

1.1.1 Planning Proposal – Black Springs Road Mudgee

REPORT BY MANAGER STRATEGIC PLANNING TO 15 AUGUST COUNCIL MEETING

Planning Proposal Black Springs Rd

A0100055, A0420240

RECOMMENDATION

That:

- 1. the report by Manager Strategic Planning on the Planning Proposal – Black Springs Road Mudgee be received;**
 - 2. Council prepare an amending Local Environmental Plan for Black Springs Road to enable Lot 1 DP 876505 to be subdivided and a dwelling erected on the second lot;**
 - 3. the Planning Proposal under section 55 of the Environmental Planning and Assessment Act for Black Springs Road be forwarded to the Department of Planning and Infrastructure seeking a Gateway Determination;**
 - 4. a further report be presented to Council upon the completion of the exhibition addressing any submissions.**
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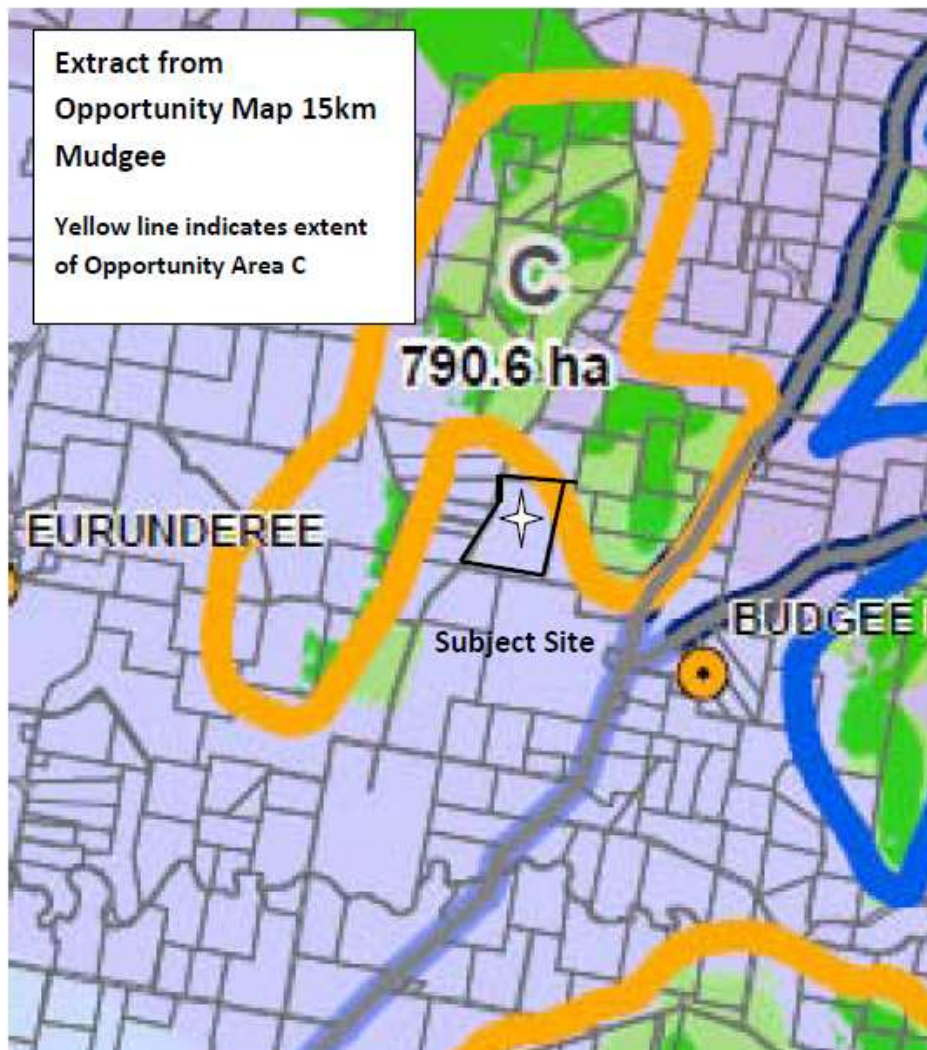
Executive summary

Council received a submission during the exhibition of the Comprehensive Local Environmental Plan requesting that consideration be given to the inclusion of Lot 1 DP 876505 into the R5 Large Lot Residential zone consistent with surrounding land. At that time, Council resolved not to support the submission on the basis that it was inconsistent with the Comprehensive Land Use Strategy and rather provide the land owner the opportunity to prepare a Planning Proposal justifying the rezoning of the site. This Planning Proposal has now been received.

Detailed report

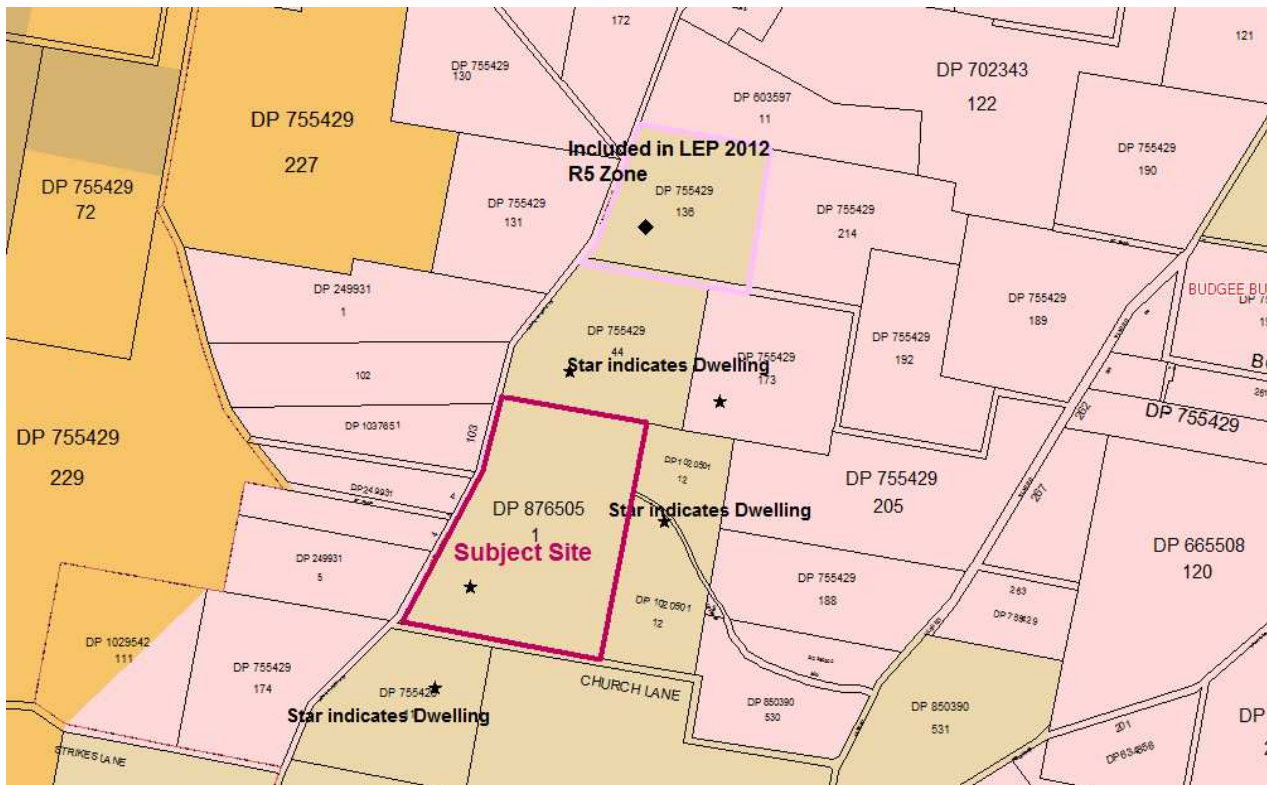
The subject site is approximately 32 hectares and currently contains one dwelling. The Comprehensive Land Use Strategy adopted a sieve process for determining which land was suitable for additional lifestyle lots. The subject site is not identified as unconstrained by this process. However, the Planning Proposal provides a case that the site is suitable subdivision into two lots on the basis of site specific circumstances being:

- The scale at which the “Opportunity Areas” have been identified in the Land Use Strategy is such that the north eastern corner of this site is within the Area identified as Area C on the “Rural Lifestyle Opportunities – 15km offset from Mudgee” Map and the adjustment of the yellow polygon on this map to match the existing road layout would see the subject site within the opportunity area (refer figure below).



- It is bound by two roads being Church Lane and Black Springs Road. The adjoining lot on the eastern side fronts Church Lane
- The adjoining land is used for hobby farms although retaining the RU1 zoning.
- Each of the abovementioned lots adjoining land zoned R5 and it appears that they have retained their RU1 zoning as they offer no opportunity to provide additional residential capacity.
- There are four sites immediately adjoining Lot 1 DP 876505 on the opposite side of Black Springs Road proposed for R5 zoning. Each is less than 12 hectares and supports residential use. This creates an environment which excludes future practical use of any of them or lot 1, DP 876505 on the basis of proximity as economic RU1 lots.
- Further lots in the area bounded by Black Spring Road, Church Lane and Cassilis Road are generally developed in a manner to conform with the R5 zone.
- Rezoning of the block provides an opportunity to increase density without any additional demand for services as the following are already provided; roads, gentle topography, electricity, school bus service, close to Mudgee, within travelling distance to the mines.

FIGURE 1 SUBJECT SITE



As can be seen from the above figure, the site is surrounded by Large Lot Residential and RU1 lots that are already well under size and have existing dwellings on them.

Allowing the rezoning to proceed will create the opportunity for the site to be subdivided for the purpose of a dwelling. This is not inconsistent with the surrounding development on all sides.

The purpose of the Opportunity Areas in the Comprehensive Land Use Strategy was to identify areas that are within 15 km from Mudgee with good road access and in areas that were already compromised in terms impact on prime agricultural land. This site is compromised in terms of the neighbouring development in that it is surrounded on all sides by small lots with existing dwellings. The opportunity for the continued operation of the site as a rural holding is limited.

In terms of precedent there are limited opportunities in areas that are zoned R5 and within the 15 km radius of Mudgee. If there are circumstances where rural lots are surrounded on all side by R5 lifestyle lots then those could also be considered on merit.

Financial implications

Not applicable.

Strategic or policy implications

The planning proposal will result in an amendment to the Comprehensive LEP 2012. Amendment of the Land Use Strategy document is not considered necessary given the location of the lot in such proximity to the opportunity area.

LIZ DENSLEY
MANAGER STRATEGIC PLANNING

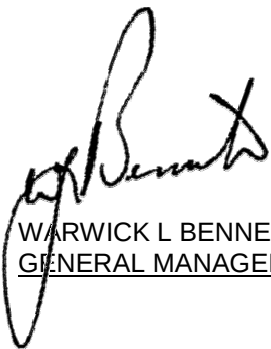


CATHERINE VAN LAEREN
GROUP MANAGER DEVELOPMENT &
COMMUNITY SERVICES

2 August 2012

Attachments: 1. Black Springs Rd Planning Proposal Documentation (included at the end of the Business Paper)

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER