

16 Sydney Road, Mudgee - Motel accommodation

Proposal Title : **16 Sydney Road, Mudgee - Motel accommodation**

Proposal Summary : **Additional permitted use in Schedule 1 of the Mid Western LEP 2012 for Tourist and Visitor Accommodation on the subject site.**

PP Number : **PP_2013_MIDWR_002_00** Dop File No : **13/02094**

Proposal Details

Date Planning Proposal Received : **18-Jan-2013** LGA covered : **Mid-Western Regional**

Region : **Western** RPA : **Mid-Western Regional Council**

State Electorate : **UPPER HUNTER** Section of the Act : **55 - Planning Proposal**

LEP Type : **Housekeeping**

Location Details

Street : **16 Sydney Road**

Suburb : **Mudgee** City : **Mid Western** Postcode : **2850**

Land Parcel :

Street :

Suburb : City : Postcode :

Land Parcel : **Lot 101 DP880939**

DoP Planning Officer Contact Details

Contact Name : **Daniel Wagner**

Contact Number : **0268412197**

Contact Email : **daniel.wagner@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Alex Noad**

Contact Number : **0263782723**

Contact Email : **alex.noad@midwestern.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Wayne Garnsey**

Contact Number : **0268412192**

Contact Email : **wayne.garnsey@planning.nsw.gov.au**

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	N/A	Consistent with Strategy :	N/A
MDP Number :		Date of Release :	
Area of Release (Ha) :	0.84	Type of Release (eg Residential / Employment land) :	Employment Land
No. of Lots :	1	No. of Dwellings (where relevant) :	0
Gross Floor Area :	3,272.00	No of Jobs Created :	5

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**
If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**
If Yes, comment :

Supporting notes

Internal Supporting Notes : **Planning proposal to include an Additional Permitted Use in Schedule 1 of the Mid Western LEP 2012 for tourist and visitor accommodation. Adjoining land uses include existing low impact industry, car rental agencies and sport and recreation (golf course). Current structures on site include a brick dwelling and shed.**

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The objectives of the proposal are clear, in that the proposed schedule 1 additional permitted use is to facilitate development of tourist and visitor accommodation, namely a motel with ancillary restaurant/conference facilities.**

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

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

Comment : **The proposal seeks to add 'Tourist and Visitor Accommodation' as an additional permitted use in Schedule 1 of the Mid Western LEP 2012.**

Justification - s55 (2)(c)

- a) Has Council's strategy been agreed to by the Director General? **Yes**
- b) S.117 directions identified by RPA : **1.1 Business and Industrial Zones
2.3 Heritage Conservation
4.3 Flood Prone Land**
- * May need the Director General's agreement

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6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

**SEPP No 55—Remediation of Land
SEPP (Infrastructure) 2007**

e) List any other
matters that need to
be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **No map is required, if the proposal is supported as an additional permitted use.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **14 days of consultation is recommended, as the proposal is generally consistent with the pattern of surrounding land use zones and uses and considered low impact.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation
to Principal LEP : **The Mid Western SI LEP was made on 10 August 2012.**

Assessment Criteria

Need for planning
proposal :

*** Council's report references an Economic Development Strategy, which highlights a need for a range of tourist and visitor accommodation. This strategy has not been endorsed by the Department as a means of justifying development.**

*** The existing provisions of the Mid Western LEP 2012 prohibit development for tourist and visitor accommodation in the B5 Business Development zone.**

*** As such a planning proposal is the only way to facilitate development of this type on the site.**

*** Use of the SP3 Tourist zone (in lieu of an additional permitted use) would permit**

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additional uses such as residential development on the subject site. This is considered an undesirable outcome given the nature of the surrounding land uses (bulky goods, low impact industries).

* Use of the B4 Mixed Use zone would permit for other commercial uses on the site and compromise the planning intent for the Mudgee town centre (as the primary commercial core).

* Other zones would not maintain the character and nature of the locality.

* Tourist and visitor accommodation, as an additional permitted use under Schedule 1, would not compromise the objectives of the existing zoning.

Consistency with strategic planning framework :

* Council's comprehensive land use strategy was endorsed by the Director-General in August 2011. The Mudgee Town Structure Plan within the land use strategy indicates a preferred land use of industrial on the site. The surrounding land uses are low impact industries, bulky goods retailing and car rental agencies.

* Tourist and visitor accommodation can still achieve the objectives of the B5 Business Development zone, despite being prohibited development. A site specific exception is warranted in this case.

Environmental social economic impacts :

* The planning proposal identifies SEPP 55 as being relevant, however the existing use of the land is for residential uses and contamination of the site can be thoroughly addressed at development application stage.

* The site is not identified in the Flood Planning Area of Council's LEP. Notwithstanding, Council's Managing Flood Risks DCP applies to the site, and states that tourist related developments are low risk. Further work at the development assessment stage will regulate minimum floor levels, flood affection and building components.

* A traffic impact assessment should be carried out to understand any implications for the road network during construction and operation of a tourist accommodation facility.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **14 Days**

Timeframe to make LEP : **6 Month** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) **Transport for NSW - Roads and Maritime Services**

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

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

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If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **Yes**

If Yes, reasons : *** The premises fronts the Castlereagh Highway (Sydney Road)**

Documents

Document File Name	DocumentType Name	Is Public
midwestcoverletter.pdf	Proposal Covering Letter	Yes
midwestppchecklist.pdf	Proposal	Yes
midwestapplicantppreport.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.1 Business and Industrial Zones
2.3 Heritage Conservation
4.3 Flood Prone Land
6.1 Approval and Referral Requirements
6.3 Site Specific Provisions**

Additional Information : **That community consultation be undertaken for a minimum of 14 days.
That the planning proposal be finalised in 6 months.
That consultation with NSW Roads and Maritime Services be undertaken.**

Supporting Reasons : **The use of a Schedule 1 additional permitted use is warranted in this case as other zones would potentially promote an undesirable development outcome. Tourist and visitor accommodation on the subject site would not compromise the intent of the B5 Business Development zone.**

Signature:



Printed Name:

W GARNSEY

Date:

23/1/13