



Planning Proposal

Amend split zoning- RU4 Primary Production Small Lot to R2 Low Density Residential zoned land

Lot 60 DP1181768

Robert Hoddle Grove, Bombira NSW 2850

for

Evaross Pty Ltd

Project Ref. – EVA028_A392

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September 2015



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ISSUE AND AMENDMENT CONTROL HISTORY

ISSUE	REVISION	DATE	DESCRIPTION	AUTHOR	QA/QC
1	0	SEPT 2015	DRAFT FOR CLIENT REVIEW	MINESPEX	MD
	1	SEPT 2015	FINAL	MINESPEX	EY

OVERVIEW OF PROPOSAL

Minespex was commissioned by Mr Mark Dalton of Evaross Pty Ltd to prepare a Planning Proposal under Section 55 of the *Environmental Planning and Assessment Act 1979* to accommodate the future 2 lot residential subdivision of land with a min lot size of 4000m². This report describes the proposed rezoning, objectives and outcomes, explanation of provisions and justification for the planning proposal. Strategic planning merit is apparent with direct synergy to existing development and the R2 zoned land in Robert Hoddle Grove and adopted planning controls. The existing dwelling has been dissociated of any past agricultural land and the dwelling is more appropriately zoned R2 aligned with the land also fronting Robert Hoddle Grove.

The planning proposal intends to:

- Amend the corresponding lot size maps for an existing split zoned parcel, currently zoned RU4 Primary Production Small Lots and R2 Low Density Residential, to zone the total of the lot R2 Low Density Residential.
- Support the zone objectives and apply land use controls which are representative of the existing development and subdivision pattern.

The subject land is owned separately to the adjoining RU4 land. The Robert Hoddle Grove development has been identified for rural residential style development intended for lots on both sides of the loop road. The proposal does not detract from the overall intended strategic development of the locality. This proposal, with one new lot resulting, will not serve to have any significant impact on land availability or address any perceived need for additional land supply. The proposal will align the existing land use with a zone that better suits the site, considering the zone objectives and permitted uses.

The planning proposal can be supported by MWRC with consideration of the issues addressed in this report. The proposal does not present any significant strategic policy implications. The planning proposal will enable one new lot to be created which is at the minimum size for the R2 zone and similar in shape and dimensions to other adjoining land.

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TABLE OF CONTENTS

PART 1 - Objectives and intended outcomes of the proposal	1
Statement of Intended outcomes	1
PART 2 - Explanation of Provisions	1
PART 3 - Justification	3
SECTION A - Need for the Planning Proposal.....	3
SECTION B - Relationship to the strategic planning framework	7
SECTION C - Environmental, Social and Economic Impact	17
SECTION D - State and Commonwealth interests	21
Part 4 - Mapping.....	22
PART 5 - Community Consultation.....	23
CONCLUSION	24

APPENDIX A – Concept Plan

APPENDIX B – AHIMS Search Results

ABBREVIATIONS

AHIMS	Aboriginal Heritage Information Management System
CLUS	Mid-Western Regional Comprehensive Land Use Strategy
DP	Deposited Plan
NSW DP&E	NSW Department of Planning and Environment
EDS	Economic Development Strategy
EP&A Act	Environmental Planning and Assessment Act 1979
LGA	Local Government Area
MWRLEP	Mid-Western Regional Local Environmental Plan 2012
RFS	Rural Fire Service
PBP	Planning For Bushfire Protection 2006
SEPP	State Environmental Planning Policy

Purpose and Objectives of this Planning Report

This planning proposal describes the intended effect and justification for a proposed amendment to *Mid-Western Regional Local Environmental Plan 2012* (MWRLEP) for a site specific amendment to the Lot Size Map. The amendment is proposed to facilitate future residential subdivision with a minimum lot size of 2000m².

This planning proposal has been prepared in accordance with Section 55 of the (NSW) *Environmental Planning and Assessment Act 1979* (EP&A Act) and the following Department of Planning (DoP) guidelines:

- *A guide to preparing planning proposals* (October 2012)
- *A guide to preparing local environmental plans* (April 2013).

PART 1 - OBJECTIVES AND INTENDED OUTCOMES OF THE PROPOSAL

STATEMENT OF INTENDED OUTCOMES

The planning proposal seeks to facilitate development of a future two (2) lot 'low density residential' subdivision of (min lot size 4000m²) at Lot 60 DP1181768, Robert Hoddle Grove, Bombira.



Figure 1: Concept Layout

PART 2 - EXPLANATION OF PROVISIONS

It is intended that the objectives and intended outcomes described in Part 1 will be achieved by the following:

- The land is split zoned. The proposal would seek an amendment to the Mid-Western Regional LEP 2012 Land Zoning Map - Sheet LZN_006G, whereby the whole of the lot is located within the R2 Low Density Residential zone.
- Amendment to the corresponding Mid-Western Regional LEP 2012 Lot Size Map – Sheet LSZ 006G where this map depicts the subject land to include in its entirety as within “Z” and “Area B”.

The approximate boundary of Lot 60 is sketched in red below on the excerpts from the relevant LEP maps (refer to **Figure 2** and **Figure 3** below). The existing dwelling is located in that part of the lot zoned RU4 Primary Production Small Lots.

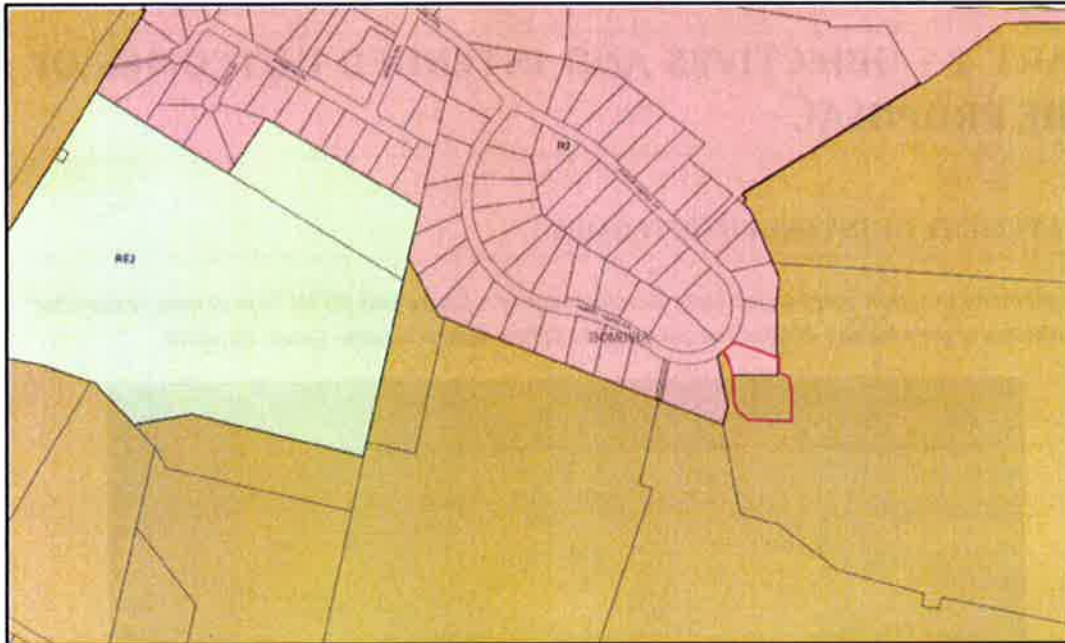


Figure 2: Approx. location of subject land within Zoning Map (Sheet LZN_006G)

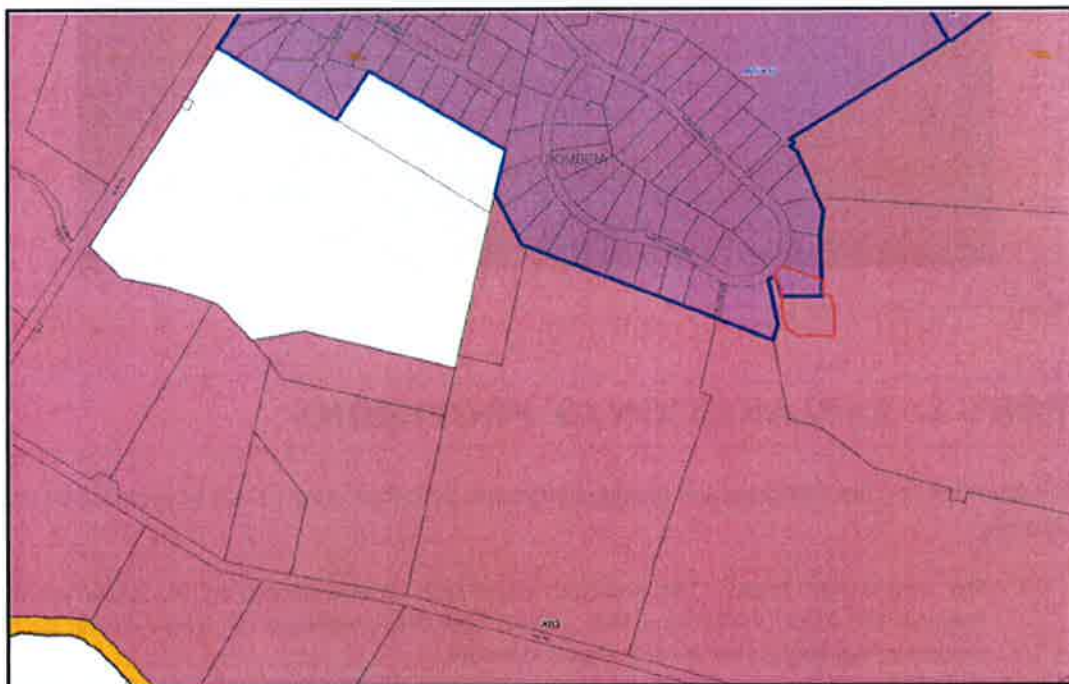


Figure 3: Approx. location of subject land within Lot Size Map (Sheet LSZ_006G)

PART 3 - JUSTIFICATION

This section sets out the reasoning for the proposed change to the MWRLEP 2012, taking into consideration the intended outcomes and objectives outlined. The following questions are based on requirements contained in NSW Planning and Infrastructure's *A guide to preparing planning proposals* (October 2012) and address the need for the planning proposal, relationship to strategic planning framework, environmental, social and economic impacts and its effect on State and Commonwealth interests.

SECTION A - NEED FOR THE PLANNING PROPOSAL

Q1: Is the planning proposal the result of any strategic study or report?

No. The proposal has not been identified in a strategic study.

- Relationship to the Comprehensive Land Use Strategy (CLUS)

The Mudgee Town Structure Plan within the CLUS identifies development opportunities.

Part of the land is identified as Large Lot Residential (former rural residential). Robert Hoddle Grove is a loop road. The Mudgee Town Structure Plan depicts 'Large Lot Residential' lots on both sides of this loop road.

The site is located below in **Figure 4: Mudgee Town Structure Plan from the CLUS**.

- Relationship to the Urban Release Strategy (URS)

The subject land is not identified in the recommendations for Mudgee's Urban Release areas as identified within "*Mudgee and Gulgong Urban Release Strategy*", prepared for Mid-Western Regional Council by HillPDA Consulting December 2014 (URS). The land is to the south of Urban Release Area 17.

The site is located below in **Figure 5: Mudgee Urban Release Areas and LEP Zoning 2012 from the URS**.



Figure 14 - Mudgee Urban Release Areas and LEP 2012 Zoning

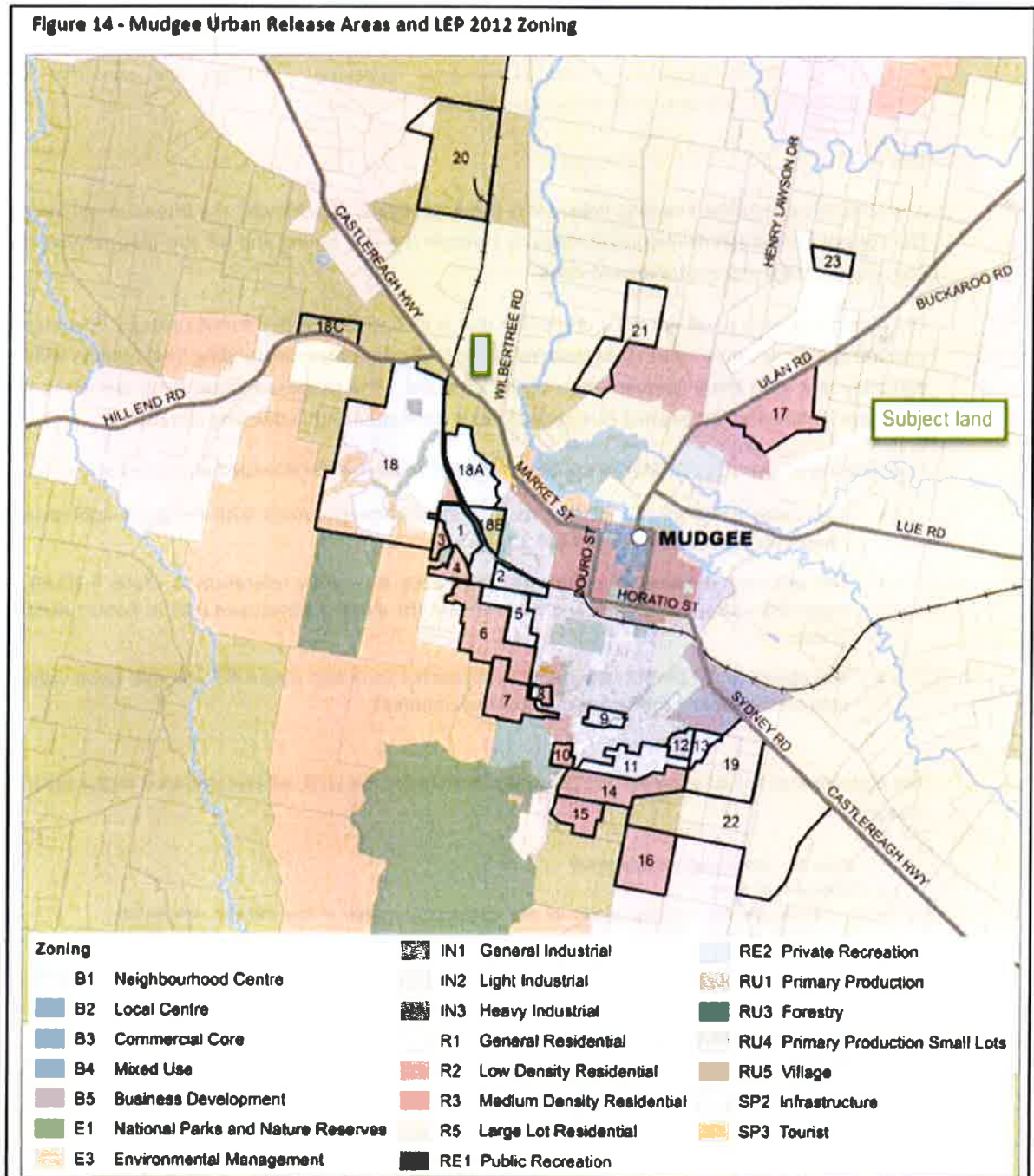


Figure 5: Mudgee Urban Release Areas and LEP Zoning 2012 from the URS

Q2: Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes.

It is considered that the Planning Proposal is the best means of achieving the intended outcomes. The current residential development controls through the LEP zoning and lot size map require the planning proposal process for amendment.

The planning proposal will not set a precedent that is inconsistent with current strategic documents and will apply relevant zoning. Expectations of the landowner and surrounding land holders will be equitably met with the implementation of the proposal. The proposed vacant land will meet the minimum lot size and the existing RU4 zoned land is developed with a dwelling already.

The planning proposal is considered the best means of achieving the intended outcomes as:

- A rezoning will align the existing rural residential development with the most appropriate zone & objectives of the MWR LEP 2012;
- The existing adjoining minimum lot size ('Area B' – with reference to Clause 4.1(3A)) is extended without confusion and marries with the existing developed land in Robert Hoddle Grove;
- The objectives of the R2 Low Density Residential zone and clause 4.1 are able to be upheld with future subdivision and residential development.

The objectives of the R2 zone are the most appropriate for the land, when compared to the existing RU4 zone.

Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

Zone RU4 Primary Production Small Lots

1 Objectives of zone

- To enable sustainable primary industry and other compatible land uses.
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To ensure that land is available for intensive plant agriculture.
- To encourage diversity and promote employment opportunities related to primary industry enterprises, particularly those that require smaller holdings or are more intensive in nature.

SECTION B - RELATIONSHIP TO THE STRATEGIC PLANNING FRAMEWORK

Q.3. Is the planning proposal consistent with the applicable regional or sub-regional strategy?

In June 2014 the NSW Government released new draft regional boundaries for NSW. The Mid-Western Regional LGA falls within the 'Central West and Orana' region. Once the boundaries are finalised for each region, they will provide the basis for a new generation of strategic plans called Regional Growth Plans. The Regional Growth Plan will identify areas suitable for housing and employment expansion in the region.

Prior, in 2012, the NSW Government introduced the 'Strategic Land Use Policy' to better manage the potential land use conflicts arising from the location of our high quality agricultural land, and the mining and coal seam gas (CSG) industries.

There are no existing strategies in place for this region. There are no applicable State or Regional strategic directions for development as such the Assessment Criteria as referred to in the 'A Guide to Preparing Planning proposals'.

a. Does the proposal have strategic merit?

The proposal does not contradict the Local strategies endorsed by the Director General (i.e. Mudgee and Gulgong Urban Release Strategy, and Comprehensive Land Use Strategy).

This proposal with one new lot involved is not offering an alternative solution to future large lot residential land development Mudgee. The subject site is located at the north eastern edge of Mudgee town and south of Area 17. The land is already associated with the R2 zone and style of development. Typically land developed in vicinity to the subject land mostly comprises larger residential lots of 2ha to 4000m² where town water and sewer are available (known as the Bombira area). Recently Council has supported amendment to the MWR LEP 2012 for part of the land identified as 'Area 17' and subsequently approved subdivision including serviced lots of 2000m². The proposed LEP amendment does not undermine that development concept.

It is assumed that the land (Lot 60) was retained with split R2 and RU4 zoning in the MWR LEP 2012 as the land included the existing dwelling which was the original homestead for the property known as "Bonnyview" (being the main property subdivided for the Robert Hoddle Grove development). The homestead originally was retained with rural land associated with cattle grazing. However this previously associated RU4 land has been subdivided from the homestead and Lot 60 and the other adjacent 20ha primary production lots have been created. The existing dwelling now remains on a split zoned parcel of 9480m². This land is not currently jointly owned or associated with these larger RU4 land parcels. The adjoining RU4 zoned land in approx. 20ha lots have dwelling entitlement and economically it is not likely that the subject Lot 60, with existing dwelling, would ever be consolidated with this land for dwelling purposes.

The residential land north of Mudgee is unique in setting, lifestyle, and has limited residential land supply as recognised strategically (URS). The subject site is ideal for creation of one additional lot.

The land is able to be accessed with road frontage to Robert Hoddle Grove. The provision of reticulated services will be possible. Other land use opportunities for this parcel are restricted due to size and shape of the land and vicinity to residential neighbours. It is reasonable to accept that residential development within the R2 zoned area is a positive outcome for the site and expected by neighbouring properties.

The Mid-Western Regional LEP 2012 was based on the CLUS (August 2010). The CLUS recommended the preparation of the URS to assist in infrastructure planning. The Bonnyview property is included in the Mudgee Town Structure Plan and is identified in the CLUS:

‘North of Mudgee’- “The sites (known as Bonnyview and Edgell Lane and Putta Bucca) collectively contribute approximately 90ha or about 39 years supply of lots (based on 4 lots per annum)”.

The proposal will support the CLUS intention to provide a limit to the urban footprint of Mudgee utilising existing residential zoned land for low density residential land supply, simultaneously providing opportunity to maximise the lot yield from existing zoned land that is able to be serviced. The subject site is ideal for one additional lot as the land is already partly zoned R2 and all the land is readily serviced and does not require extensive constraints assessment. The proposal is consistent with R2 zone objectives and that part of the land sought to be zoned R2 is already developed with a dwelling.

The proposal does not contradict the Mudgee Town Structure Plan within the CLUS. The CLUS acknowledges that the supply ‘North of Mudgee’ is not interchangeable with similar sized lots elsewhere in Mudgee, and is a unique opportunity for low density residential living. Further this planning proposal is aligned with the Policy context:

- The development does not reduce the agricultural land available as the RU4 portion of the lot is already developed with a dwelling on an undersized lot.
 - The development supports progress that will avoid disruption to the rural backdrop and setting of Mudgee, in the unique ‘North Mudgee’.
 - Provides good utilisation of existing infrastructure and servicing.
 - Provides an opportunity for implementation of best practice urban and landscape design principles through the integrating with existing development.
- b. *Does the proposal have site-specific merit and is it compatible with the surrounding land uses, having regard to the following:*
- *the natural environment (including known significant environmental values, resources or hazards) and*
 - *the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and*
 - *the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.*

The land is compatible with the surrounding rural residential type lots developed in Robert Hoddle Grove. No environmental sensitivities have been identified for the subject land. The land is not

flood prone land. The land has stands of planted trees. No hindrance to future residential development is identified.

The land is in vicinity to the Mudgee Racecourse, however this is not identified as a potential conflict. The main potential conflict with adjoining land use identified would be with potential amenity associated with intensive agriculture on adjoining land. Reduction of potential for conflict with adjacent rural land is accounted for with existing landscaped boundaries and with the application of a buffer from sprays able to be achieved on the rural land; no design issue is raised.

The existing dwelling within the subject land is accessed by Robert Hoddle Grove. The proposed land use is consistent with the development of the Robert Hoddle Grove /Bombira area generally. The proposal will have transport linkages and achieve consistent design parameters as the approved serviced lots to 4000m². The planning proposal would seek to provide for one additional dwelling i.e. a residential use which retains the unique quality lifestyle concept established in the locality, supporting diverse housing types. The high quality benchmark for residential development associated with the locality is able to be achieved within the subject land. The layout and engineering design of the services for the vacant lot would be able to comply with the Development Control Plan 2013. Due to the fall of the land the existing dwelling is required to pump out via rising main to the existing reticulated sewerage. The proposed vacant lot will not require this measure and can be serviced by town sewerage. Town water service is available in Robert Hoddle Grove, similarly underground electricity will be available to the proposed additional vacant lot.

The past ten (10) years have seen the Bombira locality progressively develop towards a prestigious low density residential living area. The infrastructure has been provided to account for residential lots to occur on both sides of the loop road formed by Robert Hoddle Grove. The inclusion of the existing dwelling within Lot 60 in the R2 Low Density Residential zone is consistent with this land use pattern. Spatially the existing dwelling has consistency with the R2 zoned land rather than the RU4 zone. The wider setting including land to the south and east is agricultural land with capacity for intensive agriculture.

The aerial photography below shows the land and the progression of the residential development at the locality. Photos from 2003, 2009 and 2013 are provided. The existing dwelling was accessed by separate access until the construction of Robert Hoddle Grove providing sealed road access.



Figure 6: Aerial photography from 2003



Figure 7: Aerial photography from 2009



Figure 8: Aerial photography from 2013

Q4. Is the proposal consistent with Council's Community Strategic Plan or other local strategic plan?

As indicated above, the proposal does not contradict the guiding principles and local strategies endorsed by the Director General (i.e. Mudgee and Gulgong Urban Release Strategy, and Comprehensive Land Use Strategy).

For background:

The *Rural Residential Industrial and Residential Strategy (RRIR)* was prepared for the Mudgee Shire Council (Oct 2003) and included a preferred residential strategy. This RRIR identified a 1c2 Rural Residential area, which included the then undeveloped, land of the Robert Hoddle Gr loop. This document was superseded by the Mid-Western Regional Comprehensive Land Use Strategy prepared by Parsons Brinckerhoff (October 2009) and currently provides the basis for identifying options for Mid-Western Regional local government area to meet long term urban and rural growth needs. The CLUS provides a context for future land use and informed the preparation of the MWRLEP (gazetted on 10 August 2012). The CLUS in the Mudgee Town Structure Plan shows the Robert Hoddle Grove area as currently available Large Lot Residential (previous rural residential land) as it is part of the adopted zoning, opposed to being an 'opportunity' area. This is also reflected in the development occurring (refer to the aerial from 2003 at the time of the RRIR compared with the development at the time of the preparation of the CLUS in 2009).

Accommodating growth for the Mid-Western Region remains a strategic priority. Planning for growth of Mudgee also continues with revision expected by Council of the Mudgee Town Structure Plan to reflect the recent URS. As indicated, policy implications are minimal as the written text and adopted Mudgee Town Structure Plan refers to land of the proposal as **'North of Mudgee'**- *"The sites (known as Bonnyview and Edgell Lane and Putta Bucca)"*. The mapping is marginally affected with the approx. 5000m² of the existing dwelling with yard being included in the R2 Low Density Residential zone. It is not envisaged that any amendment to the CLUS would be required as a result of this proposal.

Most recently Council in conjunction with the NSW Department of Planning and Environment (DP&E) commissioned the preparation of an Urban Release Strategy for the towns of Mudgee and Gulgong to guide decision making around the timing, location and type of future residential development. The planning proposal includes one (1) additional dwelling opportunity, and does not affect the recommendations of the URS.

State Environmental Planning Policies

Q.5 Is the planning proposal consistent with applicable state environmental planning policies?

Yes. The Planning Proposal is considered to be consistent with applicable State Environmental Planning Policies as discussed below. Analyses of applicable SEPPs are provided in the table below.

SEPP	Applicable/Consistency
1 – Development Standards	Not relevant to planning proposal.
4 – Development without consent	Not relevant to planning proposal.
6 – Number of Storeys	Not relevant to planning proposal.
10 – Retention of Low Cost Rental Accommodation	Not relevant to planning proposal.
14 – Coastal Wetlands	Not relevant to planning proposal.
19 – Bushland in Urban Areas	Not relevant to planning proposal.
21 – Caravan Parks	Not relevant to planning proposal.
22 – Shops and Commercial Premises	Not relevant to planning proposal.
26 – Littoral Rainforests	Not relevant to planning proposal.
29 – Western Sydney Recreation Area	Not relevant to planning proposal.
30 – Intensive Agriculture	Not relevant to planning proposal.
32 – Urban Consolidation (Redevelopment of Urban Land)	Not relevant to planning proposal.
33 – Hazardous and Offensive Development	Not relevant to planning proposal.
36 – Manufactured Home Estates	Not relevant to planning proposal.
39 – Spit Island Bird Habitat	Not relevant to planning proposal.
41 – Casino Entertainment Complex	Not relevant to planning proposal.
44 – Koala Habitat Protection	Not relevant to planning proposal.
47 – Moore Park Showground	Not relevant to planning proposal.
50 – Canal Estate Development	Not relevant to planning proposal.
52 – Farm Dams and other works in Land and Water Management Plan Areas	Not relevant to planning proposal.
53 – Metropolitan Residential Development	Not relevant to planning proposal.
55 – Remediation of Land	Relevant. <i>See comments below.</i>
59 – Central Western Sydney Economic and Employment Area	Not relevant to planning proposal.
60 – Exempt and Complying Development	Not relevant to planning proposal.
62 – Sustainable Aquaculture	Not relevant to planning proposal.
64 – Advertising and Signage	Not relevant to planning proposal.
65 – Design Quality of Residential Flat Development	Not relevant to planning proposal. Residential flat buildings are prohibited in the zone.
70 – Affordable Housing	Not relevant to planning proposal.
71 – Coastal Protection	Not relevant to planning proposal.
BASIX 2004	Future development for housing will be required to address the provisions of BASIX.
Exempt and Complying Development Codes 2008	Not relevant to planning proposal.
Housing for Seniors or People with a Disability 2009	Future development will be able to deliver accessible housing.
Infrastructure 2007	Not relevant to planning proposal.
Kosciusko National Park – Alpine Resorts 2007	Not relevant to planning proposal.
Major Development 2005	Not relevant to planning proposal.
Sydney Region Growth Centres 2006	Not relevant to planning proposal.
Mining and Petroleum Production and Extractive Industries 2007	Not relevant to planning proposal.
Temporary Structures and Places of Public Entertainment 2007	Not relevant to planning proposal.

SEPP	Applicable/Consistency
Rural Lands 2008	<i>See comments below.</i>
Western Sydney Employment Area 2009	Not relevant to planning proposal.
Western Sydney Parklands 2009	Not relevant to planning proposal.
Affordable Rental Housing	Through the provision of a variety of lot sizes, the future housing will potentially cater to a range of income levels. This proposal involves one vacant lot and will have minimal impact.

State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) applies to the whole of the State of NSW and is required to be considered in a rezoning proposal under Clause 6 of SEPP 55. However given the current use of the site with shed, vacant occasional cattle grazing and current association with residential use) the potential for contaminants should be considered at the development stage. No bulk fuel storage has occurred. However, any soil contamination would require remediation before the land can be used for residential development. Should remediation be required, it is anticipated that this can occur at future development application stage. The Planning Proposal is not inconsistent with SEPP 55.

State Environmental Planning Policy (Rural Lands 2008)

The Rural Subdivision Principles within the SEPP (Rural Lands) are as follows:

- (a) the minimisation of rural land fragmentation,*
- (b) the minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses,*
- (c) the consideration of the nature of existing agricultural holdings and the existing and planned future supply of rural residential land when considering lot sizes for rural lands,*
- (d) the consideration of the natural and physical constraints and opportunities of land,*
- (e) ensuring that planning for dwelling opportunities takes account of those constraints.*

Fragmentation of rural land is not a component of the proposal; the land includes approx. 5500m² of RU4 land being part of a split zoned parcel with total area of 9480m². The proposal involves RU4 zoned land that is already developed for the existing dwelling.

The planning proposal would enable the creation of one additional lot (min. 4000m²) adjacent existing RU4 zoned lots (min. 20ha) to the south and east and similar R2 zoned land to the north, west. The potential for rural land use conflicts are minimal. The existing dwelling is located appropriately in relation to the lot boundaries with 20m and 35m to the southern and eastern boundaries respectively. The land would associate with the other developable land in Robert Hoddle Grove and will not add hindrance to ongoing rural pursuits. The vacant lot that could be developed as a result of the planning proposal is already zoned R2 and has established trees and landscaping at the boundary with the rural land to the east. The existing rural land in vicinity to the Bombira residential development will not be further constrained by the planning proposal than already faced at the locality generally. Overall, the proposal does not oppose the principles of the SEPP (Rural Lands).

Q.6. Is the proposal consistent with applicable Ministerial directions (s.117 directions)?

Section 117 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) enables the Minister for Planning and Infrastructure to issue directions regarding the content of LEPs to the extent that the content must achieve or give effect to particular principles, aims, objectives or policies set out in those directions. An overview of applicable directions and compliance is included in **Table 1**.

Table 1: Section 117 Ministerial directions

Section 117 Ministerial directions		Compliance of Planning Proposal
1.1	Business and Industrial Zones	N/A
1.2	Rural Zones	The objective of this direction is to protect the agricultural production value of rural land. The concept plan includes some RU4 land. This land is of minor significance to the viability of the RU4 zoned land, and is in fact developed for an existing dwelling.
1.3	Mining, Petroleum Production and Extractive Industries	N/A
1.4	Oyster Aquaculture	N/A
1.5	Rural Lands	An objective of this direction is to protect the agricultural production value of rural land. The planning proposal is consistent with the Rural Planning Principles listed in State Environmental Planning Policy (Rural Lands) 2008. The existing R2 zoned land is not considered 'rural land' though it is typically referred to as rural residential. The RU4 zoned land is considered rural land that is able to be subdivided and developed to support primary industry and intensive agriculture. A planning proposal must not rezone land from a rural zone to a residential zone unless it is justified under clause 5 of the direction. This small split zoned parcel is partly included in the adopted Strategies and the RU4 land is already developed for a dwelling. The proposal is justified as the proposal is of minor significance and does not impact on useable rural land.
2.1	Environment Protection Zones	N/A
2.2	Coastal Protection	N/A
2.3	Heritage Conservation	No items of European heritage have been identified in the subject site. Survey has been carried out prior to the development of Robert Hoddle Grove. If needed further survey may be carried out prior to any disturbance for future subdivision. The planning proposal adopts measures that facilitate the conservation of environmental heritage. The concept plan is able to adapt and include measures to avoid impact to any sites from future subdivision works.
2.4	Recreation Vehicle Areas	N/A
3.1	Residential Zones	This direction applies to the subject land as a change to the zone and lot size map is proposed to include an existing dwelling within a residential zone. The planning proposal will make use of the available and future planned infrastructure (particularly parks, electricity, telecommunications, sewer and water) in the locality. The proposal will support development of good design. The proposal will make efficient use of existing infrastructure and services in Robert Hoddle Gr and provide ongoing services to the existing dwelling.
3.2	Caravan Parks and Manufactured	N/A. Changes to the permissible uses are not proposed.

Section 117 Ministerial directions				Compliance of Planning Proposal
	Home Estates			(Caravan parks and MHE are not permitted in the R2 zone).
3.3	Home Occupations			The planning proposal is consistent with this Direction, and the capacity for dwellings to accommodate small businesses will be supported with the lots sizes included in the concept plan.
3.4	Integrating Land Use and Transport			The planning proposal and concept plan depends on the existing road Infrastructure, open space areas and pathways etc. The proposal has considered the existing and approved infrastructure, residential development patterns, and local transport issues and the development will have an insignificant impact on the demand on these facilities. The future development will require one new access driveway onto Robert Hoddle Gr.
3.5	Development	Near	Licensed	N/A
	Aerodromes			
3.6	Shooting Ranges			N/A
4.1	Acid Sulfate Soils			N/A
4.2	Mine Subsidence	and	Unstable	N/A
	Land			
4.3	Flood Prone Land			N/A
4.4	Planning for Bushfire Protection			Mid-Western Regional LGA has a bushfire prone land map prepared under s146 of the <i>Environmental Planning and Assessment Act 1979</i> . The planning proposal is outside of the mapped bushfire prone land. The planning proposal does not hinder adjoining lands from complying with the provisions of <i>Planning for Bushfire Protection 2006</i> . The subject land will be serviced with town water.
5.1	Implementation	of	Regional	N/A
	Strategies			
5.2	Sydney Drinking Water Catchment			N/A
5.3	Farmland of State and Regional Significance on the NSW Far North Coast			N/A
5.4	Commercial	and	Retail	N/A
	Development along the Pacific Highway, North Coast			
5.8	Second Sydney Airport: Badgerys Creek			N/A
5.9	North West Rail Link	Corridor		N/A
	Strategy			
6.1	Approval	and	Referral	This direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. The planning proposal does not include LEP provisions requiring concurrence, consultation or referral.
	Requirements			
6.2	Reserving Land for Public Purposes			N/A
6.3	Site Specific Provisions			The concept plan is included with this proposal for demonstration purposes. Site specific planning controls are not proposed.
7.1	Implementation of a Plan for Growing Sydney			N/A
7.2	Implementation	of	Greater	N/A
	Macarthur	Land	Release	
	Investigation			

SECTION C - ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

Q.7. 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?

The Planning Proposal includes land that has been developed for a dwelling and shed with manicured gardens, as well as previous land used for grazing. The subject property adjoins land managed for a cattle grazing property. The site has faced long term grazing and has been cleared of native vegetation. The treed areas have been planted by the previous landowner. No parts of the subject land have been mapped within the Mid-Western Regional LEP 2012 as High Biodiversity Sensitivity (refer to **Figure 9**).

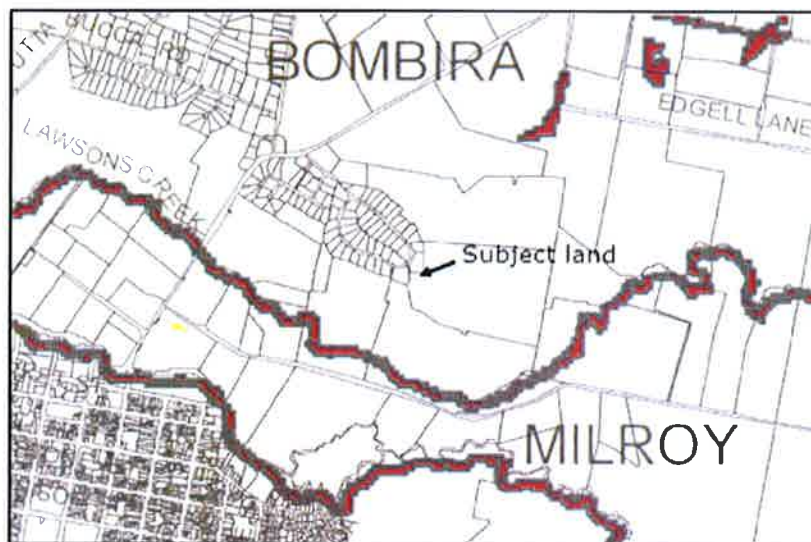


Figure 9: Biodiversity Sensitive Mapping (excerpt MWRLEP 2012 Sensitivity Biodiversity Sheet BtO_006)

Based on these aspects the likelihood is very low that the planning proposal would impact on critical habitat or threatened species, populations or ecological communities, or their habitats. The proposal does not warrant site specific investigation prior to Gateway consideration.

Q.8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No limiting, potential environmental effects or constraint is identified that can't be addressed through mitigation measures included in design and standard construction mitigation measures at the time of the future subdivision. A potential issue raised due to the proposal would be the interaction with the adjoining rural land and possible dust nuisance etc. due to farm activities. Due to the scale of established residential development the likelihood that rural uses or residential land would be significantly compromised by the future development of one additional large lot residential in this location is minimal. The proposed change to minimum lot size will not affect the ability of the existing and future dwelling to achieve appropriate setbacks from boundaries.

Environmental issues are able to be addressed in greater depth as part of a Development Application process.

With reference to *A Guide to Preparing Planning Proposals*, technical studies to address an identified issue should be undertaken following the initial Gateway determination. Such studies together with community and public authority consultation can explore the mitigation of any potential impacts. Desktop assessment has been undertaken to ascertain if there are any key areas of environmental concern.

Environmental aspects of the subject land are explored further below:

Traffic Impacts

Future traffic impact assessment has been considered as part of the planning proposal. The scale of the future development would not require a traffic statement under the DCP 2013 provisions. However such issues can accompany any development application which will consider impacts during construction and operation and address transport/access issues as required. The existing dwelling utilises access off Robert Hoddle Grove. The future proposed vacant lot would also require a new access to be constructed. This would entail minor earthworks and is not considered an issue for safety with standard management measures at a DA stage.

Topography and Soils

The site is located on the upper terrace of the Lawson Creek. The MWREL P has provisions to preserve the visual setting of the Mudgee Township, particularly through Clause 6.10 Visually sensitive land near Mudgee. The land subject of the planning proposal is located outside of the Visually Sensitive Land area identified under the MWRLEP, and future residential subdivision will not compromise the visual setting forming the backdrop of Mudgee. It is considered that the proposed residential zoned land forms an appropriate southern boundary to the urban footprint of the Bombira area, when considered in relation to the topography, the existing dwelling and considering close vicinity to developed R2 land.

The broader regional landform has been identified within the Craigmore Soil Landscape (Murphy and Lawrie 1998). The soil type is located in the vicinity of Mudgee on the eastern and western side of the Cudgegong River described as non-calcic brown soils. Landscape limitations for the landform are minimal, although Murphy and Lawrie (1998) indicate erosion hazard is significant when soils are tilled or surface cover low. Limitations of the soils identified by Murphy and Lawrie (1998), indicate a moderate to high fertility; level land; weakly structured surface soils; moderate to high water holding capacity; and moderate to high erosion hazard under cultivation. The urban capability of the Craigmore Soil Landscape is generally considered suitable for urban development, provided account is taken of the moderate shrink-swell potential of many sub-soils and the small areas of salinity (Murphy and Lawrie, 1998). Isolated low levels of salinity occur along some drainage lines and depressions in this soil landscape group.

The soil type and topography have not raised any concerns as to the suitability of the land to handle one additional residential development site.

Groundwater Vulnerability

Clause 6.4 Groundwater vulnerability of MWRLEP applies to future development of the subject land as the site falls within land identified as “Groundwater vulnerable” on the Groundwater Vulnerability Map. The majority of Mudgee urban area falls within the mapped ‘groundwater vulnerable’ area as depicted in the excerpt from the map in **Figure 10** below (Groundwater Vulnerability Map - Sheet GRV_006).

MWRC must consider this clause before determining a development application, and consider relevant issues such as: the likelihood of groundwater contamination caused by development, the likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals), and impacts on groundwater dependent ecosystems. This requirement is for the development stage and does not hinder further consideration of the planning proposal, further it is unlikely that the residential use will cause groundwater contamination with reticulated sewer and water.

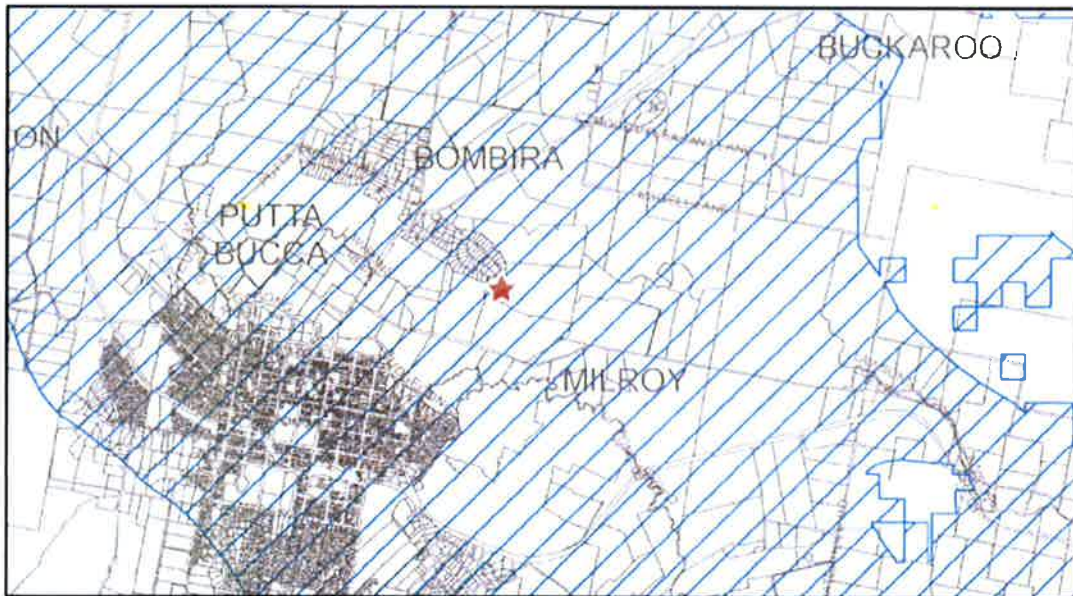


Figure 10: Groundwater Vulnerability (excerpt MWRLEP 2012 Groundwater Vulnerability Map GRV_006)

Salinity

As indicated by Murphy and Lawrie (1998) isolated low levels of salinity occur along some drainage lines and depressions in the Craigmores soil landscape group. With reference to previous salinity investigations in Mudgee it is understood, salinity potential is inherent to the Mid-Western Regional LGA and the potential susceptibility of future dwellings to salt damage in the subject development site should be acknowledged. It is considered appropriate that the provisions of ‘Building in Saline Environments’ as outlined in the *MWRC Development Control Plan (2013)* be adopted for future development application proposals, without need for additional site specific measures.

Flora and Fauna

The subject site was observed to be cleared of most naturally occurring timber, which had occurred in decades prior based on known site history. The trees occurring have mostly been planted by the previous land owner. Weeds are well controlled on the land.

Essential Services

Sewer, water, power and telecommunication services are all available on the subject land and can be readily extended to service the proposed vacant lot. The planning proposal identifies that the existing dwelling is required due to the fall of the land to pump out via rising main to the existing reticulated sewerage. This will not hinder the development of the neighbouring land as proposed for future residential development.

Drainage and Flooding

The site is located outside of the associated Flood Planning Area identified under MWRLEP. The site is not affected by mapped riparian environments. Topography directs overland flow to the south, which drain to Lawson Creek and ultimately the Cudgegong River.

Heritage

No European heritage items are listed within or in vicinity of the subject land as listed under the MWRLEP.

A search was completed for the site of the Office of Environment and Heritage Aboriginal Heritage Information Management System (AHIMS) web services. The search, with a buffer of 200m to the site, showed that:

- Zero (0) Aboriginal sites are recorded in or near the above location
- No Aboriginal places have been declared in or near the above location.

The search, with a buffer of 1km to the site, showed that:

- Four(4) Aboriginal sites are recorded in or near the above location
- No Aboriginal places have been declared in or near the above location.

The AHIMS searches are attached at **Appendix D**.

Future aboriginal heritage assessment is able to occur prior to disturbance at the site. Where items are in vicinity of the site the potential for heritage items to occur with the site in similar landscape scenarios is acknowledged. However, the potential occurrence of heritage items within the site does not exclude the future development of the land for residential purposes. A process of due diligence in accordance with the DECCW guidelines should continue to be applied to the assessment of indigenous heritage. At the planning proposal stage, no ground disturbance is proposed, and further heritage assessment is not warranted prior to Gateway determination.

Q.9. How has the planning proposal adequately addressed any social and economic effects?

Demand on Services and Land Supply:

It is considered that the site can be adequately serviced within the existing developing infrastructure framework without placing undue demand on services in Mudgee.

The proposal offers one new dwelling opportunity and will have an insignificant impact on supply of land in 'North Mudgee' as identified in the Urban Release Strategy.

The alignment of the current development with zoning and lot size maps as proposed in the concept plan provides assurance for residents of the location that the development will occur in accordance with the maximum expected density for the locality.

SECTION D - STATE AND COMMONWEALTH INTERESTS

Q.10. Is there adequate public infrastructure for the planning proposal?

The current infrastructure is considered sufficient to provide for the future residential development and therefore is considered acceptable for the Planning Proposal. The proposal will result in one additional dwelling entitlement and thus will have insignificant impact on available public infrastructure.

Q.11. 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?

A summary of the views of State and Commonwealth Public Authorities will be provided following gateway determination.

PART 4 - MAPPING

MWRC has a SI LEP in force and mapping should be carried out consistently with the requirements of the Standard technical requirements for LEP maps. The land subject to the planning proposal is included within:

- Land Zone Map Sheet LZN_006G; and
- Lot Size Map Sheet LSZ_006G.

These maps are proposed to be amended where applicable to Lot 60 DP1181768 to provide a minimum lot size of 4000m² and R2 Low Density Residential zoning. The lot size map is proposed to be amended to tag the identified land as 'Area A' to permit lots of at least 4000 m² with reference to Clause 4.1(3A)(b) (see below).

4.1 Minimum subdivision lot size

(1) The objectives of this clause are as follows:

- (a) to ensure that subdivision of land occurs in a manner that promotes suitable land uses and development,
- (b) to minimise any likely impact of subdivision and other development on the amenity of neighbouring properties,
- (c) to ensure that lot sizes and dimensions are able to accommodate development, consistent with relevant development controls,
- (d) to ensure that rural lands are not fragmented in a manner that threatens either their future use, or the use of neighbouring land, for agricultural production,
- (e) to ensure that subdivision does not have an inappropriate impact on the natural environment,
- (f) to maximise the economic potential of, and provide for more intensive, small lot agricultural uses in, areas that are able to access commercial quantities of irrigation water.

(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.

(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

(3A) Despite subclause (3), if the consent authority is satisfied that each lot is, or will be serviced by a water reticulation system and sewerage system:

- (a) land identified as "Area A" on the Lot Size Map may be subdivided to create lots of at least 2,000 square metres, or
- (b) land identified as "Area B" on the Lot Size Map may be subdivided to create lots of at least 4,000 square metres.

(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.

(Excerpt M'WRLEP 2012)

PART 5 - COMMUNITY CONSULTATION

Community consultation for the Planning Proposal would be undertaken in accordance with the consultation requirements set out in *A guide to preparing local environmental plans* (DoP 2012) and Gateway requirements.

The consultation requirements for this Planning Proposal are expected to be confirmed by the Department of Planning and Environment at the gateway determination.

CONCLUSION

This Planning Proposal relates to an amendment to *Mid-Western Regional Local Environmental Plan 2012* for part of land at Lot 60 DP1181768, Robert Hoddle Grove, Bombira. The aim of this report has been to describe the proposed amendment to extend the R2 zone boundary from an arbitrary boundary within the land title (Lot 60 DP1181768) to align with the lot/property boundary. This aims to facilitate development of one additional future low density residential lot under the provisions of the Mudgee Local Environmental Plan 2012.

The existing dwelling within Lot 60 though located within the current RU4 zone, has been separated from any past associated agricultural land both physically through subdivision and in ownership. The dwelling is more appropriately zoned R2 Low Density Residential and is aligned with the R2 zone objectives. The land has spatial continuity with the adjoining residential land also fronting Robert Hoddle Grove. Fragmentation of rural land does not occur due to the proposal; the land includes approx. 5500m² of RU4 land being part of a split zoned parcel with total area of 9480m². The RU4 zoned land that is affected is already developed for the existing dwelling. Also the development is able to comply with the DCP for the future development of the proposed vacant lot. Reticulated services will be able to be provided to the land. Also, the desktop assessment undertaken as part of the planning proposal has not identified the need for mitigation of any significant environmental aspects. With standard development planning for subdivision development at the location potential minor impacts will be able to be addressed so as to not reduce the quality of amenity for residents, or impact on the environment.

The adoption of existing zones and lot size provisions versus site specific measures provides assurance for future residents of the location that the development would proceed in accordance with the established development standards in Robert Hoddle Grove to date. Overall, the planning proposal seeks to deliver the best community and design outcomes. This proposal, resulting in one new vacant lot, will not serve to have any significant impact on land availability or address any perceived need for additional land supply. The proposal will align the existing land use with a zone that better suits the site, considering the zone objectives and permitted uses.

REFERENCES

Department of Planning (DoP) (July 2009) *A guide to preparing planning proposals*.

Department of Planning (DoP) (July 2009) *A guide to preparing local environmental plans*.

Mandis Roberts (August 2012) *Mid-Western Regional Council – Local Services Assessment*.

Mid-Western Regional Council (2010) *Mid-Western Region Economic Development Strategy A 10 Year Plan*.

Mid-Western Regional Council (2012) *Planning Proposal: Coerleon Residential Area Sale Yards Lane Mudgee*.

Mid-Western Region Community Plan – Towards 2030.

Murphy B.W. and Lawrie J.W. (1998) *Soil Landscapes of Dubbo 1:250000 Sheet*, published by Department of Land and Water Conservation.

NSW Rural Fire Service (December 2006) *Planning for Bushfire Protection*.

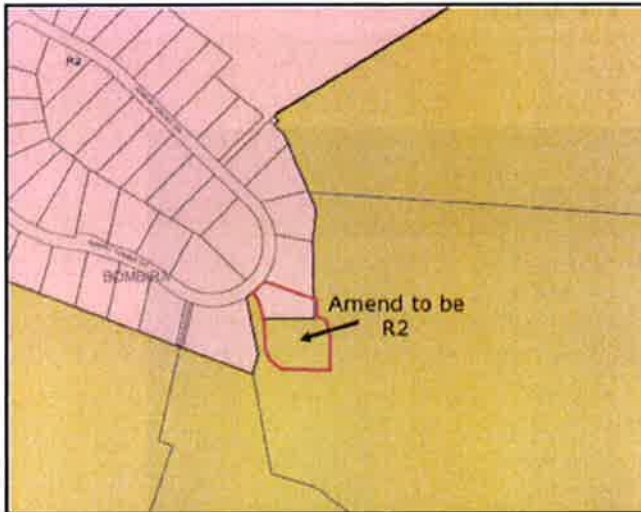
Parsons Brinckerhoff (October 2009) *Mid-Western Regional Comprehensive Land Use Strategy*.

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APPENDIX A – CONCEPT PLAN



The concept amendment to LEP mapping is depicted below.



Proposed Map Amendment to Land Zone Map Sheet LZN_005G



Proposed Map Amendment to Lot Size Map Sheet LSZ_006G

APPENDIX B - AHIMS SEARCH RESULTS

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Office of
Environment
& Heritage

AHIMS Web Services (AWS) Search Result

Purchase Order/Reference: A392

Client Service ID: 194449

Minespex Pty Ltd
Units 1 and 2 73 Market Street
Mudgee New South Wales 2850
Attention: Emma Yule
Email: emma.yule@minespex.com.au

Date: 25 September 2015

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot: 60, DP:DP1181768 with a Buffer of 200 meters, conducted by Emma Yule on 25 September 2015.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

☐	Aboriginal sites are recorded in or near the above location.
☐	Aboriginal places have been declared in or near the above location. *

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette](http://www.nsw.gov.au/gazette) (<http://www.nsw.gov.au/gazette>) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request.

Important Information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings.
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.

3 Marist Place, Parramatta NSW 2150
Locked Bag 5020 Parramatta NSW 2220
Tel: (02) 9585 6380 Fax: (02) 9873 8599

ABN 30 841 387 271
Email: ahims@environment.nsw.gov.au
Web: www.environment.nsw.gov.au



AHIMS Web Services (AWS) Search Result

Purchase Order/Reference: A392 Dallon

Client Service ID: 192251

Minespex Pty Ltd
Units 1 and 2 71 Market Street
Mudgee New South Wales 2850
Attention: Emma Yule
Email: emma.yule@minespex.com.au

Date: 25 September 2015

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot: 60, DP:DP1181768 with a Buffer of 1000 meters, conducted by Emma Yule on 25 September 2015.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

4	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
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