

**Mid-Western Regional Local Environmental Plan 2012 - Amend minimum lot size Lot 9 DP
1150667 Broadhead Road, Mudgee**

Proposal Title : **Mid-Western Regional Local Environmental Plan 2012 - Amend minimum lot size Lot 9 DP
1150667 Broadhead Road, Mudgee**

Proposal Summary : **Amend minimum lot size on land at Lot 9 DP 1150667 Broadhead Road, Mudgee from 4000sqm
to 2000sqm if the consent authority is satisfied that each lot is, or will be serviced by a water
reticulation system and sewerage system.**

PP Number : **PP_2015_MIDWR_002_00** Dop File No : **15/01813**

Proposal Details

Date Planning Proposal Received :	19-Jan-2015	LGA covered :	Mid-Western Regional
Region :	Western	RPA :	Mid-Western Regional Council
State Electorate :	ORANGE	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	Broadhead Road		
Suburb :	Mudgee	City :	Mudgee
		Postcode :	2850
Land Parcel :	Lot 9 DP 1150667		

DoP Planning Officer Contact Details

Contact Name : **Jessica Holland**
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RPA Contact Details

Contact Name : **Elizabeth Densley**
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DoP Project Manager Contact Details

Contact Name : **Wayne Garnsey**
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Land Release Data

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

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MDP Number :

Date of Release :

Area of Release
(Ha) :

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings 24
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

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

If No, comment :

Have there been No
meetings or
communications with
registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

External Supporting
Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment : The planning proposal clearly states the objective is to amend the minimum lot size on
land at Lot 9 DP 1150667 Broadhead Road, Mudgee.

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

Is an explanation of provisions provided? Yes

Comment : The explanation of provisions clearly states that the objectives of the planning proposal
will be achieved by amending Lot Size Map LSZ_006E.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? Yes

b) S.117 directions identified by RPA :

2.1 Environment Protection Zones

* May need the Director General's agreement

2.3 Heritage Conservation

3.1 Residential Zones

3.3 Home Occupations

3.4 Integrating Land Use and Transport

4.4 Planning for Bushfire Protection

6.1 Approval and Referral Requirements

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 55—Remediation of Land

SEPP No 70—Affordable Housing (Revised Schemes)
SEPP (Building Sustainability Index: BASIX) 2004
SEPP (Housing for Seniors or People with a Disability) 2004
SEPP (Infrastructure) 2007
SEPP (Rural Lands) 2008

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

2.1 Environmental Protection Zones: The Ministerial Direction applies to protect and conserve environmentally sensitive areas. The Direction is relevant to the planning proposal as the subject land is identified on the LEP Groundwater Vulnerability Map as groundwater vulnerable, the Visually Sensitive Land Map as visually sensitive land and on the sensitive biodiversity map as high biodiversity sensitivity. The planning proposal does not alter the existing provisions of the LEP for the protection and conservation of environmentally sensitive areas. The planning proposal is consistent with this Direction.

2.3 Heritage Conservation: The Ministerial Direction requires that a planning proposal contain provisions that facilitate the conservation of items, areas, objects and places of environmental heritage significance and indigenous heritage significance. The planning proposal states that items of aboriginal heritage are located on the site (AHIMS database). The planning proposal does not alter the protection of the item under the provisions of the National Parks and Wildlife Act 1974. The planning proposal is consistent with this Direction.

3.1 Residential Zones: The Ministerial Direction is relevant as the planning proposal affects land within an existing residential zone. The proposal seeks to broaden the choice of housing types available in the market and to make efficient use of infrastructure and services by increasing the permissible residential density of land. The planning proposal is consistent with this Direction.

3.4 Integrating Land Use and Transport: The Ministerial Direction is relevant as the planning proposal alters the minimum lot size provision on land in a residential zone. The planning proposal is consistent with the Direction.

SEPP 55 Remediation of Land: The planning proposal has considered past land uses and identifies that there are no known potential contaminants which would prevent future development of the site. There is no further work required for this matter as part of this planning proposal.

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Adequate locality maps are provided. A condition will be imposed on the Gateway determination requiring the preparation of amending Lot Size Map LSZ_004 in accordance with the Standard Technical Requirements for LEP maps.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : The planning proposal is consistent with the Mid-Western Comprehensive Land Use Strategy and is to be publicly exhibited for a period of 14 days.

Additional Director General's requirements

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

If Yes, reasons :

Overall adequacy of the proposal

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

If No, comment : **The Planning Proposal is adequate in the information provided.**

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

The Mid-Western Regional Local Environmental Plan 2012 was notified on 10 August 2012.

Assessment Criteria

Need for planning
proposal :

The planning proposal is required to permit subdivision of the subject land to a minimum lot size of 2000 square metres if the consent authority is satisfied that each lot is, or will be serviced by a water reticulation system and sewerage system..

Consistency with
strategic planning
framework :

The planning proposal is consistent with the Mid-Western Comprehensive Land Use Strategy which identifies land for large lot residential purposes.

The subject land is identified and remains in the Mudgee and Gulgong Urban Release Strategy as an urban release area staged for release of land with a 2000 square metre minimum lot size, in the long term.

The proposal is consistent with the Strategy in relation to the recommended land use zone and density of residential development. It is considered the inconsistency regarding timing of release is of minor significance in this instance and that the proposal is strategically justified.

Environmental social
economic impacts :

The land is identified as zone R2 Low Density Residential in the Mid-Western Regional LEP 2012. The permitted residential density is 4000 square metres where each lot is, or will be serviced by a water reticulation system and sewerage system.

The planning proposal intends to increase the permitted density of residential development on the land to 2000 square metres where each lot is, or will be serviced by a water reticulation system and sewerage system.

It is considered the increased residential density will not significantly alter the environmental, social or economic outcomes of development on the land and that the proposal should proceed.

Assessment Process

Proposal type : **Consistent**

Community Consultation
Period : **14 Days**

Timeframe to make
LEP : **9 months**

Delegation : **RPA**

Public Authority
Consultation - 56(2)
(d) :

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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 :

Documents

Document File Name

DocumentType Name

Is Public

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 2.1 Environment Protection Zones**
- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 3.3 Home Occupations**
- 3.4 Integrating Land Use and Transport**
- 4.4 Planning for Bushfire Protection**
- 6.1 Approval and Referral Requirements**

Additional Information : **The Planning Proposal proceed subject to the following conditions:**

1. 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 a minimum of 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 5.5.2 of 'A Guide to Preparing LEPs' (Department of Planning and Infrastructure 2013).

2.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).

3.Prior to submission of the Planning Proposal under section 59 of the EP&A Act the relevant Lot Size Map that applies to the subject land is to be prepared compliant with the Department's 'Standard technical requirements for LEP maps'.

4.The timeframe for completing the LEP is to be 9 months from the week following the

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Supporting Reasons :

date of the Gateway Determination.

The planning proposal is strategically justified by the Mid-Western Comprehensive land Use Strategy and Mudgee and Gulgong Urban Release Strategy which identify the land for residential purposes with a minimum residential density of 2000 square metres.

The planning proposal intends to increase the permitted density of residential development on the land from 4000 square meters to 2000 square metres where each lot is, or will be serviced by a water reticulation system and sewerage system.

It is considered the increased residential density will not significantly alter the environmental, social or economic outcomes of development on the land and that the proposal should proceed.

Signature:



Printed Name:

Jessica Holland

Date:

10-02-2015

Endorsed

Wfamsy 10/2/15

TLWR