

## 8.3 Planning Proposal - Henry Lawson Drive, Gulgong

REPORT BY THE STRATEGIC PLANNING CO-ORDINATOR  
TO 11 DECEMBER 2024 ORDINARY MEETING  
GOV400105, LAN900190

### RECOMMENDATION

#### That Council:

1. **receive the report by the Coordinator, Strategic Planning on the Planning Proposal at Henry Lawson Drive, Gulgong (Lot 56, Lot 129, Lot 264, and Lot 415 DP755433) for the rezoning of land and reduction in the minimum lot size;**
2. **remove Lot 264 DP755433 from the Planning Proposal;**
3. **increase the minimum lot size from 10 hectares to 12 hectares of the Planning Proposal, to better align with the objectives of the R5 Large Lot Residential zoning;**
4. **provide initial support for the Planning Proposal to amend *Mid-Western Regional Local Environmental Plan 2012* and submit to the NSW Department of Planning, Housing and Infrastructure via the NSW Planning Portal seeking a Gateway Determination, in accordance with Section 3.34 of the *Environmental Planning and Assessment Act 1979*; and**
5. **undertake community consultation as outlined in any future approved Gateway determination.**

---

### Executive summary

A Planning Proposal has been submitted to Mid-Western Regional Council seeking an amendment to *Mid-Western Regional Local Environmental Plan 2012* (LEP) to rezone Lot 56, Lot 129, Lot 264, and Lot 415 DP755433 from RU1 Primary Production to R5 Large Lot Residential and reduce the Minimum Lot Size from 100 hectares to 10 hectares.

The Planning Proposal has been prepared by De Witt Consulting Pty Ltd on behalf of the proponents, Melinda Westaway, Nathan and Sephanie Martyn, and Sniper Mining Pty Ltd.

The intended outcome of the Planning Proposal is to provide additional rural residential land within and near the Gulgong urban area. A concept subdivision plan has been prepared to demonstrate the lot layouts that may be achieved on site.

The Planning Proposal provided as Attachment 1 has been prepared in accordance with the structure outlined in the NSW Department Planning, Housing and Infrastructure (DPHI) *Local Environmental Plan Making Guideline* (August 2023). The report outlines the context, intended outcomes, explanation of provisions and justification for the Planning Proposal.

The majority of the subject site is located within Area F on Figure 4-4 Rural Lifestyle Opportunities – 5m offset area surrounding Gulgong of the Mid-Western Comprehensive Land Use Strategy (CLUS).

Accordingly, the Planning Proposal is consistent with the CLUS. Further, the Planning Proposal is generally consistent with State and Regional strategic plans and strategies.

The minimum lot size for Area F (and all rural lifestyle opportunities) stipulated in the CLUS is 12 hectares. Following staffs assessment of the Planning Proposal, it is recommended the minimum lot size be increased from 10 hectares to 12 hectares. Council staff are not satisfied with the justification provided for the proposed reduction from 10 to 12 hectares. Staff are of the opinion that a 12 hectare Minimum Lot Size better aligns with the objectives of the R5 Large Lot Residential zoning.

Further, a Biodiversity Assessment is required to be prepared by the proponent prior to public exhibition given portions of the site as identified as containing high biodiversity.

The staff recommendation is to provide initial support for the Planning Proposal and forward to the Department of Planning, Housing and Infrastructure (DPHI) with a request for a Gateway Determination to allow for community consultation to be undertaken. If the staff recommendation is supported, the Planning Proposal along with the Council resolution will be forwarded to the DPHI.

## 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. DPHI has issued the *Local Environmental Plan Making Guideline*, to provide guidance and information on the process for preparing Planning Proposals and making the amendment to the LEP.

### **The Gateway Process**

DPHI is responsible for assessing Planning Proposals through the Gateway Process. Details of the Gateway Process are outlined in the *Local Environmental Plan Making Guideline* (August 2023).

### **Gateway Timeline**

The following table summarises the key components of making an amendment to the Mid-Western Regional Local Environmental Plan (LEP) 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
<b>Preparation of a Planning Proposal</b>		
Planning Proposal prepared by Proponent and submitted to Council	✓	November 2024
Council Decision to Support Proposal	(in progress)	The Planning Proposal is being reported to the December 2024 meeting for Council's decision.
<b>Issue of Gateway Determination</b>		
Council Requests Gateway Determination		
DP&E Issues Gateway Determination		
Gateway Conditions Satisfied		
<b>Consultation</b>		
Consultation with Relevant Agencies		
Public Exhibition		
Post-Exhibition Report to Council		
<b>Finalisation of the Planning Proposal</b>		
Council Exercises Delegation to Prepare LEP		

Draft LEP by Parliamentary Council		
Opinion Issued and LEP Made		

PROPOSAL CONTEXT

The Planning Proposal seeks to rezone the site from RU1 Primary Production to R5 Large Lot Residential (LZN\_005E) and reduce the Minimum Lot Size from 100 hectares to 10 hectares for each lot (LSZ\_005E).

The below map demonstrates the area subject to the Planning Proposal. Access to Lot 129 DP755433 is via Canadian Lead Road, access to Lots 56 and 415 is via Henry Lawson Drive, and access to Lot 264 is via Ridout Lane.

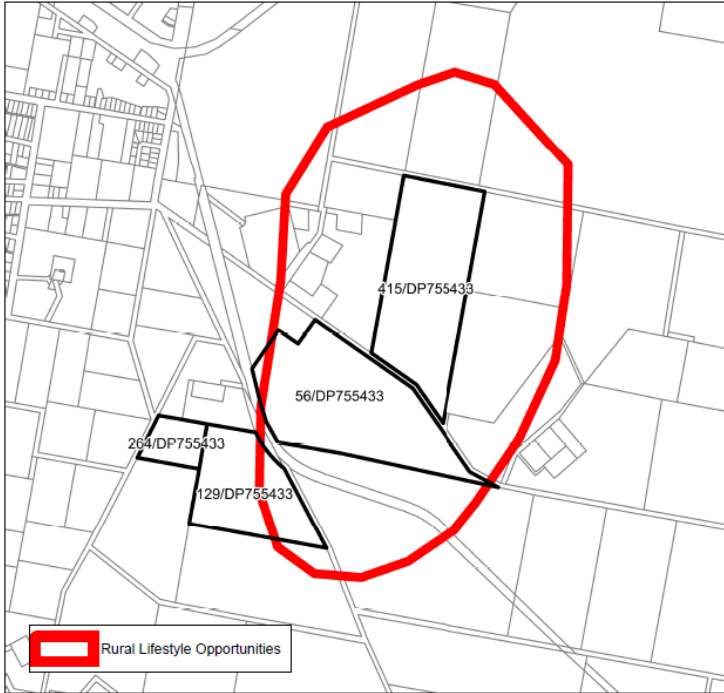
Figure 1 – Location Plan



Source: MWRC

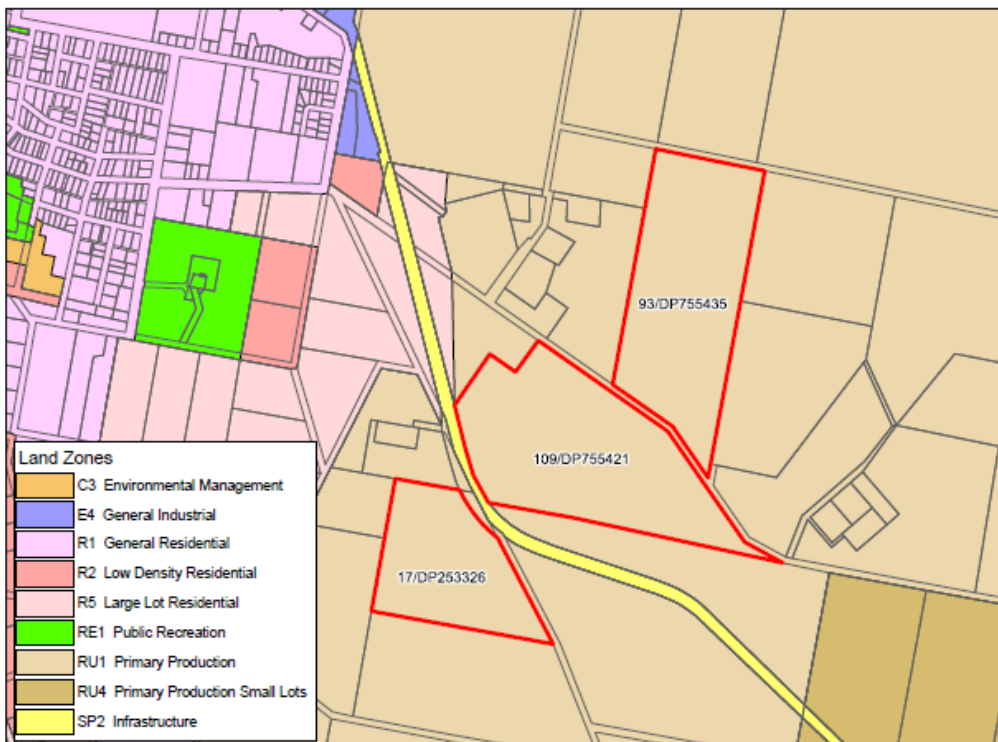
The map below highlights the relation with the Mid-Western Comprehensive Land Use Strategy, which identifies Lots 56, 129, and 415 of DP 755433 as opportunity area 'F'. Lot 264 is located outside of the opportunity area and therefore it is recommended that a future condition of Gateway Determination resolves to exclude Lot 264 from this Planning Proposal. Further, the same lot yield can be achieved when excluding Lot 264 DP755433.

*Figure 2 – Mid-Western Comprehensive Land Use Strategy Mapping*

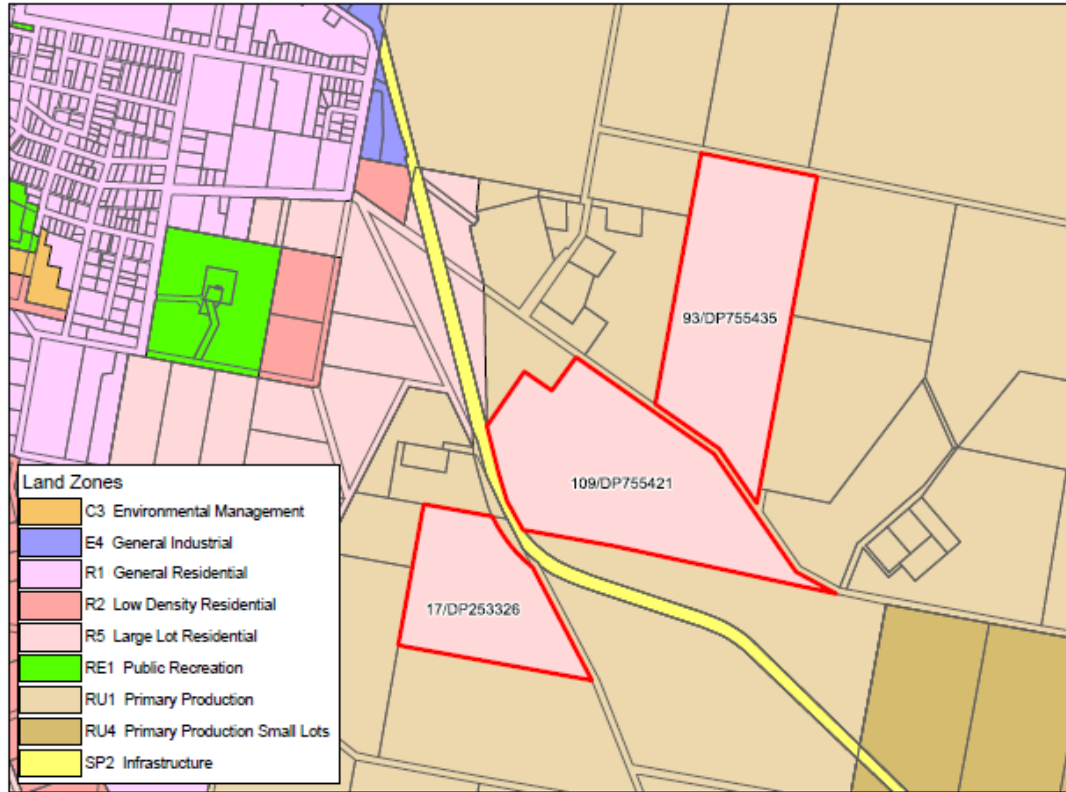


The maps below highlight the existing and proposed land use zoning.

*Figure 3 – Existing & Proposed Land Use Zoning*



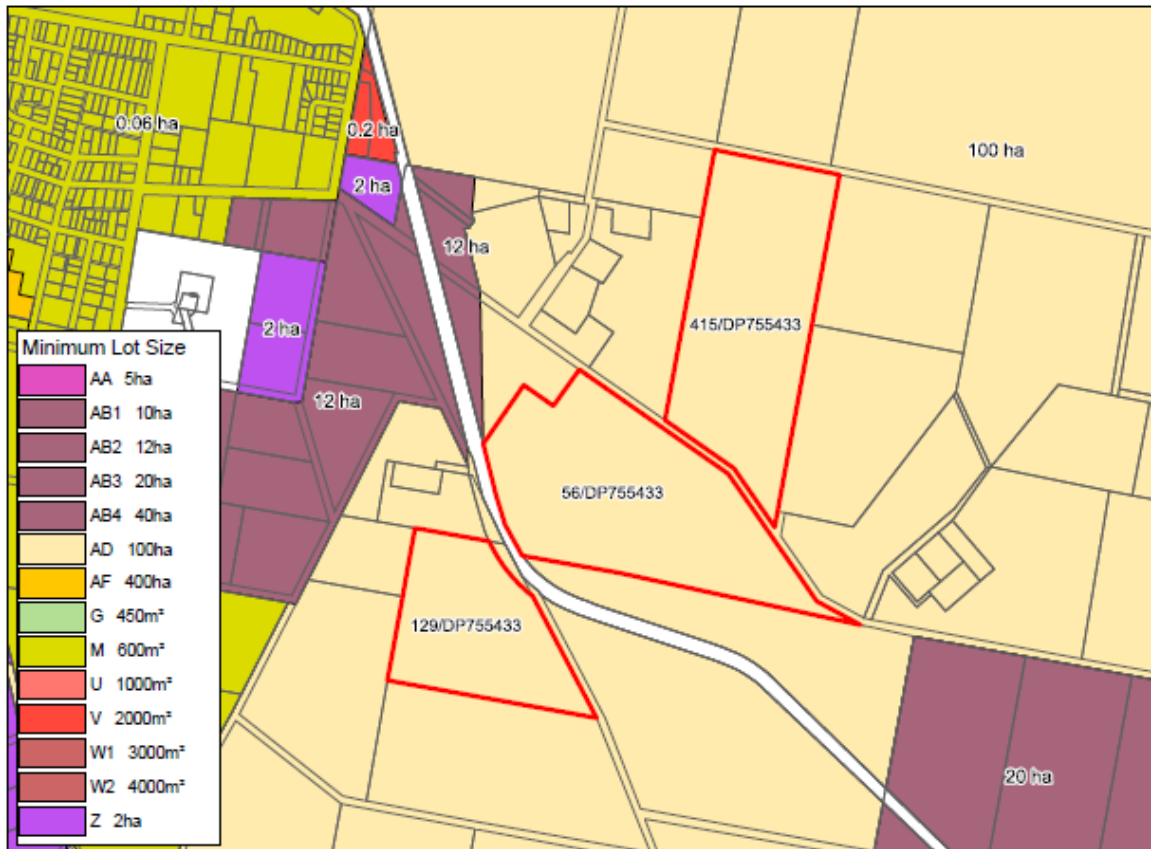
Existing – Zoning (Source: MWRC)



Proposed – Zoning (Source: MWRC)

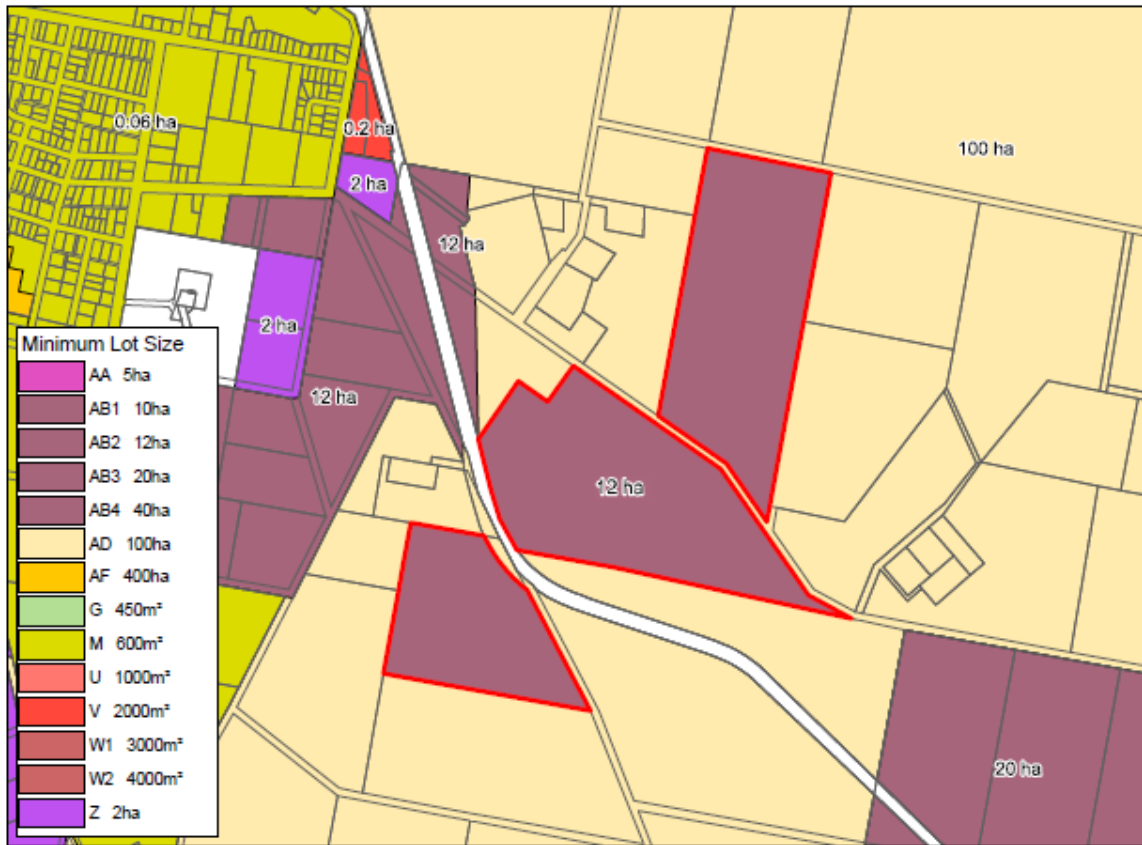
The maps below highlight the existing and proposed minimum lot size.

Figure 4 – Existing & Proposed Minimum Lot Size



Existing – Minimum Lot Size (Source: MWRC)





Proposed – Minimum Lot Size (Source: MWRC)

## INTENDED OUTCOMES

The intended outcomes of the Planning Proposal are to:

- Amend the Land Use Zone Map to rezone the site from RU1 Primary Production to R5 Large Lot Residential, and
- amend the Lot Size Map for all lots from 100 hectares to 12 hectares.

## EXPLANATION OF PROVISIONS

The Planning Proposal details how the objectives and intended outcomes will be achieved by:

1. Amending the zoning from RU1 Primary Production to R5 Large Lot Residential as indicated on LZN\_005E and amend the Lot Size Map from 100 hectares to 12 hectares on LSZ\_005E.

## JUSTIFICATION

The DPHI *Local Environmental Plan Making Guideline* (August 2023) outlines questions to consider when demonstrating the justification. The questions most pertinent in consideration of this Planning Proposal are discussed below.

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

The Planning Proposal is supported by Council's endorsed Local Strategic Planning Statement (LSPS) and the Mudgee and Gulgong Urban Release Strategy (2023 Updates).

Our Place 2040 – Mid-Western Regional LSPS supports the planning proposal through Planning Priority 2; make available diverse, sustainable, adaptable and affordable housing options through effective land use planning. The planning proposal supports this priority by contributing to housing

stock and diversity which in turn, will ensure existing or future residents have a choice of housing that suits their needs as their circumstances change.

The site is predominately located within opportunity area 'F' which is categorised as a medium-term priority of Class 3 (otherwise unconstrained) land within the Mid-Western Comprehensive Land Use Strategy. These lots are also identified as 'Class 3 Land (otherwise unconstrained)' within the Comprehensive Land Use Strategy. As noted earlier in this report, Lot 264 is located outside of the opportunity area and it is staff's recommendation to not include this Lot within the scope of this Planning Proposal.

Council's recommendation is for the Minimum Lot Size for this Planning Proposal be increased from 10 to 12 hectares and an updated concept subdivision plan be provided prior to public exhibition. Council staff are not satisfied at the level of justification provided as to why 10 hectares is a more appropriate lot size than 12 hectares and are of the opinion that a 12ha Minimum Lot Size better aligns with the objectives of the R5 Large Lot Residential zoning.

With a Minimum Lot Size of 12 hectares, the Planning Proposal will meet the identified need for large lot residential development within proximity to Gulgong, and demonstrate the land is suitable for residential development.

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

A Planning Proposal is the best means of achieving the objectives and intended outcomes, since the proposal involves rezoning the site and amending the minimum lot size, subsequently resulting in required amendments to the Land Use Zone Map and the Lot Size Map contained within the MWLEP.

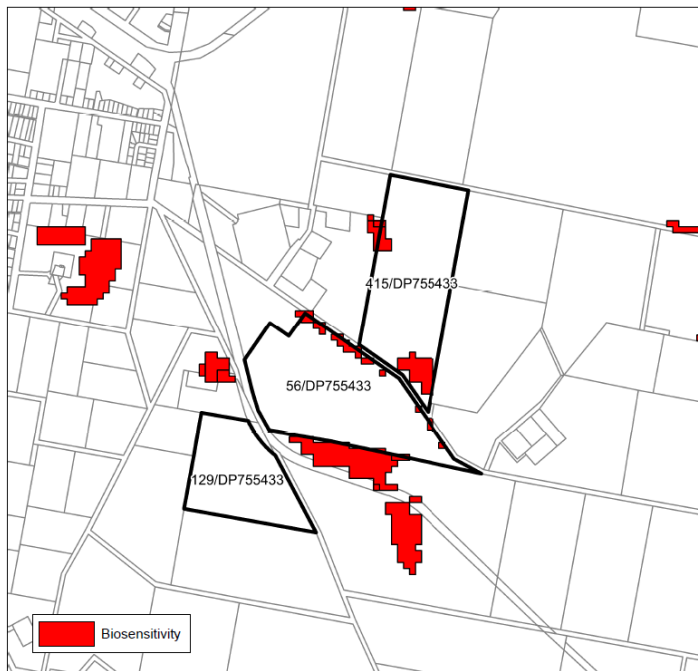
***Is the planning proposal consistent with applicable State Environmental Planning Policies and Ministerial Directions (Section 9.1 Directions)?***

The Planning Proposal is generally consistent with the applicable Ministerial Directions and State Environmental Planning Policies. These have been addressed in the submitted Planning Proposal.

***Is there any likelihood that critical habitat or threatened species, populations or ecological communities or their habitats, will be adversely affected because of the proposal?***

Multiple lots contain scattered mapped biodiversity, which is generally located on the perimeter of the lots. It is noted that a Biodiversity Assessment has not been prepared to support the Planning Proposal, and instead, future subdivision and/or development on site would be required to consider the impacts of the mapped biodiversity area. However, it is Council's recommendation that this technical report is to be provided as part of the Planning Proposal process, prior to any public exhibition as a condition of the Gateway Approval.

It is unlikely that there will be any direct adverse impacts on critical habitat or threatened species, populations or ecological communities, or their habitats as a result of the proposed amendments to the LEP. Site specific constraints will be considered during the assessment of any future development applications within the subject area.

*Figure 5 – Biodiversity Mapping*

(Source: MWRC)

***Has the planning proposal adequately addressed any social and economic effects?***

The social and economic effects of the Planning Proposal are positive for the Mid-Western LGA and the local and future residents. The planning proposal will facilitate the future development of additional rural housing opportunity within close proximity to Gulgong, contributing to additional housing supply and diversity. The site is within proximity of the Gulgong town centre, which features many amenities including schools, childcare, retail and commercial services.

Further, there are opportunity for future residents to contribute to Gulgong's local economy through employment opportunities.

***What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?***

The views of authorities and government agencies will be sought post Gateway. The Gateway determination will stipulate which authorities or government agencies are required to consult with.

***Mapping***

The Planning Proposal is a map only amendment. Maps submitted to the Department post Gateway determination will be consistent with the Department's *Standard Technical Requirements for Spatial Datasets and Maps*.

***Community Consultation***

Community consultation has not been carried out prior to the preparation of the Planning Proposal.

The Planning Proposal is considered 'standard' in accordance with the Department's *Local Environmental Plan Making Guideline* (August 2023) and requires a minimum public exhibition period of 20 days.

Public exhibition will be undertaken in accordance with any issued Gateway Determination and



Council policy.

### **Recommended Gateway conditions**

It is recommended that, at a minimum, the following condition are imposed by DPHI as conditions of their Gateway Determination:

- a) A biodiversity assessment report is to be prepared prior to community consultation.

## Conclusion and Next Steps

The purpose of this report is to provide Council's initial assessment of the Planning Proposal lodged in relation to the subject site to determine if Council supports progression of the Planning Proposal to the NSW Department of Planning, Housing and Infrastructure (DPHI) for a Gateway Determination to enable public exhibition of the planning proposal.

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

## Community Plan implications

Theme	Looking After Our Community
Goal	Vibrant towns and villages
Strategy	Make available diverse, sustainable, adaptable and affordable housing options through effective land use planning

## Strategic implications

### **Council Strategies**

Mid-Western Regional Comprehensive Land Use Strategy.

Mid-Western Regional Local Strategic Planning Statement, Our Place 2040.

### **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.

ZOE GLEESON  
STRATEGIC PLANNING CO-ORDINATOR

ALINA AZAR  
DIRECTOR DEVELOPMENT

15 November 2024

- Attachments:*
1. Planning Proposal - Henry Lawson Dr, Gulgong. (separately attached)
  2. Attachment 1 to Planning Proposal - Concept Subdivision Plan - Henry Lawson Dr, Gulgong. (separately attached)
  3. Attachment 2 to Planning Proposal- Utility and Infrastructure Report -Henry Lawson Dr, Gulgong. (separately attached)
  4. Attachment 3 to Planning Proposal - AHIMS Search - Henry Lawson Dr, Gulgong. (separately attached)
  5. Attachment 4 to Planning Proposal - Comprehensive Land Use Strategy Opportunities Map - Henry Lawson Dr, Gulgong. (separately attached)
  6. Attachment 5 to Planning Proposal - DPs & PP - Henry Lawson Dr, Gulgong. (separately attached)
  7. Attachment 6 to Planning Proposal - Certificates of Title - Henry Lawson Dr, Gulgong. (separately attached)
  8. Attachment 7 to Planning Proposal - Preliminary Contamination Investigation - Henry Lawson Dr, Gulgong. (separately attached)
  9. Attachment 8 to Planning Proposal - Assessment of Potential for Basic Landholder Rights - Henry Lawson Dr, Gulgong. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER