

**Mid-Western Regional Local Environmental Plan 2012 - Amend minimum lot size Lot 63 DP
618063 George Campbell Drive, Mudgee (adjacent to airport)**

Proposal Title :	Mid-Western Regional Local Environmental Plan 2012 - Amend minimum lot size Lot 63 DP 618063 George Campbell Drive, Mudgee (adjacent to airport)		
Proposal Summary :	Rezone land and amend minimum lot size at Lot 63 DP 618063 George Campbell Drive, Mudgee from 20ha to 2ha to permit subdivision of the land (16.74ha) into 2ha allotments for the purpose of aviation and related living.		
PP Number :	PP_2015_MIDWR_001_00	Dop File No :	15/01704

Proposal Details

Date Planning Proposal Received :	16-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 :	George Campbell Drive		
Suburb :	Mudgee	City :	Mudgee
		Postcode :	2850
Land Parcel :	Lot 63 DP 618063		

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

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Land Release Data

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

**Mid-Western Regional Local Environmental Plan 2012 - Amend minimum lot size Lot 63 DP
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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 (where relevant) :	8
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 to permit subdivision of land into 2ha allotments for residential accommodation incidental with aviation.**

The planning proposal submitted by the proponent sought to retain the land as RU4 Primary Production Small Lots and change the lot size maps from 20 hectares to 2 hectares, similar to an existing parcel on the western side of the Airport. Note this parcel is part of PP_2013_MIDWR_006 and is to be changed to zone SP1 Dwelling house incidental with aviation or similar mechanism.

The planning proposal, as submitted, focuses on residential use but as noted seeks for the land to remain zone RU4 which is a primary production zone, not a residential zone.

The planning proposal references connection to the operation of the airport in concept plans. The planning proposal was supported by Council in an amended form, to permit residential land uses on the site providing the residential development is ancillary to the airport and incidental with aviation.

Adjoining to the south, Lot 4 DP 56182 is owned by the proponent and has a current development consent for an 11 lot subdivision and construction of 10 aircraft hangars with direct access to the airport. This land is currently zone SP2 Air Transport Facilities.

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

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

Comment : **The explanation of provisions states that the objectives of the planning proposal will be achieved by:**
- amending Lot Size Map Sheet LSZ_006F to read Z (2ha) in respect of the subject land,
and
- amending Land Zoning Map Sheet LZN_006F to zone SP1 Residential Accommodation Incidental with Aviation.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA : **1.2 Rural Zones**

* May need the Director General's agreement **1.5 Rural Lands**
3.5 Development Near Licensed Aerodromes

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 **SEPP (Infrastructure) 2007**
matters that need to
be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain : **1.2 Rural Zones: The Ministerial Direction is relevant as the planning proposal seeks to rezone land within an existing rural zone and amend the minimum lot size on the land. The Direction requires that the land is not amended from a rural zone to a residential, business, industrial, village or tourist zone and not contain provisions that increase the permissible density of the land. The planning proposal is inconsistent with the Direction as it seeks to reduce the minimum lot size and facilitate development of dwellings ancillary to aviation on the land. Council suggest that the mechanism to achieve this is zone SP1 Dwelling House Incidental with Aviation.**

The Mid-Western Regional Comprehensive Land Use Strategy (CLUS) identifies the importance of the Mudgee Airport as an asset providing a gateway to the region and opportunities for surrounding land for aero/industrial type land uses linked to the Airport. The Strategy did not identify the subject land or locality as suitable for aviation related residential development and sought to avoid encroachment of development that could impact of the suitability of the land for industrial development in the future. This assessment determines that use of this land for aviation related living is inconsistent with the CLUS.

It is to be noted Mid-Western Regional LEP (Amendment No. 11) (PP_2013_MIDWR_006) is currently being drafted by Parliamentary Counsel and proposed to zone an area of land adjoining the western boundary of the airport to SP1 for aviation related residential development. This proposal was supported as the land is currently zone RU4 Primary Production Small Lots which permits subdivision of the land into 2 ha lots for residential purposes ancillary to primary production use. Accordingly, there was no proposed change to the permitted primary production/ancillary residential density on the land. This is a key point of difference between this planning proposal and the one being finalised.

A Council has also approved subdivision for aviation related living and hangars (11 allotments) applies to land on the northern boundary of the airport, between the airport and the land subject to the planning proposal (Lot 4 DP 561282). This land is currently

zone SP1 Air Transport Facilities.

Accordingly, there is an estimated supply of 16 allotments in both this proposal and PP_2013_MIDWR_006 for aviation related living adjoining the airport. No assessment of supply and demand for aviation related living has been undertaken as part of the planning proposal or in the development of the Mudgee Airport Masterplan, 2005.

The Airport Masterplan is currently being reviewed by Council. The planning proposal states that the Draft Airport Masterplan identifies the subject land as an airport related development opportunity and includes an indicative taxiway access directly to the site. It is not specifically identified as suitable for residential development and consideration has not been given to height limitations, noise impacts and the implications of adjoining residential development on the future operation of the airport.

This assessment has determined that permitting residential development and subdivision on the land may jeopardise the long term viability of the airport. Accordingly, it is recommended that the rezoning of this land in the vicinity should not be considered until after completion of the review of the Mudgee Airport Masterplan 2005.

It is also noted that the original planning proposal was purely for large lot residential living opportunities and identified consistency with the draft Mudgee and Gulgong Urban Release Strategy in providing supply to meet future demand. The planning proposal supported by Council seeks to zone land to permit residential land uses incidental with aviation and does not provide land for rural residential purposes (R5 Large Lot Residential). Accordingly, reference to the Mudgee and Gulgong Urban Release Strategy is not relevant to the proposal.

The proposal is considered consistent with the endorsed CLUS for the long term change from primary production to aero/industrial but not consistent with the use of the land for aviation and related residential use.

This inconsistency is considered of minor significance as the Strategy determines that future development of the land is suitable, though further investigation is required to determine if residential land uses ancillary to aviation are appropriate.

1.5 Rural Lands: The Ministerial Direction is relevant as the Planning Proposal seeks to rezone land within an existing rural zone and amend the minimum lot size on the land. The Direction requires consistency with the Rural Planning Principles and Rural Subdivision Principles of 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 inconsistency is not justified by the CLUS for the purpose of aviation and related living. The land is identified in the CLUS as being suitable for aviation related industrial development. The inconsistency is considered of minor significance as the Strategy determines that future development of the land is suitable, though further investigation is required to determine if residential land uses ancillary to aviation are appropriate.

3.5 Development near Licensed Aerodromes: The Ministerial Direction is relevant as the planning proposal seeks to rezone land in the vicinity of a licensed aerodrome. The Direction requires the relevant planning authority (RPA), comply with the following matters relevant to the planning proposal. The RPA must:

- consult with the Civil Aviation Safety Authority (CASA)
- consider the OLS
- for land affected by the OLS, prepare appropriate development standards such as height and allow as permissible with consent development types that are compatible with the operation of an aerodrome
- not rezone land for residential purposes in areas where the ANEF exceeds 25

- not rezone land for residential purposes or increase residential densities in areas where the ANEF is between 20 and 25

The planning proposal is inconsistent with the Ministerial Direction as the land subject to the proposal is affected by an ANEF of 15-25 (Indicative ANEF Contours 2014 Figure 7.2 Mudgee Airport Masterplan 2005). The inconsistency is not justified by the CLUS as the Strategy does not identify the site as suitable for residential land uses. It is noted that the ANEF Contours have not been endorsed by Airservices Australia. It is suggested that Council seek endorsement of the contours as part of the review of the Airport Masterplan.

SEPP No 55 Remediation of Land: The planning proposal states that an established cherry orchard covers approximately 40 per cent of the site area with the remaining land previously used for viticulture. Contamination of land is required to be considered in the planning proposal prior to finalisation.

SEPP (Rural Lands) 2008: The planning proposal must be consistent with the Rural Planning Principles contained within the SEPP as the rezoning effects land that is zone RU4 Primary Production Small Lots. The planning proposal is inconsistent with a number of principles, as discussed above but determined as being of minor significance.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Adequate locality maps are provided to identify the subject land. Maps complying with the technical guidelines can be provided with the section 59 submission.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council intends to publicly exhibit the planning proposal for a period of 14 days. Community consultation should be a minimum of 28 days as the planning proposal is not a low impact proposal.

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 : The proposal is adequate in the information provided.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : Mid-Western Regional Environmental Plan 2012 was notified on 10 August 2012.

Assessment Criteria

Need for planning proposal : The planning proposal is required to permit the subdivision of the land for residential accommodation incidental with aviation.

Consistency with
strategic planning
framework :

The planning proposal seeks to rezone land from RU4 Primary Production Small Lots to SP1 Residential Accommodation Incidental with Aviation and amend the minimum lot size from 20 hectares to 2 hectares.

The Mid-Western Regional Comprehensive Land Use Strategy (CLUS) identifies land surrounding the airport as an opportunity for aero/industrial type land uses. The Strategy did not identify the subject land or locality as suitable for residential development and sought to avoid encroachment of development that could impact on use of the land for industrial development in the future.

Figure 3.1 of the Strategy (Mudgee Town Structure Plan) identifies the subject land as an opportunity for additional uses particularly aero related industrial type land uses linked to the airport.

This assessment determines that use of the land for aviation and related residential accommodation is inconsistent with the CLUS and such use may impact on the operation of the airport..

The subject land is not specifically referenced in the Mudgee Airport Masterplan 2005. However, the Masterplan identifies appropriate buffers for non-compatible development and states the 15 ANEF contour may be a suitable threshold for non-compatible development in the vicinity of the airport. The Masterplan provides the subject land is within 15-20 and 20-25 ANEF Contours (Figure 7.2 - Mudgee Airport 2014 ANEC) and is therefore not supported by the Masterplan for residential purposes.

The Masterplan provides further considerations for land in the vicinity of the airport including restrictions to lighting within a 6km radius of the airport to protect its operations.

The Masterplan is being reviewed by Council but the review has not been finalised at the time. This work should be completed prior to supporting further development around the Mudgee Airport.

Environmental social
economic impacts :

It is considered that permitting aviation related residential development and subdivision on the land may jeopardise the long term viability of the airport operations. Further, the review of Mudgee Airport Masterplan should be completed and a supply and demand analysis should be undertaken to justify zoning additional land for this purpose.

Assessment Process

Proposal type : **Inconsistent** Community Consultation
Period :

Timeframe to make
LEP : **0 months** Delegation :

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

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **No**

If no, provide reasons : **The planning proposal has not been strategically justified, can be considered as being inconsistent with the Mid-Western Regional Comprehensive Land Use Strategy (CLUS) and has the potential to significantly impact the ongoing future operation of the airport and use of land for aviation related industrial land uses.**

Due to the nature of the planning proposal, it is recommended that the proposal not be

**Mid-Western Regional Local Environmental Plan 2012 - Amend minimum lot size Lot 63 DP
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supported at this time.

It is recommended that rezoning of land in the vicinity should not be considered until after completion of the review of the Mudgee Airport Masterplan 2005, the review is currently being undertaken by Council.

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 Proposal - George Campbell Drive Mudgee.pdf	Proposal	Yes
Report to Council meeting 17 December 2014 - 6.3.7 Planning Proposal George Campbell Dr.pdf	Proposal	Yes
Council Resolution 17 December 2015.pdf	Proposal	Yes
Mid-Western Regional Council cover letter.pdf	Proposal Covering Letter	Yes
Request for Initial Gateway Determination.pdf	Proposal	Yes
Lot 63 DP 618063 Locality Map.pdf	Map	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Not Recommended**

S.117 directions: **1.2 Rural Zones
1.5 Rural Lands
3.5 Development Near Licensed Aerodromes**

Additional Information : **The planning proposal should not proceed for the following reasons:**

1. The planning proposal is considered as being inconsistent with the Mid-Western Regional Comprehensive Land Use Strategy that identifies this land for aero/industrial type use and on which the Mid-Western Regional LEP 2012 is based.

2. The planning proposal is not supported by sufficient strategic justification and does not adequately address potential land use conflict or the supply and demand for residential development incidental with aviation in the locality.

Supporting Reasons : **The proposal is not strategically justified and is not consistent with the CLUS.**

Due to the nature of the Planning Proposal, it is recommended that the proposal not be supported at this time.

Signature:

J Holland

Printed Name:

Jessica Holland

Date:

27-03-2015

Endorsed
w/ Ganssen 27/3/15
TL WR

Lot 63 DP 618063 George Campbell Drive, Mudgee



<https://maps.six.nsw.gov.au/>

