



Emma Yule
BA App Sci, Grad Dip URP
Environmental Scientist

0457 711 169
emma.yule@minespex.com.au
www.minespex.com.au

PO Box 604 Mudgee NSW 2850

Consultation and operational support to the mining industry

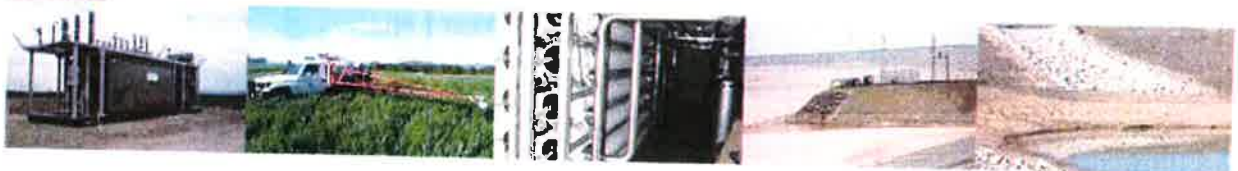
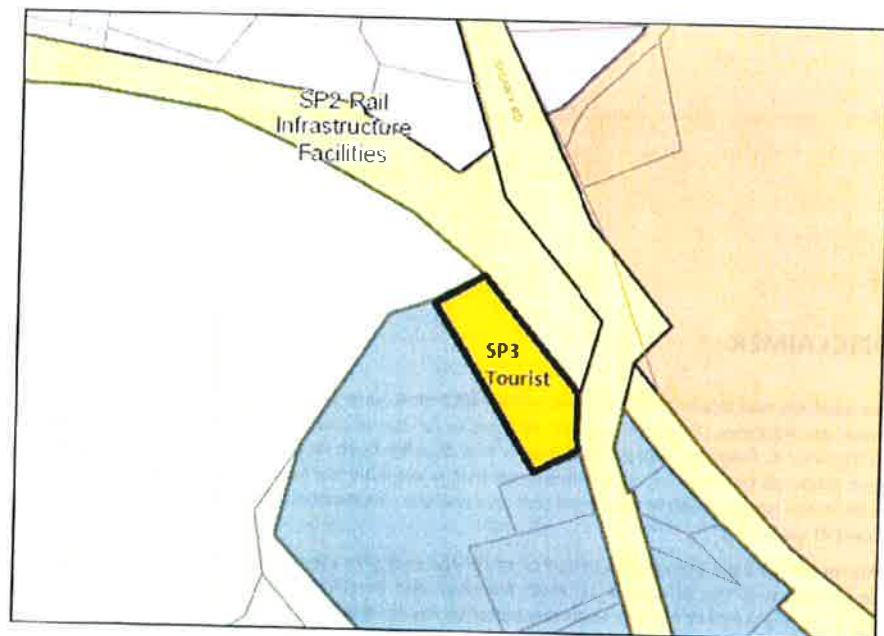
Deleki Pty Ltd

Planning Report

Proposed Rezoning of 16 Sydney Road

Lot 101 DP 880939

(B5 Business Development to SP3 Tourist Zone)



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ISSUE AND AMENDMENT CONTROL HISTORY

ISSUE	REVISION	DATE	DESCRIPTION	AUTHOR	QA/QC
1	0	AUGUST 12	DRAFT	EY	
	1	SEPT 12	DRAFT FOR CLIENT	EY	BS
	2	SEPT 12	FINAL	EY	

EXECUTIVE SUMMARY

Minespex was commissioned on behalf of Deleki Pty Ltd to prepare a Planning Proposal under Section 55 of the *Environmental Planning and Assessment Act 1979* to rezone land at 16 Sydney Road, Mudgee, to accommodate the future development of tourist and visitor accommodation i.e. a motel development. This report describes the proposed rezoning, objectives and outcomes, explanation of provisions and justification for the planning proposal.

The existing zoning is B5 Business Development and it is proposed to facilitate a site specific rezoning to SP3 Tourist Zone pursuant to the Mid-Western Regional Local Environmental Plan 2012. It is considered that the Planning Proposal is the best means of achieving the intended outcomes for the site. Implementing the site specific rezoning process, will ensure that the future development of the site is undertaken in accordance with state and local planning objectives for tourism.

This planning report has been prepared in accordance with relevant Department of Planning guidelines. The report includes a description of the site including an assessment of land use patterns of the surrounding area. It is considered that the land is appropriate along one of the major entrance corridors for Mudgee Township. The objectives and intended outcomes for the proposal have been detailed for the rezoning, with proposed concept plans highlighting the opportunities for the site as a motel development. Reasoning for the proposed development has been considered with justification supported by consideration of options, including a test of net community benefit. The proposed Mid-Western Regional Local Environmental Plan 2012 amendment is intended to facilitate the development of future motel development on the site, which will aid tourism, nominated in the Mid-Western Regional Comprehensive Land Use Strategy (LUS) is a key driver of employment growth in the region. The site's relationship to the strategic planning framework has been explored, and though 'bulky goods retailing' is focussed in the LUS predominantly fronting Sydney Road, the proposed zone with intended use is not inconsistent with the surrounding land use with the site located in close proximity to Mudgee township and the corridor's closing segment (for the industrial area). Justification for the proposal has been considerate to environmental, social and economic impacts. Design issues such as built form, scale, materials, colour and development components can be explored at the development application stage. However the planning proposal has included concept plans to highlight the feasibility of future tourist and visitor development as a motel, and the likely type of development to be pursued in the future by the developer.

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ABBREVIATIONS

AHIMS	Aboriginal Heritage Information Management System
DoP	Department of Planning
DP	Deposited Plan
DP&I	Department of Planning and Infrastructure
EDS	Economic Development Strategy
EP&A Act	Environmental Planning and Assessment Act 1979
LGA	Local Government Area
LUS	Mid-Western Regional Comprehensive Land Use Strategy
MWRLEP	Mid-Western Regional Local Environmental Plan 2012
SEPP	State Environmental Planning Policy

1 INTRODUCTION

1.1 PURPOSE AND OBJECTIVES OF THIS PLANNING REPORT

This planning proposal describes the intended effect of and justification for a proposed amendment to *Mid-Western Regional Local Environmental Plan 2012* (MWRLEP) for a site specific rezoning to accommodate the proposed development of a motel at 16 Sydney Road, Mudgee.

This planning proposal has been prepared in accordance with Section 55 of the (NSW) *Environmental Planning and Assessment Act 1979* (EP&A Act) and the following Department of Planning (DoP) guidelines:

- *A guide to preparing planning proposals* (July 2009)
- *A guide to preparing local environmental plans* (July 2009).

1.2 SITE IDENTIFICATION

The site is located in the township of Mudgee within the Mid-Western Regional Local Government Area (LGA). The site comprises land at Lot 101 Deposited Plan (DP) 880938, located at 16 Sydney Road, Mudgee NSW 2850.

1.3 BACKGROUND

The site is located on the main road transport route from Mudgee to Sydney i.e. Sydney Road (Castlereagh Highway HW18). The lot is located what is considered the edge of the industrial area of Mudgee (current B5 Business Development zone) and the residential suburbs of Mudgee (characterised by mixed uses reflective of the transport corridor), as well as adjacent existing rural uses on the edge of the urban areas of Mudgee. The site is surrounded by industrial and commercial development (including the nearby the Mudgee golf course) and residential and rural residential development. The site itself is located adjoining vacant land separating the golf course and the site. The lot is well accessed by Sydney Road, a major access route in the locality.

It is proposed to develop motel accommodation on the site to service the surrounding locality of Mudgee and the Mid-Western Regional LGA. The current zoning of the site does not permit development of motel accommodation and therefore this planning proposal intends to rezone the property accordingly. The subject proposal has been discussed with planning officers within Mid-Western Regional Council.

The developer has investigated the need for the type of development in Mudgee and with reference to the Mid-Western Region Economic Development Strategy (A 10 year plan) the need for additional

quality tourist and visitor accommodation in Mudgee has been highlighted. Council's Economic Development Strategy has listed tourism as one of the key principles to influence economic development in the region in the future. A desired outcome of the strategy is to 'Diverse tourism offerings that bring increased numbers of visitors to the region and provide positive benefits for the local community'. Strategies identified to achieve this outcome included:

- 'Attract business tourism and major events to the region focused on high quality and high yield events' and to
- 'Maintain quality infrastructure and amenities which support tourism offerings (such as accommodation, signage and tourist trails)'.

The strategy is discussed further in **Section 5.2.1.2 Economic Development Strategy**. The landowner/developer believes that as the Strategy is implemented and with the current level of tourist accommodation available to support major events in the region, a need is clear to facilitate investment into the future growth and prosperity of Mudgee and the Mid-Western Region. With the recent growth of the facilities in the Mudgee district, such as the development of the Glen Willow complex, support to tourism ventures/events is necessary in the growth of associated businesses such as tourist accommodation.

The developer is experienced and knowledgeable in the tourist industry, operating the Mudgee Tourist and Van Resort, Lions Drive Mudgee for over 25 years. The development aims to take advantage of the growth of the Mudgee region and the success of the tourist accommodation sector in supplying accommodation for tourists and visitors to the region. Additional growing demand for accommodation and conferencing facilities within Mudgee is predicted. Ensuring that the adequate types and quantity of accommodation are available ensures that the Mid-Western Region is better equipped to deal with the demand. Discussions with the proponent and Mid-Western Regional Council representatives to date have indicated support for the type of development proposed in the current climate.

2 SITE DESCRIPTION

2.1 SITE LOCATION

The subject site is situated on land located at 16 Sydney Road, Mudgee, located approximately 2 kilometres (km) south-east of the Mudgee Central Business District (CBD) in the Mid-Western Regional Local Government Area (LGA). The site is approximately 8,408m² in area and is legally described as Lot 101 Deposited Plan (DP) 880939.

An existing brick veneer residential dwelling and associated buildings (detached shed) are currently located in the south of the site with the remainder of the site relatively cleared of vegetation. Some site photographs are attached in **Appendix A**. These structures would be demolished for future development.

A locality map is shown at **Figure 1**.

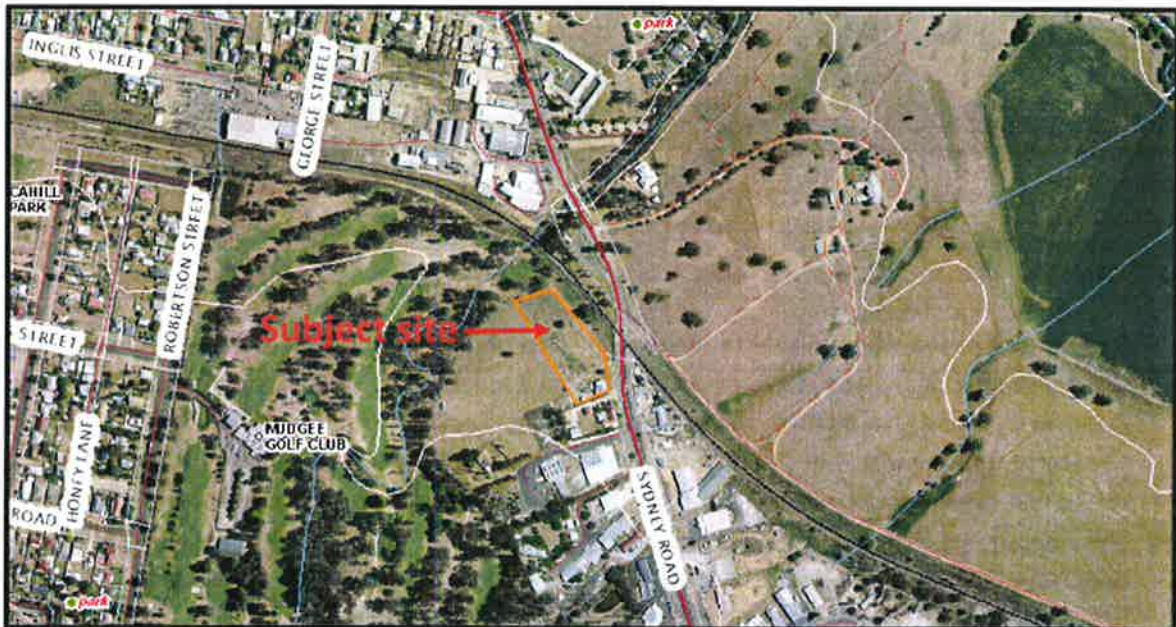


Figure 1: Locality Map

(Source: Department of Lands)

2.1.1 Land use patterns of the surrounding area

The locality surrounding the site comprises a mix of land uses including residential, rural residential and industrial. Sydney Road, to the east of the site, is one of the major road corridors within the area. The site is also located adjoining the Wallerawang Gwabegar Railway line to the east. The surrounding land uses are a reflection of the historic influence of the local drainage patterns, rural enterprises, and development constraints such as the railway and the road transport corridor

forming significant influences in development patterns. Some existing features of the surrounding area are highlighted in **Figure 2: Surrounding Land Use**, below.

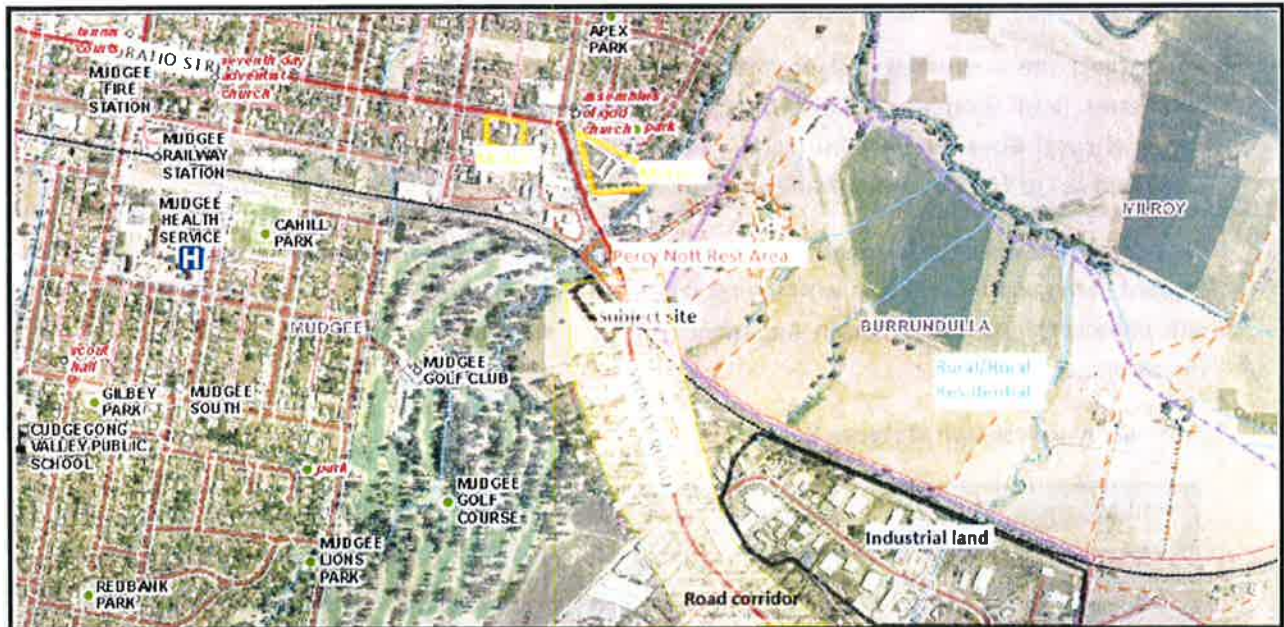


Figure 2: Surrounding Land Use

(Source: Department of Lands)

Further east of the site are rural residential localities of Burrundulla and Milroy. To the immediate north and west of the site is vacant B5 zoned land adjoining the Mudgee Golf Course. Beyond the golf course, land to the north of the site beyond the golf course comprises a light industrial area and the residential areas within the suburb of Mudgee. To the immediate south of the site is some residential development and beyond that, the main industrial area of Mudgee comprising of some bulky goods retailing and light industry along the transport corridor, with 'heavier' industries set back from the corridor in Industrial Avenue. Opposite the site on the northern side of the railway is the Percy Nott Rest Area, featuring amenities and tourist directional signage. A foot crossing of Redbank Creek is provided at the rest area.

Nearby motels are noted in **Figure 2: Surrounding Land Use**. Bed and breakfast type accommodation is also located in Mulgoa Way in vicinity to the development site. Other businesses such as the Landmark Harcourt's (property agents) and the White Tigers Centre (martial arts) located within units at 10 Sydney Road highlight how the locality is characterised by mixed uses at the edge of industrial and residential precincts.

2.1.2 Drainage and Flooding

The site is located approximately 40m from Redbank Creek however is located outside of the associated Flood Planning Area identified under MWRLEP. The majority of the site falls within the Low Flood Risk category (PMF) as defined under *Development Control Plan Managing Flood Risks*.

2.1.3 Road network

The site has access to Sydney Road, a major road corridor, from the south-east. The subject road discussed forms part of the Castlereagh Highway (HW18). The road is classified under Roads Act 1993 and has a legal class of 'Highway' and 'State' administrative class.

The length of frontage to Sydney Road is 47.52m. Adequate land is available to provide a suitable access to a future tourist and visitor accommodation development.

2.1.4 Heritage

The rural residential land to the east of the site, on the opposite side of Sydney Road and the railway line, is shown as a 'Heritage Item – General' under MWRLEP. The heritage item is listed as I402 - Burrundulla Station and homes and is an item of local heritage significance.

A search was completed for the site of the Office of Environment and Heritage Aboriginal Heritage Information Management System (AHIMS) web services. The search showed that:

- No Aboriginal sites are recorded in or near the above location
- No Aboriginal places have been declared in or near the above location.

The AHIMS search is attached at **Appendix B**.

2.2 CURRENT ZONING

The site is located wholly within the Mid-Western Regional LGA and is subject to the provisions of Mid-Western Regional LEP 2012. The *Mid-Western Regional Local Environmental Plan 2012* (MWRLEP) commenced on 10 August 2012 and replaced the previous *Mid-Western Regional Interim Local Environmental Plan 2008* which applied to the site.

Land the subject of this planning proposal is located within the *B5 Business Development* zone under MWRLEP (refer to **Figure 3: Current zoning under Mid-Western Regional Local Environmental Plan 2012**). Under the provisions of MWRLEP, 'hotel or motel accommodation' is defined as a type of 'tourist and visitor accommodation'. 'Tourist and visitor accommodation' is listed as a prohibited use within the B5 Business Development zone under MWRLEP.

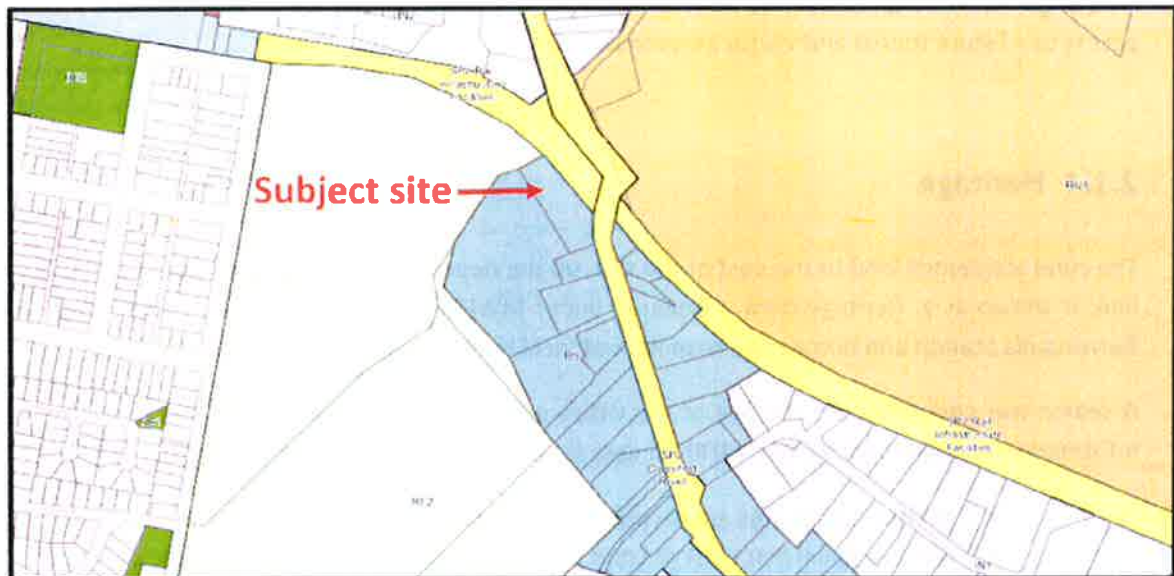


Figure 3: Current zoning under Mid-Western Regional Local Environmental Plan 2012

(Source: Mid-Western Regional Council)

3 OBJECTIVES AND INTENDED OUTCOMES OF THE PROPOSAL

The type of proposed development has been explored in concept plans prepared by SUNRAI Designs (provided as **Appendix C Concept Plans**). The development concept includes an 80 room two storey motel, including restaurant/conference centre, pool, reception, car parking and internal road network, as shown on the site plan. The site is able to support a sophisticated development complimenting the entry to Mudgee Township, at the fringe of the B5 Business development zoning/industrial area, from Sydney Road entry to Mudgee.

MWRLEP defines 'hotel or motel accommodation' as:

a building or place (whether or not licensed premises under the Liquor Act 2007) that provides temporary or short-term accommodation on a commercial basis and that:

- a) comprises rooms or self-contained suites, and*
- b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,*

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

Note. *Hotel or motel accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.*

'Tourist and visitor accommodation' is defined in MWRLEP as:

a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:

- a) backpackers' accommodation,*
- b) bed and breakfast accommodation,*
- c) farm stay accommodation,*
- d) hotel or motel accommodation,*
- e) serviced apartments,*

but does not include:

- f) camping grounds, or*
- g) caravan parks, or*
- h) eco-tourist facilities.*

It is understood that the proposed motel development with associated facilities, will be defined as 'tourist and visitor accommodation' under MWRLEP.

The objectives and land use table for the *Zone SP3 Tourist* are provided below. Tourist and visitor accommodation are permissible with consent in this zone.

1 Objectives of zone

- *To provide for a variety of tourist-oriented development and related uses.*

2 Permitted without consent

Home-based child care; Home businesses; Home occupations; Roads; Water reticulation systems

3 Permitted with consent

*Amusement centres; Aquaculture; Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Child care centres; Dual occupancies; Dwelling houses; Eco-tourist facilities; Entertainment facilities; Environmental protection works; Flood mitigation works; Food and drink premises; Function centres; Health consulting rooms; Helipads; Hostels; Information and education facilities; Kiosks; Multi dwelling housing; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Residential flat buildings; Secondary dwellings; Semi-detached dwellings; Timber yards; **Tourist and visitor accommodation***

4 Prohibited

Any development not specified in item 2 or 3

3.1 STATEMENT OF OBJECTIVES AND OUTCOMES

Through the planning proposal, it is intended to rezone the site to 'SP3 Tourist' to allow for motel development, defined as 'tourist and visitor accommodation' under MWRLEP. The objective of the zone is to provide for a variety of tourist-oriented development and related uses.

The objective of the planning proposal is to enable the redevelopment of the site at 6 Sydney Road, Mudgee, for tourist and visitor accommodation (motel development).

3.2 DETAILS OF THE PROPOSED ACTIVITY TO BE CARRIED OUT ON THE LAND IF IT IS REZONED

It is proposed to develop motel accommodation on the site. A concept plan of the proposed development is attached at **Appendix C**.

The concept plan illustrates one option for development of the site for motel accommodation. This option shows an 80 room motel development, two storeys in height. Other potential uses forming part of the motel development include restaurant/conference centre, reception, pool and car parking at grade surrounding the rooms.

The development would be accessed from Sydney Road in the south-east side of the site via an internal road network accessing the car parking spaces. The development has been designed such that the car parking and landscaping areas provide a buffer between the motel development and surrounding land uses, including Sydney Road and the railway line.

Construction material used would be varied to form visual features on larger facades, where appropriate to design. Design components related to scale, materials, and colour can be explored further at the development application stage.

Design principles to be adopted in the future will be considerate to the surrounding zoning and existing uses. Future design will be considerate to the road corridor. Potential noise impacts to the amenity of occupants of the motel will be addressed in design. Visually presentation of the development will be addressed through providing use of a variety of textures and shapes to add interest to long/larger facades and provide contrast in scale of the development. Colour as a tool to be utilised and supported by complimenting landscape species, will assist in providing unity to a larger development such as a motel with separate restaurant and conference buildings. Landscaped areas integrated with signage will feature at the road frontage and 'soften' the development visually to the road.

4 EXPLANATION OF PROVISIONS

The proposed objective of the planning proposal will be achieved by:

1. Amending MWRLEP Land Zoning Map (Sheet LZN_006H) in accordance with the proposed Land Zoning Map shown in Appendix D to rezone land at Lot 101 DP 880939, 16 Sydney Road, Mudgee to *SP3 Tourist*.

5 JUSTIFICATION

This section sets out the reasoning for the proposed site specific rezoning at 16 Sydney Road, Mudgee, taking into consideration the intended outcomes and objectives outlined above. The following questions are based on requirements contained in DoP's *A guide to preparing planning proposals* (July 2009) 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.

5.1 NEED FOR THE PLANNING PROPOSAL

5.1.1 Consideration of options

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

The Planning Proposal is not the result of a strategic study or report. The future development will be informed by technical studies as required, including traffic assessment and flooding impact studies if required.

The proposed future development of the site comprises tourist and visitor accommodation in the form of a motel accommodation development to service the surrounding locality which includes tourism. The site is considered advantageous for the proposed development due to its proximity to Mudgee airport, access from Sydney Road and proximity to surrounding residential and mixed use, including other tourist and visitor accommodation.

This application intends to amend the zoning of the land to SP3 Tourist to better reflect the intended use of the site, and is appropriate for the location.

It is considered that the Planning Proposal is the best means of achieving the objectives for the site. The current zoning restricts the use of the site for motel development through the definition of 'tourist and visitor accommodation'. Implementing the site specific rezoning will ensure that the future development of the site is undertaken in accordance with state and local planning objectives for tourism.

The proposed motel development is considered likely to achieve a net community benefit, as determined by the application of the Net Community Benefit Test adapted from the *Draft Centres Policy: Planning for retail and commercial development* (April 2009), which provides a series of questions to determine the nature of a Planning Proposal, as detailed in Table 1 below.

Table 1 Net community benefit test

Question	Application to Planning Proposal
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800 metres of a transit node)?	Yes. The <i>Mid-Western Regional Comprehensive Land Use Strategy</i> (LUS) states that 'tourism is a significant and growing component of the local economy' in Mudgee which is one of the key drivers of employment growth in the region. However, due to the site's proximity to the adjoining industrial development to the north and south, Figure 3.1 of the LUS - Mudgee Town Structure Plan identifies the site for future industrial development. Due to the site's proximity to Mudgee Township and also location on Sydney Road, with access to Mudgee airport as well as other suburbs within the region, the location of a motel on the site is not inconsistent with the overall intended structure of Mudgee. The site is bound on two sides by a golf course and rural residential land and will not be incompatible with these land uses.
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy?	The NSW Government is currently preparing a draft strategic regional land use plan for the Western region.
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	No. The proposed rezoning is site specific and has been discussed with Council's planning staff.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	The MWRLEP commenced on 10 August 2012. There have been no previous rezoning proposals in the locality under the LEP to date.

Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	The MWRLEP amendment will facilitate a motel development on the site which will facilitate a permanent employment generating activity.
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	No. The proposed motel is for 80 rooms only and for short-term stay. Council's planning framework will ensure that the use is carried out for short-term stay only. Therefore the proposed motel will not impact upon the supply of residential land.
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?	The site is located off Sydney Road, a major road corridor and described in the Mudgee Town Structure Plan as a main entrance corridor into town. This road has direct access to Mudgee, other suburbs in the locality as well as the Mudgee airport. A railway line is also located adjoining the site and preliminary consultations have been held with ARTC, with no feedback to date.
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	No the proposed use of the site is for a motel development and will be utilised by tourists accessing the area.
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?	No.
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	No environmental impacts have been identified on the site. The site is not within an identified Flood Planning Area under MWRLEP. Provisions of the Development Control Plan Managing Flood Risks can be applied to any future development application.
Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community?	The proposed use of a motel is not inconsistent with the surrounding land use. Land to the east and west comprise rural residential development and a golf course. The proposed use will not adversely impact on either use. Land to the immediate north and south comprises industrial development and further beyond, the residential areas of Mudgee. The proposed design of the motel development will ensure that car parking, internal roads and landscaping will provide a buffer to the motel rooms. The location of the proposed motel on Sydney Road will provide access to the greater Mid-Western Region. It is therefore considered that the proposed development will not be incompatible with the surrounding land uses.
Will the public domain improve?	It is anticipated that Council's planning instruments will ensure that adequate landscaping is provided along the boundaries of the site to ensure amenity is not compromised from the public domain.
Will the proposal increase choice and competition by increasing the number of retail and commercial	The proposed development of the site is for motel development comprising 80 rooms. The <i>Mid-Western Regional Comprehensive Land Use Strategy</i> (LUS)

premises operating in the area?	states that 'tourism is a significant and growing component of the local economy' in Mudgee which is one of the key drivers of employment growth in the region. Therefore it is considered that the region can support the proposed development.
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	The MWRLEP amendment would not have the potential to develop into a centre.
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	The MWRLEP amendment is intended to facilitate the development of future motel development on the site which will aid tourism, nominated in the Land Use Strategy (LUS) as a key driver of employment growth in the region. Should the planning proposal not proceed, the development is unlikely to be approved on the site. Also the opportunity to provide greater available motel rooms to the Mudgee district will likely be lost in the immediate timeframe as delay in development was to be minimised by the developer if rezoning was to proceed.

5.2 RELATIONSHIP TO THE STRATEGIC PLANNING FRAMEWORK

5.2.1 Local Strategic Plans

5.2.1.1 Relationship to land use strategy

The Mid-Western Regional Comprehensive Land Use Strategy (LUS) was prepared by Parsons Brinckerhoff (October 2009) and provides a basis for identifying options for Mid-Western Regional local government area to meet long term urban and rural growth needs. The LUS provides a context for future land use and informed the preparation of the MWRLEP.

The LUS states that 'tourism is a significant and growing component of the local economy' in Mudgee which is one of the key drivers of employment growth in the region.

Due to the site's proximity to the adjoining land marked as industrial development to the north and south, Figure 3-1 of the LUS - Mudgee Town Structure Plan - identifies the site for future industrial development. The LUS states that all bulky goods retailing should continue to be focused towards the Sydney Road area in Mudgee, predominantly fronting Sydney Road.

It is considered that the location of a motel at the site will not be inconsistent with the surrounding land use and the adjoining industrial areas are identified to comprise mainly bulk goods retailing as opposed to heavy industrial uses. Also, the site is bound on two sides by a golf course and rural residential development and is in close proximity to residential areas within Mudgee.

Also, due to the site's proximity to Mudgee and also location on Sydney Road, with access to Mudgee airport as well as other suburbs within the region, the location of a motel on the site is not inconsistent with the overall intended structure of Mudgee. Sydney Road is identified in the LUS as a main entrance corridor into town and would provide easy access from the motel to nearby wineries and other tourist development.

Although the proposed development is inconsistent with the LUS in that the location is identified for industrial development, the location of the proposed motel development would not be incompatible with the surrounding land uses and would not cause any adverse impacts to the surrounding locality and provides a net community benefit as described.

*5.2.6 * Economic Development strategy*

Mid-Western Regional Council has prepared an Economic Development Strategy (EDS) outlining a future economic direction for the Region 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 EDS identifies that tourism is one of the eight key principles that will influence economic development in the region in the future. One of the strategies outlined to attract more visitors to the region is to maintain quality infrastructure and amenities which support tourism offerings, including accommodation. Another long-term activity identified in the EDS is to promote conference facilities to 'target audiences' within the Region.

The proposed motel development includes a restaurant/conference centre and would aid Council in achieving this long-term initiative identified in the EDS. Furthermore, the proposed motel will be in close proximity to Mudgee, the airport, wineries and other tourism development and provide an additional accommodation development in the Region, which would aid in influencing economic development in the Region in the future. The proposed motel development is therefore considered to be consistent with the EDS.

5.3 STATE ENVIRONMENTAL PLANNING POLICIES

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

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. The site the subject of this planning proposal is currently vacant land and is located adjoining a golf course to the west. Given this previous use of the site, it is not anticipated that the site would be contaminated or require remediation before the land can be used for motel development.

Should remediation be required, it is anticipated that this can occur at future development application stage. The Planning Proposal is not inconsistent with SEPP 55.

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) applies to the site. Clause 15 of the ISEPP refers to consultation with councils – development with impacts on flood liable land, and states:

- 1) *In this clause, **flood liable land** means land that is susceptible to flooding by the probable maximum flood event, identified in accordance with the principles set out in the manual entitled Floodplain Development Manual: the management of flood liable land published by the New South Wales Government and as in force from time to time.*
- 2) *A public authority, or a person acting on behalf of a public authority, must not carry out, on flood liable land, development that this Policy provides may be carried out without consent and that will change flood patterns other than to a minor extent unless the authority or person has:*
 - a) *given written notice of the intention to carry out the development to the council for the area in which the land is located, and*
 - b) *taken into consideration any response to the notice that is received from the council within 21 days after the notice is given*

The Mid-Western Regional Council's *Managing Flood Risks Development Control Plan* (DCP) applies to the site and provides general provisions for development applications relating to all the floodplains and specific provisions relating to individual floodplains which are subject to the Floodplain Management Plan.

Tourist related development is listed as low flood risk in the DCP. Low Flood Risk within the Mudgee township and environs area is identified in the DCP as all other land within the floodplain (i.e. within the Probable Maximum Flood) but not identified as either in a high flood risk or medium flood risk precinct. Specific planning and development controls relating the floor level, building components and flood affection will need to be considered at development application stage.

Assessment of whether clause 85 Development immediately adjacent to rail corridors is applicable to future developments would be required for future development applications, but is not required for rezoning proposals. Similarly, clause 87 Impact of rail noise or vibration on non-rail development should be considered at the development application stage but is not required to be assessed by Council for rezoning proposals. This clause will require the consideration of guidelines issued for the purposes of this clause and published in the gazette. Currently guidelines to be considered in the future are 'Development Near Rail Corridors and Busy Roads Interim Guideline'. Depending on future development design, methodology for compliance with the guideline would be addressed in a future development application.

5.4 APPLICABLE MINISTERIAL DIRECTIONS (S.117 DIRECTIONS)

Section 117 of the 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. A summary of applicable directions and compliance is included in Table 2.

Table 2 Section 117 Ministerial directions

Section 117 Ministerial directions	Compliance of Planning Proposal
1.1 Business and Industrial Zones	The Planning Proposal will not reduce the total potential floor space for employment uses in business zones. The proposed development is considered consistent with this direction in that it provides an employment generating activity.
2.3 Heritage	No items of Aboriginal or European heritage have been identified in the subject site. The proposed development will not impact on the adjoining item of local heritage significance.
4.3 Flood Prone Land	The site is not located within the Flood Planning Area identified within MWRLEP. A Flood Planning Area is identified adjoining the site surrounding the Redbank Creek.
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 provisions requiring concurrence, consultation or referral.

The Planning Proposal is considered to be consistent with the applicable Ministerial directions as identified above.

5.5 ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

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

The Planning Proposal involves site specific rezoning from B5 Business Development to SP3 Tourist in order to facilitate development of tourist and visitor accommodation. Given the site's location adjacent to a major road corridor and the fact that it is identified in the Land Use Strategy for future industrial development of bulky goods retailing, there is a low likelihood that Critical Habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the Planning Proposal and subsequent motel development.

The site is not identified as having high or moderate biodiversity sensitivity on the Sensitivity Biodiversity Map (BIO_006) within MWRLEP.

A flora and fauna assessment report can be undertaken at development application stage, if required.

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

5.5.2.1 Flooding

The site is located within 40m of Redbank Creek however is situated outside of its associated Flood Planning Area identified within MWRLEP. Development of motel accommodation is therefore not considered to be affected by flooding impacts. Further investigation can be undertaken at development application stage, if required.

With consideration of the majority of the site falling within the Low Flood Risk category as defined under *Development Control Plan Managing Flood Risks* the provisions of the DCP have been considered. Attention has been made as to whether future development is capable of responding to the provisions appropriately. Motel developments are considered in the Commercial & Industrial land use category of the DCP. For floor levels, 'all floor levels for this flood risk are to be equal to or greater than the 20 Year ARI flood (plus freeboard) unless justified by a site specific assessment'. Future development will be able to comply with this provision in future design consideration. Pertaining to building components and methods, 'all structures to have flood compatible building components below or at the 100 Year ARI flood level (plus freeboard)'. This is also able to be addressed in development plans at the Development Application stage. Flood affectation considerations of the DCP require 'engineer's report to certify that the development will not increase flood affectation elsewhere'. Similarly, this requirement is for the development stage and does not hinder further consideration of the planning proposal for reasons of potential flooding.

5.5.2 Motel Development

An indicative concept plan for the proposed motel development has been attached at **Appendix C** showing an option for the layout of the motel and car parking. This design shows a two-storey development with 40 rooms on each level. Potential amenity issues such as privacy and overshadowing will be addressed through detailed built form design at development application stage. It is intended to mitigate any potential amenity impacts through positioning the buildings in the centre of the site with car parking and landscaping surrounding the central building, as shown on the concept plan.

5.5.3 Transport and Accessibility

The site is located adjacent to Sydney Road, a major transport corridor in the Region and identified as a main entrance corridor into town. The proposed entrance to the development will be from Sydney Road in the south-east of the site, above where the existing driveway to the dwelling is currently located. A traffic impact assessment can be prepared if required to accompany any development application which will consider impacts during construction and operation and address transport/access issues as required.

5.5.4 Demand

Other potential impacts of the proposed rezoning and subsequent development of the site include the demand for infrastructure and utility services and demand for community facilities and social services. The Economic Development Strategy prepared for Council indicates that one of the key economic drivers within the Region is tourism and infrastructure including accommodation is required in order to service the tourism industry in the area.

It is considered that the site can be adequately serviced and the existing infrastructure, particularly Sydney Road, is sufficient to service the proposed development of motel accommodation.

5.6 STATE AND COMMONWEALTH INTERESTS

5.6.1 Is there adequate public infrastructure for the planning proposal?

The site is located adjacent to Sydney Road and railway corridor (not in use). Sydney Road is identified in the LUS as a main entrance corridor into town and is a major road corridor connecting Mudgee to the airport and adjoining areas. This infrastructure is considered sufficient to provide access to the future development of motel development and therefore is considered acceptable for

the Planning Proposal. The site is serviced by town water and sewer and has existing electricity connection.

5.6.2 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.

6 DETAILS OF THE COMMUNITY CONSULTATION THAT IS TO BE UNDERTAKEN ON THE PLANNING PROPOSAL

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.

7 CONCLUSION

This Planning Proposal relates to a site specific rezoning by way of an amendment to *Mid-Western Regional Local Environmental Plan 2012* for land at 16 Sydney Road, Mudgee. The aim of this report has been to describe the proposed amendment to the Land Zoning Map to permit the development of motel accommodation on the site.

The proposed amendment will not cause any negative environmental, social or economic impacts to the surrounding locality and is generally consistent with the applicable strategic planning frameworks as demonstrated in this report.

8 REFERENCES

Department of Planning (DoP) (July 2009) *A guide to preparing planning proposals.*

Department of Planning (DoP) (July 2009) *A guide to preparing local environmental plans.*

Department of Planning (DoP) (July 2008) *Development Near Rail Corridors and Busy Roads Interim Guideline.*

Mid-Western Regional Council (February 2008) *Development Control Plan Managing Flood Risks*

Mid-Western Regional Council (2010) *Mid-Western Region Economic Development Strategy A 10 Year Plan.*

Parsons Brinckerhoff (October 2009) *Mid-Western Regional Comprehensive Land Use Strategy.*

APPENDIX A – SITE PHOTOGRAPHS



Existing site
conditions, (north
of existing dwelling)



Existing Dwelling
and Shed to rear
(view from Sydney
Road)



Existing driveway
crossover (view
from Sydney Road)
(Rail crossing in
background)



Existing site
conditions, adjacent
dwelling
(outbuildings in
background on
adjacent land)

APPENDIX B – AHIMS SEARCH



Office of
Environment
& Heritage

AHIMS Web Services (AWS) Search Result

Your Ref Number: Swords Sydney Rd

Client Service ID: 73259

Date: 26 June 2012

Minespex Pty Ltd
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: 101 DP:DP880939 with a Buffer of 200 meters, conducted by Emma Yule on 26 June 2012

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 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.

APPENDIX C – CONCEPT PLANS

Notes

1. Builder to confirm all dimensions before commencing any works.
2. If discrepancies occur on plans, designer is to be contacted.
3. All dimensions are in millimeters unless otherwise stated.
4. Use figured dimensions only. Do not scale from plans.
5. Site information is based on information supplied by the owner and must be verified by the supplier on acceptance of this plan.

OPTION 1 - 80 ROOMS	BUILDING AREA	VERANDAH AREA
WING 1	1088	179
WING 2	796	288
WING 3	1088	179
TOTAL	2972	646
CONTRAST	300	

C	ADD LANDSCAPING	17/08/12
B	PRELIMINARY	17/08/12
A	PRELIMINARY	25/07/12
Issue	Description	Date

SUNRAI designs

Robert Jones Architects
 4 Robert Jones Street, Mudgee NSW 2850
 P: 02 6372 3103 M: 0418 605 898
 E: sunraidesigns@gmail.com

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Client
 Deleki PTY LTD

Project
 Lot 101 Sydney Road
 Mudgee NSW 2850

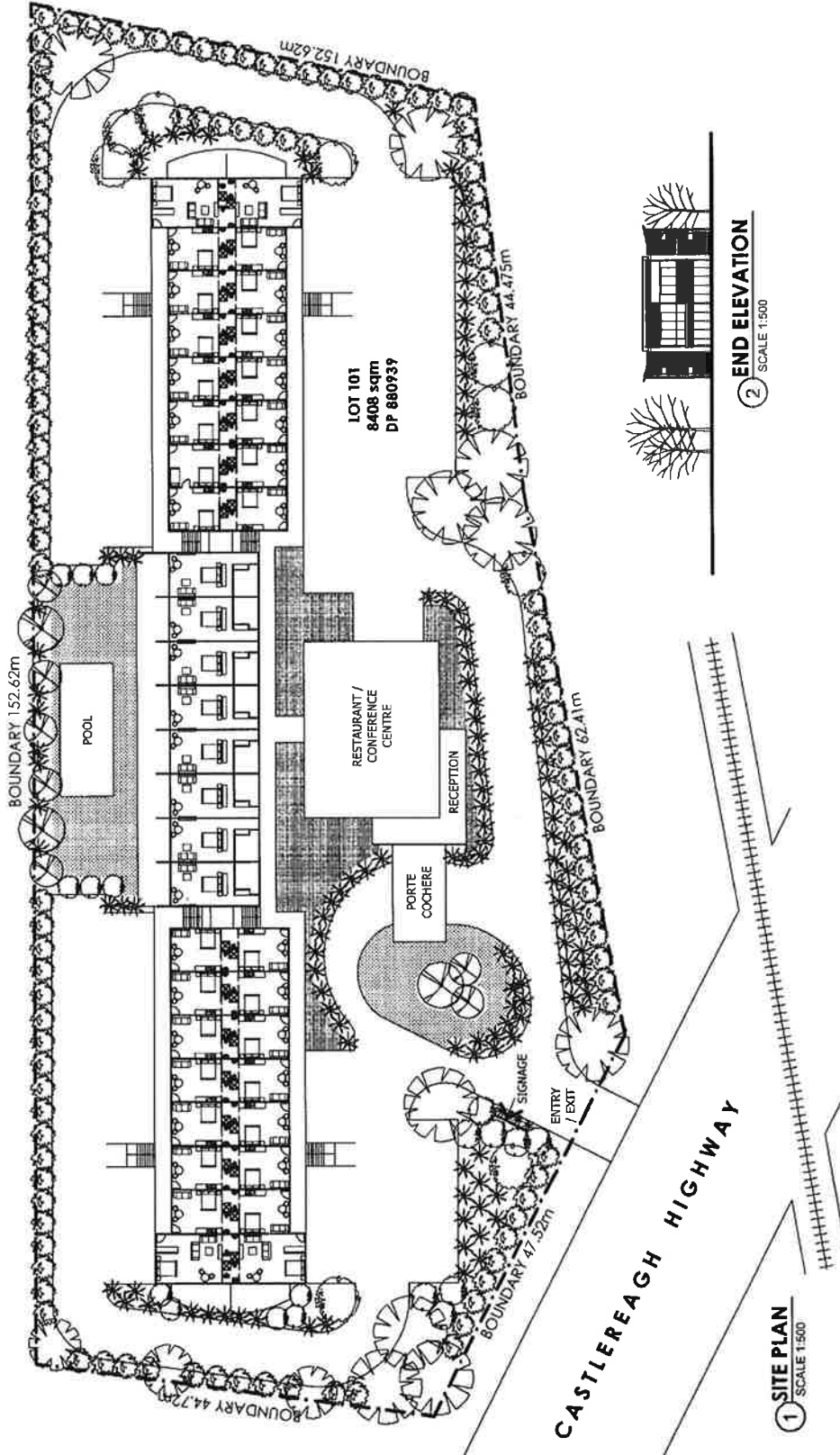
Title
 SITE PLAN

Scale at A3
 1:500

Date
 JULY 2012

Drawing No
 310SWO-SK01

Issue
 C



2 END ELEVATION
 SCALE 1:500



3 STREET ELEVATION
 SCALE 1:500

PROPOSED MOTEL

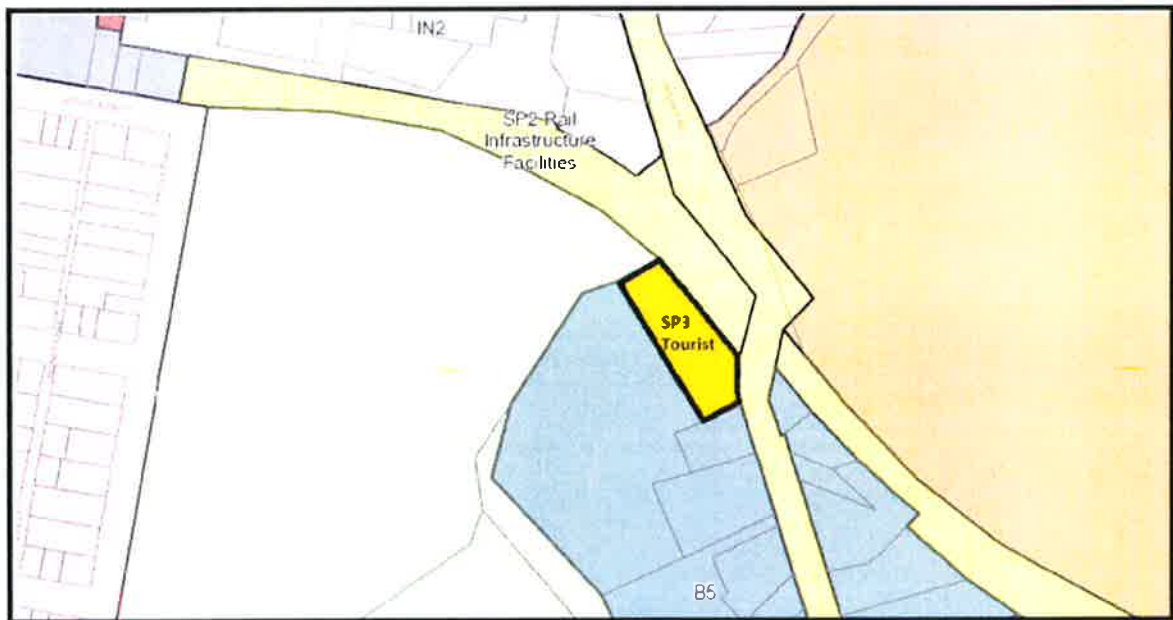
LOT 101 SYDNEY ROAD MUDGEEE

FOR
SWORDS CONTRACTING

SUNRAI | designs



APPENDIX D - PROPOSED ZONING UNDER MID-WESTERN REGIONAL LOCAL ENVIRONMENTAL PLAN 2012



Amending MWRLEP Land Zoning Map (Sheet LZN_006H) in accordance with the proposed Land Zoning Map shown in Appendix D to rezone land at Lot 101 DP 880939, 16 Sydney Road, Mudgee to SP3 Tourist as depicted above.

