

Request for Initial Gateway Determination

Instructions to Users

When forwarding a planning proposal to the Minister under section 56(1), the relevant planning authority must provide the information specified on this form. This form and the required information should be sent to your local Regional Office. Please note one (1) electronic copy and two (2) hard copies of the completed Planning Proposal must be sent to your local Regional Office.

Relevant Planning Authority Details

Name of Relevant Planning Authority: Mid-Western Regional Council

Contact Person: Alex Noad

Contact Phone Number and Email Address: 0263782723

alex.noad@midwestern.nsw.gov.au

Planning Proposal Details - Attachments

- | | | |
|----|--|-----------------------------|
| 1. | LAND INVOLVED (If relevant - e.g. Street Address and Lot and Deposited Plan): | Attached/Completed ✓ |
| 2. | MAPS (If applicable – 1 electronic and 2 hard copy) <ul style="list-style-type: none">○ Location map showing the land affected by the proposed draft plan in the context of the LGA (tagged 'location map').○ Existing zoning map showing the existing zoning of the site and surrounding land and proposed zoning change for the site/s (tagged 'comparative existing/proposed zoning') | ✓ |
| 3. | PHOTOS and other visual material (if applicable) <ul style="list-style-type: none">○ Aerial photos of land affected by the Planning Proposal○ Photos of land involved and surrounding land uses | ✓ |
| 4. | COMPLETE PLANNING PROPOSAL (1 electronic and 2 hard copy) <ul style="list-style-type: none">○ <u>All</u> matters to be addressed in a planning proposal – including Director-General's requirements for the justification of all planning proposals (other than those that solely reclassify public land) in accordance with a 'Guide to preparing a planning proposal ' are completed prior to forwarding to the Regional Office in the first instance. See <u>attached</u> pro-forma. | ✓ |
| 4. | PLANNING PROPOSAL HAS BEEN SUPPORTED BY COUNCIL <ul style="list-style-type: none">○ Council has considered the written planning proposal before it is sent to the Department of Planning. | ✓ |

- Attached is Council's resolution to send the written planning proposal to the Department of Planning.

Signed for and on behalf of the Relevant Planning Authority

DATE: 06/12/2012

16 Sydney Road, Mudgee – Schedule 1: Additional Permitted Use

Refer Planning Proposal Documents Prepared by Minespex and MWRC Report and Minutes

Part 1 - Objectives or Intended Outcomes

The objective of the Planning Proposal is to enable the land to be rezoned from B5 Business Development to SP3 Tourist to facilitate a 'tourist and visitor accommodation' development in the future.

Part 2 - Explanation of Provisions

This could be achieved by:

- a) Entering 'Tourist and Visitor Accommodation' on the land as an additional permitted use under Schedule 1.
- b) Amending the B5 Business Development land use table to include 'Tourist and Visitor Accommodation' as a type of development that is permitted with consent in the zone.
- c) Rezoning the land from B5 Business Development to SP3 Tourist.

Part 3 - Justification

Section A - Need for the planning proposal

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

The Planning Proposal is based on the report by Minespex (attached). The report highlights the need identified in the Comprehensive Land Use Strategy 2009 (CLUS) for additional Tourist and Visitor Accommodation in the local government area (LGA). The need was reinforced in Council's Economic Development Strategy 2010 (EDS).

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

The rezoning is not the best means of achieving the desired outcome. It would allow uses on the site beyond tourist and visitor accommodation that would not be appropriate adjoining industrial uses that surround the site.

It is also not preferable to amend the B5 Business development land use table to permit tourist and visitor accommodation in the zone. This would allow Tourist and Visitor Accommodation on other sites in the LGA where they may not be appropriate.

As the proposal is for a specific type of development on a specific site, the better way is to allow 'tourism and visitor accommodation' under Schedule 1 as an additional permitted use.

DoP&I Circular No PS06/005 "*Local Environmental Plan Review Panel*" (6 February 2006) sets out a pro-forma evaluation criteria sheet to be used to determine whether to commence a rezoning process. Table 6 addresses the evaluation criteria.

DoP&I Criteria	Response
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 800m of a transit node)?	Yes The planning proposal is consistent with the need identified in the CLUS for additional Tourist and Visitor Accommodation in the LGA.
Will the LEP implement studies and strategic work consistent with State and regional policies and Ministerial (s.117) directions?	Yes Refer to Table below.
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	No
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	Yes. It is required to facilitate a Tourist and Visitor Accommodation development on the land.
Will the LEP be compatible/complementary with surrounding land uses?	Yes The land is adjoined by industrial development to the south and north and by residential development to the north east. Visitor and Tourist Accommodation developments are compatible with industrial developments due to their similar scales, service vehicle requirements and provision of short term accommodation. A Visitor and Tourist Accommodation development exists to the north east of the site in the residential area.
Is the LEP likely to create a precedent; or create or change the expectations of the landowner or other landholders?	No. Expectations of the landholder and other landholders can be controlled by limiting the proposal to a Schedule 1 Additional

Permitted Land Use on the land.

Will the LEP deal with a deferred matter in an existing LEP?	No
Have the cumulative effects of other spot rezoning proposals in the locality been considered?	Yes
What was the outcome of these considerations?	There are no other spot rezonings of relevance to this proposal.

3. Is there a net community benefit?

The Net Community Benefit Test (Appendix 1) has been used to assess the merits of the planning proposal using the questions set out in the draft Centres Policy, as recommended in Part 3 Section A of the *Guidelines for Preparing Planning Proposals*.

Section B - Relationship to strategic planning framework.

4. Is the planning proposal consistent with the objectives and actions contained within the applicable **regional or sub-regional strategy**

Not Applicable

5. Is the planning proposal consistent with the local council's **Community Strategic Plan**, or other **local strategic plan**?

The proposal is consistent with the need identified in the Comprehensive Land Use Strategy 2009 (CLUS) for additional Tourist and Visitor Accommodation in the local government area (LGA). The need was reinforced in Council's Economic Development Strategy 2010 (EDS).

6. Is the planning proposal consistent with applicable state **environmental planning policies**?

Yes

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

Refer Appendix 2

Section C - Environmental, social and economic impact.

8. 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?

No

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

Yes.

Flooding

The land forms part of the flood plain of the Redbank Creek to the west of the site. A tourist and visitor accommodation development has the potential to be flooded and effect flooding patterns in the area. However, the land is located in a 'low flood risk' area where such developments are permissible under the local Flooding Development Control Plan subject to appropriate finished floor levels.

Development of the site would likely be 'integrated development' and require a 'Controlled Activity Approval' from the NSW Office of Water to ensure Redbank Creek is not unreasonably affected.

Noise and Vibrations

The site has frontage to the Wallerawang Gwabegar Railway line and Sydney Road which forms part of the Castlereagh Highway. The railway line has not been operational for some time and due to upgrading costs it is highly unlikely that it will ever be reactivated. Notwithstanding such developments are for short term accommodation and can be designed with appropriate walls and windows to ameliorate noise from the railway and highway to acceptable levels.

Vehicle Access

The development would require a new vehicle access from Castlereagh Highway. Such a development would be 'integrated development' and require approval from the Roads and Maritime Services to be permitted.

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

The proposal has addressed social and economic effects through reference to the CLUS and EDS.

Section D - State and Commonwealth interests.

11. Is there adequate public infrastructure for the planning proposal? Yes

12. 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?

Note (1): Do State or Commonwealth own or have an interest in any of the land involved?

Note (2): The RPA must list the State and Commonwealth public authorities to be consulted.

All of the relevant government agencies were consulted during the Comprehensive Land use Strategy process and as the proposal is generally consistent with a need for Tourist and Visitor Accommodation identified in the strategy.

Consultation may be undertaken with:

- NSW Office of Water (Redbank Creek)
- NSW Office of Environment and Heritage (Aboriginal Heritage)
- NSW Roads and Maritime Services (access to highway)
- ARTC (railway)

Part 4 - Community Consultation

The Planning Proposal is of a minor nature and 14 days is considered adequate for the community consultation/exhibition periods.

Part 5 – Risks to the Planning Proposal.

NOTE (1): RPA must identify strategic and operational risks that could adversely impact the progress of the planning proposal and the making of the plan within the required time frame. Examples of risks Council should consider include;

- State or Commonwealth public authority objection to the LEP
- Community objection to the LEP
- Time required to resolve public and or community objections
- Requirement to re-exhibit
- Requirement for a public hearing
- Missing Council meetings
- Delay in finalising the associated development control plan
- Department of Planning delay in resolving Standard Instrument policy and practice
- Department of Planning changing Standard Instrument policy and practice
- Council staff taking leave or resigning
- Council lack of resources (please specify e.g. Council does not have capacity to complete SI LEP mapping)

NOTE (2): If the RPA believes a risk will prevent the making of the plan within the required time frame the RPA should consider not lodging a planning proposal with the Department of Planning until the risk has been resolved.

The risks associated with the Planning Proposal include:

- Community Objection to LEP
- State Authority Objection to the LEP

Part 6 – Benchmark Timeframes for making the Plan.

Note: You cannot delete or alter any of the following statements except where directed to select an option.

1. The plan will be made within 6 months of the Gateway Determination date.
2. The Planning Proposal will be exhibited within 4 weeks of the Gateway Determination date.
3. Community Consultation will be completed 14 days from the last day the Planning Proposal must be exhibited (select the appropriate timeframe)

4. Public Authority Consultation will be completed within 35 days of the Gateway Determination date.
5. The RPA will request the Department to draft and finalise the LEP no later than 6 weeks prior to the projected making of the plan date specified in point 1.

Appendix 1

Net Community Benefit Analysis

The following is based on the Evaluation Criteria provided in the NSW Department of Planning Draft Centres Policy, Planning for Retail and Commercial Development. The proposal is considered to be in the public interest and have a positive net community benefit.

- 1. Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg land release, strategic corridors, development within 800 metres of a transit node)?**

There are no applicable State or Regional strategic directions for development, however, the development is consistent with Council's own Land Use Strategy.

- 2. Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?**

No.

- 3. Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?**

No.

- 4. Have the cumulative effects of other spot rezoning proposals in the locality been considered?**

There are no other spot rezonings of relevance to this proposal.

- 5. What was the outcome of these considerations?**

N/A

- 6. Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?**

A Tourist and Visitor Accommodation development on the land would be a permanent employment generating activity.

- 7. Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?**

No.

- 8. Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site?**

N/A

- 9. Is there good pedestrian and cycling access?**

Not Applicable

- 10. Is public transport currently available or is there infrastructure capacity to support future public transport?**

Not Applicable

- 11. 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?**

Not Applicable

- 12. 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?**

Castlereagh Highway. New access to highway.

- 13. 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?**

Flooding.

14. Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community?

Yes.

15. Will the public domain improve?

N/A

16. Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?

Not Applicable

17. If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?

Not Applicable

18. What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?

The proposal will provide additional Tourist and Visitor Accommodation in the LGA.

Appendix 2

S117 Ministerial Directions Analysis

Section 117 Direction		Applicable (PP)	Consistent	Remarks
1 Employment and Resources				
1.1	Business and Industrial Zones	Yes	Yes	Supports employment
1.2	Rural Zones	Yes	N/A	
1.3	Mining, Petroleum Production and Extractive Industries	Yes	N/A	
1.4	Oyster Aquaculture	No	N/A	
1.5	Rural Lands	Yes	N/A	
2 Environment and Heritage				
2.1	Environment Protection Zones	Yes	noted	Floodprone land
2.2	Coastal Protection	No	N/A	
2.3	Heritage Conservation	Yes	noted	There are no known Aboriginal items at the site identified within any planning instruments
2.4	Recreation Vehicle Areas	Yes	N/A	
3 Housing, Infrastructure and Urban Development				
3.1	Residential Zones	Yes	N/A	

3.2	Caravan Parks and Manufactured Home Estates	No	N/A	
3.3	Home Occupations	Yes	N/A	
3.4	Integrating Land Use and Transport	Yes	N/A	
3.5	Development Near Licensed Aerodromes	No	N/A	
4 Hazard and Risk				
4.1	Acid Sulfate Soils	No	N/A	
4.2	Mine Subsidence and Unstable Land	No	N/A	
4.3	Flood Prone Land	Yes	noted	Low Flood Risk Site
4.4	Planning for Bushfire Protection	Yes	N/A	
5 Regional Planning				
5.1	Implementation of Regional Strategies	No	N/A	
5.2	Sydney Drinking Water Catchments	No	N/A	
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	No	N/A	
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	No	N/A	
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	revoked		
5.6	Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)			
5.7	Central Coast (Revoked 10 July 2008. See amended Direction 5.1)			
5.8	Second Sydney Airport: Badgerys Creek	No	N/A	
6 Local Plan Making				
6.1	Approval and Referral Requirements	Yes	Yes	Will be consistent with Ministerial Direction
6.2	Reserving Land for Public Purposes	No	N/A	
6.3	Site Specific Provisions	Yes	Yes	No site specific planning controls
7 Metropolitan Planning				
7.1	Implementation of the Metropolitan Strategy	No	N/A	

