

*Looking After
our Community*

PLANNING PROPOSAL
GENERAL
AMENDMENT 2019

REVIEW OF VISUALLY SENSITIVE
LAND, AMENDMENT TO CLAUSE 6.10
VISUALLY SENSITIVE LAND NEAR
MUDGEE

7 MAY 2019

MID-WESTERN REGIONAL COUNCIL
DEVELOPMENT: STRATEGIC PLANNING

 TOWARDS 2030



THIS DOCUMENT HAS BEEN PREPARED BY THE DEVELOPMENT DIRECTORATE FOR MID-WESTERN REGIONAL COUNCIL.

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Overview

Introduction

The Planning Proposal Mid-Western Regional Local Environmental Plan General Amendment (the Planning Proposal) explains the intent of, and justification for, the proposed amendment to the Mid-Western Regional Local Environmental Plan 2012 (MWRLEP 2012).

The Planning Proposal is to implement a review of the application of the Visually Sensitive Land Mapping and amendment to Clause 6.10 Visually Sensitive Land near Mudgee.

The proposal has been prepared in accordance with Section 3.32 and 3.33 of the Environmental Planning and Assessment Act 1979 (the Act) and the relevant Department of Planning and Environment guidelines, including A Guide to Preparing Local Environmental Plans and A Guide to Preparing Planning Proposals.

Background

Mid-Western Regional Local Environmental Plan 2012 (MWRLEP 2012) came into effect on 10 August 2012. MWRLEP 2012 is the consolidation of the previous planning controls into one local environmental plan. It is also a translation of those controls into the NSW Government's Standard Instrument Principal Local Environmental Plan.

Part 1 – Objectives or Intended Outcome

The objective of the Planning Proposal is to implement an amendment to the Visually Sensitive Land Map and to Clause 6.10 Visually Sensitive Land near Mudgee.

Part 2 – Explanation of Provisions

The objectives and intended outcomes as described in Part 1 will be achieved through the amendment to the Visually Sensitive Land map and Clause 6.10 MWRLEP 2012.

Clause 6.10 Visually Sensitive Land near Mudgee will be amended, both the objective and development requirements. The clause will be amended to not only address both ridgelines, but also the agricultural flats between the ridgelines. It will be amended to incorporate wording similar to the below:

Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

- incorporates appropriate measures to minimise any adverse visual impact on the landscape;
- will be screened from view from the Castlereagh Highway and other public places by existing vegetation or by planting indigenous vegetation;
- the development will be designed and sited to respond sympathetically to the land form of which it will form a part;
- the development will use unobtrusive and non-reflective materials to blend structures into the natural environment; and
- the development will incorporate appropriate measures to minimise the reflection of sunlight from glazed surfaces.

Part 3 – Justification

Section A - Need for the Planning Proposal

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

The Comprehensive Land Use Strategy (CLUS) established a town character for Mudgee. Mudgee's character is given by a unique combination of the natural and physical elements of a place. The undulating hills around Mudgee create a sense of enclosure and a sense of openness is given by the relatively flat agricultural land located along the Cudgegong River. This character is visually appreciated at the approaches to Mudgee. The most impressive of these is the approach into Mudgee from the southeast. A means of protecting this character was the mapping of visually sensitive land during the preparation of the Mid-Western Regional Local Environmental Plan 2012. This mapping identifies the ridgelines to the southwest of the Cudgegong River. However, it fails to identify the ridgelines to the northeast or the agricultural flats.

Significant community consultation occurred across the Mid-Western Region in the preparation of the CLUS. The community consultation presented a high level of appreciation of landscape and rural character. The CLUS states 'it is these important landscapes and rural character that attract tourists and contribute strongly to the local government areas' sense of place' and 'there is an established community value of the scenic qualities of our towns'.

Accordingly, the amendment to the Visually Sensitive Map and to Clause 6.10 is a result of the strategic work undertaken by Council in the preparation of the CLUS.

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

The amendment to the Visual Sensitive Land Map and Clause 6.10 Visually Sensitive Land near Mudgee is the best means to achieve the objectives.

Section B - Relationship to Strategic Framework

Q3: Is the planning proposal consistent with the application regional or sub-regional strategy?

The Central West and Orana Regional Plan 2036 applies to the Mid-Western Regional Local Government Area. Protecting visually significant land is consistent with the intent of the Plan.

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

Council's Towards 2030, Mid-Western Region Community Plan Protecting visually significant and agricultural land is consistent with the key themes of the Plan.

Q5: Is the planning proposal consistent with applicable state environmental planning policies?

Yes. An analysis of the applicable State Environmental Planning Policies (SEPP's) is included in the following table. The proposal is either consistent with or not offensive to any applicable SEPP's.

SEPP	CONSISTENCY / RESPONSE
1 – DEVELOPMENT STANDARDS	Not relevant
14 – COASTAL WETLANDS	Not relevant
19 – BUSHLAND IN URBAN AREAS	Not relevant
21 – CARAVAN PARKS	Not relevant
26 – LITTORAL RAINFORESTS	Not relevant
30 – INTENSIVE AGRICULTURE	Not relevant
33 – HAZARDOUS AND OFFENSIVE DEVELOPMENT	Not relevant
44 – KOALA HABITAT PROTECTION	Not relevant
47 – MOORE PARK SHOWGROUND	Not relevant
50 – CANAL ESTATE DEVELOPMENT	Not relevant
52 – FARM DAMS AND OTHER WORKS IN LAND AND WATER MANAGEMENT PLAN AREAS	Not relevant
55 – REMEDIATION OF LAND	Not relevant
62 – SUSTAINABLE AQUACULTURE	Not relevant
64 – ADVERTISING AND SIGNAGE	Not relevant
65 – DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT	Not relevant
70 – AFFORDABLE HOUSING	Not relevant
71 - COASTAL PROTECTION	Not relevant
AFFORDABLE RENTAL HOUSING 2009	Not relevant
BASIX 2004	Not relevant
EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES 2017	Not relevant
EXEMPT AND COMPLYING DEVELOPMENT CODES 2008	Not relevant
HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY 2004	Not relevant
INFRASTRUCTURE 2007	Not relevant
INTEGRATION AND REPEALS 2016	Not relevant
KOSCIUSZKO NATIONAL PARK - ALPINE RESORTS 2007	Not relevant
KURNELL PENINSULA 1989	Not relevant
MINING, PETROLEUM PRODUCTION AND EXTRACTIVE INDUSTRIES 2007	Not relevant
MISCELLANEOUS CONSENT PROVISIONS 2007	Not relevant
RURAL LANDS 2008	Consistent
STATE AND REGIONAL DEVELOPMENT 2011	Not relevant
STATE SIGNIFICANT PRECINCTS 2005	Not relevant
SYDNEY DRINKING WATER CATCHMENT 2011	Not relevant
SYDNEY REGION GROWTH CENTRES 2006	Not relevant
THREE PORTS 2013	Not relevant
URBAN RENEWAL 2010	Not relevant
VEGETATION IN NON-RURAL AREAS 2017	Not relevant
WESTERN SYDNEY EMPLOYMENT AREA 2009	Not relevant

SEPP	CONSISTENCY / RESPONSE
WESTERN SYDNEY PARKLANDS 2009	Not relevant

Q6: Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The relevant section 117 Directions are addressed in Appendix 1. The proposal is consistent with the relevant 117 Directions.

Section C - Environmental, Social and Economic Impact

Q8: Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The Planning Proposal aims to protect the landscapes features within the mapped areas, accordingly, no critical or threatened species, populations or ecological communities, or their habitats are likely to be impacted upon.

Q9: Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

As set out in A Guide to Preparing Planning Proposals, the purpose of this question is to ascertain the likely environmental effects that may be relevant. The nature of the planning proposal is such that no technical information is required.

Q10: How has the planning proposal adequately addressed any social and economic effects?

Not applicable.

Section D - State and Commonwealth Interests

Q11: Is there adequate public infrastructure for the planning proposal?

Not applicable as the Planning Proposal will not trigger an upgrade or reliance on public infrastructure.

Q12: What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Any consultation will be undertaken in accordance with any future Gateway Determination condition. However, due to the minor nature of the Planning Proposal it is considered unlikely any conditions will be agency consultation will be required.

Part 4 – Mapping

Map Sheet CL1_006 Visually Sensitive Land will be amended to capture the ridgelines to the northeast above the 520 contour and the visually significant agricultural flats between the 2 ridges and extend to the south eastern urban limit of Mudgee.

Part 5 – Community Consultation

The proposal is of minor significance and is considered to be a low impact proposal as outlined in 5.5.2 Community Consultation “Guide to preparing local environmental plans” is:

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

As such the following consultation is proposed:

- An exhibition period of 14 days commencing on the date that a notice of exhibition is printed in the local news press
- Advertising in the local newspaper at the start of the exhibition period
- Advertising on Council’s website for the duration of the exhibition period

Consultation with agencies external to Council is not considered necessary.

Part 6 – Project Timeline

The Planning Proposal is a minor amendment to the Mid-Western Local Environmental Plan 2012 and should be able to be achieved within 3 months of the date of the Gateway Determination.

Proposed Timeline

MILESTONE	DATE
Gateway Determination	May 2019
Completion of Technical Information	N/A
Agency Consultation	N/A
Public Exhibition	May / June 2019
Consideration of Submissions	July 2019
Mapping, Legal Drafting & Opinion	July 2019
RPA makes Plan	July / August 2019

Appendix 1 – Section 9.1 Directions

The Section 9.1 Directions have been identified in the table below. The planning proposal is generally consistent with the directions.

SECTION 117 DIRECTION	APPLICABLE	CONSISTENT	COMMENT
1. Employment and Resources			
1.1 Business & Industrial zones	No	N/A	
1.2 Rural zones	No	N/A	
1.3 Mining, Petroleum Production and Extractive Industries	No	N/A	
1.4 Oyster Aquaculture	No	N/A	
1.5 Rural Lands	No	N/A	
2. Environment & Heritage			
2.1 Environment Protection Zones	No	N/A	
2.2 Coastal Protection	No	N/A	
2.3 Heritage Conservation	No	N/A	
2.4 Recreation Vehicle Areas	No	N/A	
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	No	N/A	
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	No	N/A	
3.2 Caravan Parks and Manufactured Home Estates	No	N/A	
3.3 Home Occupations	No	N/A	
3.4 Integrating Land Use and Transport	No	N/A	
3.5 Development Near Licensed Aerodromes	No	N/A	
3.6 Shooting Ranges	No	N/A	
4. Hazard and Risk			
4.1 Acid Sulfate Soils	No	N/A	
4.2 Mine Subsidence and Unstable Land	No	N/A	
4.3 Flood Prone Land	No	N/A	

4.4 Planning for Bushfire Protection	No	N/A
5. Regional Planning		
5.1 Implementation of Regional Strategies	No	N/A
5.2 Sydney Drinking Water Catchments	No	N/A
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	N/A
5.8 Second Sydney Airport: Badgerys Creek	No	N/A
5.9 North West Rail Link Corridor Strategy	No	N/A
5.10 Implementation of Regional Plans	Yes	Yes
6. Local Plan making		
6.1 Approval and Referral Requirements	Yes	Yes
6.2 Reserving Land for Public Purposes	No	N/A
6.3 Site Specific Provisions	Yes	Yes
7. Metropolitan Planning		
7.1 Implementation of A Plan for Growing Sydney	No	N/A
7.2 Implementation of Greater Macarthur Land Release Investigation	No	N/A
7.3 Parramatta Road Corridor Urban Transformation Strategy	No	N/A
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	No	N/A
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	N/A
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	N/A