

Planning Proposal

Lot 63 DP18063 George Campbell Drive, Mudgee

Prepared for: J Cole and R Ware

Date: November 2014

Project No. 10290



Planning Proposal

Lot 63 DP 618063 George Campbell Drive, Mudgee

GLN Planning Pty Ltd
ABN 39 585 269 237

Level 10, 66 King Street Sydney NSW 2000
GPO Box 5013 Sydney NSW 2001

P	[02] 9249 4100	E	info@glnplanning.com.au
F	[02] 9249 4111	W	glnplanning.com.au



Date of Final Issue:	30 November 2014
File Path:	C:\Users\Paul\Documents\Work\John Cole_Mudgee\Report\10290 PP.docx
Project Manager:	Paul Grech
Client:	J Cole and R Ware
Project Number:	10290

The purpose for which this report may be used and relied upon is limited for that which it was commissioned. Copyright in the whole and every part of this document belongs to GLN Planning and may not be used, sold, transferred, copied or reproduced in whole or in part in any manner or form or in or on any media to any person without the prior written consent of GLN Planning.

Document history and status

Version	Issued To	Qty	Date	Prepared by:	Reviewed by:
Draft	J Cole	1-e	17/09/14	ES	PG
Final	J Cole	1-e	30/11/14	ES	PG

Table of Contents

1.0	Introduction	1
1.1	Background	1
2.0	Site Analysis	3
2.1	Site Description	4
2.2	Surrounding Development	4
3.0	Current Planning Controls	6
3.1	Mid-Western Regional Local Environmental Plan 2012	6
4.0	Planning Proposal	10
4.1	Objectives or Intended Outcomes	10
4.2	Explanation of Provisions	10
4.3	Justification	10
4.3.1	Need for the Planning Proposal	10
4.3.2	Relationship to Strategic Planning Framework	11
4.3.3	Environmental, Social and Economic Impact	19
4.3.4	State and Commonwealth Interests	20
4.4	Community Consultation	21
5.0	Summary and Recommendations	22

Tables

Table 1: Relevant MWR LEP 2012 Planning Controls	6
Table 2: Relevant Goals of the Mid-Western Regional Community Plan	15

Figures

Figure 1: Context and Location of Subject Site	3
Figure 2: Aerial View of Subject Site and Surrounding Development	4
Figure 3: Subject Site and Land Zoning	8
Figure 4: Subject Site and Minimum Lot Size	9
Figure 5: Extract from Mudgee Town Structure Plan and Subject Site (outlined <i>red</i>)	14

Appendices

Appendix A:	Indicative Subdivision Layout Examples
Appendix B:	State Environmental Planning Policies
Appendix C:	Section 117 Directions

1.0 Introduction

This Planning Proposal (**PP**) has been prepared by GLN Planning (**GLN**) of behalf of Mr John Cole, Mr. Robert Ware and Mrs Jan Ware (**the proponents**) in relation to Lot 63 DP 618063, 55 George Campbell Drive, Mudgee (**the subject site**).

This PP is submitted to Mid-Western Regional Council (**MWRC**) to accompany a request to amend Mid-Western Regional Local Environmental Plan 2012 (**MWLEP**) in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**).

This PP includes the following:

- A statement of the objectives or intended outcomes;
- An explanation of the provisions that are to be included in the proposed instrument; and
- The justification for those objectives, outcomes and provisions, the process for their implementation and compliance with the Council's and Department's adopted planning strategies (including whether the proposed instrument will comply with the relevant Directions under Section 117 of the EP&A Act).

This PP has been prepared having regard to discussions between the proponents and Council's planning officers over an extended period during 2014 and, "A Guide to Preparing Planning Proposals" and "A Guide to Preparing Local Environmental Plans" published by the NSW Department of Planning and Infrastructure (now the Department of Planning and Environment **DP&E**) dated October 2012 and April 2013 respectively.

This Report concludes that the PP should be supported and recommended to the DP&E for Gateway Determination.

1.1 Background

The land the subject of this PP is located approximately 5 kilometres to the northeast of the Mudgee CBD and occupies an area of 16.74 hectares. The subject land is zoned RU4 Primary Production Small Lots Zone under the Mid-Western Regional Local Environmental Plan 2012 and is currently undeveloped. An established cherry orchard covers approximately 40% of the site area. The Mudgee Airport, which is a vital infrastructure asset for the Mid-Western Region, is situated adjoining to the south and west of the subject land.

Development approvals for the construction of a rural residence and second rural residence were issued by the MWRC on 17 September 2008 and 8 April 2013 respectively (DA0091/2009 and DA0173/2014). Certification of commencement has been gained for DA 0091/2009.

The Proponents also own a 1 hectare allotment of land that adjoins the southern boundary of the subject site, being Lot 4 DP 561282. This allotment directly adjoins the northern boundary of the Mudgee Airport and holds a current development consent for an 11 lot subdivision and construction of 10 aircraft hangars with residential accommodation, with direct access to the Airport (see DA 1052/2012). This was approved under DA 1052/2012. This adjoining site is zoned SP2 Infrastructure - Airport.

This PP is seeking a reduction in the subject site's prescribed 20 hectare minimum lot size control to 2 hectares so as to permit further subdivision and residential development. This is consistent with the current MWLEP and the recent approach taken by the MWRC and DP&E, where a similar parcel of RU4 Zoned land on the opposite side of the Airport runway that was

also prescribed a 2 hectare minimum lot size. This proximate lot and the subject lot are identified the same in the Midwestern Comprehensive Land Use Strategy adopted by Council and the Department. This proposal seeks to make the same change as has already been made for the adjacent proximate lot.

The need for provision for larger residential blocks within close proximity to Mudgee is also espoused by the Draft Mudgee and Gulgong Urban Release Strategy which has been advertised and adopted by Council. This identifies that there is a growing demand and limited supply of allotments of 2 hectares and proposes the subject site for release in 2015+.

Given the subject site's proximity to Mudgee and the Airport, it has a unique potential to capitalise on an opportunity for the establishment of residential "airparks". These airparks are typically designed around an existing airport and comprise a number of dwellings whereby aircraft accommodation can be either attached to or integrated into the overall design of the residential subdivision. The residents of the development can operate an airplane that is parked within their respective lot and have access to runway facilities.

The airpark concept is well established throughout the United States and other European Countries, and has recently emerged within regional and rural Australian towns to help contest the disturbing trend of airfield closures. Examples of well-established Australian residential airparks include, Kensington Parkside Airpark, Whitsunday Aviation Village Estate and Gatton Airpark in Queensland, Temora Airpark Estate in NSW and Denmark Airpark in Western Australia.

The location of Mudgee Airport, being a 50 minute flight from Bankstown and a 2.5 hour flight from Melbourne or Brisbane (light aircraft), as well as the increase in activities such as mining, tourism and viticulture in the Mid-West Region, present as a strategic advantage for the potential development of a residential development close to the Airport with the opportunity for aeroplane accommodation. Such subdivision development could also further provide for various living opportunities, which could, for example, complement the recently developed Mudgee Airport "Hangar House", which provides accommodation for up to 14 guests as well as 4-5 light aircraft. The unique opportunity is one that should be facilitated.

In addition to the above, establishment of an airpark opportunity at Mudgee Airport could stimulate aviation interest and demand, which would strengthen the economic returns of the Airport facility as well as other aviation related business and industry within the Region.

Based on the proposed 2 hectare minimum lot size, the subject site is capable of accommodating 8 large residential allotments. There are various potential subdivision plans which facilitate the residential subdivision with the opportunity to capitalise on the unique location. Some of these are attached (in 'mud map', example/indicative form) in **Appendix A**. This shows various opportunities to have a direct link to the airport which can be dealt with in more detail during the development application phases.

2.0 Site Analysis

The subject site is known as No. 55 George Campbell Drive, Mudgee. Key features of the site's location and context (as depicted in **Figures 1 & 2**) include:

- The subject site is located within the MWRC Local Government Area (**LGA**). The MWRC LGA is located in the Central West region of NSW being approximately 250km or 3-4 hours from Sydney.
- The MWRC is centrally located, with a strong and diverse economy based on agriculture, viticulture, mining, tourism and related industries.
- The subject site is located approximately 5 kilometres north-east of the Mudgee Centre, which is defined as a District Centre, providing a range of business, employment, retail, entertainment and recreation activities.
- Mudgee Airport, which is a vital infrastructure asset for the Mid-Western Region directly adjoins the subject site to the west.
- Lot 4 DP 561282, which is also owned by the Proponents, adjoins the subject site to the south. This allotment is zoned for Airport related purposes and has a current consent for an 11 lot subdivision and construction of 10 aircraft hangers, with direct access to the Airport (DA 1052/2012).
- The subject site holds current development approvals for the construction of a residence and a second residence, which were issued by the MWRC on 17 September 2008 and 8 April 2013 respectively (DA0091/2009 and DA0173/2014).

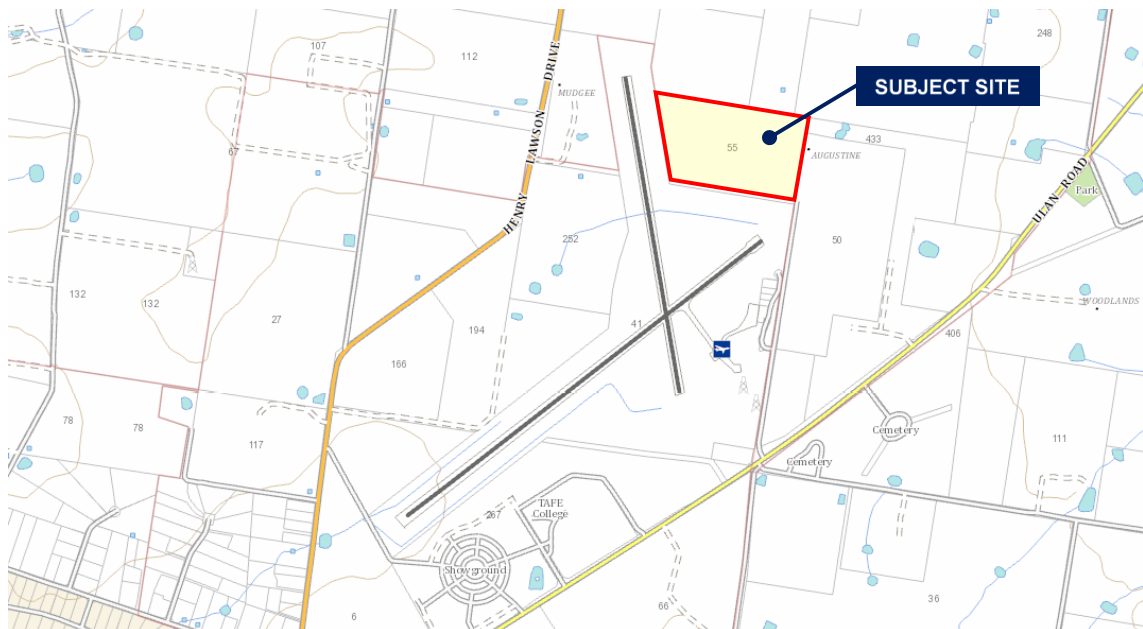


Figure 1: Context and Location of Subject Site

(Source: Land and Property Information, SIX Maps, September 2014 (as adapted by GLN))



Figure 2: Aerial View of Subject Site and Surrounding Development

(Source: Land and Property Information, SIX Maps (as adapted by GLN Planning))

2.1 Site Description

The subject site is legally described as Lot 63 in DP 618063. It is generally rectangular in shape and has an area of approximately 16.7 hectares. All weather vehicular access is provided via George Campbell Drive to the south with access also available from Eurunderee Road via Henry Lawson Drive to the north.

The subject site is characterised by relatively flat topography, which slopes slightly from the northern to southern property boundaries. A cherry orchard covers approximately 40% of the subject site with the remaining area currently vacant but previously used for the growing of grapes. Both uses have remained consistently uneconomic.

As advised by the proponent's, the subject site holds existing water rights and is serviced by infrastructure from the Pipe Clay Creek aquifer.

2.2 Surrounding Development

The subject site's immediate surrounds comprise rural and rural, urban, residential activity, including agricultural and non-agricultural land uses. In particular,

- The Mudgee Airport and associated ancillary infrastructure/development adjoins the subject site to the south and west.
- Land immediately to the north and east of the subject site is currently used for cropping and other agricultural uses. An operational vineyard and associated restaurant/cellar door is situated to the southeast of the subject site on the opposite side of George Campbell Drive.

- Lot 4 DP 561282, which is also owned by the proponents, adjoins the subject site to the south. This allotment has a current approval for an 11 lot subdivision and construction of 10 aircraft hangars, with direct access to the Airport.
- The TAFE Western – Mudgee College and Australian Rural Education Centre, which is a major educational establishment for the Mid-Western Region, adjoins the southern extent of the Mudgee Airport approximately 1.5km from the subject site.
- The Mudgee Cemetery is situated approximately 1km to the south of the subject site, on the eastern alignment of Ulan Road.
- Rural residential lot subdivisions of 2000 – 4000m and the Country Comfort Resort are along Casillis Road between the site and Mudgee town centre.

3.0 Current Planning Controls

3.1 Mid-Western Regional Local Environmental Plan 2012

The principal planning instrument applying to the subject site is the Mid-Western Regional Local Environmental Plan 2012 (**MWR LEP 2012**). This is the local statutory planning instrument that establishes what form of development and land uses are permissible or prohibited on all land within the MWRC LGA. The MWR LEP 2012 was gazetted on 10 August 2012 and replaced the previous Mid-Western Regional Interim Local Environmental Plan 2008, which applied to the subject site.

The key planning controls currently applying to the subject site under the MWR LEP 2012 are detailed within **Table 1**:

Table 1: Relevant MWR LEP 2012 Planning Controls

Clause	Matter	Requirement
2.2	Zoning of land to which Plan applies	The zoning of the subject site is shown on the Land Zoning Map (Figure 3). The Land Zoning Map indicates that the subject site is located within the RU4 Primary Production Small Lots Zone.
2.3	Zone objectives and land use table	Zone RU4 Primary Production Small Lots Zone 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. 2. Permitted without consent: - Environmental protection works; Extensive agriculture; Home businesses; Home occupations; Intensive plant agriculture; Roads; Water reticulation systems 3. Permitted with consent: - Cellar door premises; Dwelling houses; Farm buildings; Home industries; Plant nurseries; Roadside stalls; Any other development not specified in item 2 or 4 4. Prohibited: - Air transport facilities; Amusement centres; Attached dwellings; Backpackers' accommodation; Boarding houses; Boat building and repair facilities; Boat launching ramps; Boat sheds; Car parks; Cemeteries; Charter and tourism boating facilities; Child care centres; Commercial premises; Crematoria; Exhibition homes; Exhibition villages; Freight transport facilities; Group homes; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Hostels; Hotel or motel

Clause	Matter	Requirement
		accommodation; Industrial retail outlets; Industrial training facilities; Industries; Intensive livestock agriculture; Jetties; Livestock processing industries; Marinas; Mooring pens; Moorings; Mortuaries; Multi dwelling housing; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Sawmill or log processing works; Semi-detached dwellings; Seniors housing; Service stations; Sex services premises; Shop top housing; Signage; Stock and sale yards; Storage premises; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste disposal facilities; Wholesale supplies
4.1	Minimum Subdivision Lot Size	The size of any lot resulting from a subdivision of land is not to be less than the minimum size shown on the Lot Size Map. The Minimum Lot Size Map indicates a minimum lot size of 20 hectares for the subject site (Figure 4).
4.2	Rural Subdivision	Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum shown on the Lot Size Map in relation to than land. However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.
4.2B	Dwelling Houses on Land in Zone RU4 Primary Production Small Lots	The objective of this clause is to ensure that dwelling houses are erected only where they support the permitted agricultural use of the land.
5.3	Development Near Zone Boundaries	This clause does not apply to land in Zone RU4 Primary Production Small Lots.
6.4	Groundwater Vulnerability	The Groundwater Vulnerability Map indicates that the subject site is "Groundwater Vulnerable". 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 this PP. The soils and topography do not suggest any issues will be raised in the future application for effluent disposal areas. Note this requirement was able to be complied with for the purposes of the 11 lot development on the adjoining Lot 4 DP 561282, for which development consent was granted.
6.8	Airspace Operations – Mudgee Airport	The subject site adjoins the Mudgee Airport and as such, the provisions of this clause are applicable. MWRC must consider this clause if a development application proposes a development that will penetrate the Limitation or

Clause	Matter	Requirement
		Operations Surface of Mudgee Airport. This requirement is for the development stage and does not hinder further consideration of this PP. Note this requirement was able to be complied with for the purposes of the 11 lot development on the adjoining Lot 4 DP 561282, for which development consent was granted. That site is closer to the runway, has greater height restrictions and has 7.5m high buildings approved. There will be no height restriction so as to unduly hinder future development.

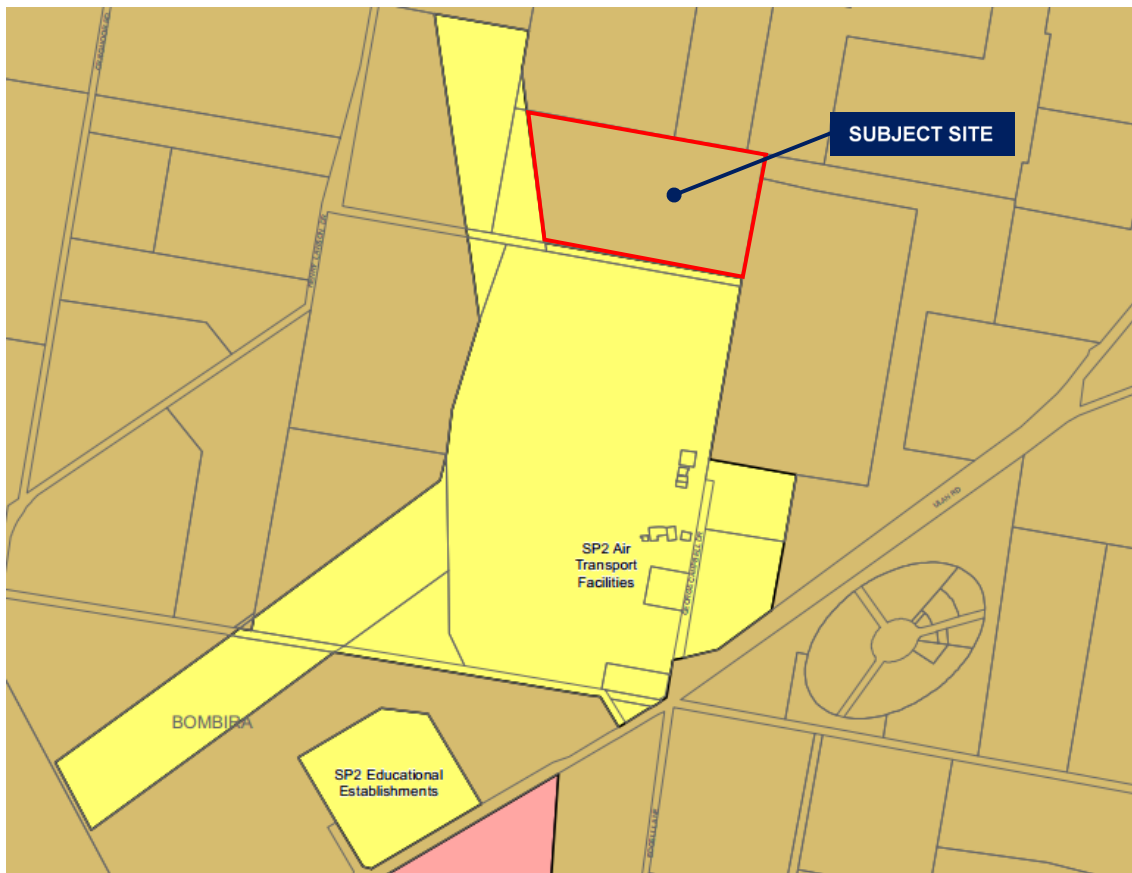


Figure 3: Subject Site and Land Zoning

(Source: Extract from MWR LEP 2012, Land Zoning Map (as amended by GLN Planning))

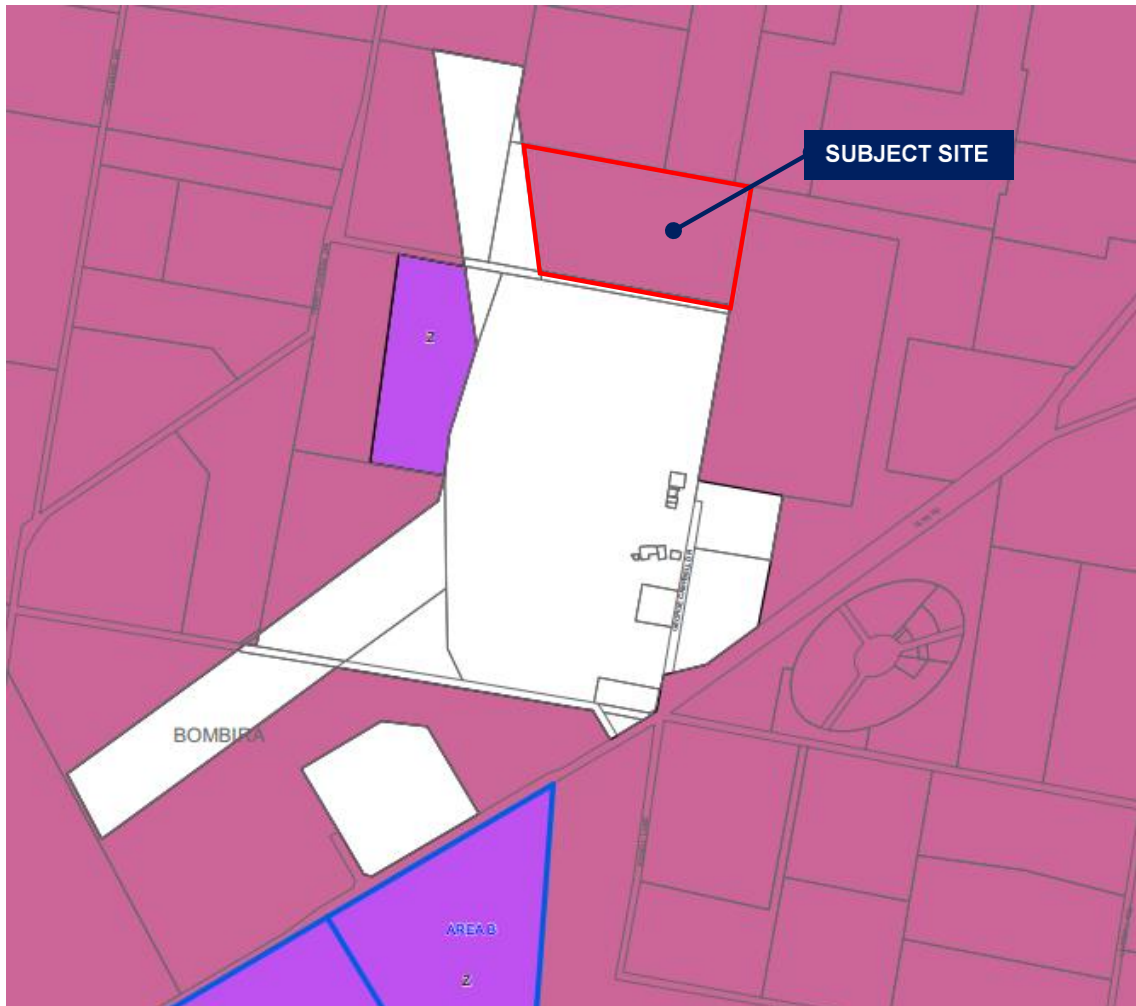


Figure 4: Subject Site and Minimum Lot Size – Shows 2ha lot size on opposite side of runway.
(Source: Extract from MWR LEP 2012, Lot Size Map (as amended by GLN Planning))

4.0 Planning Proposal

4.1 Objectives or Intended Outcomes

The objective of this PP is to reduce the prescribed minimum lot size to permit future subdivision and encourage further development of privately owned land.

4.2 Explanation of Provisions

This PP is seeking an amendment to the MWR LEP 2012 to permit future subdivision of Lot 63 DP 618063, 55 George Campbell Drive, Mudgee. This will be achieved by:

- 1) Amending the Lot Size Map Sheet LSZ_006F by removing the **AB3** 20 hectare minimum lot size and replacing it with the **Z 2** hectare minimum lot size.

4.3 Justification

4.3.1 Need for the Planning Proposal

4.3.1.1 Is the planning proposal a result of any strategic study or report?

Yes. This PP is a result of the Draft Mudgee and Gulgong Urban Release Strategy (which has been on public exhibition), identifies a growing demand and limited supply of larger lot residential blocks of around 2,000m² and 2 hectares. This has been adopted by Council and identifies the subject site for future 2 hectare lots to be released 2015+. This PP also aligns with the Mid-Western Regional Comprehensive Land Use Strategy, which identifies the subject site as an area with an opportunity for additional uses.

Further to the above, this PP is specifically consistent with a recent approach taken by the MWRC and DP&E under the MWLEP2012, whereby a parcel of RU4 Zoned land on the opposite side of the Airport runways, namely Lot 2 DP 116658, is dealt with on lot size Map Sheet LS 2006F with the prescribed a 2 hectare minimum lot size in 2012 (refer to **Figure 4** above). The same change is sought for the subject lot through this PP.

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

Yes. This PP is the only means of enabling the amendment to the MWR LEP 2012, which is required to facilitate future subdivision and residential development on the subject land. The following points are noted in support of this view:

- Proximity to the Mudgee CBD (within 5 kilometre radius).
- Appropriate infrastructure is available to support residential use.
- The proposed minimum lot size as well as the existing soil type, are suitable for on-site effluent disposal.
- There are no significant environmental constraints that would limit future residential use.

- The proposed minimum lot size would provide a logical progression from the denser urban uses to the south west towards Mudgee CBD and to much larger rural land holdings situated further from the Mudgee CBD to the east.
- The subject site is a small holding, which is unsuitable and unsustainable for economically viable agricultural production.
- The location is appropriate for residential development associated with the airport, which is an emerging land use form within Australia. Numerous options are available to achieve this. A few are identified in Appendix A. Access and ownership opportunities have also been retained across the 11 lot development on the adjoining Lot 4 DP 561282, to the Airport. Potential for additional development such as bed and breakfast establishments would also be facilitated with the creation of 8 additional smaller lots.
- The proposed minimum lot size is consistent with that recently prescribed to a parcel of RU4 Zoned land on the opposite side of the Airport.
- The site's location to the eastern side of Mudgee is different from the other 2 hectare land located to the west.

Overall, the PP would further the opportunity to facilitate a precinct of smaller lots that can build upon the existing opportunities provided by the airport and the 11 lot development approved on the adjoining Lot 4 DP 561282. The site location adjoining the Airport runways provides variable development opportunities that relate directly to both the airport and general tourism, in an ideal location proximate to the Mudgee centre.

4.3.2 Relationship to Strategic Planning Framework

4.3.2.1 Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategy)?

There is no State or Regional Environmental Plan that addresses future development in Mudgee, or that has relevance to the MWRC LGA. Nonetheless, there are a number of significant challenges common to strategic planning in inland and regional areas of NSW. These are:

- Supporting sustainable agriculture;
- Conserving valuable environmental assets;
- Minimising land use conflicts;
- Capitalising on existing infrastructure; and
- Supporting the economic sustainability and development of local communities, including providing varied living opportunities.

In general, this PP will facilitate the efficient use of land, which is proven to be unsuitable for viable agricultural production, without creating undue demands on services and/or infrastructure.

4.3.2.2 Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?

Yes. This PP stems from opportunities identified in the adopted Mudgee and Gulgong Urban Release Strategy, the Mid-Western Regional Comprehensive Land Use Strategy, as well as

being aligned with Mid-Western Region Community Plan – Towards 2030, and the Mid-Western Regional Council's Economic Strategy as discussed below.

Mudgee and Gulgong Urban Release Strategy

As a result of strong population growth driven by the expansion of the local coal mining industry and sustained pressure for residential development, the MWRC in conjunction with the DP&E commissioned the preparation of an Urban Release Strategy (2014) for the towns of Mudgee and Gulgong to guide decision making in relation to the timing, location and type of future residential development. The Strategy timeframe is 20 years, starting in 2015.

According to the Strategy, there is a lack of diversity in housing types in Mudgee and Gulgong, which affects the ability of the diverse population to find accommodation that suitably meets their needs. The Strategy identifies a number of market trends that are indicative of the need for greater housing diversity. One of the observed trends is the growing demand and limited supply of larger lot residential blocks around 2,000m² and 2 hectares.

Specifically, the Strategy notes that the demand for larger residential lots (primarily 4,000m² and 2 hectares) in Mudgee's Urban Release Areas (see **Figure 5**) is projected to average about 7 lots per annum or 37 lots over 5 years. The land the subject of this PP, which is identified as Urban Release Area No. 23, is recorded as being capable of accommodating 8 x 2 hectare allotments with no zoning change.

The Strategy's recommendation for the availability of 2 hectare lots from the subject site is 2015+. It identifies Mudgee's population is increasing. There is a predominance of 700m² to 900m² blocks and a strong case for improving housing diversity in Mudgee to suit wide ranging needs and circumstances. The Strategy, in its Executive Summary, states "there is growing demand and limited supply of larger lot residential blocks around 2000sqm and 2 hectares".

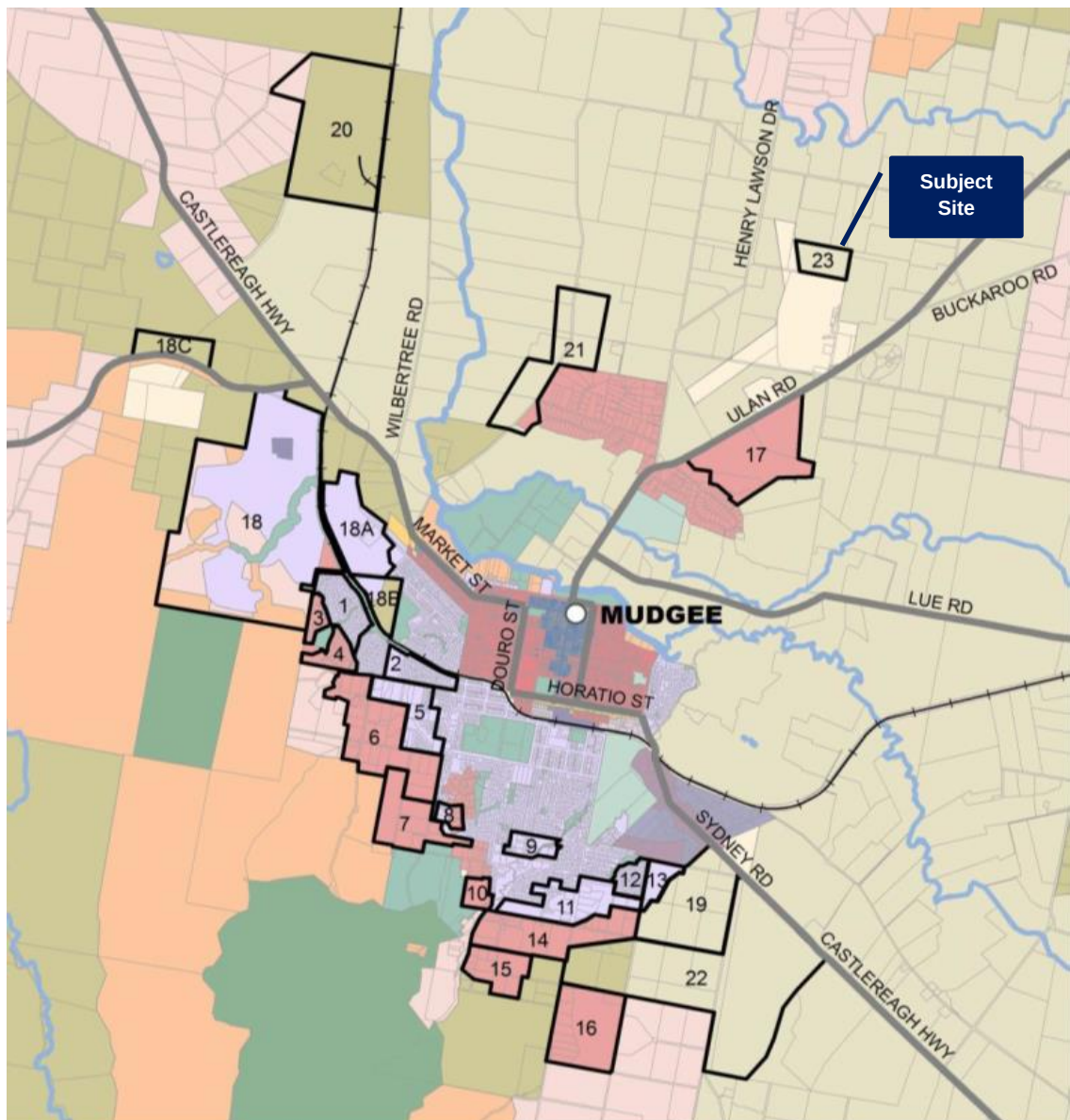


Figure 5: Extract from the Draft Mudgee and Gulgong Urban Release Strategy

(Source: Draft Mudgee and Gulgong Urban Release Strategy, Hill PDA Consulting, 2014)

Mid-Western Regional Comprehensive Land Use Strategy

The MWRC has prepared the Comprehensive Land Use Strategy (**CLUS**), which provides clear direction for growth for the next 15-20 years. The Strategy has informed the MWR LEP 2012 and provides a context for future land use and is supported by the Mudgee Town Structure Plan.

The CLUS notes that the Mudgee Airport is an important asset for the LGA providing a gateway location into the region with opportunities on the Airport site and surrounding land for potential additional uses. In particular, land surrounding the Airport immediately to the north and west has been identified as a potential development opportunity for compatible airport linked uses and other compatible uses.

With reference to **Figure 6** below, the subject site, which adjoins the Airport to the north, has been identified as an area with an opportunity for additional uses. This PP is consistent with the CLUS, Mudgee Town Structure Plan and the objectives of the Zone as the proposed minimum lot size will enable future subdivision of the subject site, which could accommodate residential development with links to the airport. The proposal will facilitate the pursuit of this and is consistent with the Department's LEP change for the similarly identified lot on the western side of the north south runway.

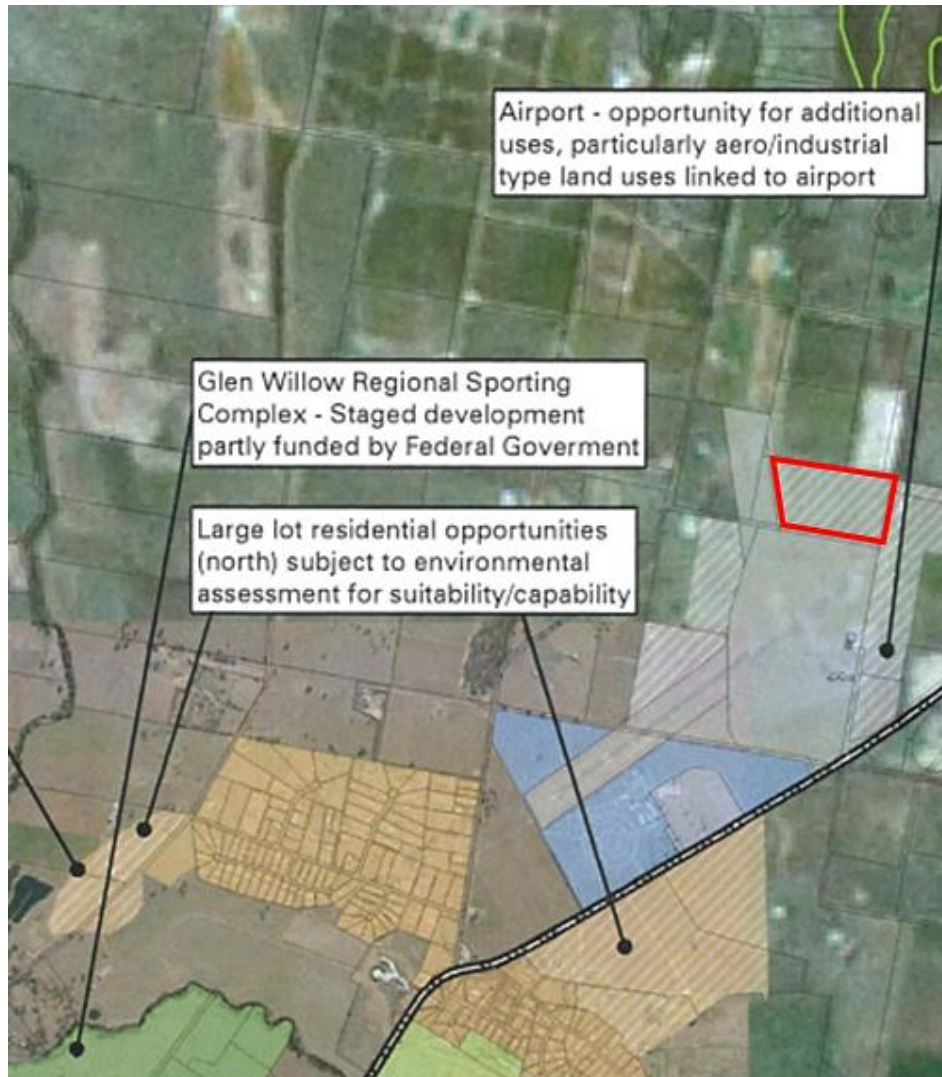


Figure 6: Extract from Mudgee Town Structure Plan and Subject Site (outlined red)

(Source: Mid-Western Regional Comprehensive Land Use Strategy, Parsons Brinckerhoff, 2010 (as adapted by GLN))

Mid-Western Regional Community Plan – Towards 2030

Goals of the Community Plan and how this PP achieves these, is discussed in the **Table 2** below correlating to strategies identified in the Plan.

Table 2: Relevant Goals of the Mid-Western Regional Community Plan

Goal	Strategy From Community Plan	Planning Proposal/Response
Theme 1 – Looking After our Community		
Goal 2 – Vibrant Towns and Villages	Make available diverse, sustainable, adaptable and affordable housing options through effective land use planning.	This PP will cater to the strong demand and limited supply of large residential allotments within Mudgee. The subject site is suitable for the residential use as it is unconstrained, un-fragmented and is strategically positioned to take advantage of existing infrastructure and services. Consents have previously been issued by the MWRC for residential developments on the subject site. This PP will also provide an opportunity for compatible land uses to locate within close proximity to the Mudgee Airport without creating undue demands on services and/or infrastructure.
Theme 2 – Protecting Our Natural Environment		
Goal 1 – Protect and Enhance Our Natural Environment	Ensure land use planning and management enhances and protects biodiversity and natural heritage.	The land the subject of this PP is currently under-developed with an uneconomic cherry orchard established on approximately 40% of the subject site area. Removal of the cherry orchard and future development of the subject site will not have any impact on biodiversity and/or natural heritage.
Theme 3 – Building a Strong Local Economy		
Goal 2 – An Attractive Business and Economic Environment	Support the expansion of essential infrastructure and services to match business and industry development in the Region.	The Mudgee Airport is an important asset for the MWRC LGA providing a gateway into the Region. This PP will enable future subdivision of the subject site which could accommodate the provision of airport linked residential development. Such development has the potential to stimulate aviation interest and demand, which could strengthen the economic returns of the Airport facility as well as aviation related business and industry development within the Region.
Goal 3 – A Range or Rewarding and Fulfilling Career Opportunities to Attract and Retain Residents	Support projects that create new jobs in the Region and help to build a diverse and multi-skilled workforce.	With reference to the comments made at Goal 2 above, improvements to economic returns of the Airport facility will ultimately lead to the creation of new jobs within the Region. Construction jobs for houses and infrastructure would also be created.

Mid-Western Regional Council Economic Development Strategy

MWRC has an Economic Development Strategy (EDS) outlining a future economic direction for the Region in the next ten (10) years, to June 2020. The EDS provides a broad framework for

the various lead agencies and stakeholders involved in economic development to identify their roles and engage in economic development initiatives for the Region.

Providing adequate infrastructure to support economic activity is a key principle identified in the EDS that will influence economic development in the Region for the future. According to the EDS, MWRC will be the lead agency to facilitate the development and availability of adequate infrastructure to support economic activity in the Region. In particular, one of the key activities that MWRC will undertake in the short term will be to promote development of airport infrastructure at Mudgee Airport as an opportunity for business expansion in aviation related industry.

This PP is seeking an amendment to the minimum lot size control for the subject site, which has been identified in the CLUS as an area with an opportunity for additional uses linked to the Airport. The proposed amendment will facilitate future subdivision of the subject site which could accommodate Airport linked residential development. This in turn, will strengthen the economic returns of the Airport facility as well as aviation related business and industry within the Region.

Mudgee Airport Master Plan

The Mudgee Airport Master Plan (the **Master Plan**) was adopted in principle, as amended, by Council at its meeting held on 26 October 2005. The Master Plan is based on an assessment of the aviation needs for Mudgee Airport to 2014 and focusses on the building area precinct of the Airport, which accommodates the passenger terminal, general aviation facilities and potential development areas.

Since the adoption of the Master Plan, MWRC has completed a number of actions identified within the Plan. In particular, during April 2009, MWRC issued development consent for a 16 lot staged subdivision of the Airport. Whilst a number of these allotments appear to have been developed, work is still required for the development of the remainder.

It is noted that the Master Plan also facilitates (if required) the ability to provide airside linkages directly to privately owned land, which is contiguous with the Airport. Whilst two nominal locations are depicted, the Plan acknowledges that others are available.

The Master Plan is currently under further review and the land the subject of this PP can be identified as one of the locations with potential. Further the approval that has recently been issued for the subdivision and construction of aircraft hangars on the Proponent's adjoining land (see DA 1052/2012) acknowledged for its suitable airside linkages that are compatible with the Master Plan. The physical linkages will be the subject of further detailed discussion with the Council though numerous options are available.

4.3.2.3 Is the planning proposal consistent with applicable State Environmental Planning Policies?

The State Environmental Planning Policies (**SEPPs**) that are relevant to this PP have been detailed and reviewed below. For a complete checklist of SEPPs refer to **Appendix A**.

State Environmental Planning Policy (Rural Lands) 2008

The aim of State Environmental Planning Policy (Rural Lands) 2008 (**Rural Lands SEPP**) is to facilitate the orderly and economic use and development of rural lands for rural and related purposes. The Rural Lands SEPP applies to all rural land within the MWRC.

The land the subject of this PP has strategic development potential as identified in the Urban Release Strategy and CLUS (refer to **Section 4.3.2.2** above). This PP is seeking to formally recognise the development potential through an amendment to the MWR LEP 2012.

With reference to Part 4 and Schedule 2 of the Rural Lands SEPP, there is no State Significant Agricultural Land Classification that applies to the land the subject of this PP.

Based on the above, this PP is not inconsistent with the Rural Lands SEPP.

State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 55 provides state-wide planning controls for the remediation of contaminated land. Clause 6 of the SEPP provides the requirements, which must be considered by a planning authority in the preparation of a zoning or re-zoning proposal:

- (1) In preparing an environmental planning instrument, a planning authority is not to include in a particular zone (within the meaning of the instrument) any land specified in subclause (4) if the inclusion of the land in that zone would permit a change of use of the land, unless:*
 - (a) the planning authority has considered whether the land is contaminated, and*
 - (b) if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and*
 - (c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.*
- (2) Before including land of a class identified in subclause (4) in a particular zone, the planning authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.*
- (3) If a person has requested the planning authority to include land of a class identified in subclause (4) in a particular zone, the planning authority may require the person to furnish the report referred to in subclause (2).*
- (4) The following classes of land are identified for the purposes of this clause:*
 - (a) land that is within an investigation area,*
 - (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*

This PP does not propose the re-zoning of the subject site. However, with regard to subclause (4) above, it is noted that 'agricultural/horticultural activities' are listed in Table 1 of the 'Planning Guidelines – SEPP 55 Remediation of Land' (DUAP, EPA, 1998) as an activity which may cause contamination. As the land the subject of this PP has previously been utilised for agricultural/horticultural activities, it is noted that a report specifying the findings of a preliminary investigation of the subject land may be required at some time prior to approval of a development application. Given the previous agricultural uses however and the existing residential approvals is unlikely to be of any concern.

The PP is not inconsistent with SEPP No. 55.

4.3.2.4 Is the planning proposal consistent with applicable Ministerial Directions (Section 117 Directions)?

The Section 117 Directions that are relevant to this PP have been detailed and reviewed below. For a complete checklist of Section 117 Directions, refer to **Appendix B**.

1.2 Rural Zones

The purpose of this Direction is to protect the agricultural value of rural land and applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone.

As per Clause 4(b) of the Direction, this PP contains provisions that will increase the permissible density of land within a rural zone. Therefore, this PP is seeking to be justifiably inconsistent with the terms of the Direction under Clause 5. Specifically, this PP gives consideration to the objectives of this Direction, is in accordance with the MWRC Urban Release Strategy, CLUS and is of relatively minor significance.

Further to the above, as previously noted within this PP, the subject land is currently predominantly vacant with further potential for subdivision and development should this PP be supported. Importantly, the subject land is insignificant having regard to the area of the surrounding rural zoned land available for agricultural production.

1.5 Rural Lands

The purpose of this Direction is to protect the agricultural production value of rural land and to facilitate the orderly and economic development of rural land for rural and related purposes. This Direction applies pursuant to Clause 3 as the PP will affect land within an existing rural zone by changing the existing prescribed minimum lot size.

The proposed change to the minimum lot size control as detailed throughout this PP is consistent with this Direction as it conforms to the Rural Planning and Rural Subdivision Principles listed in the Rural Lands SEPP and that it does not compromise the production value or development of rural land for rural purposes. In particular, this PP will:

- Not enable the fragmentation of high quality agricultural land.
- Not enable the potential for additional rural land use conflicts.
- Provide development opportunities compatible with surrounding and adjoining developments.
- Provide development opportunities within an area close to an existing town centre that is well serviced and capable of meeting the daily needs of the intended occupants.

3.5 Development near Licensed Aerodromes

This Direction applies when a relevant planning authority prepares a Planning Proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome. The objectives of this Direction are to ensure the effective and safe operation of aerodromes, ensure that their operation is not compromised by development and ensure development for residential purposes is not adversely affected by aircraft noise.

The land the subject of this PP adjoins part of the northern boundary of the Mudgee Airport and has been identified in the MWRC Urban Release Strategy and CLUS as a potential development opportunity.

Clause 6.8 of the MWR LEP 2012 provides a number of provisions that aim to protect the airspace operations of Mudgee Airport as well as the community from undue risk, including consultation with the relevant Commonwealth authority. In this regard, consultation with the relevant Commonwealth body is likely to form part of the future development process.

5.1 Implementation of Regional Strategies

This Direction requires a PP to be consistent with a regional strategy released by the Minister for Planning.

As noted at **Section 4.3.2.1**, there is no State or Regional Environmental Plan that addresses future development in Mudgee, or that has relevance to the MWRC LGA. Nonetheless, this PP is consistent with the vision, land use strategy, policies, outcomes and actions as identified in the relevant MWRC's local Strategies (refer to **Section 4.3.2.2**).

6.1 Approval and Referral Requirements

This Direction aims to minimise the inclusion of provisions that require the concurrence, consultation or referral of development to a Minister or public authority.

This PP does not propose to include additional uses beyond what is permitted within the relevant land use table. It is therefore, consistent with this Direction.

6.3 Site Specific Provisions

This Direction relates to the use of site specific planning controls.

This PP does not seek to include additional uses beyond what is permitted within the MWR LEP 2012 Land Use Table for the RU4 Primary Production Small Lot Zone. It is noted that the RU4 Primary Production Small Lot Zone will permit the type of development that is envisaged for the subject site in the future. This PP is therefore, consistent with this Direction.

4.3.3 Environmental, Social and Economic Impact

4.3.3.1 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 subject site contains minimal vegetation (mainly cherry trees associated with an existing orchard) and no remnant vegetation. Therefore, the potential for impact on critical habitat, threatened species, populations or ecological communities is considered to be immaterial.

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

Due to the proximity of the subject site to the Airport, there is potential for the amenity of approved future residences to be impacted as a result of aviation noise. The potential for impact would be assessed at the development stage and should not hinder further consideration of this PP.

Nonetheless, due to the low frequency of commercial flights (typically one in and one out per day) plus a few private flights, the potential impact of aviation noise would be insignificant. If required acoustic treatments can be applied to the construction of future residences (e.g. laminated glass, double plaster board ceilings and masonry walls). This however, would typically be prescribed as a condition of consent, though such conditions were not found

necessary in the circumstances of low usage and size/type of aircraft for the existing dwelling consents.

The potential impact of aviation noise did not preclude the issuing of development consents for the construction of 2 residential dwellings on the subject site (see DA 0091/2009 and 0173/2014). The PP will only create the potential for 6 more.

4.3.3.3 Has the planning proposal adequately addressed any social and economic effects?

Overall, the social and economic effects of this PP are expected to be positive. In particular,

- The loss of agricultural land (in this instance) is considered to be insignificant with regard to the area of the surrounding rural zoned land available for viable agricultural production.
- Part of the subject site contains an established cherry orchard and has previously also been used for the growing of grapes. According to the proponent's, the size of the subject site is such that neither grapes nor cherries have been (or can be) an economically viable agricultural venture, with losses well documented for at least a decade.
- This PP will enable the utilisation of land that has available infrastructure and will provide an opportunity for residential development without creating additional demands on services and/or infrastructure.
- This PP will cater to the strong demand and limited supply of appropriately zoned 2 hectare allotments near Mudgee and on the eastern side of Mudgee.
- The Mudgee Airport is an important asset for the MWRC LGA, which provides a gateway into the Region. The potential for tourist and airport related development on the subject site if capable of subdivision into 2ha lots could strengthen the economic returns of the Airport facility as well as aviation and/or tourist related business or industry within the Region.

4.3.4 State and Commonwealth Interests

There are not considered to be any State or Commonwealth interests in this PP other than ensuring general consistency with the State Policies and facilitating the ongoing operation and development of Mudgee Airport.

4.3.4.1 Is there adequate public infrastructure for the Planning Proposal

Yes. There is considered to be adequate public infrastructure as detailed below:

- Future development will not generate a need for reticulated water. Rather, a 10,000 litre dedicated water supply tank would be provided with a petrol or diesel powered pump. This is consistent with DA 0091/2009 and DA 0173/2014.
- The soils within the subject site have previously been analysed and identified as suitable for the provision of an on-site sewerage management system (see DA 0091/2009 and DA 0173/2014).

- Being adjacent to the Mudgee Airport and approved for dwellings, key utilities such as electricity and telephone are available for connection to the subject site. Connections to these utilities would be formalised during the subdivision design stage,
- The subject site is located approximately 5 kilometres from the Mudgee CBD and is well positioned to utilise existing all-weather access roads, including George Campbell Drive, Ulan Road, Eurunderee Road and Henry Lawson Drive.

4.3.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

No consultation has been carried out with either State or Commonwealth public authorities in relation to this PP. Nonetheless, following the Gateway Determination, relevant agencies will be consulted where required.

Any proposed variations to this PP would be addressed following the consultation period.

4.4 Community Consultation

It is expected that direction as to the nature and extent of community consultation will be given by the Minister as part of the LEP Gateway Determination.

Should this PP be supported, it is likely that it will be exhibited as a 'low impact' proposal for a period of not less than 14 days in accordance with Section 5.5.2 of *A Guide to Preparing Local Environmental Plans*. A 'low impact' proposal is defined as '*a planning proposal that, in the opinion of the person making the Gateway determination is:*

- *Consistent with the pattern of surrounding land use zones and/or land uses.*
- *Consistent with the strategic planning framework.*
- *Presents no issues with regard to infrastructure servicing.*
- *Not a principal LEP.*
- *Does not re-classify public land.*

Public exhibition of the PP will include notification in the newspapers that circulate widely in the area. Information relating to the PP will also be on display at Council's administration building located at 86 Market Street, Mudgee.

5.0 Summary and Recommendations

The submitted PP seeks an amendment to the Mid-Western Regional LEP 2012 to permit future subdivision into 2 hectare lots and residential development of Lot 63 DP 618063, 55 George Campbell Drive, Mudgee.

This will be achieved by amending the MWR LEP 2012 as follows:

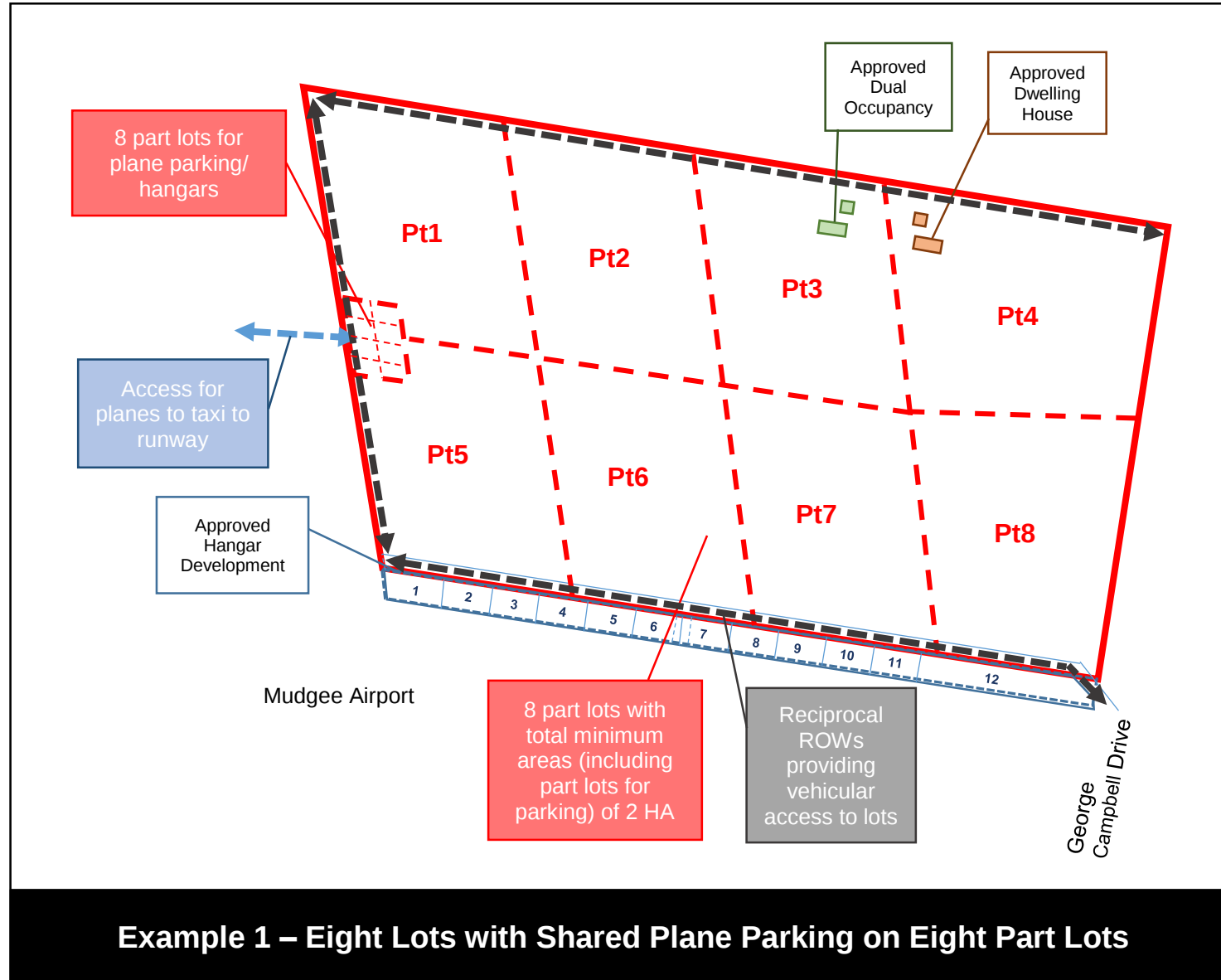
- 1) Removing the 20 hectare minimum lot size from the subject land and replacing it with a 2 hectare minimum lot size. This requires amending the Lot Size Map LSZ_006F by removing it from the **AB3** 20 identification and replacing it with the **Z** 2 ha designation.

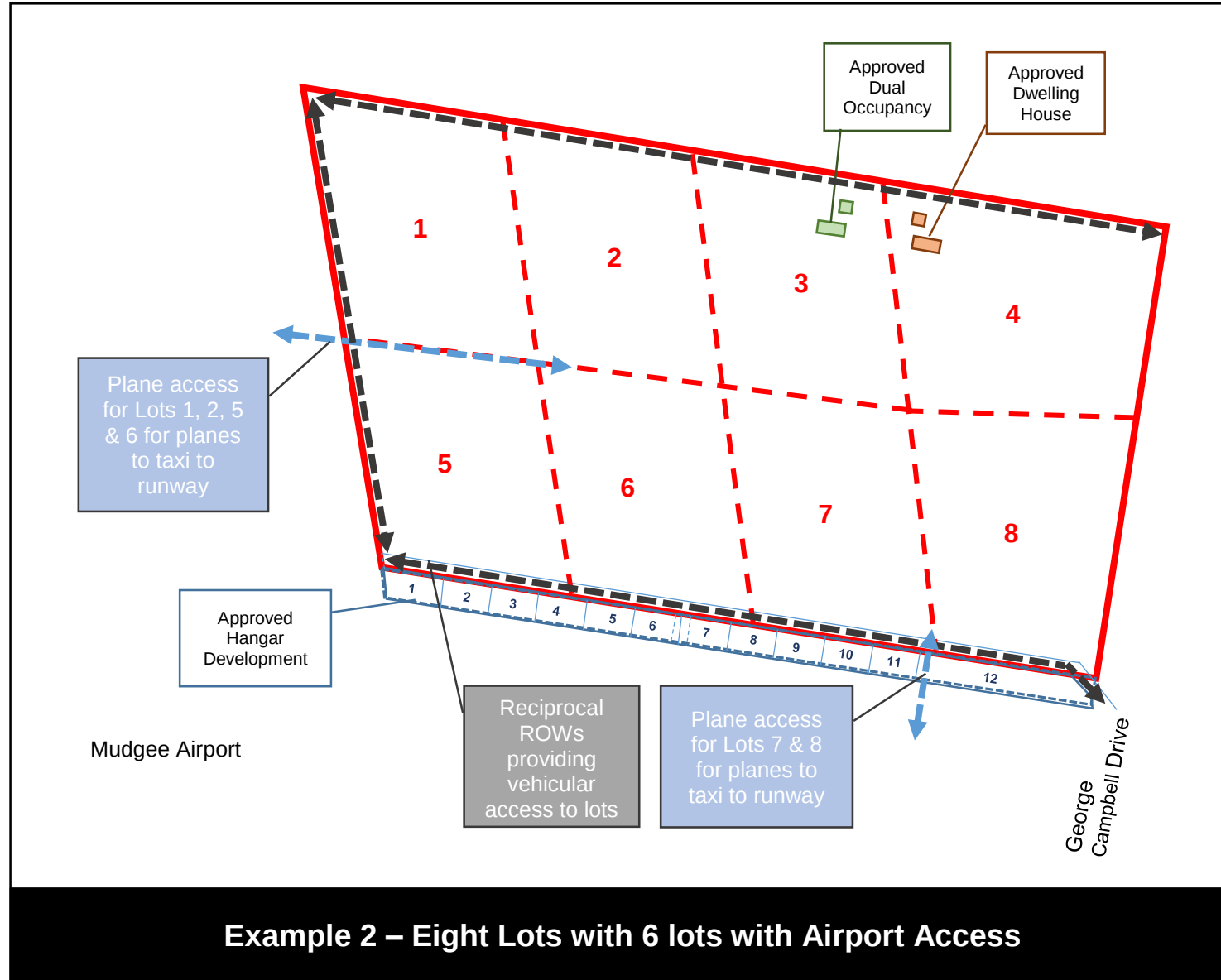
The PP is in accordance with the objectives of the relevant MWRC's Local Strategies, applicable SEPPs and Section 117 Directions. There are not considered to be any environmental, social or economic impacts arising as a result of the PP.

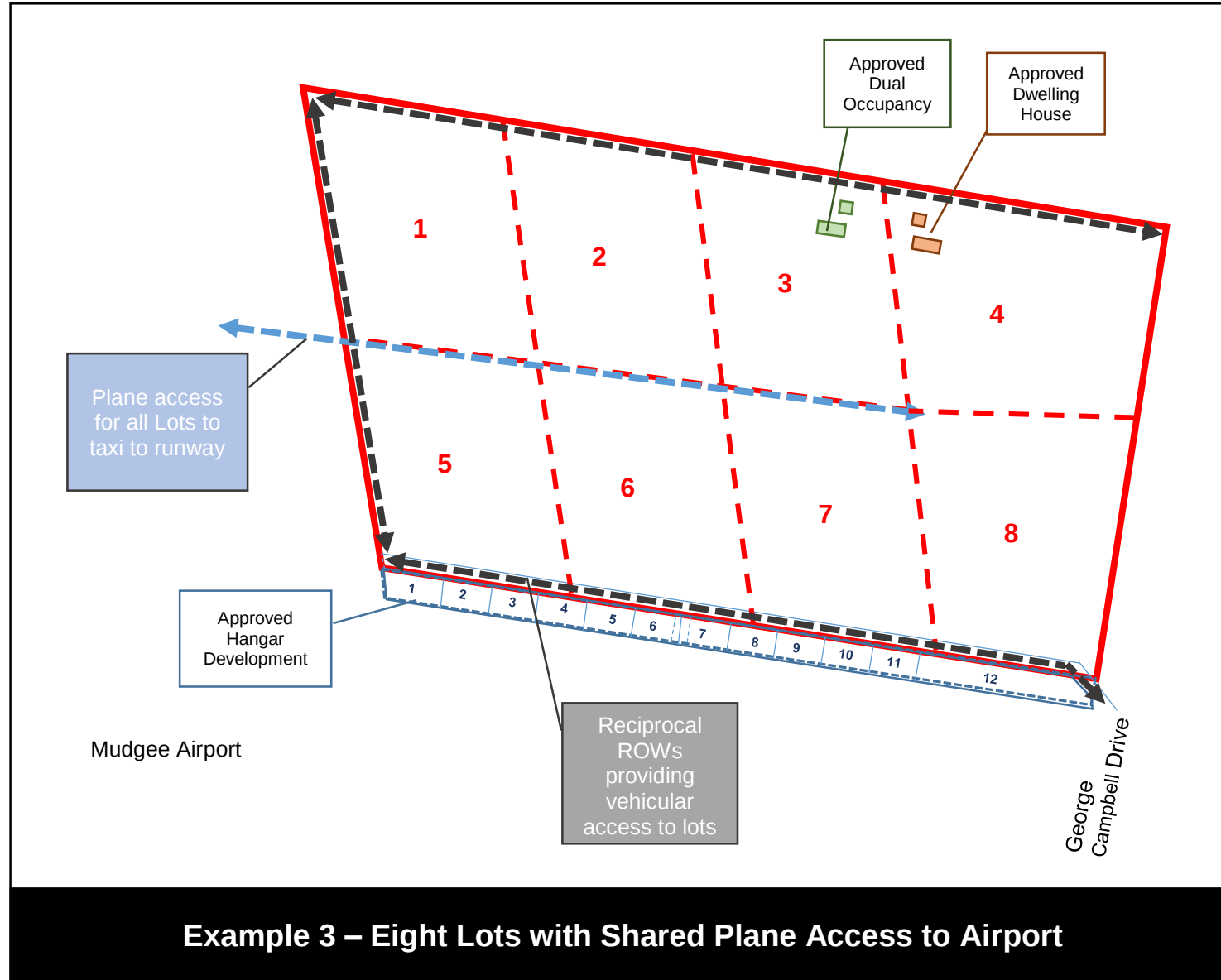
It is therefore requested that the Council resolve to forward this PP to the DPE for LEP Gateway Determination in accordance with the EP&A Act.

APPENDIX A

Three Indicative Lot Layout Plans







APPENDIX B

State Environmental Planning Policies

State Environmental Planning Policy	Relevance	Consistency
SEPP No. 1 – Development Standards	N/A	
SEPP No. 14 – Coastal Wetlands	N/A	
SEPP No. 15 – Rural Land-sharing Communities	N/A	
SEPP No. 19 – Bushland in Urban Areas	N/A	
SEPP No. 21 – Caravan Parks	N/A	
SEPP No. 26 – Littoral Rainforests	N/A	
SEPP No. 29 – Western Sydney Recreation Area	N/A	
SEPP No. 30 – Intensive Agriculture	N/A	
SEPP No. 32 – Urban Consolidation (Re-development of Urban Land)	N/A	
SEPP No. 33 – Hazardous and Offensive Development	N/A	
SEPP No. 36 – Manufactured Home Estates	N/A	
SEPP No. 39 – Spit Island Bird Habitat	N/A	
SEPP No. 44 – Koala Habitat Protection	N/A	
SEPP No. 47 – Moore Park Showground	N/A	
SEPP No. 50 – Canal Estate Development	N/A	
SEPP No. 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	N/A	
SEPP No. 55 – Remediation of Land	YES	CONSISTENT
SEPP No. 59 Central Western Sydney Economic and Employment Area	N/A	
SEPP No. 62 – Sustainable Aquaculture	N/A	
SEPP No. 64 – Advertising and Signage	N/A	
SEPP No. 65 – Design Quality of Residential Flat Development	N/A	
SEPP No. 70 – Affordable Housing (Revised Schemes)	N/A	

Planning Proposal

Lot 63 DP 618063 George Campbell Drive, Mudgee

State Environmental Planning Policy	Relevance	Consistency
SEPP No. 71 – Coastal Protection	N/A	
SEPP – Affordable Rental Housing 2009	N/A	
SEPP – Building Sustainability Index BASIX 2004	N/A	
SEPP – Exempt and Complying Development Codes 2008	N/A	
SEPP – Housing for Seniors or People Living with a Disability 2004	N/A	
SEPP – Infrastructure 2007	N/A	
SEPP – Major Development 2005	N/A	
SEPP – Mining, Petroleum Production and Extractive Industries 2007	N/A	
SEPP – Rural Lands 2008	YES	CONSISTENT
SEPP – State and Regional Development 2011	N/A	

APPENDIX C

Section 117 Directions

Section 117 Ministerial Directions	Relevance	Consistency
1. Employment and Resources		
1.1 Business and Industrial Zones	N/A	
1.2 Rural Zones	YES	CONSISTENT
1.3 Mining, Petroleum Production and Extractive Industries	N/A	
1.4 Oyster Aquaculture	N/A	
1.5 Rural Lands	YES	CONSISTENT
2. Environment and Heritage		
2.1 Environment Protection Zones	N/A	
2.2 Coastal Protection	N/A	
2.3 Heritage Conservation	N/A	
2.4 Recreation Vehicle Areas	N/A	
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	N/A	
3.2 Caravan Parks and Manufactured Home Estates	N/A	
3.3 Home Occupations	N/A	
3.4 Integrating Land Use and Transport	N/A	
3.5 Development Near Licensed Aerodromes	YES	CONSISTENT
3.6 Shooting Ranges	N/A	
4. Hazard and Risk		
4.1 Acid Sulphate Soils	N/A	
4.2 Mine Subsidence and Unstable Land	N/A	
4.3 Flood Prone Land	N/A	

Section 117 Ministerial Directions	Relevance	Consistency
4.4 Planning for Bushfire Protection	N/A	
5. Regional Planning		
5.1 Implementation of Regional Strategies	YES	CONSISTENT
5.2 Sydney Drinking Water Catchments	N/A	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	
5.4 Commercial and Retail Development along the Pacific highway, North Coast	N/A	
5.8 Second Sydney Airport: Badgerys Creek	N/A	
6. Local Plan Making		
6.1 Approval and Referral Requirements	YES	CONSISTENT
6.2 Reserving Land for Public Purposes	N/A	
6.3 Site Specific Provisions	YES	CONSISTENT
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Plan for Sydney 2036	N/A	