

**Mid-Western Regional Local Environmental Plan 2012 - Rezone land at part Lot 60 DP
1181768 Robert Hoddle Grove, Bombira, Mudgee and amend the minimum lot size**

Proposal Title : **Mid-Western Regional Local Environmental Plan 2012 - Rezone land at part Lot 60 DP 1181768 Robert Hoddle Grove, Bombira, Mudgee and amend the minimum lot size**

Proposal Summary : **Rezone land at part Lot 60 DP 1181768 Robert Hoddle Grove, Bombira from RU4 Primary Production Small Lots to R2 Low Density Residential and amend the minimum lot size from 20 hectares to 2 hectares (4000 square metres if serviced with water reticulation and a sewerage system).**

PP Number : **PP_2016_MIDWR_001_00** Dop File No : **15/10342**

Proposal Details

Date Planning Proposal Received : **04-Jan-2016** 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 : **Robert Hoddle Grove**

Suburb : **Bombira** City : **Mudgee** Postcode : **2850**

Land Parcel : **part Lot 60 DP 1181678**

DoP Planning Officer Contact Details

Contact Name : **Jessica Holland**

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RPA Contact Details

Contact Name : **Elizabeth Densley**

Contact Number : **0263782850**

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DoP Project Manager Contact Details

Contact Name : **Wayne Garnsey**

Contact Number : **0268412180**

Contact Email : **wayne.garnsey@planning.nsw.gov.au**

Land Release Data

Growth Centre : Release Area Name :

Regional / Sub Consistent with Strategy :

Regional Strategy :

Mid-Western Regional Local Environmental Plan 2012 - Rezone land at part Lot 60 DP 1181768 Robert Hoddle Grove, Bombira, Mudgee and amend the minimum lot size

MDP Number :

Date of Release :

Area of Release (Ha)

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 1
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

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

If No, comment :

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

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 rezone land and amend the minimum lot size on land at part Lot 60 DP 1181768 Robert Hoddle Grove, Bombira, Mudgee.**

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

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

Comment : **The explanation of provisions clearly states that the objective of the planning proposal will be achieved by amending Land Zoning Map Sheet LZN_006G and Lot Size Map Sheet LSZ_006G. Note the Lot Size Map will be amended from 20 hectares (AB3) to 2 hectares (Z) and labelled Area B (4000sqm where land is serviced by reticulated water and a sewerage system).**

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.2 Rural Zones

1.5 Rural Lands

2.1 Environment Protection Zones

2.3 Heritage Conservation

3.1 Residential Zones

3.4 Integrating Land Use and Transport

Mid-Western Regional Local Environmental Plan 2012 - Rezone land at part Lot 60 DP 1181768 Robert Hoddle Grove, Bombira, Mudgee and amend the minimum lot size

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **SEPP No 55—Remediation of Land
SEPP (Rural Lands) 2008**

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

1.2 Rural Zones: This Direction is applicable as the planning proposal seeks to rezone land and amend the minimum lot size on land currently zone RU4 Primary Production Small Lots. The planning proposal seeks to increase the permissible density of residential development on the land by amending the minimum lot size from 20 hectares to 2 hectares (and 4000 square metres if the land is serviced by reticulated water and sewerage system). The planning proposal is inconsistent with the Direction.

The subject land forms part of a lot containing land zone R2 Low Density Residential and RU4 Primary Production Small Lots. The endorsed Mid-Western Regional Comprehensive Land Use Strategy (CLUS) identifies the adjoining land to the north along Robert Hoddle Grove as an opportunity area for large lot residential development. This land is currently zone R2 Low Density Residential with a minimum lot size of 2 hectares (and 4000 square metres if the land is serviced by reticulated water and sewerage system). The subject land can be serviced by reticulated water and sewerage system and has been developed with lots ranging in area from 4000 square metres to 2 hectares.

The endorsed Urban Release Strategy identifies there is sufficient land zoned for 2000-4000 square metre residential lots to meet the demand of 15 lots per year in the long term (35 years). This is based on the assumption that existing 2 and 10 hectare allotments can be subdivided to 2000 and 4000 square metres if serviced by a water reticulation system and sewerage system and does not reflect the existing situation given a significant area of the land is unable to be efficiently serviced due to the natural elevation of the land and other constraints. The planning proposal will result in permitting the subdivision of the land to create one additional allotment of not less than 4000 square metres, this is considered to be of minor significance in relation to the existing supply.

The nominated officer of the Secretary can be satisfied that the inconsistency with this Direction is of minor significance in this instance given the surrounding pattern of development and zoning of adjoining land R2 Low Density Residential north of the site along Robert Hoddle Grove.

1.5 Rural Lands: This Direction is applicable as the planning proposal affects land within an existing rural zone. The Direction requires a planning proposal to be consistent with the Rural Planning Principles and Rural Subdivision principles listed in SEPP (Rural Lands) 2008. The planning proposal is inconsistent with the Principles in respect of the importance of rural lands and agriculture, rural land fragmentation and land use conflict.

The nominated officer of the Secretary can be satisfied that the inconsistency with this Direction is of minor significance in this instance given the surrounding pattern of residential development and zoning of adjoining land R2 Low Density Residential north of the site along Robert Hoddle Grove.

2.1 Environmental Protection Zones: The 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 planning proposal does not alter the existing provisions of the LEP for protection and conservation of environmentally sensitive areas. The planning proposal is consistent with Direction. It is noted that the subject land is serviced by reticulated water and a sewerage system - development of an additional dwelling on the land is unlikely to impact on the groundwater system. Consultation with the relevant state agencies, the NSW Office of Environment and Heritage and Office of Water is however

required.

2.3 Heritage Conservation: The 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 includes an AHIMS report that identifies 4 Aboriginal sites recorded in or near the subject land (within 1km of the land). Consultation with NSW National Parks and Wildlife will be required.

3.1 Residential Zones: This Direction is relevant as the planning proposal affects land within a proposed residential zone; it is proposed the land be rezoned from RU4 Primary Production Small Lots to R2 Low Density Residential. The proposal seeks to broaden the choice of housing types available in the area and to make use of the existing infrastructure in the locality. The planning proposal is consistent with the Direction.

3.4 Integrating Land Use and Transport: The Direction is application to the planning proposal as the proposal zones land for residential purposes and alters the minimum lot size provisions. The planning proposal is consistent with this Direction.

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

SEPP (Rural Lands) 2008: The planning proposal is inconsistent with a number of the Rural Planning Principles contained within the SEPP, as discussed above. The inconsistencies are of minor significance in this instance given the surrounding pattern of residential development and zoning of surrounding land R2 Low Density Residential.

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 have been included in the planning proposal to identify the subject land. Compliant LEP maps will be required with section 59 submission.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : The planning proposal shall be publicly exhibited for a period of 28 days.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

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

If No, comment :

**Mid-Western Regional Local Environmental Plan 2012 - Rezone land at part Lot 60 DP
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Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The Mid-Western Regional Local Environmental Plan 2012 was notified on 20 August 2012.**

Assessment Criteria

Need for planning proposal : **The planning proposal is required to permit subdivision of the subject land to create one additional allotment (not less than 4000 square metres in area).**

Consistency with strategic planning framework : **The planning proposal is not consistent with Section 117 Directions 1.2 Rural Zones and 1.5 Rural Lands. The inconsistencies are considered to be of minor significance in this instance given then the surrounding pattern of residential development and zoning of adjoining land to the north of the site along Robert Hoddle Grove.**

Environmental social economic impacts : **The subject land is identified as groundwater vulnerable, consultation with the Office of Water and NSW Office of Environment and Heritage is required.**

No significant environmental or social impacts have been identified.

Assessment Process

Proposal type :	Consistent	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 months	Delegation :	RPA
Public Authority Consultation - 56(2)(d) :	Office of Environment and Heritage Other		

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 :

**Mid-Western Regional Local Environmental Plan 2012 - Rezone land at part Lot 60 DP
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Documents

Document File Name	DocumentType Name	Is Public
MWRC Council Report and resolution 16 Dec 2015.pdf	Proposal	Yes
MWRC covering letter received 4 Jan 2016.pdf	Proposal Covering Letter	Yes
MWRC planning proposal.pdf	Proposal	Yes
MWRC Request for initial gateway.pdf	Proposal	Yes
MWRC evaluation for delegation.pdf	Proposal	Yes

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**
- 2.1 Environment Protection Zones**
- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 3.4 Integrating Land Use and Transport**

Additional Information : **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 is required to be made publicly available on exhibition for 28 days as described in A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).

(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.

2. Consultation is required with the following State Agencies under Section 56 (2)(d) of the EP&A Act and/or to comply with the requirements of relevant section 117 Directions:

- (a) NSW Office of Environment and Heritage
- (b) Department of Primary Industries - NSW Office of Water
- (c) NSW National Parks and Wildlife Service

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the planning proposal prior to community consultation.

3. 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).

4. Prior to submission of the planning proposal under Section 59 of the EP&A Act, the LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps'.

5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons : **Council has justified the proposed amendment.
It is recommended Council be authorised to exercise delegation as the proposal is a local matter consistent with surrounding land use.**

**Mid-Western Regional Local Environmental Plan 2012 - Rezone land at part Lot 60 DP
1181768 Robert Hoddle Grove, Bombira, Mudgee and amend the minimum lot size**

Signature:



Printed Name:

Jessica Holland

Date:

21 Jan 2016

Endorsed

Wgamsey 21 January 2016

A DRW