

PLANNING PROPOSAL REPORT

**85 ROCKY WATERHOLE ROAD, MOUNT FROME
(MOOTHI ESTATE)
LOT 2 DP1055152**

PROPOSED REZONING AND REDUCTION IN MINIMUM LOT SIZE

Prepared on behalf of:
HNJ PTY LTD

Prepare for Submission to:
MID-WESTERN REGIONAL COUNCIL

Prepared by:



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1. INTRODUCTION AND BACKGROUND

This planning proposal report has been prepared on behalf of HNJ PTY LTD in accordance with the NSW Department of Planning and Infrastructure document “A Guide to Preparing Planning Proposals.” The purpose of this report is to support a request for Mid-Western Regional Council (MWRC) to rezone the area of Lot 2 DP 1055152 currently zoned RU Primary Production with a minimum lot size of 100 hectares, be rezoned to RU4 Primary Production Small Lots and E3 Environmental Management with a minimum lot size of 20 and 400 hectares respectively.

The request to rezone land is made pursuant to the provisions of Division 3.4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as it would form an amendment to the LEP. The legislative context of the proposal is described in further detail in Sections 3.1 and 3.2 of this report.

The intent of rezoning the site is to allow for a diverse range of primary production industries in the Mid-Western Region. The rezoning is proposed in response to a change in economic conditions which favour smaller, more intensive primary production industries.

A Location Plan and Aerial Photograph showing the site are included at **Appendices 1** and **2**. **Appendices 3** and **4** include the current and proposed zoning plans, with **Appendices 5** and **6** showing the current and proposed minimum lot size plans.

2. THE SITE

2.1 Location and Site Characteristics

The subject land is located at 85 Rocky Waterhole Road Mount Frome (secondary address is 55 Rocky Waterhole Road, Mount Frome) (Lot 2 DP1055152) and is known as "Countyview" as shown in Figure 1 below (also provided in **Appendix 1**).

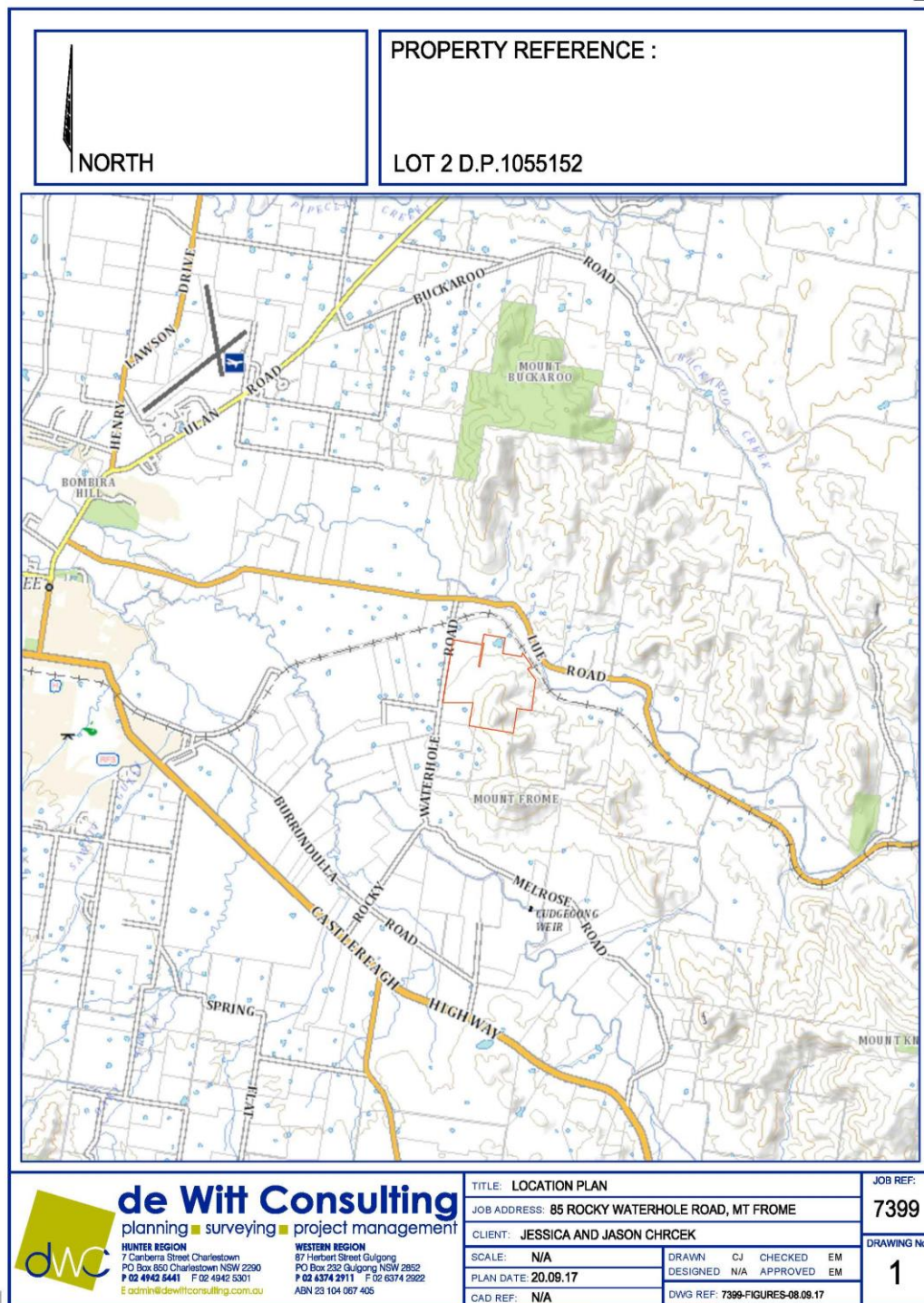


Figure 1: Location Plan

The site has an approximate area of 112.91 hectares. It is currently zoned *RU1 Primary Production* and *E3 Environmental Management* pursuant to Mid-Western Regional Local Environmental Plan 2012 (LEP) as shown in Figure 2 below (also provided in **Appendix 3**).

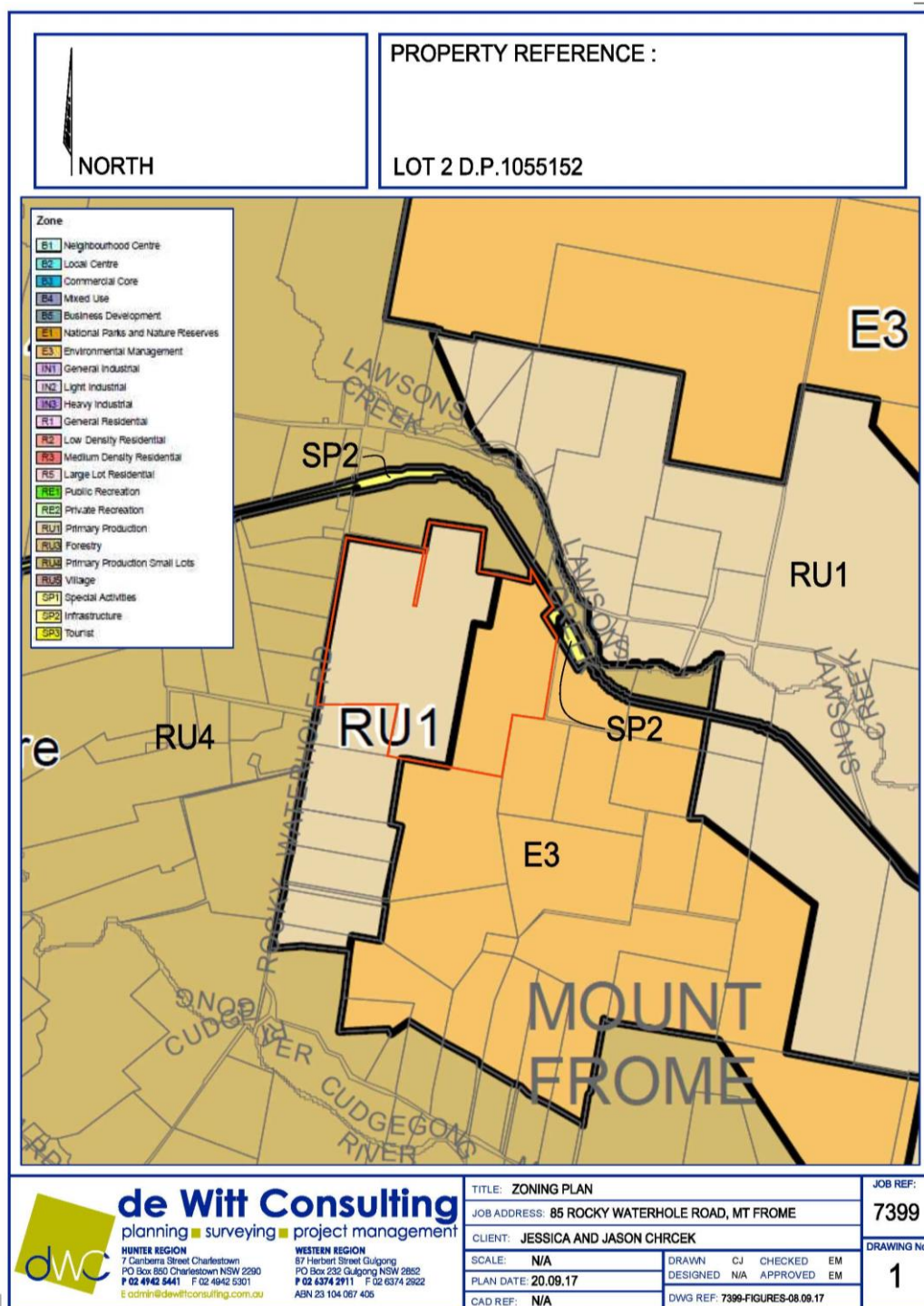


Figure 2: Current Zoning

The RU1 portion has an area of approximately 76 hectares while the E3 zone covers an area of approximately 37 hectares. The property operates as a vineyard incorporating approximately 20 hectares of vines and a cellar door within the RU1 zone. There are two residences on site, the house higher on the hill and a unit attached to the cellar door facility. The lower, western portion of the site is cleared of native vegetation and is used for the vineyard while the higher eastern section supports remnant native vegetation. The nature of the site is shown in Figure 3 below (also provided in **Appendix 2**).



Figure 3: Aerial Photo

The site is not identified on Council's Flood Prone Land Map and is not affected by mine subsidence. The site is however identified as bushfire prone land on Council's Bush Fire Prone Land Map. The site contains areas of high terrestrial biodiversity and is also mapped as groundwater vulnerable land.

2.2 Surrounding Area

The surrounding land is predominantly zoned RU4 predominantly utilised for rural and agricultural purposes and E3 land. Land immediately to the north is zoned RU4, with the Mount Frome railway station and railway line intersecting various properties in Mount Frome. The land immediately to the east is zoned E3 contiguous with the E3 section of the subject site and is mostly vegetated. The land to the south is zoned RU1 and E3. The land to the west is also zoned RU4.

3. OBJECTIVES OR INTENDED OUTCOMES

3.1 Proposed Rezoning

The proposal is to rezone the area of Lot 2 DP1055152 currently zoned RU1 Primary Production to RU4 Primary Production Small Lots and E3 Environmental Management, and establish a minimum lot size of 20 and 400 hectares respectively. The existing E3 zoned will be retained (refer proposed zoning plan at **Appendix 5**). The proposed increase in E3 zoned land will enable the ongoing environmental management of the land, protection of biodiversity value and minimisation of visual impact associated with future use of the land. The rezoned RU4 land will be utilised for intensive agriculture and associated dwellings.

The resulting areas will be:

- RU4 – 68 ha
- E3 – 45.8ha (an increase of approximately 10ha).

The objectives of the RU4 zone are:

- 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.

Land uses permitted with consent in the RU4 zone include:

Environmental protection works; Extensive agriculture; Home businesses; Home occupations; Intensive plant agriculture; Roads; Water reticulation systems, Cellar door premises; Dwelling houses; Farm buildings; Home industries; Plant nurseries; Roadside stalls

This planning proposal report demonstrates the need for the rezoning, consistency with strategic planning documents at local and regional level and the suitability of the site in terms of land capability and water availability. These matters are addressed below and in **Appendix 8**.

3.2 The Need for the Rezoning

The need for the rezoning has resulted from a change in economic conditions which favour smaller, more intensive industries over larger operations. As demonstrated in this report, the site conditions support future intensive agriculture more suited to smaller rural lots (refer to Water Resources Plan in **Appendix 8** and Land Capability Information in **Appendix 9**).

Australian Bureau of Statistics (ABS) 2017 Census data indicates that Mid-Western Region is experiencing sustained population growth along with growth in the agricultural industry resulting in additional demand for a range of land, housing and employment opportunities.

Table: ABS Census 2017 (abs.gov.au, accessed 1 March 2019)

Census data	2012	2013	2014	2015	2016	2017
Persons – Total No.	23,343	23,742	24,059	24,374	24,546	24,815
Median Age – persons (years)	41.5	41.7	41.7	41.6	41.4	41.5

Furthermore, the employment category of 'Agriculture, Forestry and Fishing' is the largest employment sector in the Orana region and one of the largest employment sectors in the Mid Western Region suggesting the demand for agricultural land is high within the LGA.

All Industries - All Zones

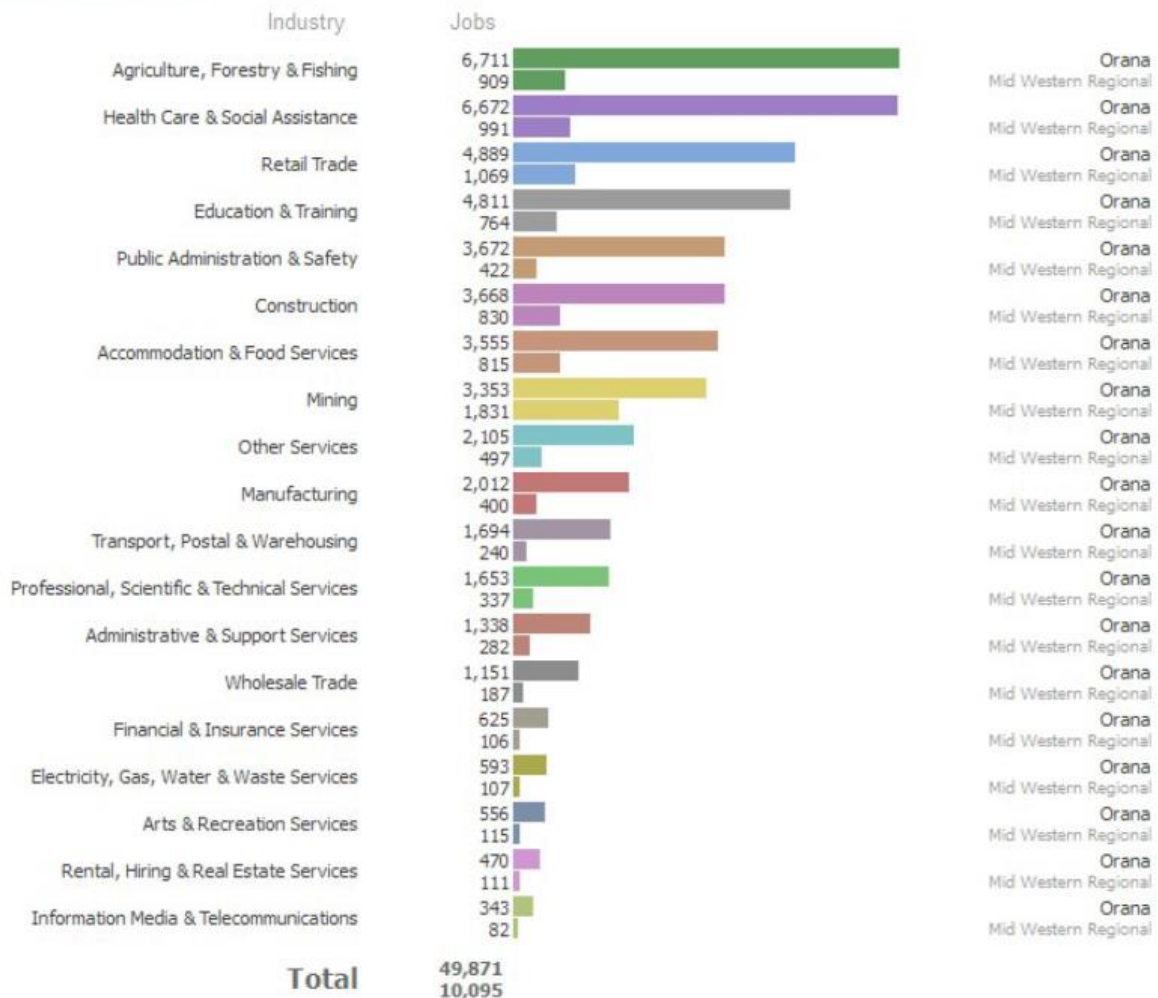


Figure 4: Employment by Industry (source: Regional Development Australia Orana NSW <https://www.rdaorana.org.au/facts-figures/> Accessed 18 April 2019)

The applicant has indicated there is strong interest in the market for intensive agricultural land parcels within the area.

The information submitted to Council to date has provided the strategic justification for the proposal, confirmed the availability of water to accommodate the proposal and suitability of soil.

Rezoning the land will allow for future use of the land for rural and agricultural purposes, whilst the E3 land will continue to be protected and conserved.

4. EXPLANATION OF PROVISIONS

It is proposed to amend Mid-Western Regional LEP 2012 by:

1. Changing the zone indicated on Land Zoning Map – Sheet LZN_006 from RU1 Primary Production to RU4 Primary Production Small Lots and E3 Environmental Management – refer proposed zoning plan at **Appendix 5**.
2. Change the minimum lot size indicated on Lot size Map – Sheet LSZ_006 from (AD) 100 hectares to (AB3) 20 hectares and (AD) and (AF) 400 hectares.

5. JUSTIFICATION

5.1 Need for the Planning Proposal

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

The Mid-Western Regional Comprehensive Land Use Strategy (LUS) provides the basis of how the Mid-Western Region is able to meet the demand for long-term urban growth in the region. The site is not located within any investigation areas, however the site will not be used primarily for residential purposes. The proposed rezoning will not impact on how the region intends on meeting their residential land needs.

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

A Planning Proposal is the only way to formally amend the zoning to enable the site to be developed for more intensive primary production purposes.

5.1.3 Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

The planning proposal is consistent with the guiding principles for rural land as set out in the LUS:

- The proposal will encourage the continued and new economic growth from the agricultural areas by creating additional primary production lots.
- The proposal will enable the continued existing agriculture (viniculture) use of the site by orderly subdivision of a currently unused portion of the RU1 land.
- Provide the ability for more tourism facilities and complement existing tourism facilities.
- Land conflict is unlikely to occur as surrounding land is similarly zoned for agricultural and primary production purposes.
- The natural values of the E3 zoned land will remain through the conservation and preservation of the trees.
- Lots will have the capacity for dwellings and maintain the land for pest and weed control ensuring good environmental management practices.

The planning proposal is also consistent with the 'Actions' in relation to housing as set out in the LUS. Land will be rezoned for small lot primary production purposes in an existing rural area to promote future agricultural developments and enhance the ongoing viability and diversity of the regional centre.

5.1.4 Is the planning proposal consistent with a Council's local strategy or other local strategic plan?

The proposal is consistent where applicable with the Comprehensive Land Use Strategy. There are no other local strategies applicable to the planning proposal.

5.1.5 Is the planning proposal consistent with the applicable State Environmental Planning Policies (SEPPs)?

A summary assessment of SEPPs is discussed below. The proposal is generally consistent with all relevant SEPPs and does not generate any inconsistencies that warrant detailed consideration or the concurrence of any external parties.

Table 1: Summary of SEPPs

State Environmental Planning Policies	Applicable	Remarks
No 30—Intensive Agriculture	No	The aims of SEPP 30 are (a) to require development consent for cattle feedlots having a capacity to accommodate 50 or more head of cattle, and

		<p>piggeries having a capacity to accommodate 200 or more pigs or 20 or more breeding sows, and</p> <p>(b) to provide for public participation in the consideration of development applications for cattle feedlots or piggeries of this size, and</p> <p>(c) to require that, in determining a development application for cattle feedlots or piggeries of this size, the consent authority is to take into consideration:</p> <ol style="list-style-type: none"> the adequacy of information provided, and the potential for odour, water pollution and soil degradation, and measures to mitigate potential adverse impacts, and measures for the health and welfare of animals, and relevant guidelines, <p>so as to achieve greater consistency in environmental planning and assessment for cattle feedlots and piggeries.</p> <p>The Policy does not apply to planning proposals. The SEPP would only apply to a future development application for development specified in the policy. A development application for intensive agriculture requires Council's consideration of, inter alia, potential odours, pollution, degradation of soils and the suitability of the site.</p>
No 44—Koala Habitat	Yes	<p>SEPP 44 aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat.</p> <p>The area of the site subject of the proposed rezoning is predominately cleared with the exception of scattered vegetation. The vegetated E3 zoned portion of the site will not be affected by the proposed rezoning.</p> <p>As the proposal relates to the rezoning of land, no vegetation removal is proposed at this stage. It is considered that future subdivision and development can occur with minimal impact to existing vegetation (refer to Concept Subdivision Plan in Appendix 10). It is recommended that investigation into the potential impact of development on koala habitat be undertaken at DA stage when the future use of the land and potential impacts are known.</p>
No 55—Remediation of Land	Yes	<p>SEPP 55 aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health by specifying, inter alia, certain considerations that are relevant in rezoning land and in determining development applications in general.</p> <p>If a person has requested the planning authority (in this case Council) to include land of a class identified in clause 6(4) in a particular zone, Council may require a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.</p> <p>The proposal does not seek the inclusion of classes of land identified in Class 6(4):</p> <ul style="list-style-type: none"> land that is within an investigation area – the site is not an investigation area

		<ul style="list-style-type: none"> 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 includes proposal to carry out development for residential, educational, recreational or child care purposes, or for the purposes of a hospital – the proposal is for rural development and is not for any of the above. Residential land use is already permitted on the site (subject to meeting dwelling entitlement requirements) and therefore the proposal will not result in the inclusion of residential land use in the zone. <p>As a result, a preliminary investigation is not required in relation to the proposed rezoning.</p>
No 62—Sustainable Aquaculture	Yes	The proposal is not located near a river that is used for oyster aquaculture.
(Rural Lands) 2008	Yes	The planning proposal has been created to ensure the rural subdivision principles are considered. A Concept Subdivision is provided in Appendix 10 to demonstrate potential layout.

5.1.6 Is the planning proposal consistent with applicable Ministerial Directions (s9.1 Directions)?

The proposal is considered against relevant s9.1 Directions in Table 2 and is found to be consistent with those directions.

Table 2: Consideration of s9.1 Directions

Number	Direction	Applicable	Consistency
Employment and Resources			
1.1	Business and Industrial Zones	No	Direction not relevant.
1.2	Rural Zones	Yes, the site is zoned RU1 Primary Production To be consistent with the direction the planning proposal must: (a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. (b) N/A within LGA	The proposed rezoning is from RU1 Transition to RU4 and not to a residential, business, industrial, village or tourist. In this regard the proposal is consistent with the Ministerial Direction.
1.3	Mining, Petroleum Production and Extractive Industries	No	Direction not relevant.
1.4	Oyster Aquaculture	No	Direction not relevant.
1.5	Rural Lands	Yes	The proposal is consistent with the rural planning principles as it will: (a) promote opportunities for appropriate sustainable economic development within the Mid-Western Regional LGA. (b) recognise importance of rural lands by providing a small agricultural development that is complementary to existing adjacent land uses.

			<p>(c) recognise significance of rural land uses to the State and rural communities by providing opportunity for expansion of the community through increased diversity of agricultural options.</p> <p>(d) provide for social, economic and environmental interests by providing smaller rural lots that consider the surrounding environment, including connections to adjacent land uses.</p> <p>(e) protect natural resources by directing development to land that has previously been cleared and utilising water resources that are already available.</p> <p>(f) provide opportunities for more agricultural options that promote diversity and affordability with a community focus.</p> <p>(g) consider services and infrastructure by providing for agricultural options within a rural area.</p> <p>(h) provide for a good land-use outcome on land that is identified as agricultural land for intensive agricultural purposes.</p>
Environment and Heritage			
2.1	Environment Protection Zones	Yes	<p>The proposed rezoning will enable smaller more intensive agricultural uses on the land that can be located within land that has previously been cleared and is able to be supplied by an existing water license. The proposal does not amend an existing environmental protection zone.</p> <p>A preliminary investigation of the property found that the eastern half of the site is mapped as high terrestrial biodiversity. There are small sections of land mapped as high biodiversity that occur within the proposed rezoning to RU4, with the majority remaining as the <i>E3 Environmental Management</i>. Development of the land would be expected to be relatively minor and unlikely to significantly affect threatened species, endangered ecological communities, or their habitats.</p> <p>Further ecological surveys will occur as part of future detailed impact assessment.</p>
2.2	Coastal Protection	No	Direction not relevant.
2.3	Heritage Conservation	Yes	<p>The proposal will not adversely impact items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to the area.</p> <p>The development is not likely to impact on Aboriginal heritage. A search of the Aboriginal Heritage Information Management System (AHIMS) did not record any Aboriginal sites in or near the location and no Aboriginal places have been declared in or near the location.</p>
2.4	Recreation Vehicle Areas	Yes	The proposed rezoning does not propose to introduce a Recreation Vehicle Area.
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far	No	Direction not relevant.

	North Coast LEPs		
Housing, Infrastructure and Urban Development			
3.1	Residential Zones	No	Direction not relevant.
3.2	Caravan Parks and Manufactured Home Estates	No	Direction not relevant.
3.3	Home Occupations	Yes	The proposed rezoning will not affect provisions for home occupations to be permitted without consent pursuant to the Mid-Western Regional LEP 2012.
3.4	Integrating Land Use and Transport	No	The site currently provides direct access to Rocky Waterhole Road. The proposed rezoning will allow future vehicle access to be provided to Rocky Waterhole Road with appropriate sight lines.
3.5	Development Near Licensed Aerodromes	No	Direction not relevant.
3.6	Shooting Ranges	No	Direction not relevant.
Hazard and Risk			
4.1	Acid Sulfate Soils	No	Direction not relevant.
4.2	Mine Subsidence and Unstable Land	No	Direction not relevant.
4.3	Flood Prone Land	No	Direction not relevant.
4.4	Planning for Bushfire Protection	Yes	All of the site is mapped as bushfire prone. A Bushfire Threat Assessment will be required in relation to a future subdivision of the land.
Regional Planning			
5.1	Implementation of Regional Strategies	Revoked 17 October 2017	Revoked 17 October 2017.
5.2	Sydney Drinking Water Catchments	No	Direction not relevant.
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	No	Direction not relevant.
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	No	Direction not relevant.
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Revoked 18 June 2010	Revoked 18 June 2010
5.6	Sydney to Canberra Corridor	Revoked 10 July 2008	Revoked 10 July 2008

	(see amended Direction 5.1)		
5.7	Central Coast (see Amended Direction 5.1)	Revoked 10 July 2008	Revoked 10 July 2008
5.8	Second Sydney Airport: Badgerys Creek	No	Direction not relevant.
5.9	North West Rail Link Corridor Strategy	No	Direction not relevant.
5.10	Implementation of Regional Plans	Yes	Mudgee is identified as a major regional city in the Central West and Orana Regional Plan 2036. The plan sets out that major regional cities will provide new options and opportunities for surrounding networks of communities. The proposed rezoning and reclassification will contribute towards achieving this.
Local Plan Making			
6.1	Approval and Referral Requirements	Yes	The planning proposal does not propose provisions relating to concurrence, consultation or referral to a Minister or public authority.
6.2	Reserving Land for Public Purposes	No	Direction not relevant.
6.3	Site Specific Provisions	Yes	The proposed rezoning from RU1 to RU4 will promote more intensive agriculture on smaller lots.
Metropolitan Planning			
7.1	Implementation of A Plan for Growing Sydney	No	Direction not relevant.
7.2	Implementation of Greater Macarthur Land Release Investigation	No	Direction not relevant.
7.3	Parramatta Road Corridor Urban Transformation Strategy	No	Direction not relevant.
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	No	Direction not relevant.
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure	No	Direction not relevant.

	Implementation Plan		
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	Direction not relevant.
7.7	Implementation of Glenfield to Macarthur Urban Renewal Corridor	No	Direction not relevant.
7.9	Implementation of Bayside West Precincts 2036 Plan	No	Direction not relevant.
7.10	Implementation of Planning Principles for the Cooks Cove Precinct	No	Direction not relevant.

5.2 Environmental, Social and Economic Impact

5.2.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities or their habitat will be adversely affected as a result of the proposal?

The proposed site is located on land deemed to be of high terrestrial biodiversity, it is considered that this land would be contained in the E3 portion of the site. A small portion of the proposed rezoning area is mapped as high biodiversity value. The E3 boundary has been amended to capture additional high biodiversity value land (approximately 10ha). Any future development within the RU4 zone would be required to consider the impact on the biodiversity quality of the site. It is envisaged that the E3 portion of the land would be retained within a single allotment of land to ensure the longevity of the conservation and preservation of the environment (refer to concept subdivision plan in **Appendix 10**). The proposed portion of the land to be rezoned and subdivided is primarily void of vegetation as it is part of the vineyard or managed land. Future agricultural developments will have to consider their impacts on threatened species and their habitats.

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

5.2.2.1 Traffic and Transport

The proposal would result in a maximum capacity of three lots (68 hectares / 20 hectares = 3.4 lots) with access to / from Rocky Waterhole Road. Whilst it is relevant to note that the intention is to only create two lots (in order to retain all existing vineyard plantings within one lot and create one additional lot for primary production; refer to concept subdivision plan in **Appendix 10**), this planning proposal addresses the maximum yield of three lots. The proposed site and surrounding road network is capable of servicing three agricultural / rural lots and associated additional traffic and parking needs that would result. Rocky Waterhole Road is a local road that connects residents and businesses of Mount Frome to Mudgee and other regional centres. The road surface, width and sight lines are considered to be sufficient to handle any additional traffic as a result of this proposal. Individual driveway crossings would be provided to each lot as part of a future subdivision development application.

5.2.2.2 Water resources

Consideration has been given to the availability of water to service additional intensive agricultural activities. A Water Servicing Report is provided in **Appendix 7** which identifies the current and anticipated future water

requirements, availability and licensing requirements. The report found that there is sufficient availability under the current water licence to accommodate future agricultural activities on the land.

Note: although it is the applicant's intention to create a total of two lots on the land following rezoning, it is noted that there is capacity for three lots to be created having regard to the proposed minimum lot size. In both scenarios there is sufficient availability under the current water licence to accommodate a maximum of three lots utilised for intensive agriculture.

5.2.2.3 Heritage

The proposal's location is not within a heritage area nor is there a known Aboriginal heritage items or area on the site. It is considered that the proposal is not likely to result in heritage impacts.

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

Rezoning the site as proposed will have a positive social and economic impact. The viability and diversity of Mount Frome agricultural area will be enhanced and provide a range of agricultural uses close to the existing regional centre of Mudgee. The proposed rezoning will also provide additional lots that can be used to increase the agricultural and tourism sector in Mudgee and strengthen the economy.

5.3 State and Commonwealth interests

5.3.1 Is there adequate public infrastructure for the planning proposal?

The rezoning would potentially allow for a maximum of 3 additional lots and therefore is not considered to be a burden on existing infrastructure. Notwithstanding, the site is located in an established rural area and is able to connect into existing infrastructure services such as utilities, transport and communications in an efficient and sustainable manner.

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

No consultation has yet occurred specific to this proposal.

5.4 Community consultation

All consultation will be carried out in accordance with the relevant legislation.

6. CONCLUSION

The purpose of this planning proposal is to support a request from HNJ Pty Ltd to prepare a planning proposal to rezone the land from *RU1 Primary Production* to *RU4 Primary Production Small Lots* and *E3 Environmental Management* with a minimum lot size of 20 hectares and 400 hectares respectively pursuant to Mid-Western Regional Local Environmental Plan 2012. This will allow the land to be developed for small lot rural purposes. The proposed rezoning is consistent with the principle guidelines for rural lands as set out in the Comprehensive Land Use Strategy. Land will be rezoned for small lot rural purposes in an existing rural area thereby enhancing the ongoing viability and diversity of the regional centre of Mudgee as an agricultural and tourism centre.

With respect to managing the impacts on the environment, the following should be noted;

1. The proposal will slightly increase the E3 portion of land ensuring that ongoing protection and conservation of the high terrestrial biodiversity environment;
2. In terms of traffic and transport, the proposed rezoning is unlikely to have an adverse impact on the surrounding road network;
3. In terms of water resources, there is sufficient capacity within the current water allocation to service additional lots and future agricultural use of the land;
4. In terms of heritage impacts, the proposed rezoning will have minimal impact on the heritage and cultural significance of Mudgee.

It is therefore respectfully requested that Department of Planning and Environment support the proposal.

APPENDICES

APPENDIX 1

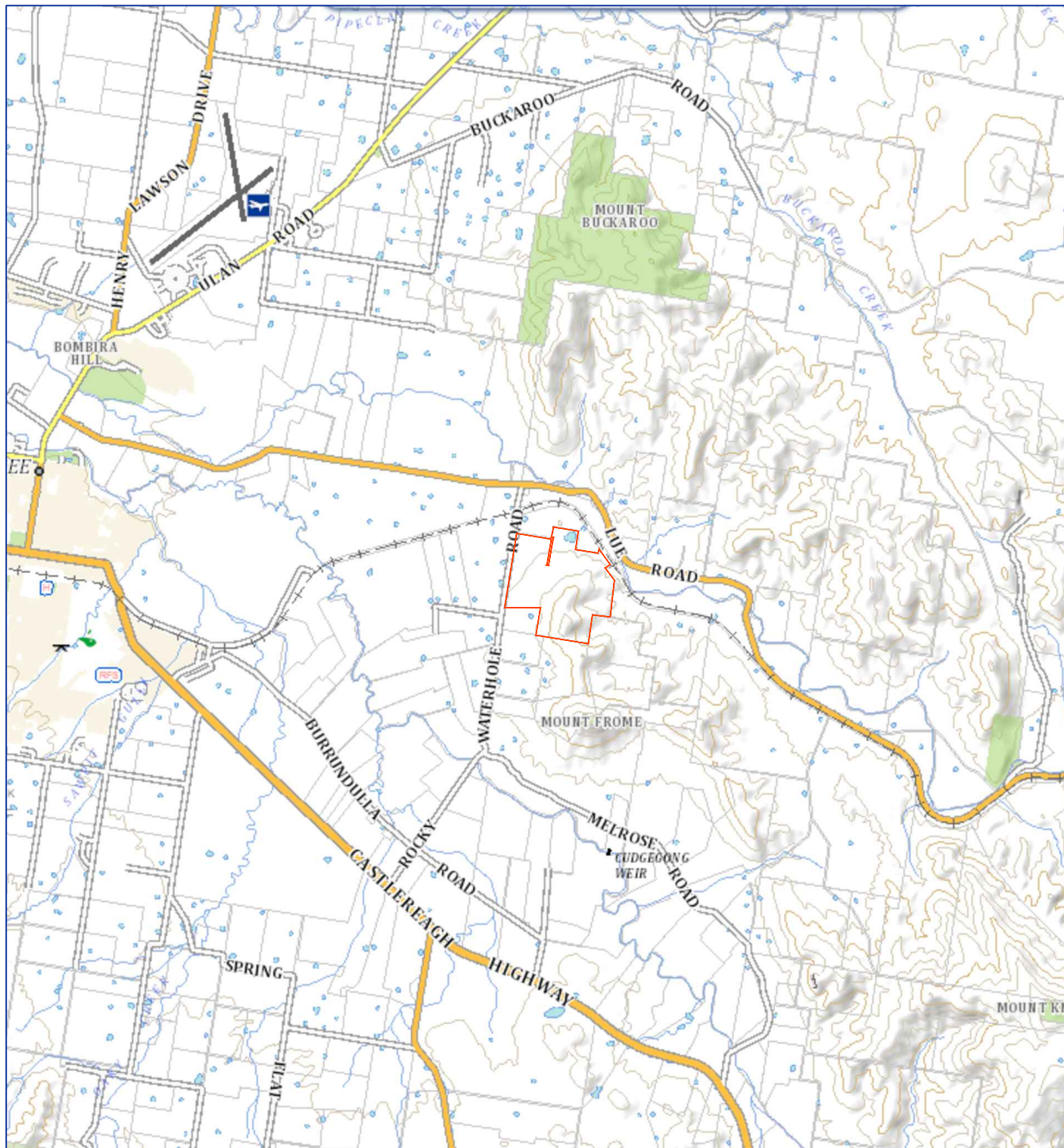
Location Plan



NORTH

PROPERTY REFERENCE :

LOT 2 D.P.1055152



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planning ■ surveying ■ project management

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TITLE: LOCATION PLAN

JOB ADDRESS: 85 ROCKY WATERHOLE ROAD, MT FROME

CLIENT: JESSICA AND JASON CHRCEK

SCALE: N/A

PLAN DATE: 20.09.17

CAD REF: N/A

DRAWN CJ CHECKED EM
DESIGNED N/A APPROVED EM

DWG REF: 7399-FIGURES-08.09.17

JOB REF:

7399

DRAWING No.

1

APPENDIX 2

Aerial Photograph



NORTH

PROPERTY REFERENCE :

LOT 2 D.P.1055152



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PO Box 850 Charlestown NSW 2290
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WESTERN REGION
87 Herbert Street Gulgong
PO Box 232 Gulgong NSW 2852
P 02 6374 2911 F 02 6374 2922
ABN 23 104 067 405

TITLE: AERIAL PHOTO

JOB ADDRESS: 85 ROCKY WATERHOLE ROAD, MT FROME

CLIENT: JESSICA AND JASON CHRCEK

SCALE: N/A

PLAN DATE: 20.09.17

CAD REF: N/A

DRAWN CJ CHECKED EM
DESIGNED N/A APPROVED EM

DWG REF: 7399-FIGURES-08.09.17

JOB REF:

7399

DRAWING No.

1

APPENDIX 3

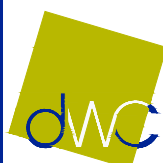
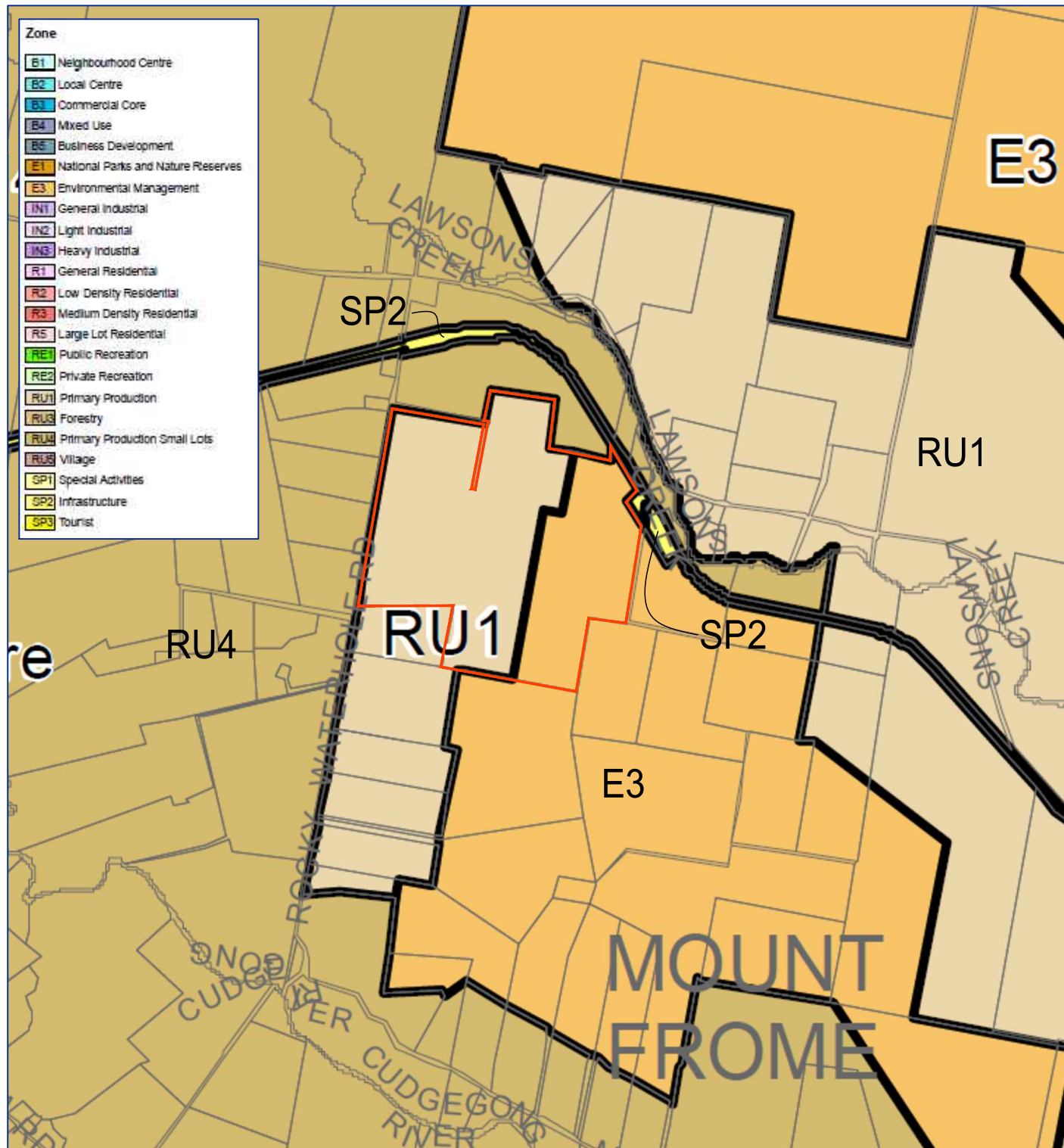
Zoning (existing) – Mid-Western Regional LEP 2012



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ABN 23 104 067 405

TITLE: ZONING PLAN

JOB ADDRESS: 85 ROCKY WATERHOLE ROAD, MT FROME

CLIENT: JESSICA AND JASON CHRCEK

SCALE: N/A

PLAN DATE: 20.09.17

CAD REF: N/A

DRAWN CJ CHECKED EM
DESIGNED N/A APPROVED EM

DWG REF: 7399-FIGURES-08.09.17

JOB REF:

7399

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1

APPENDIX 4

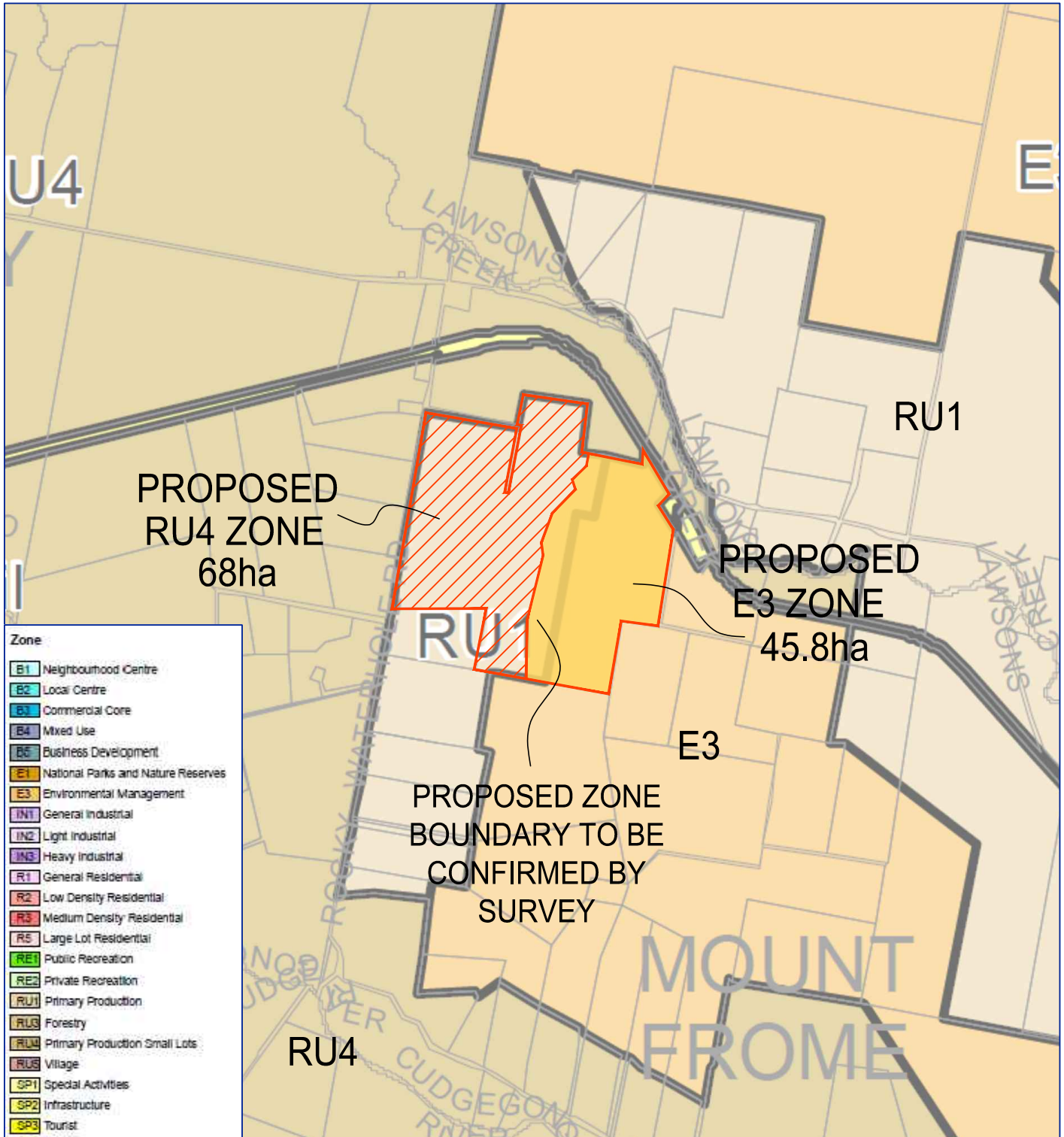
Zoning Map (Proposed)



NORTH

PROPERTY REFERENCE :

LOT 2 D.P.1055152



Zone	
B1	Neighbourhood Centre
B2	Local Centre
B3	Commercial Core
B4	Mixed Use
B5	Business Development
E1	National Parks and Nature Reserves
E3	Environmental Management
IN1	General Industrial
IN2	Light Industrial
IN3	Heavy Industrial
R1	General Residential
R2	Low Density Residential
R3	Medium Density Residential
R5	Large Lot Residential
RE1	Public Recreation
RE2	Private Recreation
RU1	Primary Production
RU3	Forestry
RU4	Primary Production Small Lots
RU5	Village
SP1	Special Activities
SP2	Infrastructure
SP3	Tourist



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WESTERN REGION
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ABN 23 104 067 405

TITLE: PROPOSED ZONING PLAN

JOB ADDRESS: 85 ROCKY WATERHOLE ROAD, MT FROME

CLIENT: JESSICA AND JASON CHRCEK

SCALE: N/A

PLAN DATE: 01.08.19

CAD REF: N/A

DRAWN	CJ	CHECKED	EM
DESIGNED	N/A	APPROVED	EM

DWG REF: 7399-FIGURES-08.09.17

JOB REF:

7399

DRAWING No.

1

APPENDIX 5

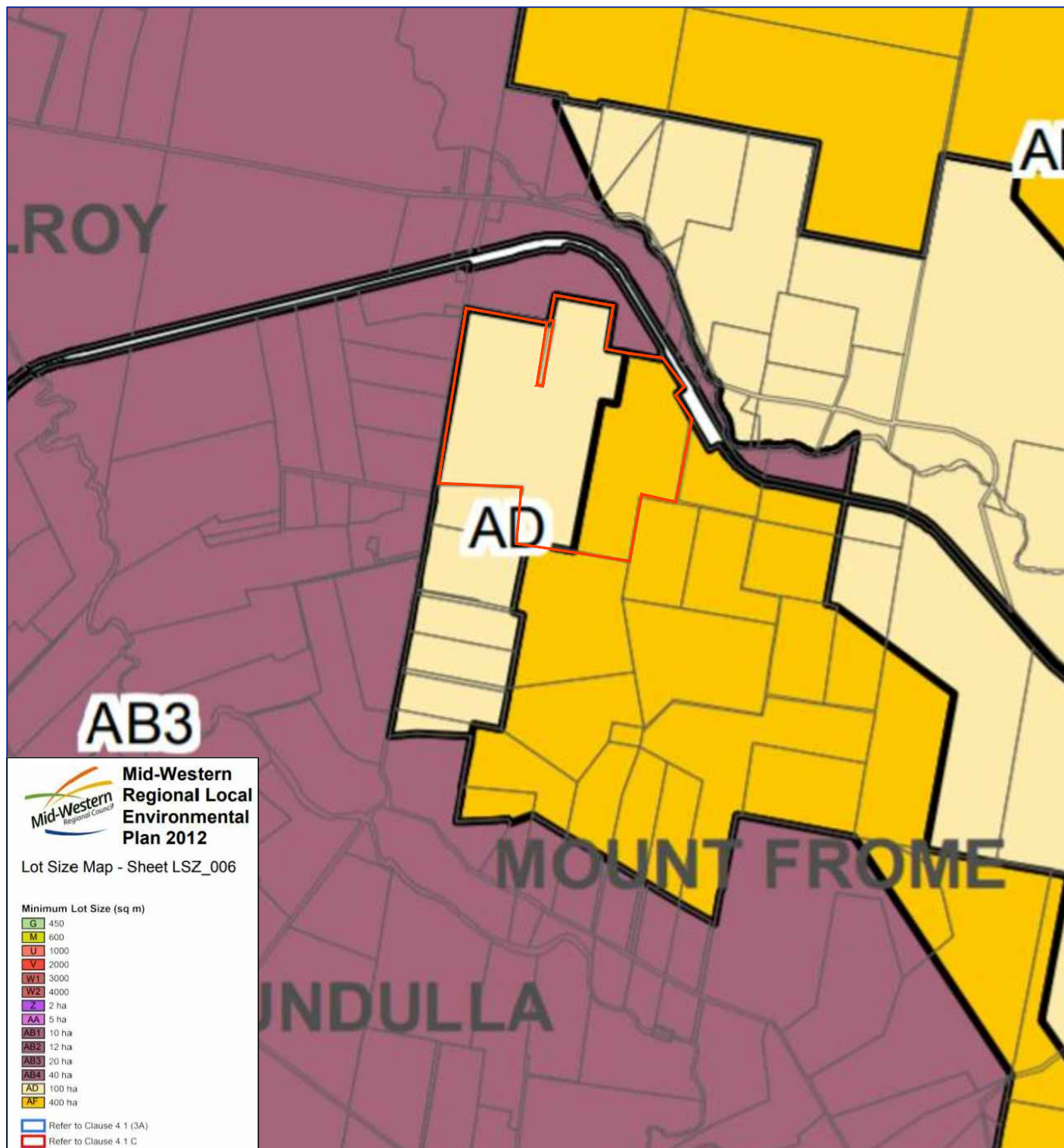
Minimum Lot Size (existing) – Mid-Western Regional LEP 2012



NORTH

PROPERTY REFERENCE :

LOT 2 D.P.1055152



Mid-Western Regional Council
Mid-Western Regional Local Environmental Plan 2012
Lot Size Map - Sheet LSZ_006

Minimum Lot Size (sq m)

G	450
M	600
U	1000
V	2000
W1	3000
W2	4000
Z	2 ha
AA	5 ha
AB1	10 ha
AB2	12 ha
AB3	20 ha
AB4	40 ha
AD	100 ha
AF	400 ha

Refer to Clause 4.1 (3A)
Refer to Clause 4.1 C



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ABN 23 104 067 405

TITLE: MINIMUM LOT SIZE

JOB ADDRESS: 85 ROCKY WATERHOLE ROAD, MT FROME

CLIENT: JESSICA AND JASON CHRCEK

SCALE: N/A

PLAN DATE: 20.09.17

CAD REF: N/A

DRAWN CJ CHECKED EM
DESIGNED N/A APPROVED EM

DWG REF: 7399-FIGURES-08.09.17

JOB REF:

7399

DRAWING No.

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APPENDIX 6

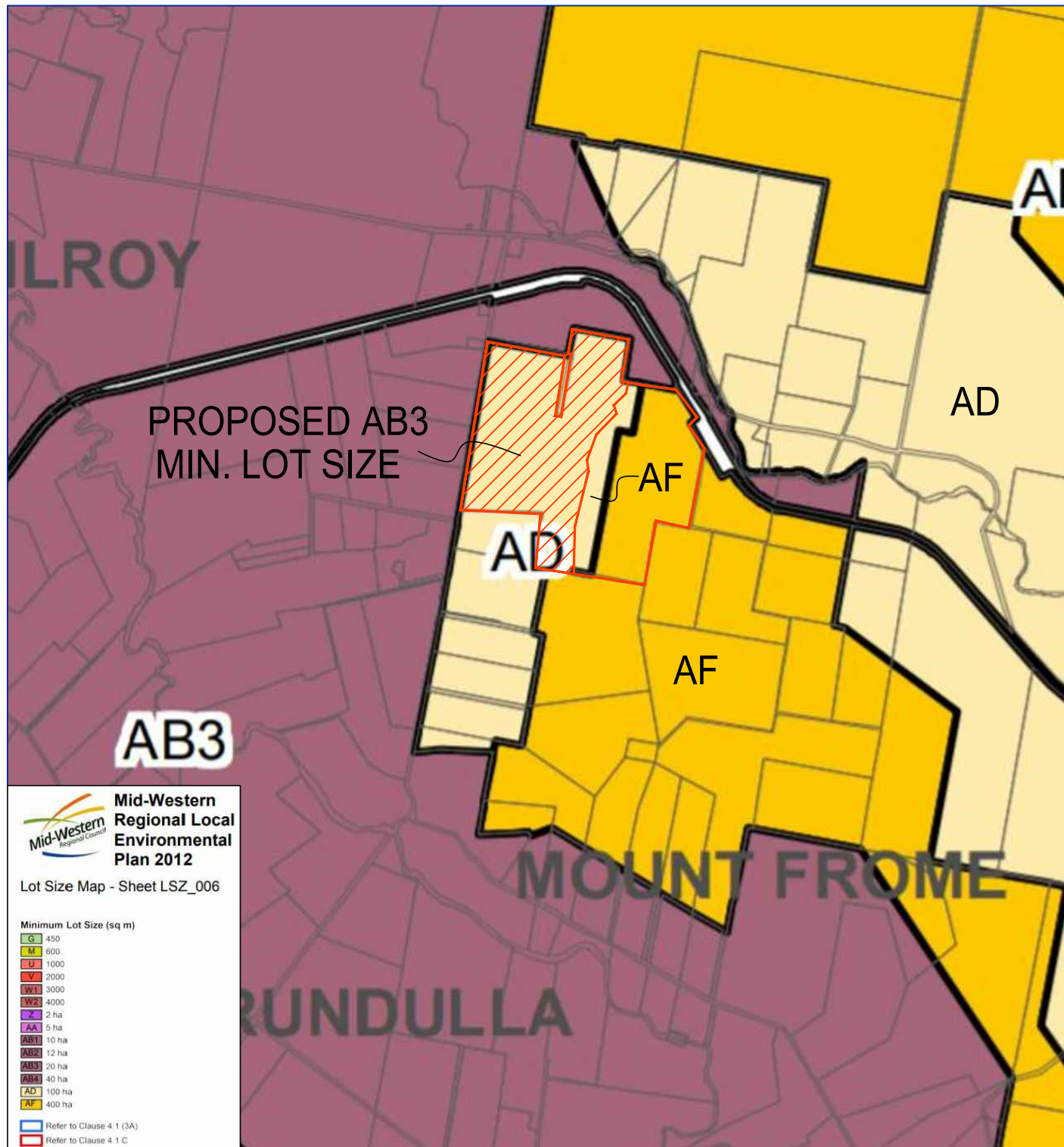
Minimum Lot Size (proposed)



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PROPERTY REFERENCE :

LOT 2 D.P.1055152



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P 02 6374 2911 F 02 6374 2922
ABN 23 104 067 405

TITLE: PROPOSED MINIMUM LOT SIZE

JOB ADDRESS: 85 ROCKY WATERHOLE ROAD, MT FROME

CLIENT: JESSICA AND JASON CHRCEK

SCALE: N/A

PLAN DATE: 20.09.17

CAD REF: N/A

DRAWN CJ CHECKED EM
DESIGNED N/A APPROVED EM

DWG REF: 7399-FIGURES-08.09.17

JOB REF:

7399

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APPENDIX 7

Aboriginal Heritage Information Management System Search Result

De Witt Consulting - Gulgong

87 Herbert Street

Gulgong New South Wales 2852

Attention: Emma Mason

Email: emma.m@dewittconsulting.com.au

Date: 29 August 2017

Dear Sir or Madam:

**AHIMS Web Service search for the following area at Lot : 2, DP:DP1055152 with a Buffer of 50 meters,
conducted by Emma Mason on 29 August 2017.**

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:

0	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.
- 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 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.

APPENDIX 8

Water Resources Plan prepared by de Witt Consulting

WATER RESOURCES PLAN

85 ROCKY WATERHOLE ROAD, MOUNT FROME “MOOTHI ESTATE” (LOT 2 DP1055152)

Prepared on behalf of:
HNJ PTY LTD

Prepared for submission to:
MID-WESTERN REGIONAL COUNCIL

Prepared by:



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AUGUST 2019

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1. INTRODUCTION

1.1 Purpose

This Water Resources Plan (WRP) has been prepared in relation to the proposed rezoning of 85 Rocky Waterhole Road, Mount Frome (Lot 2 DP 1055152) from *RU1 Primary Production* to *RU4 Primary Production Small Lots* and E3 Environmental Management and a corresponding amendment to the minimum lot size of 20 hectares and 400 hectares respectively. A key consideration of the overall proposal is the availability of water to support future intensive agricultural use of the land and associated dwellings.

It is relevant to note that the intention for the site is to retain the existing irrigated vineyard and associated infrastructure within Lot 1. Proposed Lot 2 would accommodate future intensive agriculture and an associated dwelling. A concept masterplan showing this potential scenario is provided in Appendix 10 of the planning proposal report.

However, this report also recognises that the proposed rezoning of 68 hectares of land to RU4, with a minimum lot size of 20 hectares, could result in a maximum yield of three lots (68 hectares / 20 hectares = 3.4 lots). In order to consider the highest possible use of the land, this WRP is based on the possibility of subdivision and intensive agriculture of three lots.

The purpose of this WRP is to review the soil landscape and agricultural suitability, identify existing water resources and rates of use and calculate future water resource requirements. Future requirements will be identified using water application rates for irrigated agricultural use and domestic use determined using Australian Bureau of Statistics data. The WRP will then determine whether sufficient water resources are available to support future irrigated agriculture and dwellings.

1.2 Agriculture Capability

The *Soil Landscapes of the Dubbo 1:250 000* and corresponding reports identified four different soil landscape types that occur within the site. These reports summarise the qualities and limitations of each of the soil landscapes and outlines what the capability (urban and rural) is for that particular soil landscape. The rural capability of each soil landscape are detailed below.

Buckeroo (bk)

Some of the area on slopes of lower grades is suitable for cropping (Class III), with other areas only being suitable for grazing (Class IV) because of slope grades (>7%), rock outcrop or flow lines. Steeper areas are less productive and difficult to manage grazing areas (Class VI).

Craigmore (cm)

Most land is suitable for cropping and horticulture development provided account is taken of the erosion hazard (Class II, III), but some areas are only suitable for grazing because of concentrated water flows or small areas of short steep slopes between terraces (Class IV).

Wellington Caves (wc)

Much of the area is mainly suitable for grazing (Class IV, VI) because of slope and the extent of rock outcrop. Some small pockets of land suitable for cropping (Class III) occur.

Mount Bara (ba)

Most of the area is suitable for retaining native forest (Class VII, VIII) and possibly timber on some slopes of lower grade. Erosion control measures would be required during tree felling.

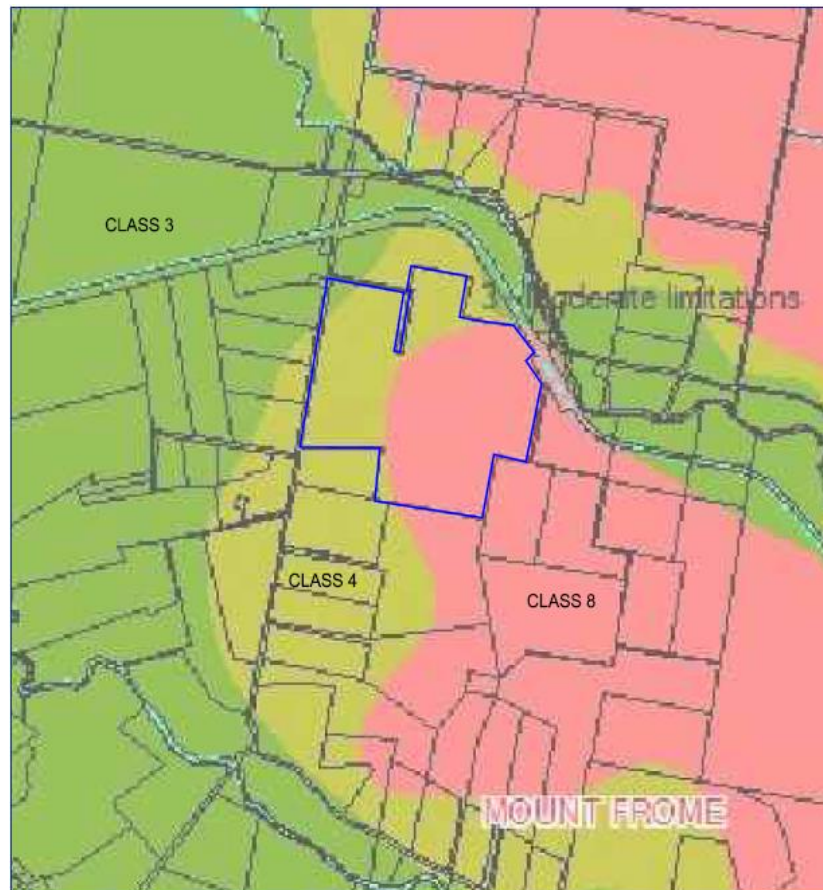


Figure 1 – Rural Land Capability Mapping

The rural capability of each of the soil landscapes in the report and mapping above show that there are areas available for grazing and cropping on the site, which would allow for irrigated agriculture. The capability is somewhat limited due to sloping land, erosion hazard or rock outcrops. Based on the land capability mapping and reports, and consultation with Council, it is reasonable to assume that for each 20 hectare lot, 15 hectares would be suitable for intensive agricultural purposes.

Note - The class 8 land will be protected using the E3 Environmental Management Zone.

1.3 Licenced Water Availability

The land owner holds the following water access licences (copies are attached):

WAL No.	Category	Share Components (units or ML)	Extraction Times or Rates
34304	Unregulated River	98	Subject to conditions water may be taken at any time or rate.
10119	Regulated River (General Security)	130	Subject to conditions water may be taken at any time or rate.
10120	Supplementary Water	9.90	Subject to conditions water may be taken at those times when the Minister announces that supplementary water is available, at such a rate as the Minister announces.
Total		228 ML (plus supplementary water when available)	

Water is currently extracted in accordance with the WALs and stored in an on-site dam that has an approximate capacity of 75-80ML. The water is then utilised on-site for the irrigation of vineyards and other domestic and rural uses. Unused allocation is carried over to the consecutive year in accordance with the terms of the WAL.

Consultation with a representative from WaterNSW confirmed that the water licence associated with the property can be subdivided into equal or unequal shares to form new licences.

1.4 Existing Water Use

The site currently supports approximately 16.5 hectares of grapevines and 3 hectares of cherry trees. The water application rate for grapevines as per Figure 1 below is 3.6ML/ha. The water application rate for cherry trees is 5.9ML/ha. The total application rate for the current agricultural use is 77.1ML.

The site also currently supports two dwellings. The application rate per dwelling in accordance with Figure 2 below is 0.54ML. The total water use for the two dwellings is 1.08ML.

The total current water usage (grapevines and cherry trees @ 77.1ML/ha plus residential @ 1.08ML) is 78.18ML and is less than the current water licence allocation.

2. ESTIMATED WATER USE

2.1 Irrigated Agriculture

Clause 4.2B states that dwelling houses on land zoned RU4 are only to be erected where they support the permitted agricultural use of the land for the purpose of intensive plant agriculture (Clause 4.2B(2)(a)) or irrigated pasture or fodder crops (Clause 4.2B(2)(b)). In order to provide potential for each of the three lots to accommodate a dwelling house and these types of agriculture, two scenarios have been established using application rates identified in Figure 1 below. For the year ending 30 June 2017 it was calculated by the Australian Bureau of Statistics (ABS) that the average usage for irrigated pastures and crops in Australia was 4.1ML/ha (ABS, 2018). This includes high water usage crops such as rice and cotton (7.8 and 11.4 ML/ha/year respectively), which due to limited water availability would be unviable in the area.

Figure 1 – Water Use on Australian Farms by Commodity (source: ABS, 2018)

WATER USE ON AUSTRALIAN FARMS, year ended 30 June 2017						
PASTURES AND CROPS IRRIGATED AUSTRALIA						
	Agricultural businesses no.	Agricultural businesses irrigating no.	Area under pasture or crop ha '000	Area watered ha '000	Volume applied ML '000	Application rate ML/ha
TOTAL						
2010-11	93 344	28 463	388 994	1 838	6 326	3.4
2015-16	85 681	22 690	371 078	2 148	8 381	3.9
2016-17	88 073	22 103	393 797	2 244	9 104	4.1
Pasture, cereal and other crops used for grazing	64 964	6 270	340 763	598	1 540	2.6
Pasture, cereal and other crops cut for hay	26 164	2 977	1 619	154	460	3.0
Pasture, cereal and other crops cut for silage	6 563	1 102	392	68	180	2.6
Rice	674	674	82	82	940	11.4
Other cereals for grain or seed	26 035	1 406	18 618	286	502	1.8
Cotton	1 009	760	519	328	2 566	7.8
Sugar cane	3 626	1 621	453	212	974	4.6
Other broadacre crops	15 111	835	5 653	123	167	1.4
Fruit trees, nut trees, plantation or berry fruits	4 996	3 917	169	142	836	5.9
Vegetables for human consumption or seed	3 737	3 115	120	98	386	3.9
Nurseries, cut flowers and cultivated turf	1 992	1 669	16	12	61	4.9
Grapevines	3 854	3 533	137	123	436	3.6

Scenario 1 – Intensive agriculture (fruits / vegetables / flowers / turf)

This scenario accommodates the following forms of intensive agriculture as required to be considered by Clause 4.2(B)(2)(a) and their corresponding water application rates as per Figure 1 above.

Table 1: Scenario 1 water application rates

Use	Water application rate (ML/ha)
Fruit trees, nut trees, plantation or berry fruits	5.9
Vegetables for human consumption or seed	3.9
Nurseries, cut flowers and cultivated turf	4.9
Average	4.9

Scenario 2 – Intensive agriculture (grapevines)

This scenario relates to the existing and predominant agricultural use undertaken on the site i.e. grapevines. This is a form of intensive agricultural use as required to be considered by Clause 4.2(B)(2)(a).

Table 2: Scenario 2 water application rates

Use	Water application rate (ML/ha)
Grapevines	3.6

Scenarios 1 and 2 provide an indication of water usage for the most likely future use of the site. Scenario 1 is the most water intensive use with an average water application rate across the various groups of 4.9ML/ha and is adopted as a 'worst case scenario'.

For the purpose of estimating potential water requirements, the following assumptions are applied:

- The proposed rezoning of 68 hectares of land to RU4, with a minimum lot size of 20 hectares, could result in a maximum yield of three lots (68 hectares / 20 hectares = 3.4 lots).
- Land capability mapping and reports, and consultation with Council, indicates that for each 20 hectare lot, 15 hectares (or approximately 75% of each lot) would be suitable for intensive agricultural purposes.
- The total area suitable for intensive agricultural land area is therefore 45 hectares.

Based on an intensive agricultural area of 45 hectares and water application rate of 4.9ML/ha, the total water requirement would be 220.5 ML (45 hectares x 4.9ML/ha = 220.5ML).

With an existing allocation of 228ML, there is sufficient water availability to accommodate the future use of the site for intensive agricultural purposes.

2.2 Domestic Use

Figure 2 is an estimate of the inside and outside domestic water usage for a family of four people, including usages for shower, toilet, dishwasher, washing machine, garden and pool water.

Figure 2 – Domestic Water Usage Calculator (source: National Poly, 2018)

Inside Water Usage				
Water Use	Quantity	Water Consumption	L/day	L/year
Shower	<input type="text" value="24"/>	10L/minute	240	87,600
Bathtub	<input type="text" value="Baths per day"/>	150L	0	0
Dishwasher	<input type="text" value="1"/>	30L/load	30	10,950
Front Load Washing Machine	<input type="text" value="Washes per day"/>	80L/load	0	0
Top Load Washing Machine	<input type="text" value="1"/>	100L/load	100	36,500
Brushing Teeth with tap running	<input type="text" value="4"/>	5L/minute	20	7,300
Drinking, Cleaning, Cooking/person	<input type="text" value="4"/>	10L/day/person	40	14,600
Hand Basin Use	<input type="text" value="20"/>	5L/time	100	36,500
Toilet Flush single	<input type="text" value="12"/>	6L/flush	72	26,280
Toilet Flush half	<input type="text" value="6"/>	3L/flush	18	6,570
Outside Water Usage				
Water Use	Quantity	Water Consumption	L/day	L/year
Garden Sprinkler	<input type="text" value="30"/>	Garden hose 15L/minute	450	164,250
Car Wash	<input type="text" value="1"/>	200L	200	73,000
Hosing Hard Surfaces	<input type="text" value="1"/>	15L/minute	200	73,000
Drip System	<input type="text" value="1"/>	6L/hour	6	2,190
Swimming Pool Top-up	<input type="text" value="21"/>	Pool surface area (m ²)	266.7	97,345.5

Total Litres per day: 1,476

Total Litres per year: 538,740

Figure 2 estimates the inside and outside domestic water usage for a family of four people (including usages for shower, toilet, dishwasher, washing machine, garden and pool water) to be 0.54 ML per dwelling per annum. There is sufficient availability of water to accommodate domestic use associated with intensive agriculture.

3. CONCLUSION

This water resources plan identifies that water can be supplied to the additional lots without impacting on the existing water use of the current property of 85 Rocky Waterhole Road, Mount Frome.

The annual water allocation linked to the property is 228 ML plus supplementary water when available. This water allocation can be appropriately divided between the maximum yield of three lots created for intensive agricultural use. The water allocation can be divided into separate licences to cater for the potential rezoning and subdivision and supply the related domestic and agricultural needs of the resulting lots.

The calculations of future water use are based on the water application rates outlined in the ABS publication “Water Use on Australian Farms by Commodity” and the National Poly publication “Domestic Water Usage Calculator”. These calculations do not take into consideration site specific conditions such as rainfall, storage dams / tanks and farming management practices and therefore are considered to be a ‘worst case scenario’.

Based on the calculations and other investigations into land capability it can be demonstrated that the rural capability of the land and availability of water to the properties would be suitable for intensive agricultural and irrigated pasture and fodder crops as required by Clause 4.2B of Mid-Western Regional LEP 2012.

4. REFERENCES

Australian Bureau of Statistics (ABS) 2018, Water Use on Australian Farms (cat. No. 4618.0).
Retrieved on 15 November 2018 from <http://www.abs.gov.au/AUSSTATS/abs@.nsf/mf/4618.0>

National Poly 2018, Water Usage Calculator.
Retrieved on 15 November 2018 from <https://www.nationalpolyindustries.com.au/water-usage-calculator/>

WaterNSW 2017, How much water do I need?
Retrieved on 15 November 2018 from https://www.watarnsw.com.au/_data/assets/pdf_file/0005/128354/1.-How-much-water-do-I-need.pdf

WaterNSW, NSW Water Register <https://waterregister.watarnsw.com.au/water-register-frame>

APPENDIX 9

Additional Supporting Information – Land Capability and Demand for RU4 Zoned Land

Emma Mason

Subject: FW: Planning Proposal 85 Rocky Waterhole Road

From: Emma Mason

Sent: Thursday, 18 April 2019 5:16 PM

To: Sarah Armstrong <Sarah.Armstrong@midwestern.nsw.gov.au>

Subject: RE: Planning Proposal 85 Rocky Waterhole Road

Hi Sarah,

The agricultural capability is demonstrated through the current uses on site which include vineyards and cherry orchard. These uses are replicated throughout the immediate area. Site capability information is provided below which identifies the four soil landscape types that occur within the site and confirms that these are suitable for cropping, horticulture and irrigated agriculture:

The Soil Landscapes of the Dubbo 1:250 000 and corresponding reports identified four different soil landscape types that occur within the site. These reports summarise the qualities and limitations of each of the soil landscapes and outlines what the capability (urban and rural) is for that particular soil landscape. The rural capability of each soil landscape are detailed below.

Buckeroo (bk)

Some of the area on slopes of lower grades is suitable for cropping (Class III), with other areas only being suitable for grazing (Class IV) because of slope grades (>7%), rock outcrop or flow lines. Steeper areas are less productive and difficult to manage grazing areas (Class VI).

Craigmore (cm)

Most land is suitable for cropping and horticulture development provided account is taken of the erosion hazard (Class II, III), but some areas are only suitable for grazing because of concentrated water flows or small areas of short steep slopes between terraces (Class IV).

Wellington Caves (wc)

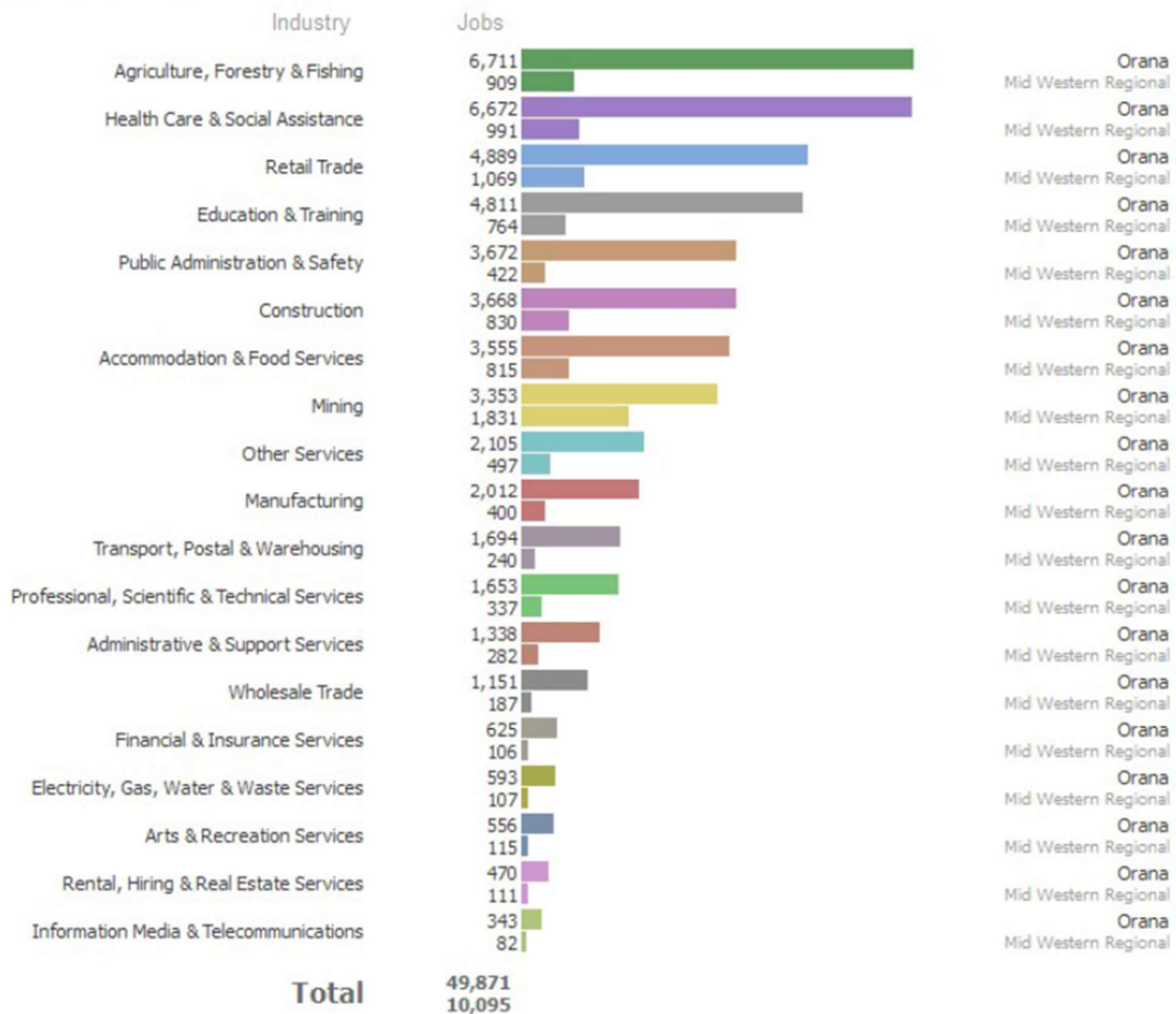
Much of the area is mainly suitable for grazing (Class IV, VI) because of slope and the extent of rock outcrop. Some small pockets of land suitable for cropping (Class III) occur.

Mount Bara (ba)

Most of the area is suitable for retaining native forest (Class VII, VIII) and possibly timber on some slopes of lower grade. Erosion control measures would be required during tree felling.

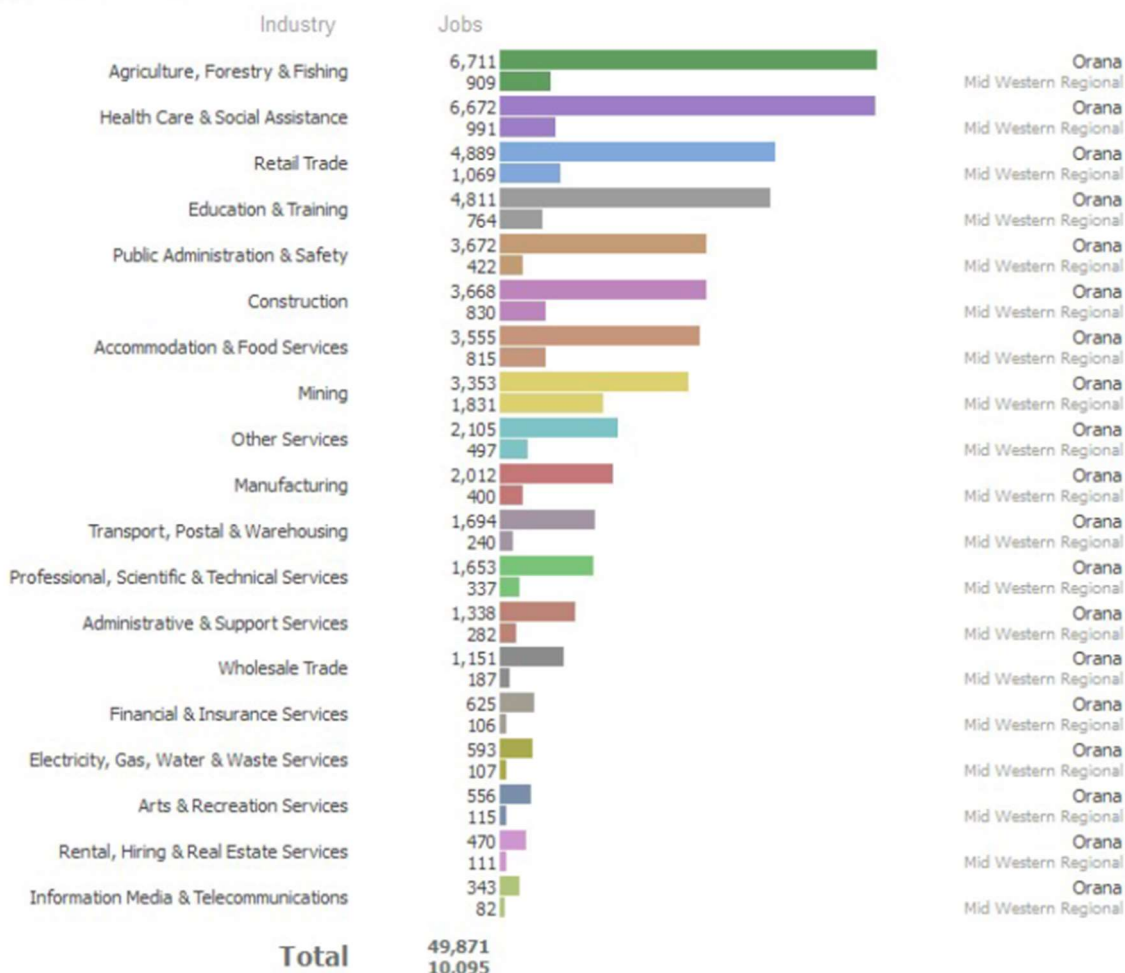
With regard to supply and demand, I have sought information from Regional Development Australia – Orana regarding availability and demand for land for intensive agricultural uses. Unfortunately I have not received a response. However ABS information available on their website indicates that Mid-Western Region is experiencing sustained population growth over a 10 year period suggesting additional demand for a range of land, housing and employment opportunities.

All Industries - All Zones



Furthermore, the employment category of 'Agriculture, Forestry and Fishing' is the largest employment sector in the Orana region and one of the largest employment sectors in the Mid Western Region suggesting the demand for agricultural land is high within the LGA.

All Industries - All Zones



The applicant has indicated there is strong interest in the market for intensive agricultural land parcels within the area.

The information submitted to Council to date has provided the strategic justification for the proposal, confirmed the availability of water to accommodate the proposal and confirms the suitability of soil.

We trust this information will enable Council to progress the proposal. Please advise of the next steps, which I understand is to be Council's consideration of the rezoning and (hopefully) recommendation that the progressed to Gateway determination.

I look forward to discussing this with you next week.

In the meantime I wish you a safe and happy Easter.

Kind regards,

EMMA MASON

Senior Town Planner

emma.m@dewittconsulting.com.au

Hunter Office

P 02 4942 5441 | F 02 4942 5301

PO Box 850, Charlestown NSW 2290

7 Canberra Street,

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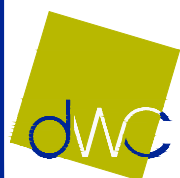
LOT 2 D.P.1055152

CLASS 3

CLASS 4

CLASS 8

MOUNT FROME



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TITLE: LAND AND SOIL COMPATIBILITY MAP

JOB ADDRESS: 85 ROCKY WATERHOLE ROAD, MT FROME

CLIENT: JESSICA AND JASON CHRCEK

SCALE: N/A

PLAN DATE: 20.09.17

CAD REF: N/A

DRAWN	CJ	CHECKED	EM
DESIGNED	N/A	APPROVED	EM

DWG REF: 7399-FIGURES-08.09.17

JOB REF:

7399

DRAWING No.

1

APPENDIX 10

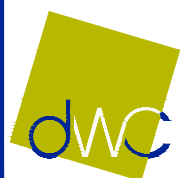
Concept Subdivision Plan



NORTH

PROPERTY REFERENCE :

LOT 2 D.P.1055152



de Witt Consulting
planning ■ surveying ■ project management

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TITLE: CONCEPT SUBDIVISION

JOB ADDRESS: 85 ROCKY WATERHOLE ROAD, MT FROME

CLIENT: JESSICA AND JASON CHRCEK

SCALE: N/A

PLAN DATE: 01.08.19

CAD REF: N/A

DRAWN	CJ	CHECKED	EM
DESIGNED	N/A	APPROVED	EM

DWG REF: 7399-CONCEPT SUBDIVISION-01.08.19

JOB REF:

7399

DRAWING No.

1