.

The risks associated with the Planning Proposal are minimal given the scale.

## Part 6 – Benchmark Timeframes for making the Plan.

Note: You cannot delete or alter any of the following statements except were directed to select an option.

1. The plan will be made within 6 months of the Gateway Determination date.
2. The Planning Proposal will be exhibited within 4 weeks of the Gateway Determination date.
3. Community Consultation will be completed 14 days from the last day the Planning Proposal must be exhibited (select the appropriate timeframe)
4. Public Authority Consultation will be completed within 35 days of the Gateway Determination date.

5. The RPA will request the Department to draft and finalise the LEP no later than 6 weeks prior to the projected making of the plan date specified in point 1.

# Appendix 1

## Net Community Benefit Analysis

The following is based on the Evaluation Criteria provided in the NSW Department of Planning Draft Centres Policy, Planning for Retail and Commercial Development. The proposal is considered to be in the public interest and have a positive net community benefit.

- 1. Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg land release, strategic corridors, development within 800 metres of a transit node)?**

There are no applicable State or Regional strategic directions for development, however, the development is consistent with Council's own Land Use Strategy.

- 2. Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?**

No.

- 3. Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?**

No.

- 4. Have the cumulative effects of other spot rezoning proposals in the locality been considered?**

There are no other spot rezonings of relevance to this proposal.

**5. What was the outcome of these considerations?**

N/A

**6. Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?**

Not Applicable

**7. Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?**

No. The proposal will facilitate the development of one additional lifestyle lot.

**8. Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site?**

Yes.

**Transport**

Not Applicable (tar sealed road access)

**Sewerage**

On Site disposal

**Water supply**

Tank and bore

**Power supply**

Available to site

**9. Is there good pedestrian and cycling access?**

Not Applicable

**10. Is public transport currently available or is there infrastructure capacity to support future public transport?**

Not Applicable

**11. Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?**

Not Applicable

**12. Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?**

No

**13. Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?**

No.

- 14. Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community?**

Yes.

The proposal will result in development consistent with the surrounding development.

- 15. Will the public domain improve?**

Not Applicable. The site is currently vacant farmland.

- 16. Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?**

Not Applicable

- 17. If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?**

Not Applicable

- 18. What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?**

The proposal will provide an additional residential opportunity.

# Appendix 2

## S117 Ministerial Directions Analysis

| Section 117 Direction                                  |                                                        | Applicable (PP) | Consistent | Remarks                                                                                         |
|--------------------------------------------------------|--------------------------------------------------------|-----------------|------------|-------------------------------------------------------------------------------------------------|
| <b>1 Employment and Resources</b>                      |                                                        |                 |            |                                                                                                 |
| 1.1                                                    | Business and Industrial Zones                          | Yes             | N/A        |                                                                                                 |
| 1.2                                                    | Rural Zones                                            | Yes             | N/A        |                                                                                                 |
| 1.3                                                    | Mining, Petroleum Production and Extractive Industries | Yes             |            |                                                                                                 |
| 1.4                                                    | Oyster Aquaculture                                     | No              | N/A        |                                                                                                 |
| 1.5                                                    | Rural Lands                                            | Yes             | Yes        | The proposal will facilitate the development an additional dwelling and lot win the rural area. |
| <b>2 Environment and Heritage</b>                      |                                                        |                 |            |                                                                                                 |
| 2.1                                                    | Environment Protection Zones                           | Yes             | N/A        |                                                                                                 |
| 2.2                                                    | Coastal Protection                                     | No              | N/A        |                                                                                                 |
| 2.3                                                    | Heritage Conservation                                  | Yes             | N/A        | There are no known Aboriginal items at the site identified within any planning instruments      |
| 2.4                                                    | Recreation Vehicle Areas                               | Yes             | N/A        |                                                                                                 |
| <b>3 Housing, Infrastructure and Urban Development</b> |                                                        |                 |            |                                                                                                 |
| 3.1                                                    | Residential Zones                                      | Yes             | N/A        | .                                                                                               |

|                                |                                                                               |         |     |                                                                                                                                               |
|--------------------------------|-------------------------------------------------------------------------------|---------|-----|-----------------------------------------------------------------------------------------------------------------------------------------------|
| 3.2                            | Caravan Parks and Manufactured Home Estates                                   | No      | N/A |                                                                                                                                               |
| 3.3                            | Home Occupations                                                              | Yes     | N/A |                                                                                                                                               |
| 3.4                            | Integrating Land Use and Transport                                            | Yes     | N/A |                                                                                                                                               |
| 3.5                            | Development Near Licensed Aerodromes                                          | No      | N/A |                                                                                                                                               |
| <b>4 Hazard and Risk</b>       |                                                                               |         |     |                                                                                                                                               |
| 4.1                            | Acid Sulfate Soils                                                            | No      | N/A |                                                                                                                                               |
| 4.2                            | Mine Subsidence and Unstable Land                                             | No      | N/A |                                                                                                                                               |
| 4.3                            | Flood Prone Land                                                              | No      | N/A |                                                                                                                                               |
| 4.4                            | Planning for Bushfire Protection                                              | Yes     | TBA | Further consultation with the Commissioner of the NSW Rural Fire Service after the gateway determination and prior to community consultation. |
| <b>5 Regional Planning</b>     |                                                                               |         |     |                                                                                                                                               |
| 5.1                            | Implementation of Regional Strategies                                         | No      | N/A |                                                                                                                                               |
| 5.2                            | Sydney Drinking Water Catchments                                              | No      | N/A |                                                                                                                                               |
| 5.3                            | Farmland of State and Regional Significance on the NSW Far North Coast        | No      | N/A |                                                                                                                                               |
| 5.4                            | Commercial and Retail Development along the Pacific Highway, North Coast      | No      | N/A |                                                                                                                                               |
| 5.5                            | Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)  | revoked |     |                                                                                                                                               |
| 5.6                            | Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1) |         |     |                                                                                                                                               |
| 5.7                            | Central Coast (Revoked 10 July 2008. See amended Direction 5.1)               |         |     |                                                                                                                                               |
| 5.8                            | Second Sydney Airport: Badgerys Creek                                         | No      | N/A |                                                                                                                                               |
| <b>6 Local Plan Making</b>     |                                                                               |         |     |                                                                                                                                               |
| 6.1                            | Approval and Referral Requirements                                            | Yes     | Yes | Will be consistent with Ministerial Direction                                                                                                 |
| 6.2                            | Reserving Land for Public Purposes                                            | No      | N/A |                                                                                                                                               |
| 6.3                            | Site Specific Provisions                                                      | Yes     | No  |                                                                                                                                               |
| <b>7 Metropolitan Planning</b> |                                                                               |         |     |                                                                                                                                               |
| 7.1                            | Implementation of the Metropolitan Strategy                                   | No      | N/A |                                                                                                                                               |