

Planning Services

Gateway Determination Report

LGA	Mid Western Regional Council
RPA	Mid Western Regional Council
NAME	Dewhurst Drive Mudgee (1 homes, X jobs)
NUMBER	PP_2017_MIDWR_001_00
LEP TO BE AMENDED	Mid Western Regional LEP 2012
ADDRESS	25B Dewhurst Drive, Mudgee
DESCRIPTION	Lot 4 DP 1043986,
RECEIVED	4 July 2017
FILE NO.	17/09772
QA NUMBER	qA415321
POLITICAL DONATIONS	There are no known donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no known meetings or communications with registered lobbyists with respect to this proposal

INTRODUCTION

Description of Planning Proposal

The proposal is to allow the subject land (about 7360m²) to be subdivided into 2 lots so that an additional dwelling can be erected on the land. It is proposed to change the lot size map to allow the land to subdivided to 2000m²

Site Description

The subject land is located in south Mudgee residential area. The land is zone R2 Low density residential with a minimum lot size of 10 ha due to historical servicing constraints and potential visual impacts. A dwelling is located on the land with the proposed house site cleared. It is proposed to retain the existing dwelling on a 2838m² lot and creating a new battle axe lot of 4529m² for the proposed new dwelling.

Surrounding Area

The surrounding area is used for residential purposes with a variety of lot sizes.

Summary of Recommendation

Proceed as submitted because the land is already zoned for residential purposes and Council is satisfied the land can be serviced. In regard to the potential visual impact Council has adequately addressed this concern having regard to existing surrounding development.

PROPOSAL

Objectives or Intended Outcomes

To subdivide the land and permit a new dwelling house.

Explanation of Provisions

Retain zone R2 Low density residential and change minimum lot size to enable the land to be subdivided into 2 lots

Mapping

Proposed to change lot size map LSZ_006D to allow subdivision into 2 lots with mls of 2000m² if serviced.

The proposed mapping submitted is adequate to proceed to community consultation. Final LEP maps in accordance with technical guide to be provided at Section 59 stage.

NEED FOR THE PLANNING PROPOSAL

The planning proposal is required to change to lot size map and best way to achieve the intended outcomes. The planning proposal is adequate and complete. The RPA has adequately addressed the servicing constraints and visual impact concerns.

STRATEGIC ASSESSMENT

State

The proposal is consistent with State strategic planning framework in terms of providing housing.

Regional / District

The proposal has commented on the draft Central West and Orana Regional Plan. It is will be recommended that a condition be placed on the Gateway determination that requires before community consultation the planning proposal should be amended to address the final Central West and Orana Regional Plan.

Local

The proposal is consistent with the endorsed Mid Western Regional Comprehensive Land Use Strategy 2010 in that the land is identified for residential purposes although partly affected by the 520m AHD contour - servicing and visual consideration.

The proposal is not inconsistent with the endorsed Mudgee and Gulgong Urban Release Strategy and is identified as Area 8. Although the Strategy identifies Area 8 as being required post 2020 this proposal is for one lot which will not affect the overall residential land supply in Mudgee.

Section 117(2) Ministerial Directions

The proposal is consistent with the following Section 117 Directions:

3.1 Residential Zones applies to this proposal as it affects land in an existing residential zone and will provide residential opportunities.

3.4 Integrating Land Use and transport – the proposal is infill development in an existing residential area where services are available.

The proposal is consistent with other relevant Section 117 Directions and no further work is required in respect to Section 117 Directions.

State Environmental Planning Policies

The proposal is consistent with all relevant SEPPs.

SITE SPECIFIC ASSESSMENT

Social

The social impacts will be positive in that the proposal provides an additional residential opportunity in an established residential area.

Environmental

There are no known environmental constraints. The land is cleared and available for urban development.

The 520m AHD contour is a key consideration for Council in terms of limitations to servicing and visual impact against the surrounding ridgelines and the setting of Mudgee.

There are particular aims and objectives contained within the Mid Western LEP 2012 that require consideration of the scenic impact being:

- clause 1.2(2)(b) (v) scenic values,
- clause 1.2(2)(e) protect the settings of Mudgee, Gulgong, Kandos and Rylstone by:
 - (iv) conserving the significant visual elements that contribute to the character of the towns, such as elevated land and the rural character of the main entry corridors into the towns,

In addition Clause 6.10 Mid Western LEP 2012 (provided below) is a specific local provision that requires consideration of the visual setting above the visually sensitive land (ie 520m AHD contour).

6.10 Visually sensitive land near Mudgee

- (1) The objective of this clause is to protect the visually and environmentally significant upper slopes on the urban fringe south of the town of Mudgee.
- (2) This clause applies to land shown as "Visually Sensitive Land" on the [Visually Sensitive Land Map](#).
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
 - (a) will complement the visual setting forming the backdrop to Mudgee, and
 - (b) will be located to avoid visibility above ridgelines and any visual intrusion will be minimised.

Council and the proponent have adequately assessed the potential visual impact of a proposed dwelling on the land. The proposal is consistent with nearby development and will not adversely impact on viewpoints from a distance due to existing nearby development.

Economic

There will be positive economic impacts with the addition of one residential lot. Council has addressed servicing.

Infrastructure

State public infrastructure is not applicable to this proposal.

CONSULTATION

Community

The proposal is considered to be "low impact" as it is consistent with strategy and a minimum of 14 days community consultation period is recommended.

Agencies

This is a local matter and there is no need for agency consultation.

TIMEFRAME

Council has not provided a timeframe to complete the proposal. It is recommended that 9 months timeframe is adequate to complete this proposal.

DELEGATION

Council has not specifically requested delegation for this proposal. As this is a local planning matter it is appropriate that Council be authorised to exercise delegation.

CONCLUSION

The planning proposal to permit one additional dwelling is supported to proceed with conditions because it is consistent with the endorsed Mid Western Comprehensive Land Use Strategy 2010 and the endorsed Mudgee and Gulgong Urban Release Strategy 2014. The proposal is consistent with the broader Government policy to provide housing, the relevant Section 117 Directions and SEPP's. Council has adequately addressed the servicing and visual impacts.

RECOMMENDATION

It is recommended that the Director Regions, Western as delegate of the Minister for Planning, determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 14 days.
2. Address final Central West and Orana Regional Plan.
3. No consultation is required with public authorities.
4. The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.
5. Mapping being in accordance with the technical guidelines at Section 59 stage.
6. Given the nature of the planning proposal, Council should be authorised to exercise delegation to make this plan.

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