

8.3 Planning Proposal 194 Hill End Road, proposed rezoning and change to minimum lot size

REPORT BY THE MANAGER, STRATEGIC PLANNING
TO 09 DECEMBER 2020 ORDINARY MEETING
GOV400087, LAN900115

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Strategic Planning on the Planning Proposal 194 Hill End Road, proposed rezoning and change to minimum lot size;**
2. **provide initial support for the part rezoning and change to minimum lot size of: Lot 1 DP 104244, Lot 1 DP 510323, Lots 11, 13, 20, 21, 22, 23, 26, 27, 28, 34, 35, 36, 66, 68, 72, 81, 82, 83, 84, 96, 97, 99, 171, 172 DP 756897, Lots 1 and 2 DP 795672, Lots 11 and 12 DP 855845, Lots 3314 and 3315 DP 1112448 and Lot 410 DP 1112456 to R5 Large Lot Residential with a minimum of 12 hectares for the eastern area of the site and for the area extending 1 kilometre from both Hill End and Lower Piambong roads on the western side of the site;**
3. **forward the Planning Proposal to amend the *Mid-Western Regional Local Environmental Plan 2012* to the NSW Department of Planning Industry and Environment seeking a Gateway Determination, in accordance with Section 3.34 of the *Environmental Planning and Assessment Act 1979*; and**
4. **undertake community consultation as outlined within any approved Gateway Determination.**

Executive summary

Council has received a Planning Proposal to rezone part of the property known as 'Darthula', currently zoned RU1 Primary Production and E3 Environmental Management to R5 Large Lot Residential to facilitate a subdivision of approximately 37 lots with a minimum lot size of 12 hectares. A concept subdivision plan has been lodged with the Planning Proposal which indicates lots will front Gibsons Lane, an unformed Council road on the western side of the site and a new road extending between Hill End and Lower Piambong roads on the eastern side of the site.

The subject site contains the following lots:

Lot 1 DP 104244

Lot 1 DP 510323

Lots 11, 13, 20, 21, 22, 23, 26, 27, 28, 34, 35, 36, 66, 68, 72, 81, 82, 83, 84, 96, 97, 99, 171, 172 DP 756897

Lots 1 and 2 DP 795672

Lots 11 and 12 DP 855845

Lots 3314 and 3315 DP 1112448

Lot 410 DP 1112456

The Planning Proposal provided as Attachment 1 has been prepared generally in accordance with the structure outlined in the NSW Department of Planning Industry and Environment (DPIE) Guide

to Preparing Planning Proposals. The report outlines the context, intended outcomes, explanation of provisions and justification for the Planning Proposal.

The Planning Proposal has been considered in accordance with Council's Comprehensive Land Use Strategy (CLUS). The CLUS details two Principles to assist in identifying rural lifestyle opportunities; proximity to town and the location of future development within 1 kilometre from specific sealed roads. Further to the two Principles, Constraints and Opportunities mapping was produced to identify the location of the most suitable land for future development opportunities, including rural lifestyle opportunities. The subject site is identified on the Constraints and Opportunity mapping as an opportunity. The eastern side of the site and part of the western side of the site can satisfy both of the Principles, and is identified as an opportunity, accordingly initial support is recommended to rezone and change the minimum lot size for part of the site.

Further, the CLUS identifies short, medium and long term 12 hectare rural lifestyle opportunities around all towns and states the identified areas are indicative. Beyond the identified short term opportunities Council is to undertake a Rural Release Strategy to further inform the release of land for rural lifestyle opportunities. The majority of the short term opportunities have already been rezoned to R5 Large Lot Residential. There are some lots yet to be subdivided to the 12 hectare minimum or lots that are still vacant (not developed with dwellings), however this does not provide a sufficient supply in the medium to long term.

Due to the sites close proximity to the town of Mudgee and being identified as an 'opportunity' area, it would be likely that the site would be identified in any future Rural Release Strategy. Accordingly, it is considered appropriate to provide initial support for part of the Planning Proposal. Specifically, support the rezoning and change to the minimum lots size on the eastern side of the site and for the area extending 1 kilometre from both Hill End and Lower Piambong roads on the western side of the site. This area is identified on a map in the body of the report.

Disclosure of Interest

Nil.

Detailed report

Planning Proposals

Planning Proposal is a term used to describe the process of rezoning or making an amendment to a Local Environmental Plan (LEP). A Planning Proposal application is a document that explains the intended effect of the LEP amendment and provides a strategic justification for doing so. DPIE has issued A Guide to Preparing Planning Proposals, to provide guidance and information on the process for preparing planning proposals.

The Gateway Process

DPIE is responsible for assessing Planning Proposals through the Gateway Process. Details of the Gateway Process are outlined in DPIE's A Guide to Preparing Local Environmental Plans.

Gateway Timeline

The following table summarises the key components of making an amendment to the Mid-Western Regional Local Environmental Plan and the progress of the current Planning Proposal through the various stages. The below table demonstrates the Planning Proposal is within the initial stage of the process.

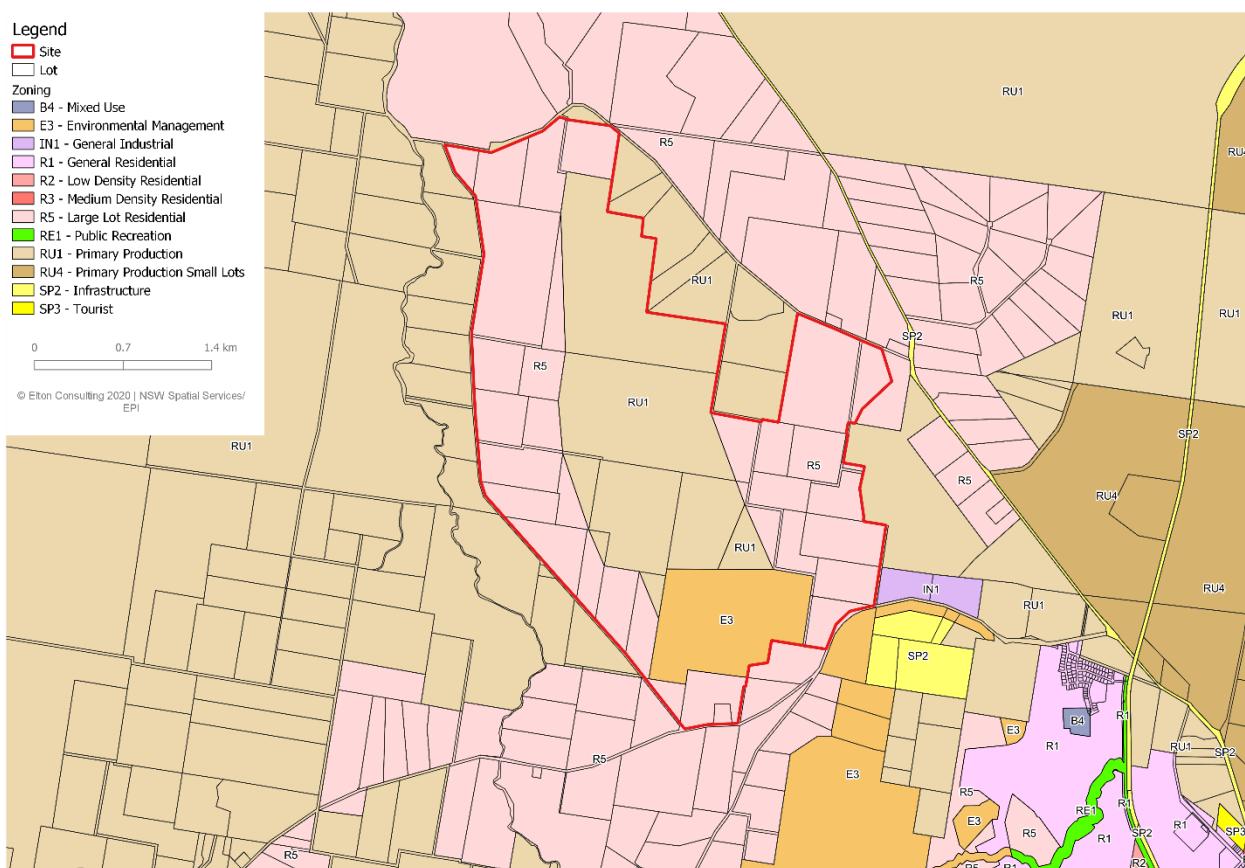
Stage	Completed	Comment
Preparation of a Planning Proposal		
Planning Proposal lodged with Council	✓	September 2020.
Staff Undertake Initial Assessment	✓	September - November 2020.

Council Decision to Support Proposal	✓	The Planning Proposal is being reported to 9 December 2020 meeting.
Issue of Gateway Determination		
Council Requests Gateway Determination		
DP&E Issues Gateway Determination		
Gateway Conditions Satisfied		
Consultation		
Consultation with Relevant Agencies		
Public Exhibition		
Post-Exhibition Report to Council		
Finalisation of the Planning Proposal		
Council Exercises Delegation to Prepare LEP		
Draft LEP by Parliamentary Council		
Opinion Issued and LEP Made		

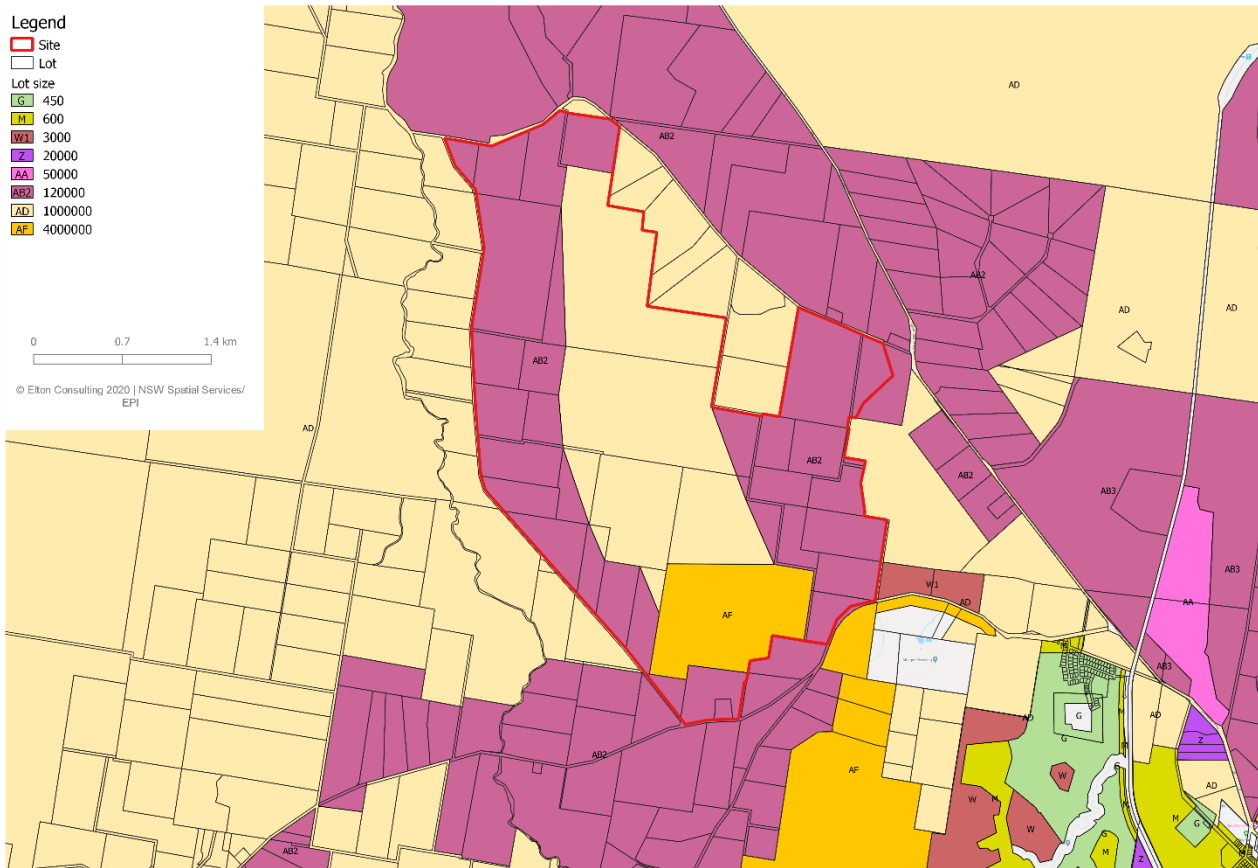
PROPOSED

The subject site is located to the west of the Castlereagh Highway with frontage to Lower Piambong on the northern boundary and Hill End Road on the southern boundary. The site is located approximately 5 kilometres outside of Mudgee. The site measures approximately 898 hectares and a vegetated ridge runs through the centre of the site.

The Planning Proposal seeks to rezone land on the western and eastern sides of the site to R5 Large Lot Residential and map with a minimum of 12 hectares as depicted on the draft maps below.



Proposed land zoning (submitted by proponent)



Proposed minimum lot size (submitted by proponent).

INTENDED OUTCOMES

The subject site is zoned RU1 Primary Production and E3 Environmental Management. The Planning Proposal seeks to rezone the land and change the minimum lot size to facilitate a 37 lot R5 Large Lot Residential with a minimum of 12 hectares.

The Planning Proposal documentation details the following intended outcomes:

The primary purpose of this PP is to amend the LEP to facilitate the development of rural lifestyle development on the site.

The intended outcomes of the PP are to:

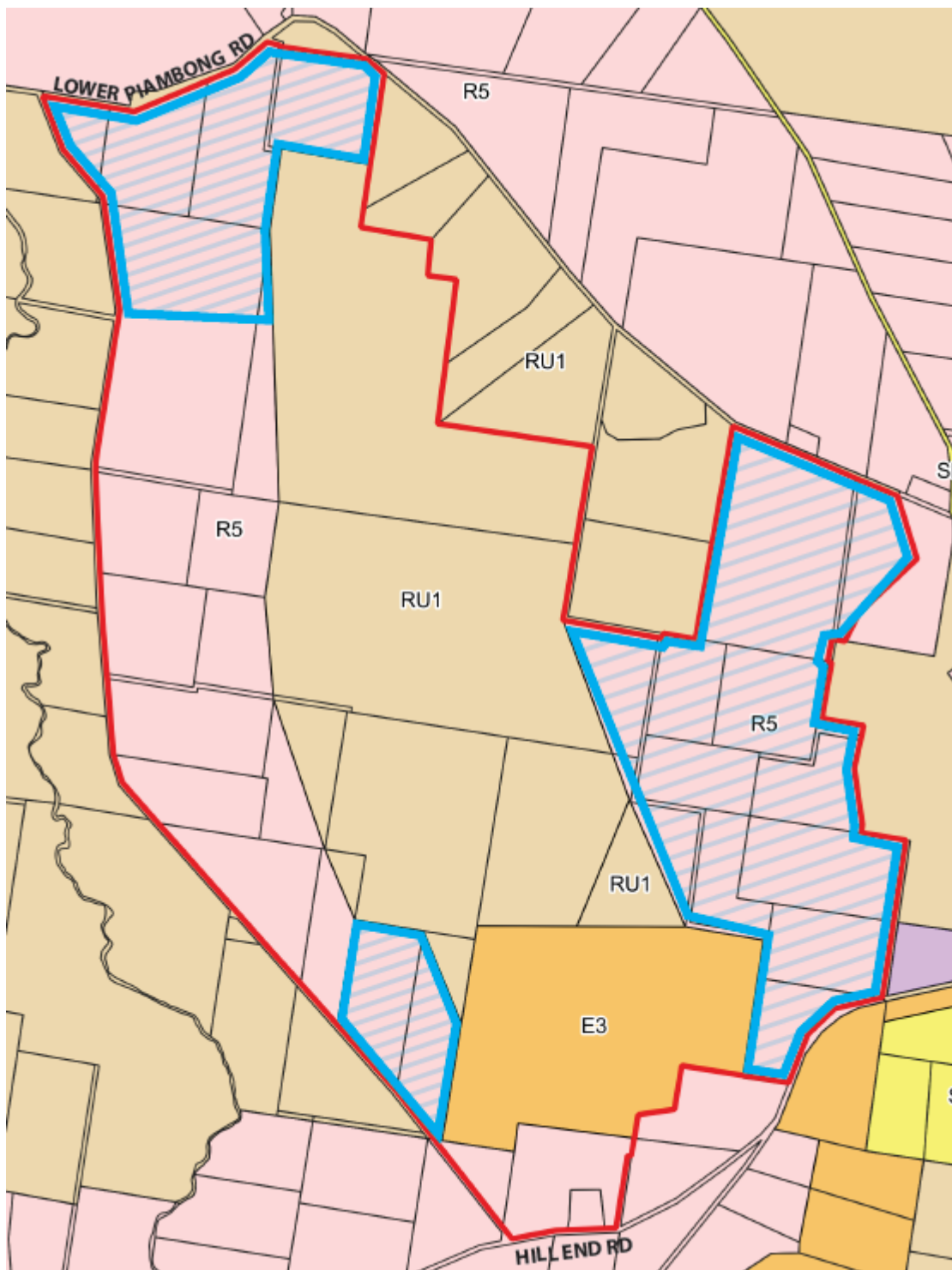
- Allow for the subdivision of part of the subject site into small rural lots.
- Provide for additional rural lifestyle development within close proximity to the services and facilities of Mudgee in a rural setting.
- Achieve the strategic objectives of the CLUS by delivering land for development as identified in the strategy.

EXPLANATION OF PROVISIONS

The Planning Proposal details that the proposed outcome will be achieved by:

1. Amending part of the zone indicated on Land Zoning Map – Sheet LZN_006 from RU1 Primary Production to R5 Large Lot Residential.
2. Amending part of the minimum lot size indicated on the Lot Size Map – Sheet LSZ_006 from (AD) 100 hectares to (AB2) 12 hectares.

After consideration of the Planning Proposal in accordance with CLUS, initial support is recommended to rezone and change the minimum lot size of the land identified in blue on the below map. The three areas represents approximately 14 lots on the eastern side of the site, approximately 7 lots extending from Lower Piambong Road and 3 lots extending from Hill End Road, totalling of approximately 24 lots.



Areas identified in blue to be rezoned and the minimum lot size changed.

JUSTIFICATION

The DPIE guide to preparing Planning Proposals outlines eleven questions to be addressed in the Planning Proposal, the proponent has addressed the eleven questions. The questions most applicable in the consideration of this Planning Proposal are discussed below.

Q1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

Mid-Western Regional Comprehensive Land Use Strategy 2010

Council adopted the Comprehensive Land Use Strategy in 2010 (CLUS). The CLUS has three volumes of particular relevance in the consideration of this Planning Proposal is Part B – Constraints and Opportunities and Part C – Strategy. The relevant sections of Parts B & C have been considered below:

Part B, Section 2.2.3 Land Suitability Factors

Section 2.2.3 identifies two principles to assist in the identification of development opportunities. The two principles are listed below and a staff comment is provided in relation to the consideration of the subject site.

1. Develop close to existing towns, villages and rural centres.

The subject site is located within the 15 kilometre radius surrounding the Mudgee urban area. Further, the site is located within a similar proximity to Mudgee to the identified short term opportunities, if not closer.

2. Develop close to main road (within one kilometre). Rural development should not be located more than 1 kilometre from sealed local arterial, sub-arterial and collector roads. These roads have been identified in accordance with the Road Network Strategic Plan 2007 prepared by Mid-Western Regional Council.

The subject site fronts Hill End Road, a 'sub-arterial' road and Lower Piambong Road, a 'main local' road. Lower Piambong Road does not meet this requirement, however Council identified opportunity areas A and B detailed on Figure 4-3 Rural lifestyle opportunities – 15km offset area surrounding Mudgee fronting the subject road, Lower Piambong Road. Therefore, it is considered reasonable for Council to consider the frontage to Lower Piambong Road as consistent with this Principle 2: either as sealed local arterial, sub-arterial and collector road.

The Planning Proposal provides a concept subdivision plan, this plan details lots fronting Gibsons Lane and a proposed new road extending from Hill End Road to Piambong Road. The length of Gibsons Lane between Hill End and Piambong Road is approximately 5 kilometres, representing a 3 kilometre variation to the Principle. Accordingly, it is recommended that the change to zoning and to the minimum lot size be supported within 1 kilometre from both Hill End Road and Lower Piambong Road.

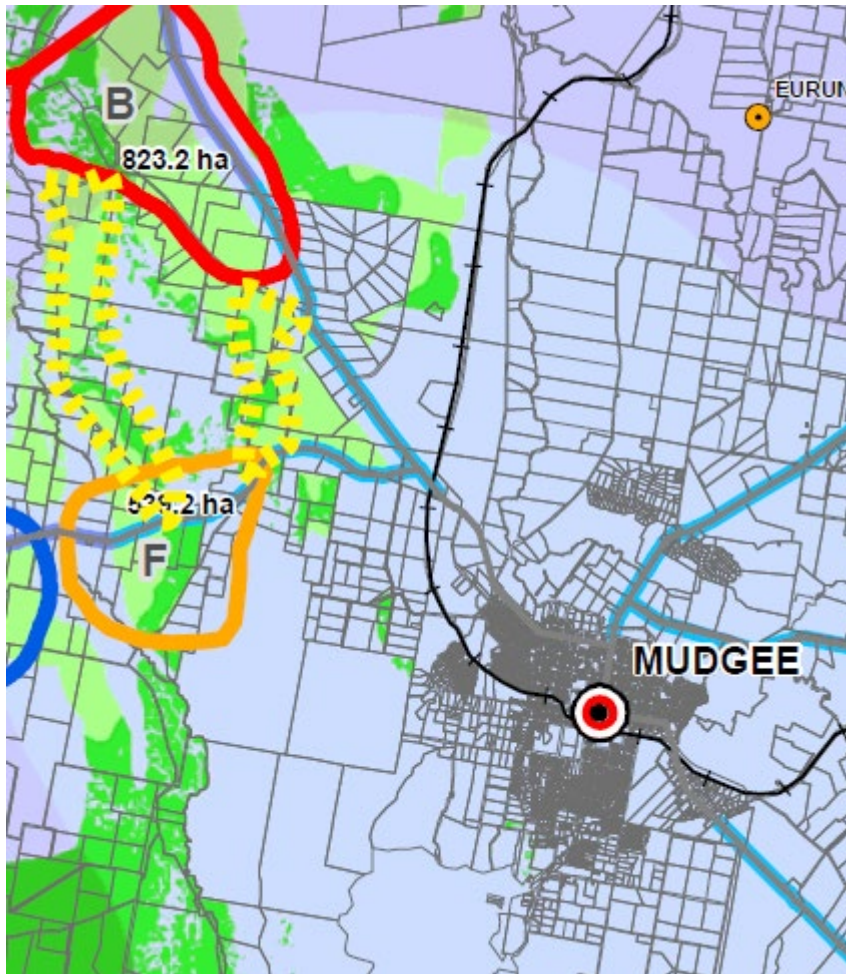
Future traffic volumes associated with 21 lots fronting Gibsons Lane would not trigger the 150 daily movements requiring the road to be sealed in accordance with Section 7.2 Rural Subdivision – Roads of the Mid-Western Development Control Plan 2013 Amendment No. 5. This further supports limiting the rezoning to within 1 kilometre of both Hill End and Lower Piambong Roads.

The distance between Lower Piambong Road and Hill End Road is approximately 2.2 kilometres, this variation of approximately 200 metres to the 1 kilometres requirement is considered acceptable to support the rezoning of the Eastern side of the site.

Part B, Section 3.1.1 Constraints and Opportunities Mapping

Section 3.1.1 details the process undertaken to produce the constraints and opportunity mapping. Constraints layers were combined in a sieve analysis and then land suitability factors were applied, resulting in a composite constraints mapping layer.

The map below demonstrates that the area of the subject site seeking rezoning and change to minimum lot size, outlined in a broken yellow line, is identified as 'opportunity' and 'class 3 land (otherwise unconstrained)' suitable for further consideration for a rural lifestyle opportunity. The further consideration and investigation has occurred in the preparation and consideration of the Planning Proposal.



Area subject to rezoning marked with a broken yellow line, 'opportunity' and 'class 3 land (otherwise unconstrained)' highlighted in green.

Part B Section 3.1.2 Analysis of 'opportunity' areas

Section 3.1.2 states that mapping opportunity areas may be taken as the most suitable locations for future development. However, the CLUS then states that not all 'opportunity areas' should be developed. Travel distance is a factor influencing what opportunity area should be prioritised. Ideally it should take a maximum of 10-15 minutes to drive to town by the most direct route. The subject site is located within this travel distance from Mudgee, accordingly it satisfies this consideration.

It is stated that Council should prepare a Rural Release Strategy beyond the identified short term supply of rural lifestyle opportunities. The subject site is located within a similar proximity to Mudgee to the identified short term opportunities, if not closer. Accordingly, the rezoning of the site is supported by staff. In addition, the short term opportunities have almost all been taken up. This further supports the rezoning of a site within close proximity to Mudgee.

Part C of the CLUS, consolidates the information and analysis outlined in Parts A and B, providing recommendations under section 4.8 details for rural lifestyle land use. This section highlights the demand for 40-50 lots with a minimum of 12 hectares per annum and the importance of the location being closer to towns. The Planning Proposal is consistent with the recommendation.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

There is limited 'opportunity' land identified in close proximity to the town Mudgee, and the majority of the land identified as short term has already been zoned. The proposed lifestyle lots cannot be accommodated under the current planning controls, accordingly, the Planning Proposal is necessary.

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies).

Yes, the Planning Proposal will give effect to *Direction 28 Manage Rural Residential Development, specifically, Action 28.2 Enable new rural residential development only where it has been identified in a local housing strategy prepared by Council and approved by DPIE*. The site has been identified as an 'opportunity' area and 'class 3 land (otherwise unconstrained)' in the endorsed CLUS, and accordingly is consistent with this Action. Further, the site is in close proximity to Mudgee which is consistent with the Direction.

NEXT STEP

If Council supports the staff recommendation, the next step would involve forwarding the Planning Proposal and a Council resolution of initial support to DPIE seeking a Gateway Determination.

Community Plan implications

Theme	Building a Strong Local Economy
Goal	A prosperous and diversified economy
Strategy	Support the attraction and retention of a diverse range of businesses and industries

Strategic implications

Council Strategies

Mid-Western Regional Local Strategic Planning Statement, Our Place 2040.
Mid-Western Regional Comprehensive Land Use Strategy, August 2010.

Council Policies

The forwarding of the Planning Proposal will not require any change to relevant policies.

Legislation

The Planning Proposal has been considered in accordance with Division 3.4 Environmental Planning Instruments - LEPs (previously Division 4) Local Environmental Plans of the *Environmental Planning and Assessment Act 1979* and the *Mid-Western Regional Local Environmental Plan 2012*.

Financial implications

Nil.

Associated Risks

If Council does not wish to provide initial support for the Planning Proposal, Council may resolve not to proceed with the Planning Proposal and advise the proponent accordingly.

SARAH ARMSTRONG
MANAGER, STRATEGIC PLANNING

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

19 October 2020

Attachments: 1. Planning Proposal. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER