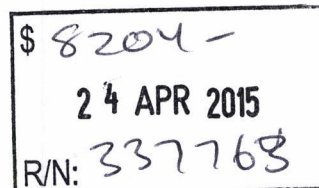




24 April 2015

Our Ref: JAB025_A02 Planning Proposal Consadine

The General Manager
Mid-Western Regional Council
86 Market Street
MUDGEES NSW 2850



Dear Sir

PLANNING PROPOSAL TO ACHIEVE 2HA LOTS, PART LOT 4 DP1206488, BROADHEAD ROAD

Please accept this proposal on behalf of the owner, Mr Peter Consadine. The property has been subject to recent development approval for subdivision. The subject land is part of Lot 4 DP1206488 (recently released DP for DA 367/2013 being the staged subdivision of Lot 1 DP773024 and Lot 9 DP1150667). This proposal refers to that part of the property that fronts Broadhead Road and Robertson Road, to the south of the approved development and adjoins existing developed 2ha lots.

This land has merit for 2ha development as un-serviced lifestyle development, considering:

- The land is already zoned R5 Large Lot Residential.
- The proximity to Mudgee and distance to sealed road.
- Proximity to existing developed 2ha lots (adjoining to north).
- The topography and aspect of the land lending to views and varied residential development opportunities.
- The proposal would not take up prime agricultural land.
- The land is not constrained by significant environmental features.
- Elevation restricts servicing opportunities and the onsite disposal of wastewater is accomplished in a 2ha lot size.
- The land is separated from main roads, and will not compromise the aesthetic aspects of a main entrance to Mudgee town and suits this style of lifestyle lot.

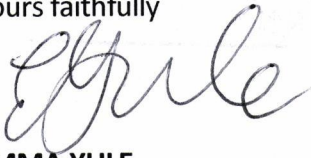
The proposal aims to facilitate future subdivision of the land creating 2ha rural residential type lifestyle allotments in close vicinity to Mudgee township and existing similar development. The 2ha lifestyle lots are a distinctive living opportunity and not readily available near Mudgee. The style of dwelling associated with these sized un-serviced lots is typically a unique architectural dwelling utilising varied construction materials and is often a converted barn/shed used for the dwelling. The location of the proposed lots is separated from main roads, and will not compromise the aesthetic aspects of a main entrance to Mudgee town, (esp. from Sydney). The site will easily accommodate large lot residential housing in similar manner as the adjoining 2ha lots, whilst being considerate to



environmentally sensitive areas. The development concept does not include connection to reticulated sewerage services and though services are being extended for DA367/2013, the terrain will restrict the likelihood of services being able to be physically provided. This aspect should provide certainty to Council regarding the long term integrity of the proposal for a long term 2ha lifestyle development.

The landowner has a proven track record in providing quality developments in Mudgee and wished to assure Council that this development would be pursued to fruition if supported. Should you require further information in relation to this matter, please do not hesitate to contact myself on 0457 711 169 or the owner, Mr Peter Consadine on 0401 258 904.

Yours faithfully



EMMA YULE
ENVIRONMENTAL TOWN PLANNER
MINESPEX PTY LTD

THE PROPOSAL

PART 1 - Objectives and intended outcomes of the proposal

1.1 Statement of Intended outcomes

It is intended to enable the development of the land (approx. 50ha) within the property 'Fairview', for residential development, with lots of min. 2ha (no reticulated services).

1.2 Details of the proposed development to be carried out – Concept Plan

The main purpose of this planning proposal is to make an amendment to the relevant LEP provisions, to enable a 2ha residential subdivision development. Future development is proposed that will involve the facilitation of approx. 21 x 2ha lots. It is envisaged that the timing of this type of development, could be in a 0-5 year timeframe with existing developed 2ha lots adjoining the site. The development site could also feasibly accommodate staged development.

The proponent would request that the land's potential for '2ha lots' is considered at this time, addressing the growing demand identified in the Mudgee and Gulgong Urban Release Strategy (URS) for these lifestyle lots. The feasibility of the land to accommodate 2ha lot sizes in a subdivision layout is explored in a preliminary concept plan prepared by Jabek Pty Ltd. The layout demonstrates that ridge lines can be avoided for future dwellings, watercourses and slopes provide opportunities for views and varied development opportunities. (Refer to **Appendix A**).

A concept plan is included to demonstrate that the future development of the land into 2ha lots is a feasible development concept. The preliminary concept sketch has excluded watercourses to demonstrate developable land has been included in each future lot. The layout uses the nominal lot size of 100m x 200m (2ha) to achieve a road layout that would form the basis of a future subdivision. Alternative development layouts exist for the land, however this concept provides a development option that is considerate to the topography and achieves lots that have regular frontages.

Topographically this land is ideal for 2ha lots as the aspect lends itself for physical separation and varied views. The land to be developed involves mapped visually sensitive land in the Mid-Western Regional LEP 2012. The future subdivision can easily adopt boundaries to enable dwelling sites away from ridge lines. The preliminary concept plan prepared by Jabek Pty Ltd depicts contours. This area will yield approximately 21 x 2ha lots.

The concept plan has demonstrated that the land can provide housing in a rural setting preserving scenic quality, whilst being considerate to environmentally sensitive areas. The connecting roads are being upgraded from Mudgee with the construction of the nearby subdivision requirements. The development of this land makes good use of infrastructure outlay. This preliminary concept layout is

one option for development. Further survey and investigation may indicate alternative layouts and estimated yields. A diagrammatic overview of the proposal is depicted below and in **Appendix A: Preliminary Concept Sketch**.

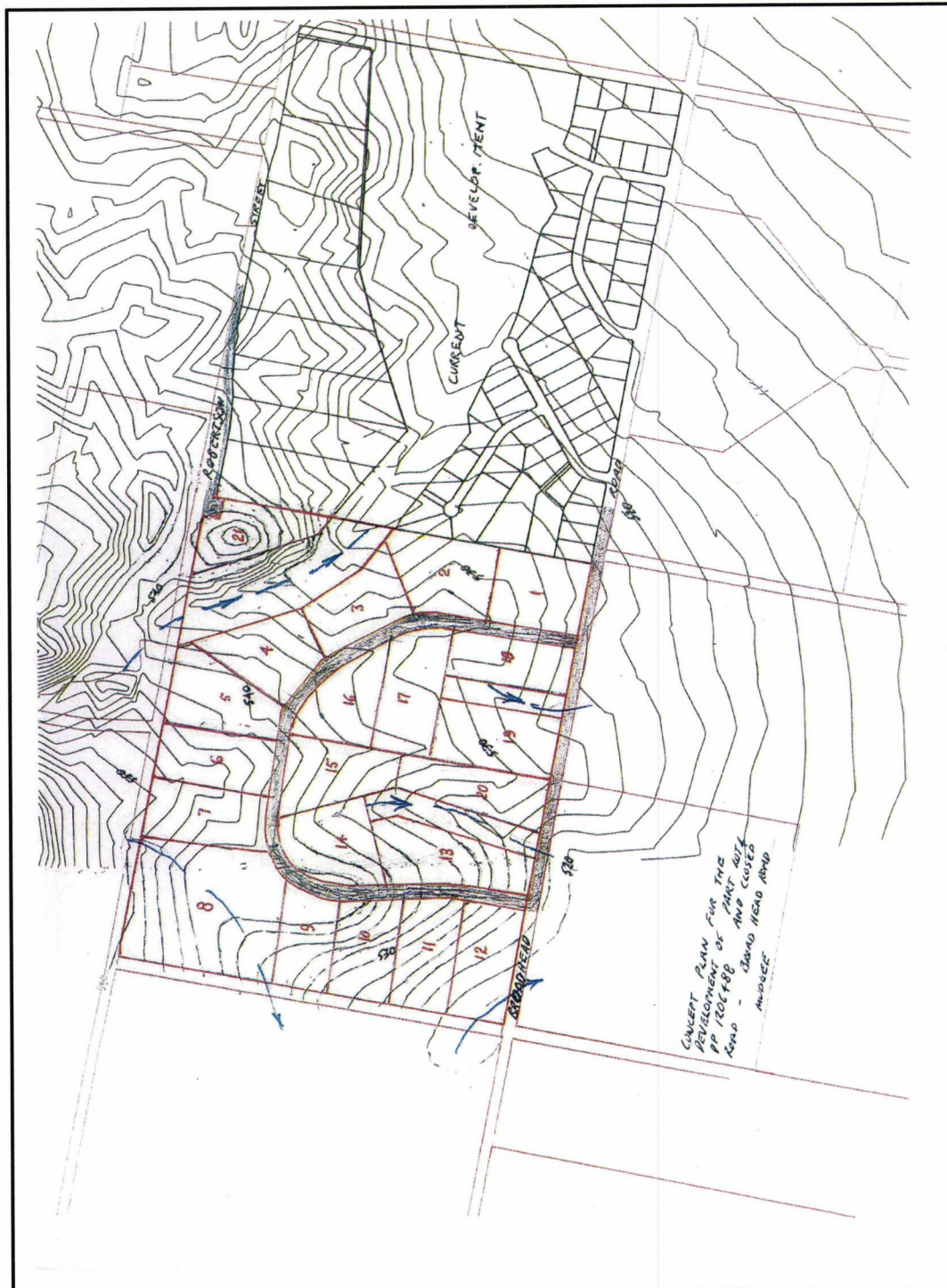


Figure 1: Concept Plan (nts)

PART 2 - Explanation of Provisions

One option to achieve the objectives and intended outcomes as described in Part 1 of this proposal, is through the subject land, with current R5 Large Lot Residential zoning, to have a corresponding amendment to the lot size map as relevant.

This may be achieved by the following:

- 1.** Lot Size Map (Sheet LSZ_006E) to be amended to reflect minimum lot size of 2ha (i.e. label 'Z').

PART 3 - Justification

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

SECTION A - Need for the Planning Proposal

Q.1. Is the planning proposal the result of any strategic study or report?

YES.

The URS references land the subject of other Planning Proposals received and that were not progressed by Council, awaiting the finalisation of the URS. The intention of this planning proposal is to ensure that the consideration of this land put forward in Broadhead Road is given due consideration and compared to other land addressed in the URS, and similar planning proposals, as they are addressed further now that the URS has been adopted by Council.

The URS gap analysis “found insufficient land zoned in Mudgee’s urban release areas to meet long term 20 year demand for standard residential lots (450-900sqm) and 2ha lots.” pg 82. The inclusion of this land for 2ha lots will not create a significant infrastructure outlay. This planning proposal presents an option to develop land without reticulated services and addresses the needs for 2 ha lots.

Q.2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

YES.

It is considered that the Planning Proposal is the best means of achieving the intended outcomes. Alternative avenues under the current available LEP provisions have been considered that may achieve the outcomes of the proposal; however no options other than LEP amendment have been identified. In this case, a lot size map amendment is supported as a logical outcome to achieve the objectives of the proposal. The planning proposal should also be reflected in updates to the CLUS and URS.

SECTION B - Relationship to the strategic planning framework

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

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

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

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

a. Does the proposal have strategic merit?

YES.

The planning proposal has strategic merit, as:

- The development site has been identified as a short term opportunity area for rural lifestyle opportunities in the CLUS.
- This planning proposal presents an option to develop land without reticulated services that addresses the demand for 2ha lots identified in the URS.
- The land adjoins developed 2ha development.
- The site utilises land that is ideal topographically for this style of development and is a logical extension of developed areas.
- The proposal is able to meet timing requirements for land release.
- The proposal will not cause substantial resource outlay by the Council/ratepayer.
- The realization of the development does not depend on the prior development of other land.
- The proposal is consistent with the guiding principles developed in the URS to ensure future residential land release is sustainable, economic, and provides positive environmental and social outcomes for the LGA.
- Potential environmental constraints to development are identified and overcome in design or can be further investigated at DA stage.

The scale of the proposed lot size amendment will also not risk an 'over supply' of land into the market.

b. Does the proposal have site-specific merit and is it compatible with the surrounding land uses, having regard to the following:

The natural environment; the existing uses, approved uses, and likely future uses in vicinity to the proposal; the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.

The suitability for 2ha lots is consistent with the CLUS findings, the site has merit for 2ha development as un-serviced lifestyle development, considering:

- The proximity to Mudgee and distance to sealed road.
- Proximity to existing developed 2ha lots (adjoining to north).
- The topography and aspect of the land lending to views and varied residential development opportunities.
- The proposal would not take up prime agricultural land.
- The land is not constrained by significant environmental features.
- Elevation restricts servicing opportunities and the onsite disposal of wastewater is accomplished in a 2ha lot size.

The land is approximately 2.3km south of Lions Drive along Broadhead Road in South Mudgee. This road is currently being upgraded and sealed with subdivision works associated with DA0367/2013. The proximity to Mudgee on sealed road is consistent with the convenient lifestyle sought for such 2ha lots. The existing developed 2ha lots have access from Robertson Road. The concept plan includes one (1) additional lot that could be accessed from this road frontage. The watercourse, Sawpit Gully, provides an obstacle to further access from this road, and the concept plan has sought to avoid any disturbances to riparian corridors. As such a loop road can be developed off Broadhead Road, and new road and any upgrade can be sited to avoid existing treed areas.

The proposed development site does not take up prime agricultural land. The site has been used for grazing in the past and is cleared of significant native vegetation. Watercourses & gullies have been located on the concept plan and these have been excluded from the concept plan lot areas for yield estimation purposes. The photos below depict the land.

The majority of the land is **not** affected by Groundwater Vulnerability mapping (see **Figure 2** below). The MWR LEP 2012 has provisions to ensure measures would be engaged that ensure good design, and effluent disposal through a water cycle management plan be carried out within a development application process. No issue is raised with regard to the ability of the land to accommodate onsite disposal of wastewater within a 2ha lot size. Mapped watercourse areas are avoided in the Concept Plan.

The land is not constrained by significant environmental features. The land is not mapped flood prone land. The land is partially mapped as bushfire prone land and assessment would be required as part of a Development Application process, however due to the past clearing this is not envisaged to hinder 2ha lots in the future.

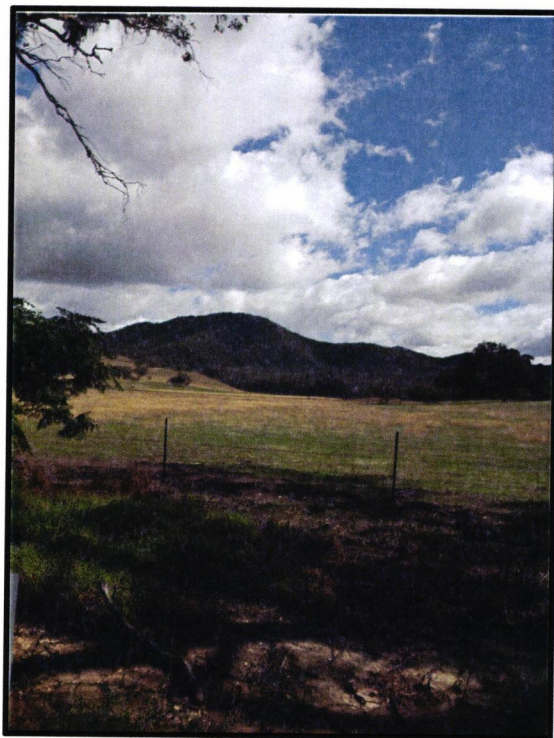


Plate 1- View to the west from Broadhead Road of the approx. location of Lot 1 and entry into new road within Concept Plan

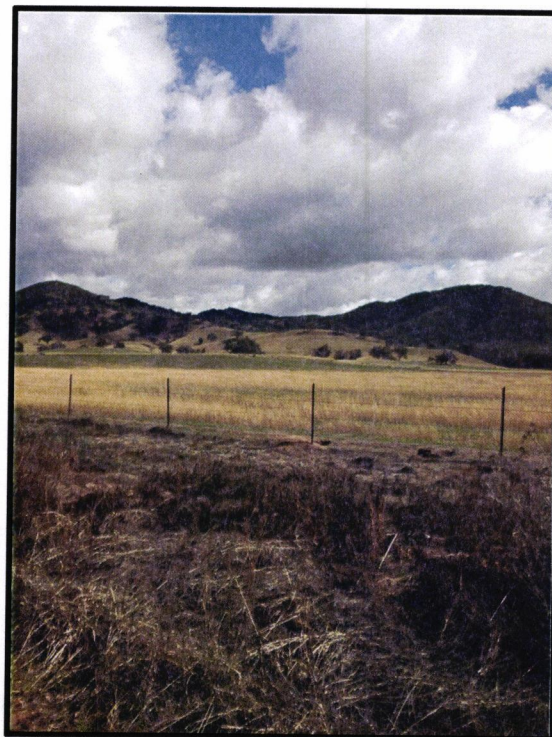


Plate 2 – View towards location of Gully near Lot 18 in Concept Plan. Treed hills in background are of scenic importance for Mudgee

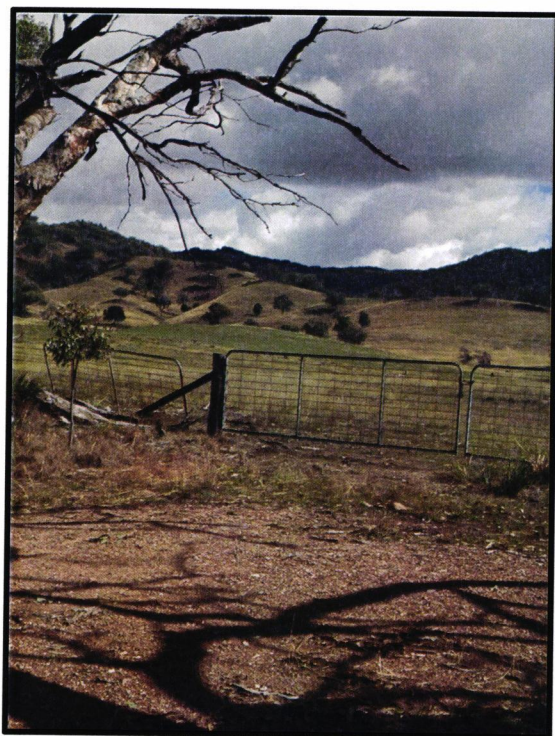


Plate 3 - View at location of existing paper road being approx. location of Lots 19 & 20 in Concept Plan

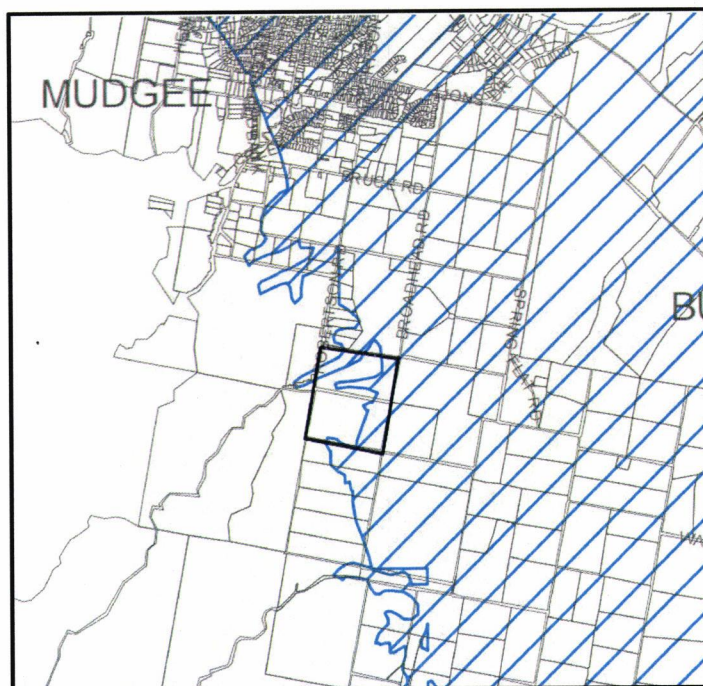


Figure 2: Excerpt Groundwater Vulnerability Map - Sheet GRV_006, MWRLEP 2012

The land will have strategic contiguity with existing developed 2ha lots and current developing 2000m² residential lots in Broadhead Road. The development of this land will maximise the use of existing road infrastructure and utilities in the long term minimising the costs to consumers and Council and financial risk to the rate payer (aligned to guiding principles in URS).

The topography of the land lends itself well to the style of lifestyle lot proposed. The land is located approx. 1.2km to the east of Avisford Nature Reserve and the associated treed hills within the Reserve and privately owned adjoining land are a significant visual element forming part of the unique character of Mudgee. A minimum of 2ha is suitable in the locality considering the mapping in the LEP as 'visually sensitive land', which incorporates the elevated areas. The aspect and building sites within lots can be further explored after survey within a development application process.

This planning proposal provides a site suitable for development which supports conservation of the significant visual elements that contribute to the character of Mudgee. Such as with the elevated land, the rural character of the main entry to Mudgee town is not affected by this development. The location within the already cleared, lower slopes and foothills to the treed hill backdrop to Mudgee is considered a positive attribute for 2ha style development. The concept lot layout has provided opportunities for dwelling sites that would be balanced in the visual setting without development on ridges. The topographic attributes can be considered further in a subdivision application and is not envisaged to be restrictive. The undulating terrain is ideal to create blocks with views and create a lifestyle and residential choice unique to Mudgee.

Q.4. Is the proposal consistent with Council's Local Strategy or other local strategic plan?

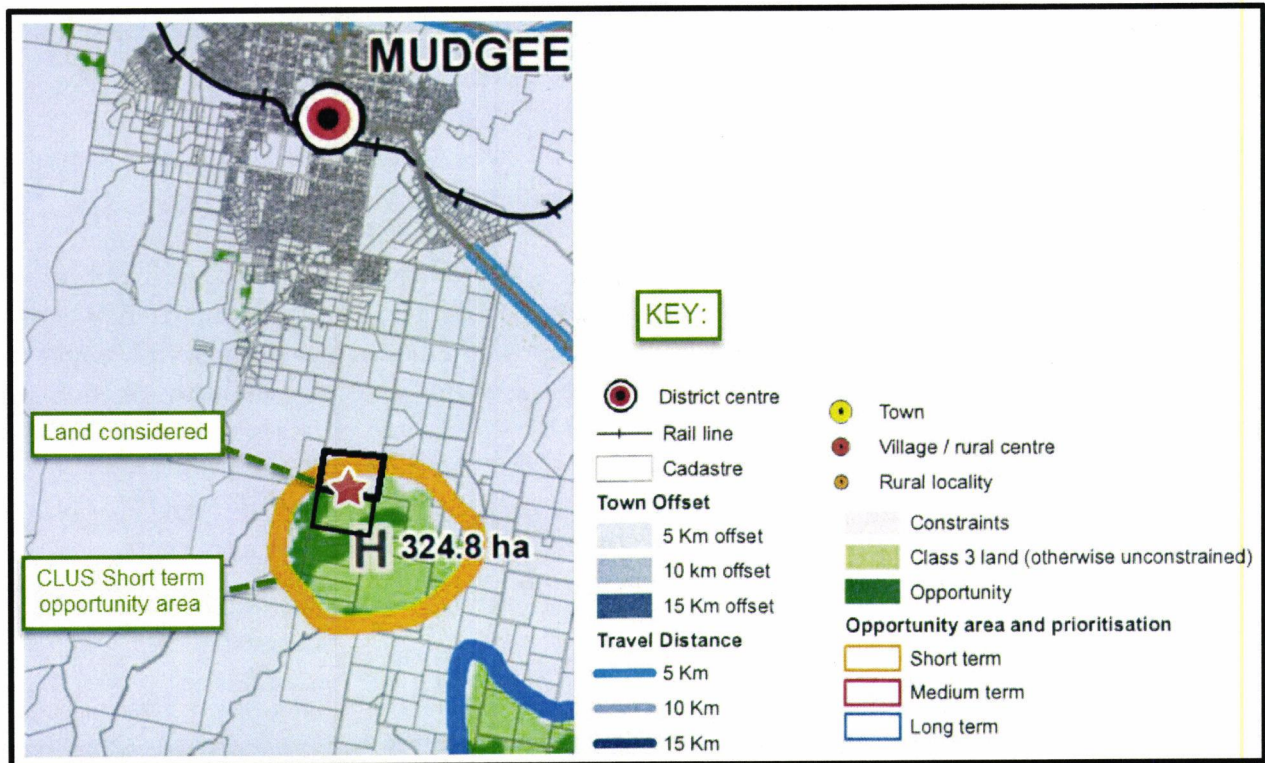
YES. However, no strategy directly explores a constraints analysis for 2ha lifestyle lots surrounding Mudgee, though the URS identifies a clear demand for such lots.

The Comprehensive Land Use Strategy (CLUS) forms the current basis of Council policy and constraints assessment. The CLUS assessed suitable land for lifestyle allotments however a minimum of 12ha was adopted as the minimum lot size, with 2ha lots located near to Mudgee on the Town Structure Plan. A lack of current available land for 2ha lots and with extension of reticulated services leading to development of smaller lot sizes in former large lot areas is apparent around Mudgee. The CLUS encourages opportunities for housing diversity in the Mid-Western Regional LGA. The Mudgee and Gulgong Urban Release Strategy (URS) provides guidance on the timing, location and type of future residential development. The URS supports that there is a growing demand and limited supply of large residential lots of 2ha.

Mid-Western Regional Comprehensive Land Use Strategy (CLUS)

The Mid-Western Regional Council adopted the CLUS in 2010, which aimed to provide clear direction for growth for the next 15-20 years. The Strategy has informed the comprehensive MWRLEP and provides a context for future land use. This planning proposal is consistent with the CLUS as it makes the best use of available infrastructure and land within the existing settlement area.

The *"Mid-Western Regional Comprehensive Land Use Strategy"*, prepared by Parsons Brinckerhoff (August 2010) (CLUS) refers to the subject land as a lifestyle opportunity area. This is reflected by the current R5 Large Lot Residential zoning. The subject land falls within Sector H located to the South of Mudgee, identified as a 'Short Term' opportunity area. The CLUS states that *"These opportunity areas should be prioritised for rural lifestyle development and investigated for release in the short term. The minimum lot size for these opportunity areas should generally be 12 hectares, although Council may consider 2-6hectares as identified on the Town Structure Map"* (page 67).



Excerpt CLUS Figure 4-3 Rural Lifestyle Opportunities – 15km offset are surrounding Mudgee

The site is consistent with the Mudgee Town Structure Plan in that the proposal acknowledges the planned development extent formed by Spring Flat Road as mapped in the CLUS. Also the land is identified as within the Opportunity area prioritised for the short term for rural lifestyle opportunities (as identified above). The subject land was earmarked for 12ha lots in 2010 and the LEP provisions reflect this. The large lot residential opportunities identified on the Mudgee Town Structure Plan however do not provide many opportunities for 2ha development, with most vacant land, with reference to Clause 4.1 (3A), being able to be subdivided to 2000m² or 4000m² with connection to reticulated services (eg: opposite AREC on Ulan Road, Bombira subdivision, and the developed Hill Sixty subdivision). Constraints analysis specifically for 2ha lots was not included in the CLUS.

Current demand for 2ha lots cannot be met from current zoned areas or areas identified in the CLUS for 2ha lots. Reference to land identified as suitable for lifestyle opportunity areas in the CLUS and the constraints assessment undertaken is a valuable planning reference for this proposal. The opportunity areas were prioritised for rural lifestyle development and investigated for constraint, so it is assumed that the CLUS provides a good assessment of sites that would be suitable for lifestyle developments, today. The landowner believes this land should be considered for development prior to inclusion of additional land referred to in other planning proposals under consideration by Council that are inconsistent with the opportunity and constraints assessment already undertaken in the CLUS.

With this in mind, the planning proposal has further stemmed from the recommendations for Mudgee's Urban Release areas as identified within "*Mudgee and Gulgong Urban Release Strategy*", prepared for Mid-Western Regional Council by Hill PDA Consulting December 2014 (URS). The development of this land is aligned to the 'Guiding Principles' of the Strategy. The URS outlines a need for 2ha rural residential type opportunities, which this proposal will serve to address in part.

Gap analysis found insufficient land zoned in Mudgee's urban release areas to meet long term 20 year demand for general residential lots (450-1000sqm) and 2ha lots. The analysis in the URS concluded that further land may need to be released in the long term to accommodate demand in the 10-20 year period if high levels of demand for 2ha lots were sustained. This proposal provides Council with an option to address this demand based on identified lifestyle opportunities.

The planning proposal would seek amendment to the LEP, whereby the land would be considered for living opportunities of 2ha minimum rather than the current 12ha minimum lot size. The site is located close to Mudgee Town and is a logical continuation of existing 2ha lot development adjoining to the north. The land is suitable for consideration as the existing adjoining 2ha lots are testament to the success of the type of living arrangement at the locality.

The land would be able to fulfil the staging of release i.e. 0-5 year estimate to satisfy approximately half of the recommended number of additional lots in accordance with the URS findings. (Note the URS includes Urban Release Area 22 (Burrundulla/Spring Flat) for 2ha development, which has not been endorsed by MWRC (this land was included by Hill PDA as a planning proposal known at the time). A release of 49 lots in 0-5 years and a further 49 lots in 5-10 years was recommended in relation to a new release area). Comparatively, this proposal will supply approximately 21 x 2ha lots in the 0-5 year stage.

The planning proposal provides an opportunity to utilise the land which is currently zoned R5 and suited to lower density residential subdivision, being capable of providing diversity in lot sizes and staged release of land. The following attributes support the planning proposal:

Ownership:

The land is not constrained by involvement of multiple landowners and staging future development is feasibly implemented at the site.

Servicing:

The property offers land that can supply large lots (un-serviced) with the majority of the land not mapped as groundwater vulnerable. Utility and telecommunication services are nearby with existing 2ha development and extension of services to 'Broadview Estate'.

Road Access:

The land has good road linkages. With frontage to Broadhead and Robertson Road, there are several opportunities to safely provide a new road. The close vicinity of the Mudgee CBD via sealed road

increases the attractiveness for such residential development. The site is approximately 13mins drive to the Mudgee Post Office.

Environmental Aspects:

The topography is conducive to un-serviced development, capable of supporting lots of minimum 2ha. The land lends itself to good yields which will provide good return on investment in road infrastructure. Elevated building sites with good views are a unique offering in this location. Bushfire risk and potential for Aboriginal heritage would need further consideration at a DA stage.

Mudgee and Gulgong Urban Release Strategy (URS)

The inclusion of the land in an amendment to the MWR LEP 2012 is consistent with the 'Guiding Principles' for release of residential land. See below:

Guiding Principles

- **Encourage higher density residential development in Mudgee and Gulgong town centres** – N/A (this principle relates to development of town centres)
- **Rely on areas already zoned and nominated for residential development in the first instance to meet future demand** – The URS identifies the lack of current available zoned land for 2ha developments, though this site is already zoned R5 Large Lot Residential. The intention is to amend the Lot Size Map to offer a new land release area to address future growth.
- **Maximise use of existing Council infrastructure** – The future un-serviced (water and reticulated sewer) 2ha development is aligned with this principle. The expenditure towards road and utility services would be maximised in the locality.
- **Encourage and meet demand for a diverse range of housing types and lots sizes** – As a new development the staging of release is conducive to ensuring the market receives 2ha lots providing a range of lots sizes in South Mudgee.
- **Facilitate orderly and coordinated approach to residential growth** – The location of the property represents a logical location for a residential release area adjoining existing 2ha lots and the new 'Broadview Estate' and is sensitive to surrounding land uses. The timing of release can be informed by supply and demand monitoring by the developer in a staged development.
- **Ensure a pipeline supply buffer exists** - Council should have 5 years' worth of land zoned for each residential type as a buffer to avoid future shortage. This proposal is able provide land in logical stages and adhere to release triggers. This development on its own does not meet the predicted land supply required as determined in the URS for the 0-5yr staging.
- **Protect employment lands and high value agricultural land** – The subject land is in close proximity to the township of Mudgee and developed residential lifestyle lots. The land is not prime agricultural land. The proposal will align with this principle. Topographic attributes and roads separate the site from other rural land.
- **Avoid environmentally sensitive areas and natural hazards** - Residential growth should not encroach on areas identified as environmentally sensitive areas or natural hazards. The concept design has demonstrated that environmentally sensitive design can be implemented at the site.

Mid-Western Region Towards 2030 Community Plan

The goals of the Community Plan have been reviewed. The release of land can be staged to ensure affordability of housing is not adversely affected by over release in Mudgee. The proposal does not compromise the main entrance corridor to the Mudgee Township. The proposal will support the goal of providing a vibrant town. The planning proposal presents opportunity for high amenity community whereby development is appropriately located and sensitive to surrounding land uses and environmental aspects.

Mid-Western Regional - Economic Development Strategy

Mid-Western Regional Council has prepared an Economic Development Strategy (EDS) outlining a future economic direction for the Regional in the next 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. The planning proposal will have negligible impact on economic development.

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

Yes. The Planning Proposal is considered to be consistent with applicable State Environmental Planning Policies as discussed below.

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

SEPP	Applicable/Consistency
Kosciusko National Park – Alpine Resorts 2007	Not relevant to planning proposal.
Major Development 2005	Not relevant to planning proposal.
Sydney Region Growth Centres 2006	Not relevant to planning proposal.
Mining and Petroleum Production and Extractive Industries 2007	Not relevant to planning proposal.
Temporary Structures and Places of Public Entertainment 2007	Not relevant to planning proposal.
Rural Lands 2008	The proposal is consistent with the Rural Planning Principles including due consideration of impacts on services and infrastructure and appropriate location when providing for rural housing. The proposal is consistent with the Rural Subdivision Principles, i.e. the proposal recognises and addresses the minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses.
Western Sydney Employment Area 2009	Not relevant to planning proposal.
Western Sydney Parklands 2009	Not relevant to planning proposal.
Affordable Rental Housing	Through the provision of a variety of housing choices, the housing options in Mudgee will potentially cater to a range of income levels. The development proposal is not to adversely affect rental housing.

State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) applies to the whole of the State of NSW and is required to be considered in a rezoning proposal under Clause 6 of SEPP 55. Given the previous use of the site (i.e. residential component and historical grazing) the likelihood of contamination indicating the land is not suitable for the proposed concept is minimal.

Any localised surface soil contamination will require remediation before the land can be used for residential development. Should remediation be required, it is anticipated that this can occur at future development application stage. The Planning Proposal is consistent with SEPP 55.

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

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

The proposal is consistent with those 117 Directions that are relevant to the site. An overview of applicable directions and compliance is included in **Table 1**.

Table 1: Section 117 Ministerial directions

Section 117 Ministerial directions		Compliance of Planning Proposal
1.1	Business and Industrial Zones	N/A
1.2	Rural Zones	The current zoning of the land is R5 Large Lot Residential, which aims to provide residential housing in a rural setting. The zoning is not sought to be amended and is suitable for the proposed lot size amendment.
1.3	Mining, Petroleum Production and Extractive Industries	N/A
1.4	Oyster Aquaculture	N/A
1.5	Rural Lands	The objectives of this direction are to protect the agricultural production value of rural land, and facilitate the orderly and economic development of rural lands for rural and related purposes. The proposal is not predicted to restrict rural land activities.
2.1	Environment Protection Zones	N/A
2.2	Coastal Protection	N/A
2.3	Heritage Conservation	No items of European heritage are identified in vicinity of the subject site. The planning proposal adopts measures that facilitate the conservation of environmental heritage. Due diligence and mitigation measures are to be followed that will ensure the protection of any unknown Aboriginal heritage items occurring within vicinity of the future development lands. An AHIMS Search has been undertaken and attached to this proposal.
2.4	Recreation Vehicle Areas	N/A
3.1	Residential Zones	The planning proposal will create a 2ha lifestyle lot release area for the Mudgee Township and will contribute to future residential land supply in accordance with a demand quantified in the URS.
3.2	Caravan Parks and Manufactured Home Estates	N/A
3.3	Home Occupations	The planning proposal is consistent with this Direction, and the capacity for any future dwelling to accommodate small businesses will not be hindered.
3.4	Integrating Land Use and Transport	The proposal has considered the existing infrastructure, residential development patterns, and local transport issues when developing the concept plan for future subdivision. The proposal is consistent with the direction.
3.5	Development Near Licensed Aerodromes	N/A

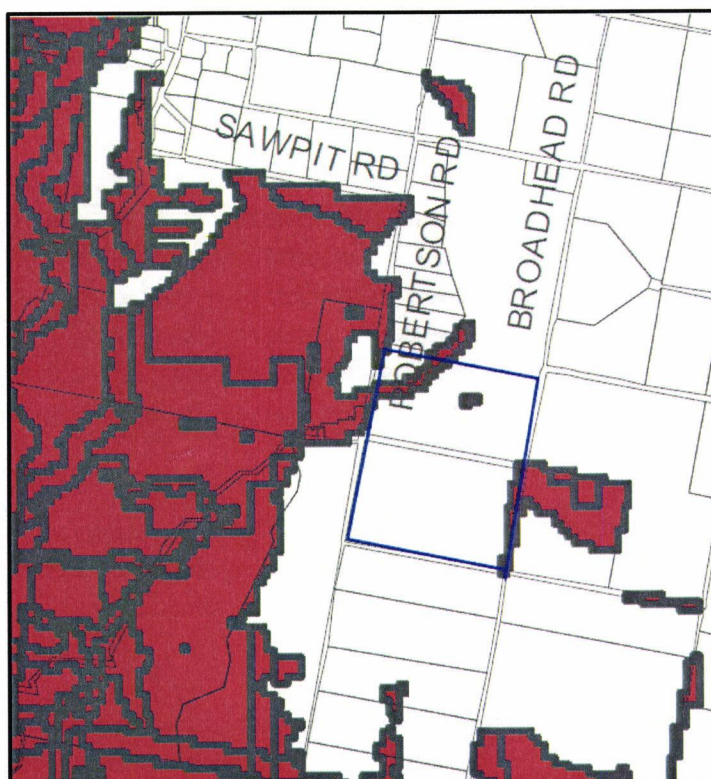
Section 117 Ministerial directions		Compliance of Planning Proposal
3.6	Shooting Ranges	N/A
4.1	Acid Sulfate Soils	N/A
4.2	Mine Subsidence and Unstable Land	N/A
4.3	Flood Prone Land	N/A
4.4	Planning for Bushfire Protection	Mid-Western Regional LGA has a bushfire prone land map prepared under s146 of the <i>Environmental Planning and Assessment Act 1979</i> . The planning proposal is partially affected by the mapped bushfire prone land. Further consideration would be required at the DA stage.
5.1	Implementation of Regional Strategies	N/A
5.2	Sydney Drinking Water Catchment	N/A
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	N/A
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	N/A
5.8	Second Sydney Airport: Badgerys Creek	N/A
6.1	Approval and Referral Requirements	This direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. The planning proposal does not include LEP provisions requiring concurrence, consultation or referral.
6.2	Reserving Land for Public Purposes	N/A
6.3	Site Specific Provisions	N/A
7.1	Implementation of the Metropolitan Plan for Sydney 2036	N/A

SECTION C - Environmental, Social and Economic Impact

Q.7. Is there any likelihood that Critical Habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The map below depicts the site in regard to the MWR LEP 2012 Sensitivity Biodiversity mapping. The land has minor constraint due to biodiversity with the majority of the land historically cleared for grazing purposes. This mapped land occurs within the road reserve and riparian corridor for Sawpit Gully. The Concept Plan has avoided disturbance of these vegetated areas.

The planning proposal is not likely to cause any impact on critical habitat or threatened species, populations or ecological communities. Site specific native flora and fauna survey is not warranted at this stage.



(Excerpt MWR LEP 2012 – Sensitivity Biodiversity Map (sheet BIO_006))

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

With reference to *A Guide to Preparing Planning Proposals*, technical studies to address an identified issue should be undertaken following the initial Gateway determination. Such studies together with community and public authority consultation can explore the mitigation of any potential impacts.

The planning proposal constraints assessment has not identified any specific technical assessment that would be required.

Heritage

Heritage aspects relevant to the site have been considered. **Appendix B** provides the AHIMS search results carried out for the wider locality. With a buffer of 1km, 18 recorded items are known for the locality. The consideration of the likelihood for occurrence of Aboriginal heritage and due diligence assessment processes will be able to be carried out in the future at DA stage. The occurrence of heritage would be able to be managed in the future and the development impacts assessed as a development layout is finalised.

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

Over recent years, & since the time of the CLUS, Mudgee has experienced a dynamic population growth influenced by mining activity in the region. The planning proposal is in response to the gap analysis and recommendations to accommodate growth for Mudgee into the future identified in the most recent strategic planning document, the Mudgee and Gulgong Urban Release Strategy. Housing demand has also been subject to the drivers of mining industry growth, population/dynamics changes, and a growing need for housing diversity. The proposal addresses the possible social and economic effects of failing to maintain an adequate and timely land release.

Mudgee has had a limited supply of 2ha lots (and greater) and a growing demand. With this in mind it is difficult to predict the demand for such lots into the future. The predicted demand is addressed in the URS:

"Large Lot Residential (2ha and over)

Demand for larger residential lots (2ha and greater) in Mudgee's urban release areas is projected to average 7 lot per annum or 37 lots over 5 years. If land is released in accordance with the recommendations of the Strategy there will be between 76 and 88 large residential lots available every five years until the year 2025. This level of supply will create a buffer of 43 to 51 lots over that period which is sufficient to meet the required 5 year buffer of 37 lots. The analysis indicates that further land may need to be released in the long term to accommodate demand in the 10-20 year period if high levels of demand for 2ha lots were sustained." Pg 88

The URS recommendations include release of up to 88 lots of 2ha lots in a 2015+ timeframe. Alternative planning proposals, including 2ha lots, were submitted to Council in 2014 and the subsequent moratorium on further planning proposals was issued by Council pending the finalisation of the URS. With the document now endorsed, reliance is made upon the findings with regard to demand and housing needs. This proposal represents a preferable alternative to supply considering the unique topographical aspects of this development site and lack of constraints.

The URS quantifies the demand, and the CLUS supports diversity in housing options. The strategy indicates that the lack of diversity in housing types arguably affects the ability of a diverse population, such as found in Mudgee, to find accommodation to suitably meet their needs. A supply of land is best sourced from varied locations and distances from town. To achieve the sought social and economic outcomes, it is believed that Council should address the current limited exiting supply of zoned land, and facilitate release of the number of predicted lots, however within a variety of settings. The subject land would offer a large lot lifestyle choice which offers a unique setting.

The property is not constrained by multiple owners and the delivery to the market is readily achieved. Market trends reported in the draft URS indicate a growing demand and limited supply of larger lot residential blocks around 2 hectares. The development site represents residential lifestyle development delivered in a coordinated manner with economic benefits of adjoining to similarly developed land. This ensures future development can proceed without foreseeable land use conflicts and unreasonable infrastructure costs.

1.3 SECTION D - State and Commonwealth interests

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

The site has current electricity and telecommunication services that would be assessed for extension to service additional lots. Servicing of public infrastructure will require consultation with appropriate public authorities at the design stage.

The proposal will generate increased volumes of traffic which will warrant due engineering assessment of the existing road system. The current provisions within MWRC DCP 2013 will be able to be met in any new roads and lot design. This can be addressed at DA stage.

The elevation of the land and variation in terrain will severely restrict the likelihood of a reticulated water & sewerage system being able to be physically implemented. The level of servicing is commensurate to expectations for 2ha lifestyle lots. The current LEP provisions and adopted servicing requirements imposed by MWRC in the past have set 2ha as the min lot size without connection to water and sewer services. Lots of areas less than 2ha are expected to be connected to reticulated services and the lot size maps reflect this. Consistent with this adopted development standard, the land is not proposed to be serviced by reticulated water or sewer.

Q.11. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the Planning proposal?

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

PART 4 - Mapping

MWRC has a SI LEP in force and mapping should be carried out consistently with the requirements of the Standard technical requirements for LEP maps. The land subject to the planning proposal is included within Land Zoning Map (Sheet LZN_006E) which is depicted in **Figure 3**. The land is currently zoned R5 Large Lot Residential, which is consistent with the objectives of the 2ha lots development.

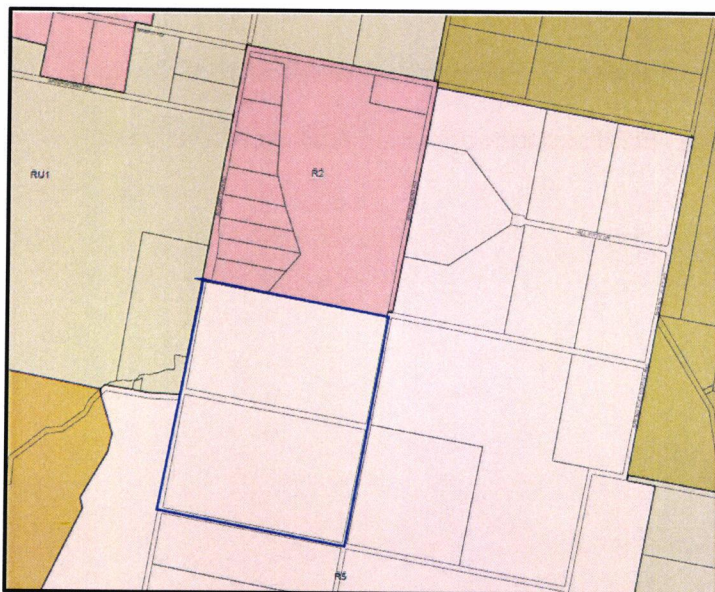


Figure 3: No Proposed change to zoning map (excerpt Land Zoning Map - Sheet LZN_006E)

The corresponding lot size map is proposed to be amended to allow the minimum 2ha lot size proposed. The land is included within Lot Size Map (Sheet LSZ_006E) which is proposed to be amended (see **Figure 4**).

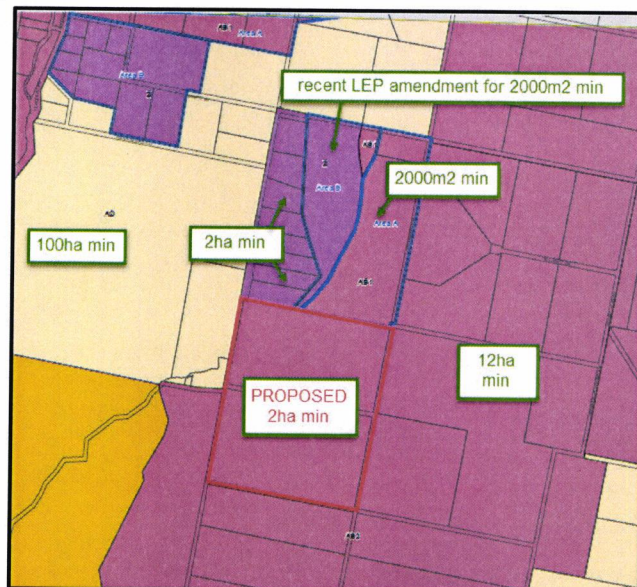


Figure 4: Excerpt Lot Size map (Sheet LSZ_006) showing location of proposed 2ha lot size amendment

PART 5 - Community Consultation

Community consultation for the Planning Proposal would be undertaken in accordance with the consultation requirements set out in *A guide to preparing local environmental plans* (DoP 2009). The consultation requirements for this Planning Proposal are expected to be confirmed by the Department of Planning and Infrastructure (DP&I) at the gateway determination.

PART 6 – Project Timeline

This will be prepared with MWRC if supported.

CONCLUSION

This Planning Proposal relates to an amendment to *Mid-Western Regional Local Environmental Plan 2012* for the relevant Lot Size Map to that part of Lot 4 DP1206488, Broadhead Road, Mudgee, south of 'Broadview Estate'. The aim of this report has been to describe the strategic merit and site suitability for the proposed amendment to the lot size map to accommodate 2ha lifestyle development.

The planning proposal has included the concept plan to highlight the following:

- Estimation of lot yield from the land;
- Feasibility of suitable building sites avoiding environmentally sensitive areas (watercourses);
- Layout of development and integration with existing road layouts; and
- Demonstrate that building sites are available that would avoid ridge lines and facilitate sites with varied views ideal for 2ha lifestyle developments.

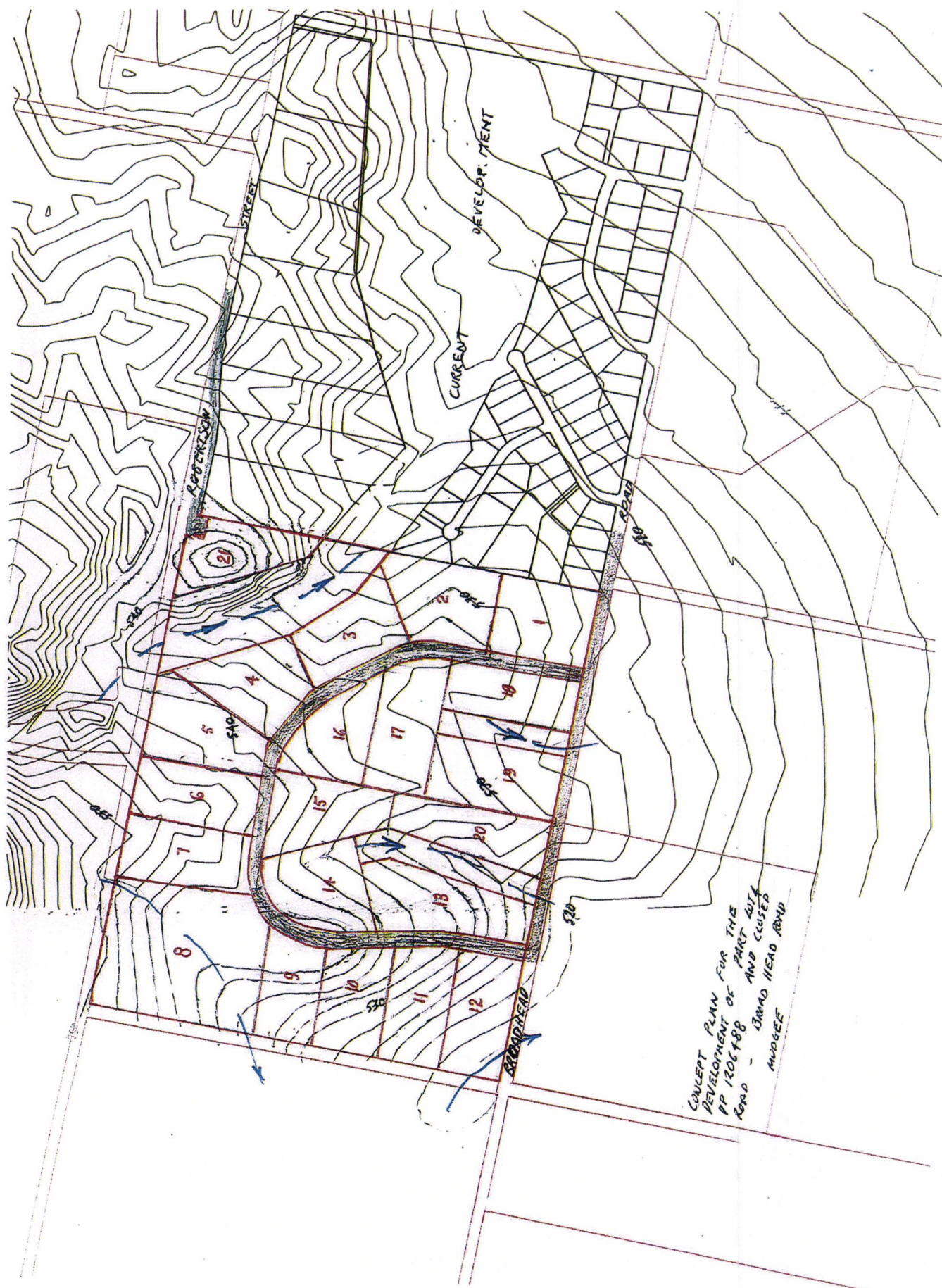
The URS reviews land available with a 20 years+ timeframe, as such this proposal is not considered premature at this time, especially considering the identified demand for this form of development. In accordance with the guiding principles of the URS, Council should maintain 5 years' worth of land zoned for each residential type as a buffer to avoid future shortage. It is acknowledged that with limited current supply it is difficult to ascertain what that demand might be over the next five years. It is envisaged that the timing of this type of development, i.e. Large Lot Residential, could be in 0-5 year timeframe without being hindered by multiple landowners.

Development is proposed that will involve the facilitation of 2ha un-serviced lifestyle lots. The land will have contiguity with neighbouring 2ha developed lots and 'Broadview Estate'. This proposal is able to partially meet the predicted demand for 2ha lots and is close to Mudgee. The development site represents residential lifestyle development delivered in a coordinated manner. This ensures future development can proceed without foreseeable land use conflicts and unreasonable infrastructure costs.

Overall, the planning proposal has made consideration of what style of lifestyle the 2ha lot is associated with, and presents land which is ideal for this type of development. The slopes lend to varied views and access to northerly aspect, the land is close to existing sealed road, and does not take up prime agricultural land. The support of this planning proposal will ensure the successful future development of the wider Mudgee community and is not hindered by environmental constraint.

Appendix A - Concept Plan

(prepared by Jabek Pty Ltd on behalf of the owner)



Appendix B – AHIMS Search

AHIMS Web Services (AWS) Search Result

Purchase Order/Reference : Consadine 1km

Client Service ID : 170141

Minespex Pty Ltd

Date: 23 April 2015

Units 1 and 2 73 Market Street

Mudgee New South Wales 2850

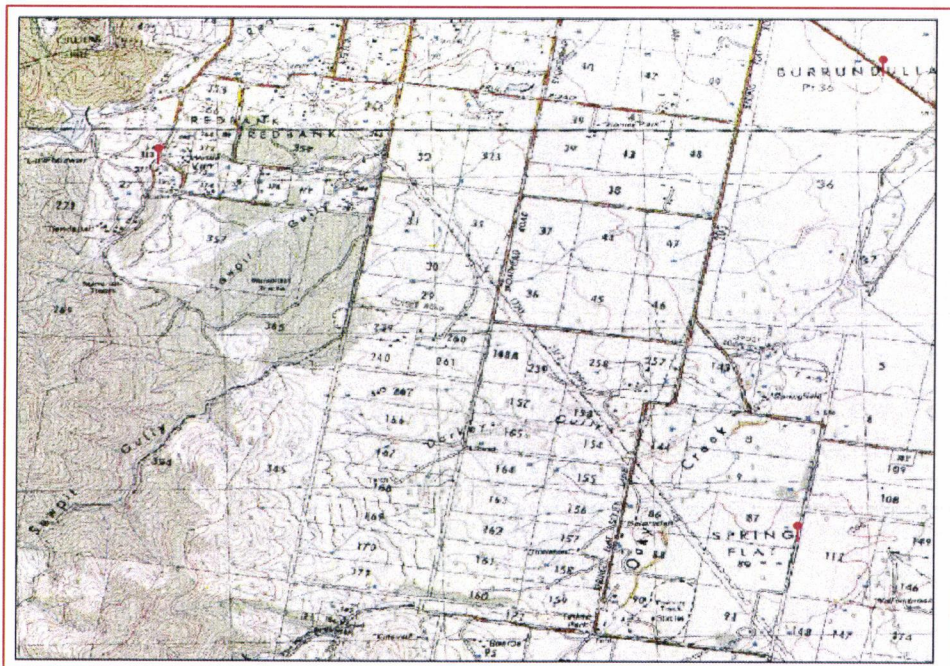
Attention: Emma Yule

Email: emma.yule@minespex.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 9, DP:DP1150667 with a Buffer of 1000 meters, conducted by Emma Yule on 23 April 2015.

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



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

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