

PLANNING PROPOSAL LAND REZONING

REZONING OF LAND AT GULGONG

94 CANADIAN LEAD ROAD (LOT 129-DP755433 & LOT 264-DP755433); 2787 HENRY LAWSON DRIVE (LOT 56-DP755433); 2794 HENRY LAWSON DRIVE, GULGONG, NSW 2852 (LOT 415-DP755433)



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DATE: 26 SEPTEMBER 2024

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CONTENTS

1.	INTRODUCTION, OBJECTIVES AND INTENDED OUTCOMES	1
1.1.	PROJECT OVERVIEW	1
1.2.	INTRODUCTION	1
1.3.	PURPOSE.....	1
1.4.	OBJECTIVE.....	1
1.5.	INTENDED OUTCOMES.....	2
1.6.	PRELIMINARY CONSULTATION.....	2
1.6.1.	PRE-LODGE MEETING WITH MID-WESTERN REGIONAL COUNCIL:.....	2
2.	SITE AND SURROUNDING AREA.....	4
2.1.	SITE DESCRIPTION	4
2.2.	LOCATION DESCRIPTION	4
2.3.	PROJECT AND SUBJECT SITE BACKGROUND	5
2.3.1.	LAND USE HISTORY.....	5
2.3.2.	HISTORIC CONSENTS	5
2.3.3.	CONTAMINATION.....	5
3.	EXPLANATION OF PROVISIONS	8
3.1.	LAND USE ZONING	9
3.2.	MINIMUM LOT SIZE	9
4.	JUSTIFICATION OF STRATEGIC AND SITE-SPECIFIC MERIT	10
4.1.	NEED FOR THE PLANNING PROPOSAL	10
4.1.1.	IS THE PLANNING PROPOSAL A RESULT OF AN ENDORSED LSPS, STRATEGIC STUDY OR REPORT? 10	
4.1.2.	IS THE PLANNING PROPOSAL THE BEST MEANS OF ACHIEVING THE OBJECTIVES OR INTENDED OUTCOMES, OR IS THERE A BETTER WAY?.....	12
4.2.	RELATIONSHIP TO THE STRATEGIC PLANNING FRAMEWORK.....	14
4.2.1.	WILL THE PLANNING PROPOSAL GIVE EFFECT TO THE OBJECTIVES AND ACTIONS OF THE APPLICABLE REGIONAL OR DISTRICT PLAN OR STRATEGY?	14
4.2.2.	IS THE PLANNING PROPOSAL CONSISTENT WITH A COUNCIL LSPS THAT HAS BEEN ENDORSED BY THE PLANNING SECRETARY OR GCC, OR ANOTHER ENDORSED LOCAL STRATEGY OR STRATEGIC PLAN? 20	
4.2.3.	IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE SEPPS?	23
4.2.4.	IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE MINISTERIAL DIRECTIONS?	24
4.3.	ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT	30
4.3.1.	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?30	
4.3.2.	ARE THERE ANY OTHER LIKELY ENVIRONMENTAL EFFECTS OF THE PLANNING PROPOSAL AND HOW ARE THEY PROPOSED TO BE MANAGED?	32
4.3.3.	HAS THE PLANNING PROPOSAL ADEQUATELY ADDRESSED ANY SOCIAL AND ECONOMIC EFFECTS? 34	
4.4.	INFRASTRUCTURE (LOCAL, STATE AND COMMONWEALTH).....	35
4.4.1.	IS THERE ADEQUATE PUBLIC INFRASTRUCTURE FOR THE PLANNING PROPOSAL?	35
4.5.	STATE AND COMMONWEALTH INTERESTS.....	37
4.5.1.	WHAT ARE THE VIEWS OF THE STATE AND FEDERAL PUBLIC AUTHORITIES AND GOVERNMENT AGENCIES CONSULTED IN ORDER TO INFORM THE GATEWAY DETERMINATION?	37



5.	MAPS	38
6.	COMMUNITY CONSULTATION	5
7.	PROJECT TIMELINE.....	6
8.	ALTERNATIVE FOR CONSIDERATION	7
9.	CONCLUSION	9


APPENDICES

Appendix 1:	Concept Subdivision Plan prepared by de Witt Consulting
Appendix 2:	Utility and Infrastructure Servicing Plan
Appendix 3:	AHIMS Search Results
Appendix 4:	Comprehensive Land Use Strategy Opportunities Map
Appendix 5:	Deposited Plans
Appendix 6:	Certificate of Titles
Appendix 7:	Preliminary Contamination Investigation
Appendix 8:	Assessment of Potential for Basic Landholder Rights (BLR) Bores

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1. INTRODUCTION, OBJECTIVES AND INTENDED OUTCOMES

1.1. PROJECT OVERVIEW

Address	2794 Henry Lawson Drive Gulgong NSW 2852 (Lot 415 DP755433) (northern site), 2787 Henry Lawson Drive Gulgong NSW 2852 (Lot 56 DP755433) (central site), and 94 Canadian Lead Road Gulgong NSW 2852 (Lot 129 DP755433 and Lot 264 DP755433) (southern site)
Existing Structures	2794 Henry Lawson Drive, Gulgong NSW 2852 (northern site) Lot 415 DP755433: Contains a dwelling house and farm buildings. Used for residential purposes and extensive agriculture (crops and livestock grazing). 2787 Henry Lawson Drive, Gulgong NSW 2852 (central site) Lot 56 DP755433: Contains a dwelling house and farm buildings. Used for residential purposes and extensive agriculture (crops and livestock grazing). 94 Canadian Lead Road, Gulgong NSW 2852 (southern site) <ul style="list-style-type: none"> Lot 129 DP755433: Contains a stand-alone shed. Lot 264 DP755433: vacant.
Proponent / Landowner	Melinda Louise Westaway (2794 Henry Lawson Drive, Lot 415 DP755433) Nathan James Martyn and Stephanie Maree Martyn (2787 Henry Lawson Drive, Lot 56 DP755433) Sniper Mining Pty Limited (94 Canadian Lead Road, Lot 129 DP755433 & Lot 264 DP755433)
Land Zone	RU1 Primary Production
Land Area	76 hectares

1.2. INTRODUCTION

A planning proposal is a document (including supporting information) that explains the intended effect of a proposed LEP or proposed amendments to an LEP. It describes the intended outcomes, identifies and assesses the potential impacts that the changes to the LEP may have, and provides justifications for making the LEP. The planning proposal describes how amendments to an LEP ‘give effect’ to strategic and site-specific planning outcomes. It is therefore the first step in making the statutory link with strategic plans and amending an LEP.

This planning proposal has been structured in accordance with Section 2 of the Department of Planning (DPE) Local Environmental Plan Making Guideline (LEP Making Guidelines) (DPE, 2023). The preparation of the planning proposal is for Gateway Determination in accordance with Division 3.4 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act).

1.3. PURPOSE

This planning proposal has been prepared on behalf of Melinda Westaway, Sniper Mining Pty Limited, Nathan Martyn, and Stephanie Martyn (the proponents) to accompany an application to Mid-Western Regional Council (Council) for the rezoning of land located at 94 Canadian Lead Road (Lot 129-DP755433 & Lot 264-DP755433), 2787 Henry Lawson Drive (Lot 56-DP755433), and 2794 Henry Lawson Drive, Gulgong, NSW 2852 (Lot 415-DP755433). The rezoning relates to changing the land use from RU1 Primary Production to R5 Large Lot Residential and includes an associated change in the minimum lot size from 100 hectares to 10 hectares.

1.4. OBJECTIVE

The objective of this planning proposal is to amend the Mid-Western Regional Local Environmental Plan (LEP) 2012 to rezone land at 94 Canadian Lead Road, 2787 Henry Lawson Drive, and 2794 Henry Lawson Drive, Gulgong, NSW 2852 (the subject site). This specifically involves the rezoning of the land from RU1 Primary Production to R5 Large Lot Residential,

with a minimum lot size change from 100 hectares to 10 hectares. The objective is to increase the provision of rural lifestyle living lots in close proximity to Gulgong.

1.5. INTENDED OUTCOMES

The intended outcomes of this planning proposal are:

- **To provide additional rural residential land:** Rezoning the land to R5 Large Lot Residential will cater to the increasing demand for large lot residential purposes within and near the Gulgong urban area.
- **To optimise land use:** By changing the minimum lot size from 100 hectares to 10 hectares, the proposal aims to optimise land use and promote sustainable development in the region.
- **To support rural lifestyle living:** The rezoning will facilitate rural lifestyle living by providing unconstrained land suitable for large lot residential purposes.
- **To contribute to community infrastructure:** The proposal will ensure that the land is appropriately zoned to support large lot residential development, contributing to the enhancement of community infrastructure.
- **To stimulate economic growth:** Rezoning the land will encourage economic investment and create employment opportunities in the Mid-Western Regional Local Government Area (LGA).
- **To improve land use compatibility:** The rezoning will ensure that the land use is consistent with the surrounding areas, minimising potential land use conflicts.
- **To maintain environmental integrity:** The proposal aims to balance development needs with the preservation of the subject site's environmental features and surrounding area.

1.6. PRELIMINARY CONSULTATION

1.6.1. Pre-Lodgement Meeting with Mid-Western Regional Council:

The project commenced with a pre-lodgement meeting between Liberty Pannowitz from de Witt Consulting and Sarah Armstrong from Mid-Western Regional Council on May 20, 2024. This meeting was intended to discuss the initial proposal and outline the necessary planning processes. Following this, there was ongoing correspondence.

On June 27, 2024, further discussions took place via email between Liberty Pannowitz, Sarah Armstrong, and Sarah Goldsmith. The focus of these discussions was the Minimum Lot Size (MLS) for the proposed rezoning. The Council and the Department of Planning, Housing, and Infrastructure (DPHI) both indicated that the proposal, which suggested a reduction in MLS to 5 hectares, was inconsistent with the established and consistently applied MLS for rural lifestyle properties, which typically required larger lot sizes such as 10 or 12 hectares.

Despite this feedback, it was suggested that with adequate justification and adjustments, specifically considering the appropriateness of a 10-hectare lot size over a 12-hectare lot size regarding water supply and other factors, the proposal can be considered. Council was open to discussing potential rezoning beyond the identified extent of Area F if the site attributes supported orderly development and responded to the topography and attributes of the land.

Table 1: Matters requiring further assessment

ENVIRONMENTAL CONSIDERATION	SUPPORTING TECHNICAL DOCUMENT	REFERENCE
Heritage – Aboriginal	Planning Proposal	Section 4.3.3.1
Flora and fauna	Planning Proposal	Section 4.3
Services and utilities	Utility and Infrastructure Servicing Strategy	Appendix 2 - Utility and Infrastructure Servicing Strategy
Concept subdivision	Concept Subdivision Plan	Appendix 1 - Concept Subdivision Plan

ENVIRONMENTAL CONSIDERATION	SUPPORTING TECHNICAL DOCUMENT	REFERENCE
Site contamination	Preliminary Contamination Assessment	Appendix 7 – Preliminary Contamination Assessment
Soils and geotechnical	Planning Proposal	Section 4.3.2.3
Social	Planning Proposal	Section 4.3.3.2
Economic	Planning Proposal	Section 4.3.3.3
Bushfire hazard	Planning Proposal	Section 4.3.2.4
Transport and traffic	Planning Proposal	Section 4.4
Flood hazard	Planning Proposal	Section 4.3.2.1
Non-Aboriginal Heritage	Planning Proposal	Section 4.3.3.1
Air quality	Planning Proposal	Section 4.3.2.6
Acoustic and vibration	Planning Proposal	Section 4.3.2.5
Visual impact	Planning Proposal	Section 4.3.2.8
Waste	Planning Proposal	Section 4.4

2. SITE AND SURROUNDING AREA

2.1. SITE DESCRIPTION

The subject site consists of multiple lots described as Lots 56, 129, 264 & 415 in DP755433. The total site area is approximately 76 hectares (ha). The subject site is irregularly shaped and is located immediately east of the Gulgong township in the Mid-Western region of NSW. The combined lots have frontages to Henry Lawson Drive, Canadian Lead Road, Snelsons Lane and Ridout Lane.

Topographically, the subject site is generally flat with some small areas of elevation in the northern and central lots. The subject site comprises predominantly cleared land with scattered remnant vegetation. Notably, mature trees screen parts of the central lot from Henry Lawson Drive, and there are some scattered trees around the existing dwelling sites on the northern and central lots. Small dams are scattered across the subject site, but there are no natural watercourses.

The northern lot (2794 Henry Lawson Drive) is bound by Snelsons Lane to the north, while Henry Lawson Drive runs along the southern boundary. The central lot (2787 Henry Lawson Drive) is bounded by Henry Lawson Drive to the north and Canadian Lead Road to the west. The southern lot (94 Canadian Lead Road) is bounded by Canadian Lead Road to the north and east, and Ridout Lane to the west.

The subject site supports existing structures, including dwelling houses and farm outbuildings, which are used for low-intensity agricultural purposes or residential living. The subject site is accessed via existing public roads, with formed driveway entrances from Henry Lawson Drive, Snelsons Lane and Canadian Lead Road.

The surrounding area includes other large land holdings, which consist of large lot and lifestyle living, and smaller agricultural pursuits. The subject site is located on the fringe of the Gulgong township, being 1 km from the outlying areas and within 1.8 km of the town centre. The Wallerawang-Gwabegar Railway forms part of the subject site boundary of the central lot. Notable features in the greater region include the Munghorn Gap Nature Reserve to the east, the Talbragar River to the north, and Lake Burrendong to the southwest. The Castlereagh Highway (State highway B55) runs north-south through Gulgong and connects to the Golden Highway.

A Site Plan is provided in *Figure 1* overleaf.

2.2. LOCATION DESCRIPTION

The subject site is located within the suburb of Gulgong, in the Mid-Western region of New South Wales (NSW). The surrounding area primarily features rural-residential development, including larger rural living allotments and smaller agricultural pursuits, reflecting the region's agricultural heritage and rural lifestyle.

Situated on the fringe of the Gulgong township, the subject site is approximately 1 kilometre from the outlying residential areas and within 1.8 kilometres of the town centre. The Wallerawang-Gwabegar Railway forms part of the subject site boundary of the central lot, providing important transport connectivity.

Key features in the greater region include the Munghorn Gap Nature Reserve to the east, known for its biodiversity, the Talbragar River to the north, and Lake Burrendong to the southwest, which is a significant recreational and water storage area. The Castlereagh Highway (State Highway B55) runs north-south through Gulgong and connects to the Golden Highway, facilitating regional access.

Gulgong offers a range of services, including medical facilities, dining options, supermarkets, specialty stores, community and recreational facilities, and childcare centres. This

infrastructure supports the needs of the local population and contributes to the town's viability as a rural residential area.

The surrounding region features a mix of residential areas, agricultural lands, and natural reserves. This combination supports a diverse local economy and lifestyle, blending residential living with agricultural activities and access to natural resources.

A Location Plan is provided in *Figure 2* overleaf.

2.3. PROJECT AND SUBJECT SITE BACKGROUND

2.3.1. Land Use History

The subject site consists of multiple lots (Lots 56, 129, 264 & 415 in DP755433) located immediately east of the Gulgong township in the Mid-Western region of NSW. Historically, the land has been used for low-intensity agricultural purposes and residential living. Aerial imagery and historical data indicate these uses have been consistent since the 1960s. Over time, demographic shifts and regional development have influenced changes in land use and demand for residential space.

2.3.2. Historic Consents

2.3.2.1. DA0242/2021

DA0242/2021 pertains to an approved Secondary Dwelling (Transportable) at 2787 Henry Lawson Drive, Gulgong NSW 2852 (the central site). This development application was approved on 10 March 2021, facilitating the placement of a secondary, transportable dwelling on the site.

2.3.3. Contamination

A Preliminary Site Investigation is provided at **Appendix 7**. The investigation aims to identify potential environmental contamination, assess the current site conditions and suitability for rezoning, and provide recommendations for further actions, if necessary. The investigation found that the site poses minimal risk of contamination due to historical low-intensity agricultural use. There is no immediate need for remediation, but ongoing monitoring and proper management of agricultural chemicals are recommended.

FIGURE 1
SITE PLAN

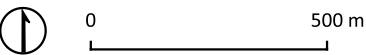
LEGEND

- ROADS
- RAILWAY
- SITE BOUNDARY
- CADASTRE

SITE ADDRESS:
GULGONG NSW 2852

CLIENT DETAILS:
VARIOUS LANDOWNERS

PREPARED BY:



A3 SCALE:1:8,000
DWC REF: 14046
VERSION: 01
CRS: EPSG:28355
AUTHOR: LP
APPROVED: MB
DATA © NSW SPATIAL SERVICES
2022

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FIGURE 2
LOCATION PLAN



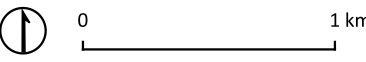
LEGEND

- SITE BOUNDARY
- WATERWAYS
- MAJOR ROADS
- +—+— RAILWAY
- LEP TERRESTRIAL BIODIVERSITY
- ▨ HERITAGE CONSERVATION AREA
- ITEM - GENERAL

SITE ADDRESS:
GULGONG NSW 2852

CLIENT DETAILS:
VARIOUS LANDOWNERS

PREPARED BY:



A3 SCALE:1:30,000
DWC REF: 14046
VERSION: 01
CRS: EPSG:28355
AUTHOR: LP
APPROVED: MB
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3. EXPLANATION OF PROVISIONS

The intent of the LEP amendment is to amend the Mid-Western Regional Local Environmental Plan 2012 as outlined in *Table 2* below.

Table 2: Proposed map amendments

LEP	Proposed
Land Use Zone Map (Previously Sheet LZN_005E)	The current land zoning of RU1 Primary Production applies to Lots 56, 415, 129 & 264 DP755433. The proposed amendment will rezone these lots to R5 Large Lot Residential.
Lot Size Map (Previously Sheet LSZ_005E)	A minimum subdivision lot size of 100 hectares currently applies to Lots 56, 415, 129 & 264 DP755433. The proposed amendment will reduce the minimum subdivision lot size for Lot 264 DP755433 from 100 hectares to 10 hectares.

It should be noted that Council has not adopted Clause 4.4 Floor Space Ratio (FSR). The Clause 4.3 Height of Buildings (HOB) map generally applies to Gulgong. However, similar to the R5 zoned land to the north, which does not have a height of building control, no height of building control is proposed for this area.

As such, no proposed HOB or FSR development standards are proposed to be applied as part of this rezoning proposal. *Figures 3 and 4* below provide a visual overview of the proposed changes to LEP 2012, with full maps provided in Section 5.

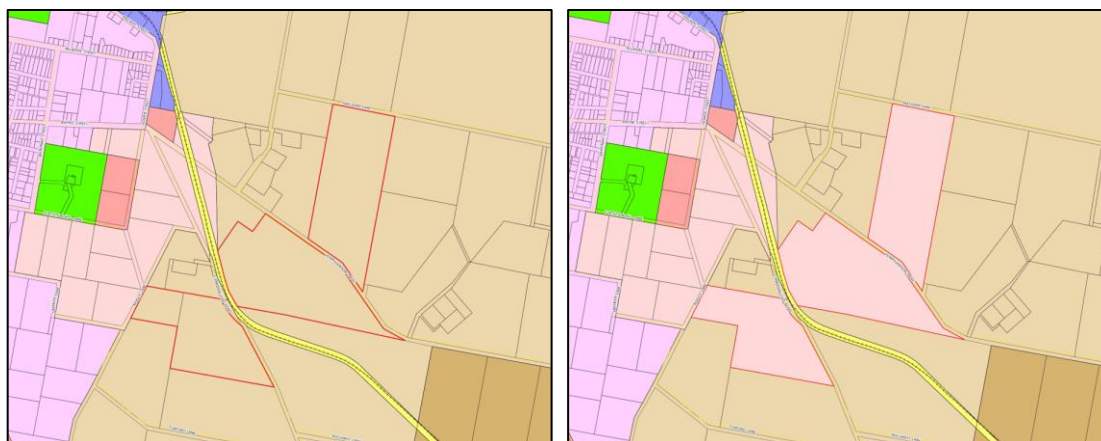


Figure 3: Existing and proposed land use zoning maps (de Witt Consulting)

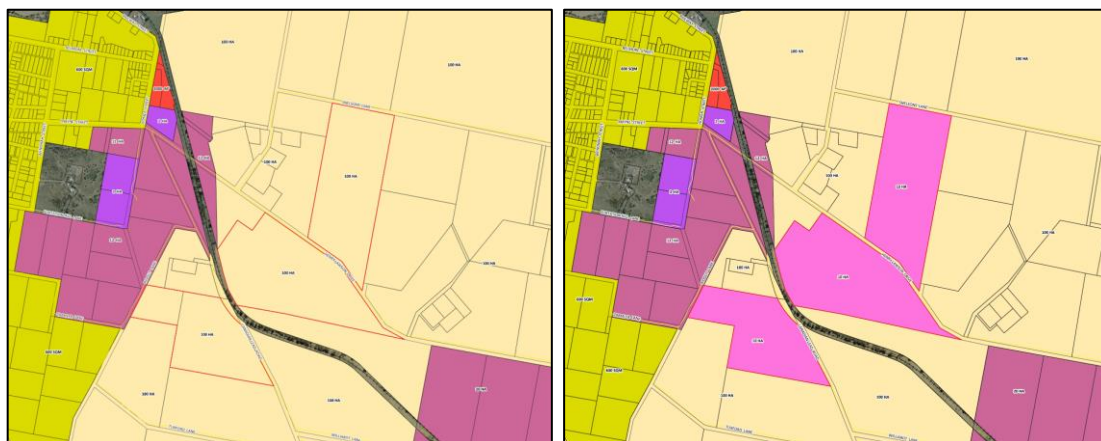


Figure 4: Existing and proposed minimum lot size maps (de Witt Consulting)

3.1. LAND USE ZONING

The planning proposal seeks to rezone the subject land from RU1 Primary Production to R5 Large Lot Residential. This proposed zoning change aligns with the objective of amending the Mid-Western Regional Local Environmental Plan 2012 to facilitate the expansion of residential development in the area. This rezoning will enable the land to be used for rural lifestyle residential purposes, addressing the growing demand for large lot residential land in Gulgong.

3.2. MINIMUM LOT SIZE

The planning proposal seeks to amend the minimum lot size of the subject site from 100 hectares to 10 hectares. The proposed minimum lot size is consistent with the adjoining lot sizes and is generally aligned with the minimum lot size that corresponds with the R5 Large Lot Residential zoning.

The Concept Subdivision Plan is provided in **Appendix 1** which demonstrates the outcome and likely maximum number of lots.

4. JUSTIFICATION OF STRATEGIC AND SITE-SPECIFIC MERIT

This section of the report provides a detailed assessment of the proposals strategic and site-specific merit. This section also integrates findings from the specialist studies, investigations and plans which support the rezoning. Strategic plans offer longer term visions for local and regional planning, and inform strategic planning as well as translating into local priorities and actions for development. On balance, the interaction of the strategic planning framework against the findings of the specialist input determines that the planning proposal should be supported and environmental, social and economic impacts are appropriate. Where mitigation measures are required, these are identified and included.

4.1. NEED FOR THE PLANNING PROPOSAL

4.1.1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?

Yes. The Planning proposal aligns with several key regional and local planning documents, including the Central West and Orana Regional Plan 2041 (CWORP 2041) and the Mid-Western Regional Local Strategic Planning Statement (LSPS) 2040. These documents provide a comprehensive framework for sustainable development in the region, focusing on themes such as sustainability, community resilience, housing, and economic development. The proposal is consistent with the strategic directions and objectives outlined in these documents, ensuring that it supports broader regional and local goals. By adhering to the priorities and guidelines set forth in these plans, the proposal demonstrates a clear connection to endorsed strategic studies and reports, justifying its merit and necessity.

4.1.1.1. Central West and Orana Regional Plan 2041

The Central West and Orana Regional Plan 2041 sets the strategic framework for the region, to ensure the region's ongoing prosperity. It is a 20-year land use plan prepared under section 3.3 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and applies to the LGAs of Bathurst, Blayney, Bogan, Cabonne, Coonamble, Cowra, Dubbo, Forbes, Gilgandra, Lachlan, Lithgow, **Mid-Western**, Narromine, Oberon, Orange, Parks, Warren, Warrumbungle and Weddin.

CWORP 2041, focuses on themes such as sustainability, community resilience, housing, and economic development.

Key objectives relevant to the planning proposal include:

- **Objective 5:** Identify, protect, and connect important environmental assets.
- **Objective 8:** Secure resilient regional water resources.
- **Objective 13:** Provide well-located housing options to meet demand.
- **Objective 15:** Manage rural residential development.
- **Objective 9:** Ensure site selection and design embraces and respects the region's landscapes, character, and cultural heritage.

These objectives align with the planning proposal by promoting sustainable development and ensuring that new housing is well integrated into the existing environmental and infrastructure context.

Regarding region-wide objectives of CWORP 2041, the planning proposal displays compliance with key strategies. These include:

***Strategy 13.1:** to ensure an adequate and timely supply of housing, in the right locations, strategic and local planning should:*

- *Respond to environmental, employment and investment considerations, and population dynamics when identifying new housing opportunities.*

- *Consider house proposed release areas could interact with longer term residential precincts.*
- *Provide new housing capacity where it can use existing infrastructure capacity or support the timely delivery of new infrastructure.*
- *Identify a pipeline of housing supply that meets community needs and provides appropriate opportunities for growth.*

The Mid-Western region in particular is experiencing a wave of investment in energy production and storage, with development for solar farms, wind farms, battery energy storage systems, hydrogen stations, etc, which means that the region will need to account for increased dwelling demand of all types. The proposed rezoning will provide larger lifestyle lots for those who want a larger lot closer to town, but of a more manageable size and a transition between the larger rural properties and village of Gulgong.

Strategy 15.1: *when planning for new rural residential development consider:*

- *Proximity to existing urban settlements to maximise the efficient use of existing infrastructure and services.*
- *Avoiding primary production zoned agricultural land and mineral resources and consider land use conflict when in proximity to such land.*
- *Avoiding areas of high environmental, cultural or heritage significance, or areas affected by natural hazards.*
- *Provision of a sustainable water supply through reticulated water supply roof catchment and/or accessing water from a river lake or aquifer in accordance with the Water Management Act 2000.*
- *Impacts on the groundwater system.*
- *Future growth opportunities of the closest local centre, nearby urban land uses and any across LGA-boundary land use compatibility issues.*
- *Context in terms of supply and demand across the subregion.*
- *Cost effective service supply.*

The proposed rezoning is located approximately 1km from the main urban settlement of Gulgong, located on the fringe of existing R5 zoned lands. This will ensure good access to existing infrastructure and services, such as roads, electricity and telecommunications. The proposed outcomes will ensure some transition between rural land uses and the urban settlement. The proposed rezoning is generally avoiding areas of high ecological or cultural or heritage significance. It is noted that the site is affected by Biodiversity Values (BV) mapping, but this takes up only small portion of the site such as boundaries where remnant vegetation tree stands exist. Importantly, the majority of the site is cleared land and not mapped as BV. It is noted that part of the subject site is mapped on the Groundwater Vulnerability map from LEP 2012, however the proposed rezoning is unlikely to present significant adverse impacts, as only large lots are proposed.

At this early stage, the rezoning has considered opportunities to locate, design and construct new development to minimise impacts on groundwater resources and encourage the re-use of water and ability for sites to manage stormwater within their own boundaries. The intent of the future 10ha subdivision scale is to ensure that the lots are of a size sufficient where they may have individual bores for a domestic water source and rely upon rainwater as the source of primary potable water. This has been investigated further as part of this Planning Proposal. The intended future land uses (rural residential lifestyle living) are not associated with land uses that would harm surface and groundwater quality or lead to its overuse, with residential land uses being less intensive and any very small scale agricultural uses also consistent with what is currently permissible on the site and not intended to be an intensive commercial use of the site. The proposed rezoning is commensurate with the existing constraints on the site and in the immediate surrounding area.

Strategy 15.2: *Enable new rural residential development only where it has been identified in a local strategy prepared by the relevant council and endorsed by the department. Avoid unplanned or unsupported rezoning of rural land.*

Reviewing other strategic documentation, such as the *Mid-Western Regional Comprehensive Land Use Strategy*, the proposed rezoning is located in Area F, identified as a medium-term opportunity area. As previously described, the Mid-Western area and Gulgong area are facing good levels of residential growth. As previously discussed, there is opportunity for the expansion of residential areas from the large growth and investment in renewable energy production and storage in the region.

4.1.1.2. Mid-Western Region Community Plan Towards 2040

The Towards 2040 Community Plan, developed with community input, mirrors the priorities of CWORP 2041, emphasising community goals and strategic growth. The consistency of the planning proposal with the CWORP demonstrates its alignment with the community's vision.

4.1.1.3. Mid-Western Regional Local Strategic Planning Statement 2040

The Mid-Western Regional Local Strategic Planning Statement (LSPS) 2040 sets a 20-year vision for land use within the LGA, supporting the objectives of CWORP 2041 at the local level.

Key priorities relevant to the proposal include:

- **Planning Priority 2:** Diverse, sustainable, adaptable, and affordable housing options.
- **Planning Priority 4:** Infrastructure and services to support current and future community needs.
- **Planning Priority 5:** Enhancement and protection of biodiversity and natural heritage.

4.1.1.4. Comprehensive Land Use Strategy 2011

The Comprehensive Land Use Strategy (CLUS) guides future land use changes in the Mid-Western Regional LGA, identifying land for long-term housing needs. The subject site falls within an identified opportunity area for rural lifestyle development, justifying the proposed rezoning from rural to residential use.

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

To determine whether the planning proposal is the best approach to achieving the objectives or intended outcomes, we must review potential alternative approaches. This includes seeking to vary applicable development standards via Clause 4.6 of the relevant Local Environmental Plan (LEP), waiting for Council to finalise a study and/or separate planning proposal, or achieving the outcome through an amendment to a Development Control Plan (DCP). The assessment below will demonstrate that the proposed approach is the most effective, efficient, and timely method.

Alternative Approaches

1. Varying Development Standards via Clause 4.6 of the LEP

Clause 4.6 of the Mid-Western Regional LEP 2012 allows for variations to development standards where strict compliance would be unreasonable or unnecessary. This could theoretically include variations to minimum lot sizes or other controls.

- **Feasibility:** Varying development standards via Clause 4.6 is typically used for minor adjustments rather than substantial rezoning. It is unlikely to be supported for significant changes such as reducing the minimum lot size from 100 hectares to 10 hectares across multiple lots.

- **Limitations:** Clause 4.6 variations are assessed on a case-by-case basis and must demonstrate that compliance with the existing standard is unreasonable or unnecessary. The scale of change required for this proposal would not be suited to this mechanism.
- **Efficiency:** Using Clause 4.6 for such a substantial change would involve multiple applications, resulting in a fragmented and lengthy process without providing the comprehensive planning and strategic assessment that a rezoning application would offer.

2. Waiting for Council to Finalise a Study and/or Separate Planning Proposal

Another approach would be to wait for the Council to complete relevant strategic studies or initiate its own planning proposal.

- **Current Status:** The Council recently completed the Mudgee and Gulgong Urban Release Strategy 2023 Update. This report identifies the substantial demographic growth of the broader Mid-Western region due to large investment in renewable energy, coinciding with the implementation of the Central West-Orana Renewable Energy Zone (REZ). The subject site is outside of this urban release strategy framework area. Council has indicated that other similar strategies for rural lands are not on the horizon (referring to the pre-lodgement meeting).
- **Uncertainty:** Relying on the completion and outcomes of Council-led studies introduces significant uncertainty and potential delays. The timelines for these studies are not fixed, and their recommendations may not align precisely with the objectives of the current planning proposal.
- **Opportunity Cost:** Delaying the proposal could result in missed opportunities to address the current demand for rural residential land, potentially leading to ongoing housing shortages and economic impacts for the region.
- **3. Amendment to a Development Control Plan (DCP)**

Development Control Plans provide detailed guidelines to support the LEP and can be amended to introduce new controls or standards.

- **Scope:** DCPs are supplementary documents that provide guidance on how development can occur within the framework established by the LEP. They cannot change zoning or fundamentally alter the permitted uses of land.
- **Limitations:** An amendment to the DCP could not achieve the objective of rezoning land from RU1 to R5. DCPs cannot override the land use zones and minimum lot sizes prescribed in the LEP.
- **Effectiveness:** Changes to a DCP would be ineffective in delivering the desired outcomes of this proposal, as the primary objective is to rezone the land, which requires an LEP amendment.

Assessment of Proposed Approach

The proposed planning proposal to rezone the land from RU1 Primary Production to R5 Large Lot Residential is assessed to be the most appropriate approach based on the following criteria:

1. Comprehensive and Strategic Alignment

- The planning proposal allows for a thorough strategic assessment and alignment with regional and local planning objectives, such as those outlined in the Central West and Orana Regional Plan 2041 and the Mid-Western Regional LSPS 2040.

- It enables a holistic consideration of the subject site's characteristics, infrastructure needs, environmental impacts, and socio-economic benefits.

2. Efficiency and Timeliness

- The planning proposal process is structured and provides a clear pathway for assessment and approval, including community and stakeholder consultation.
- Compared to the fragmented and uncertain nature of the alternative approaches, a planning proposal is more efficient in delivering the desired outcome within a reasonable timeframe.

3. Certainty and Robustness

- A planning proposal provides certainty and robustness to the rezoning process, ensuring that all necessary studies, consultations, and statutory requirements are addressed comprehensively.
- It offers a definitive resolution to the zoning and land use issues, providing clarity for future development and investment.

4. Best Use of Resources

- Initiating a planning proposal leverages the expertise and resources of both the proponent and the Council in a collaborative manner, facilitating a well-considered and supported rezoning application.
- It avoids the potential resource wastage associated with multiple Clause 4.6 applications or the lengthy wait for the completion of Council studies.

The assessment demonstrates that the proposed planning proposal is the best means of achieving the objectives or intended outcomes for rezoning 94 Canadian Lead Road (Lot 129/DP755433 & Lot 264/DP755433); 2787 Henry Lawson Drive (Lot 56/DP755433); 2794 Henry Lawson Drive, Gulgong, NSW 2852. It is more effective, efficient, and timely compared to the alternative approaches of varying development standards, waiting for Council studies, or amending the DCP. The planning proposal process provides a comprehensive, strategic, and robust framework to facilitate the rezoning, ensuring alignment with broader planning objectives and delivering clear benefits for the community and stakeholders.

Rezoning the subject site is the first option. The most prudent rezoning choice is R5, as it reflects adjacent land use zoning, and enables an appropriate density consistent with rural residential lifestyle of the area.

As demonstrated above, a planning proposal to rezone the subject site from RU1 Primary Production to R5 Large Lot Residential is the most appropriate option.

4.2. RELATIONSHIP TO THE STRATEGIC PLANNING FRAMEWORK

4.2.1. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy?

Yes. Consideration of the *Central West and Orana Regional Plan 2041* is provided below.

4.2.1.1. Central West and Orana Regional Plan 2041

The Central West and Orana Regional Plan 2041 has been considered. The planning proposal is consistent with the objectives of the CWORP 2041, which broadly identifies areas for more economic expansion and associated housing opportunities throughout the region, including the Mid-Western Regional LGA.

Objective 4: Leverage inter-regional transport connections

This objective focuses on improving transport connectivity and regional accessibility by enhancing major road, rail, and air networks. The goal is to facilitate the efficient movement of people and goods, support economic growth, and improve access to services and employment opportunities across the region.

The subject site is strategically located near major roads and the Wallerawang-Gwabegar Railway, enhancing transport connectivity and supporting regional accessibility. The rezoning proposal will leverage these existing transport connections to ensure that the future development is well-integrated into the regional transport network. This will facilitate easier access for residents to employment, education, and services, thereby supporting regional economic growth and improving overall accessibility.

Objective 5: Identify, protect and connect important environmental assets

This objective aims to preserve and enhance significant environmental and ecological features within the region. It involves identifying key environmental assets, ensuring their protection from adverse impacts, and creating ecological corridors to connect habitats and support biodiversity.

The planning proposal has identified areas of ecological value on the subject site. It includes measures to preserve existing vegetation and ecological features. The identified ecological values are unlikely to be impacted by future development due to the extensive cleared land available for development. Additionally, it is considered that potential endangered ecological communities are not present on-site. The proposal aims to avoid impacting existing woody vegetation zones and promotes sustainable land use practices that minimize environmental impact. By maintaining and enhancing these environmental assets, the rezoning aligns with the objective of protecting and connecting important ecological features.

Objective 6: Support connected and healthy communities

This objective focuses on creating well-connected, healthy communities by promoting active transport, access to green spaces, and community facilities. The goal is to enhance the quality of life, support physical and mental well-being, and foster social cohesion.

Rezoning to R5 Large Lot Residential promotes rural lifestyle living, contributing to community health and connectivity. The proposal supports the development of a community that benefits from open spaces, opportunities for outdoor activities, and a connection to the natural environment. The subject site's proximity to Gulgong township ensures that residents will have access to essential services and community facilities, fostering a healthy and well-connected community.

Objective 7: Plan for resilient places and communities

This objective aims to ensure that communities are resilient to natural hazards and climate change impacts. It involves planning for development in areas free from significant risks, such as bushfires and floods, and incorporating design principles that enhance resilience.

The rezoning does not include land that is within an area of bushfire risk or flood hazard. The proposal ensures that future development will not contribute to the heat island effect, as it is intended for rural lifestyle living with low-density development. This approach enhances community resilience by avoiding high-risk areas and promoting sustainable land use practice.

Objective 8: Secure resilient regional water resources

This objective focuses on implementing sustainable water management practices to ensure the availability and quality of water resources. It addresses the challenges of water scarcity, allocation, and quality by promoting efficient use and innovative water management solutions.

The rezoning provides opportunities to locate, design and construct new development to minimise impacts on groundwater resources and encourage the re-use of water and ability for subject sites to manage stormwater within their own boundaries. The intent of the future subdivision scale is to ensure that the lots rely upon rainwater as the source of primary potable water.

Objective 9: Ensure site selection and design embraces and respects the region's landscapes, character and cultural heritage

This objective aims to integrate natural landscapes and cultural heritage into development planning. It involves selecting sites and designing developments that respect and enhance the region's unique landscapes and cultural assets.

The subject site's location and design respect the natural landscape and cultural heritage, integrating seamlessly with the surrounding environment. The proposal ensures that the higher density of development is concentrated around rural centres, avoiding sensitive areas or highly visible locations. The subject site selection respects the region's landscapes and character, maintaining the region's cultural heritage by avoiding significant changes to natural features and ensuring development fits within the existing environment.

It is considered that the subject site is well suited for future rural lifestyle living. The subject site is within proximity to the Gulgong township and similar rural lifestyle living (particularly to the west). The subject site is not located within sensitive areas or highly visible locations such as on ridgelines or within areas that would require clearing or changes to the natural landscape to facilitate future development.

Objective 13: Provide well located housing options to meet demand

This objective addresses housing demand by providing strategically located housing options that are accessible and well-serviced. It aims to meet the needs of the growing population and ensure that housing developments are sustainable and integrated with existing infrastructure.

Rezoning addresses the demand for rural residential land by offering well-located housing options near the Gulgong township. The chosen subject site is predominantly within and includes logical extensions of the identified Opportunity Area F. The subject site is serviced by existing road infrastructure, promoting accessibility and supporting the development of housing options that meet the growing demand in the region. The proposed rezoning responds to evolving population dynamics by providing additional land for rural residential living as a response to unanticipated population increase in the region.

Objective 15: Manage rural residential development

This objective focuses on minimizing land use conflict and ensuring that rural residential development is compatible with surrounding land uses. It involves managing the scale and location of development to support sustainable rural living.

The proposal aligns with strategies to minimise land use conflict and ensure compatible development in rural residential areas. The subject site's proximity to Gulgong township maximizes the efficient use of existing infrastructure, particularly transport routes. The proposal ensures that future development is suitable for both rural residential living and agricultural pursuits, consistent with surrounding land uses. By providing large lots and maintaining sustainable water and land use practices, the rezoning supports the objective of managing rural residential development effectively.

The subject site is ideal for rural residential development because it lacks significant environmental, cultural, or heritage constraints and is not prone to natural hazards like bushfires and floods. The groundwater system may be sustainably managed through roof catchment and bore water supply, in compliance with the Water Management Act 2000. The

proposal aligns with the CLUS, being largely within and extending Priority Area F, and addressing the demand for R5 land identified in this report due to low uptake in other priority areas and changing population demographics. Additionally, the rezoning is unlikely to cause land use conflicts, as it supports both rural residential living and agricultural activities like cropping and grazing, like the surrounding areas, particularly to the east.

Objective 19: Protect agricultural production values and promote agricultural innovation, sustainability and value-add opportunities

This objective aims to support sustainable agricultural practices and innovation alongside residential development. It involves protecting agricultural land, promoting sustainable practices, and encouraging value-added agricultural opportunities.

The planning proposal allows for rural residential use alongside small-scale agriculture, supporting sustainable agricultural practices and innovation. The proposal ensures that the land can be used for hobby farming, horse riding, raising animals, and other agricultural uses, consistent with surrounding land uses. By maintaining the option for low scale agricultural activities and ensuring that future land uses do not conflict with existing agricultural practices, the rezoning aligns with the objective of protecting agricultural production values and promoting sustainability and innovation.

The proposed R5 zone and 10ha lot size have been carefully considered to align with the surrounding land uses. This rezoning is intended to support rural residential development on large, oversized lots, while allowing for suitably scaled agricultural pursuits. The surrounding area predominantly features large lot residential lifestyles, making the proposed land use for this subject site entirely consistent with existing patterns. Consequently, the rezoning will not impact agricultural productivity or create land use conflicts, ensuring harmonious integration with the current land uses.

The proposed 10ha lot size ensures that any necessary buffers can be accommodated within future subject site boundaries. Intensive plant and animal agriculture uses remain permissible in the R5 zone, ensuring that the land can be used for rural residential living and agriculture as required, subject to water availability and land capability. The rezoning of this land to R5 ensures that there will be reasonably good quality and usable land available for hobby farming, horse riding, raising animals, planting fruit trees, and other agricultural uses.

4.2.1.2. Mid-Western Regional Comprehensive Land Use Strategy

The Mid-Western Regional Comprehensive Land Use Strategy 2011 provides a framework for the Mid-Western Regional LGA to address long-term rural and urban growth needs. The CLUS emphasises the preference for rural lifestyle lots to be situated at the urban edge, close to services, and to minimise travel distances. The CLUS includes mapping to identify future development opportunities and specifies that rural lifestyle opportunities should be located within a 5km radius of urban centres like Gulgong. Council has identified 12-hectare rural lifestyle opportunities around urban centres, and within a 5km offset of Gulgong. This hard-line radius assists in minimising travel distance and protecting agricultural land. Council also identifies that the minimum lot size for subdivision for rural lifestyle (R5) will be 12 hectares where reticulated water and sewer are not available. Additionally, the CLUS suggests that new rural lifestyle lots should be clustered around existing sealed roads.

The subject site is located within, and immediately adjoining, the medium-term Opportunity Area F and identified as 'Class 3 land (otherwise unconstrained)', reproduced below in *Figure 5*. A copy of this is provided in the Comprehensive Land Use Strategy Opportunities Map at **Appendix 4**.

Much of the adjoining land is also noted as Class 3 land. The subject site is located entirely within the 5km radius, being approximately only 1 km from the urban fringe and approximately 2.5 km from the centre of Gulgong.

The subject site has direct access from existing sealed roads, specifically Henry Lawson Drive for the properties at 2794 Henry Lawson Drive (Lot 415-DP755433) and 2787 Henry Lawson Drive (Lot 56-DP755433). However, 94 Canadian Lead Road (Lot 129-DP755433) is accessed via the unsealed Canadian Lead Road, and Lot 264-DP755433 is accessed via Ridout Lane. The proposed 10-hectare lot sizes and access to legal bores will promote more sustainable use of groundwater and surface water resources. This subject site logically extends Opportunity Area F and meets the distance criteria to Gulgong.

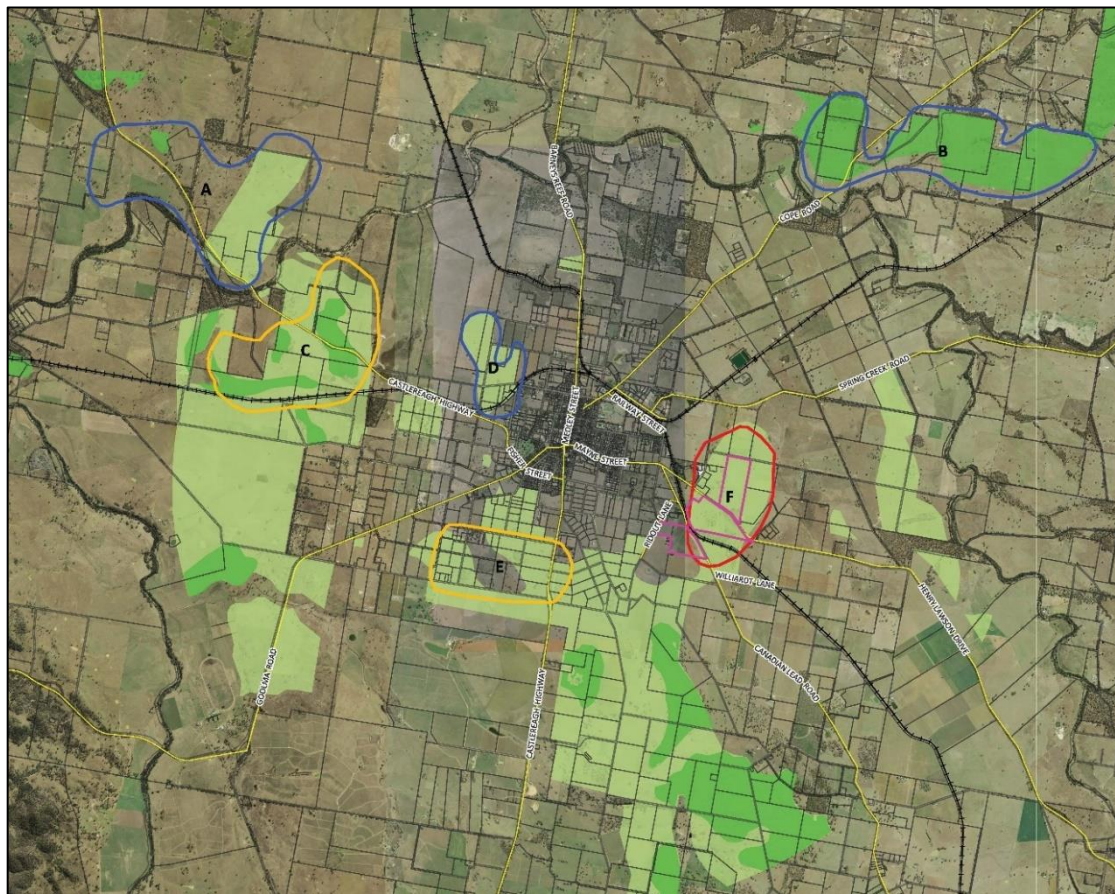


Figure 5: Extract from the CLUS Figure 4-4 Rural lifestyle opportunities – Subject site shown in pink outline (de Witt Consulting).

The CLUS includes criteria for considering land for rural lifestyle opportunities to be zoned R5 Large Lot Residential with a minimum lot size of 12 hectares. Although this proposal seeks a 10-hectare minimum subdivision lot size, the criteria remain relevant, and responses are provided below:

1. Land Use Conflict Avoidance:

- The proposal considers surrounding land uses, ensuring that large lot rural residential living will not conflict with neighbouring mixed rural residential and agricultural activities. Buffers within the subject site boundaries can be accommodated if required.

2. Flooding:

- The area is not affected by flooding and has unconstrained flood-free access out of the property and the locality generally.

3. Road Network Connection:

- The subject site benefits from direct access to sealed roads, including Henry Lawson Drive for the properties at 2794 and 2787 Henry Lawson Drive. 94 Canadian Lead Road and Lot 264 are accessed via maintained but unsealed roads, Ridout Lane and Canadian Lead Road, providing adequate connectivity.

4. Visual Intrusion:

- There is no impact on visual amenity or sensitive corridors identified in the CLUS on the Gulgong Town Structure Plan. The proposed uses align with current permissible uses, with a preference for rural residential living near urban centres over more remote locations.

5. Future Residential Land Opportunities:

- The land is more suitable for rural residential living than future general residential land, ensuring appropriate residential density.

6. Groundwater System Impact:

- Except for the northern lot, the proposal will include unreticulated development. Potable water will be sourced from roof catchments, minimising adverse impacts on the groundwater system. Each lot is capable of applying for a water supply work approval known as a basic landholder rights (BLR) bore approval. The lots are of sufficient for accommodating an appropriate On-Site Sewage Management System (OSSM).

7. Supply and Demand Justification:

- The discussion regarding population projections and forecasted land uptake within the Urban Release Strategy and the CLUS provides a justification for supply and demand.

8. Bushfire Hazard Management:

- The subject site is not affected by bushfire hazard. Regardless, future lots are large enough to implement appropriate asset protection zones (APZ) if required.

9. Avoidance of Biophysical Strategic Agricultural Land:

- The State Environmental Planning Policy (Resources and Energy) 2021 maps do not classify the subject site as Biophysical Strategic Agricultural Land (BSAL).

10. Sustainable Water Supply Access:

- The proposed concept lots demonstrate the provision of a sustainable water supply, including roof water catchment and access to a bore in accordance with the Water Management Act 2000.

In conclusion, the proposed rezoning aligns with the Mid-Western Regional CLUS by facilitating the development of additional rural residential land to meet community needs and promote sustainable development. The strategic location, minimal constraints, and comprehensive planning approach make this subject site ideal for rezoning to R5 Large Lot Residential.

4.2.2. Is the planning proposal consistent with a Council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?

Yes. An assessment of Our Place 2040 - Mid-Western Regional Local Strategic Planning Statement 2040 is provided below.

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

The Mid-Western Regional Local Strategic Planning Statement 2040 outlines a comprehensive 20-year vision for land use planning within the Mid-Western Regional Council LGA. The document is designed to give effect to the CWORP 2041 by translating its directions and actions into local strategies and priorities. The LSPS emphasizes sustainable development, the preservation of natural and cultural heritage, the provision of diverse and affordable housing, and the enhancement of community infrastructure and services. It identifies 12 key planning priorities aimed at achieving balanced and resilient growth, which include promoting economic vitality, protecting biodiversity, ensuring infrastructure readiness, and fostering community identity.

This planning proposal for the rezoning and development of land in Gulgong aligns closely with the goals and priorities outlined in the LSPS 2040. By increasing the availability of large lot residential land, this proposal directly addresses the need for diverse and sustainable housing options, supporting Planning Priority 2. Additionally, the proposed approach to infrastructure ensures that new developments do not strain existing resources, aligning with Planning Priority 4. The proposal also considers environmental impacts and heritage preservation, adhering to Planning Priority 5. Overall, this planning proposal not only meets but also enhances the strategic objectives set forth in the LSPS 2040, contributing to the sustainable growth and resilience of the Mid-Western Regional LGA.

Key priorities are discussed further below.

Planning Priority 1: Respect and enhance the historic character of our Region and heritage value of our towns.

This priority emphasises the importance of preserving the historical and cultural significance of towns within the Mid-Western Region. It involves protecting heritage assets, ensuring new developments complement historical architecture, and maintaining the unique character of each town. Effective land use planning under this priority aims to conserve and enhance heritage values for future generations. This planning proposal does not inhibit Planning Priority 1.

Planning Priority 2: Make available diverse, sustainable, adaptable, and affordable housing options through effective land use planning.

This priority aims to increase the variety and affordability of housing to meet the needs of a growing population. It includes identifying opportunities for large lot residential developments and ensuring new housing is sustainable and adaptable to changing needs.

This proposal is consistent with Planning Priority 2 by increasing the amount of large lot residential land within the Gulgong area. This proposal addresses the noted need for increased supply of large lot residential land over the next 20 years. This planning proposal demonstrates the suitability of the proposed land for large lot residential living, considering its proximity to the township, access to the road network, and relatively unconstrained land, thereby meeting market demand. This proposal will help council achieve Planning Priority 2 and meet market demand for large lot residential properties.

Planning Priority 3: Support the ongoing vitality and growth of our centres, towns, and villages.

This priority focuses on strengthening the economic and social vitality of regional centres, towns, and villages. It includes enhancing local amenities, supporting local businesses, and ensuring sustainable growth that benefits the community.

This planning proposal supports Planning Priority 3 by providing additional housing options that will attract new residents to the Gulgong area. This influx of residents is expected to support local businesses and services, thereby enhancing the economic vitality of the town.

Planning Priority 4: Provide infrastructure and services to cater for the current and future needs of our community.

This priority emphasises the importance of adequate infrastructure and services to support community growth and well-being. It involves planning for sustainable water provisions, sewer management, transport routes, and other essential services to ensure they meet current and future needs.

This proposal aligns with Planning Priority 4 by ensuring that the development does not place undue burden on existing infrastructure. Future lots are designed to have sustainable water provisions through individual rainwater collection systems. Sewer management will be addressed with on-site sewage management systems, and stormwater can be managed within site boundaries. Additionally, the proposal ensures good connectivity to the local road network, enhancing the functionality and liveability of future lots.

The proposal is consistent with Planning Priority 4 because it does not seek to place undue burden on existing infrastructure servicing the region, such as water, sewer, and transport routes. For example, the proposal can provide sustainable water provisions and appropriate sewer management for each future lot without impacting existing Council assets. The intent is that the lots rely upon rainwater as the source of primary potable water. Similarly, the lots would be of an adequate size to cater for any OSSM. A similar outcome is intended for stormwater, in that it can be dealt with within site boundaries.

Regarding road access, 2794 Henry Lawson Drive (Lot 415-DP755433) and 2787 Henry Lawson Drive (Lot 56-DP755433) have direct access to the Henry Lawson Drive which is a sealed road. In contrast, 94 Canadian Lead Road (Lot 129-DP755433) is accessed via Canadian Lead Road, and Lot 264-DP755433 is accessed via Ridout Lane. Although Snelsons Lane and Ridout Lane are unsealed, they are considered to provide adequate connectivity. It is also more than likely that 94 Canadian Lead Road would only be accessed via Canadian Lead Road, rather than Ridout Lane. These arrangements ensure the future lots will be functional and offer a high quality of living.

Planning Priority 5: Ensure land use planning and management enhances and protects biodiversity and natural heritage.

This priority focuses on preserving and enhancing the region's biodiversity and natural heritage. It includes protecting significant ecological areas, promoting sustainable land use practices, and avoiding impacts on natural habitats.

This proposal responds to Planning Priority 5 by including measures to preserve existing vegetation and ecological features on the subject site. The subject site is primarily open, cleared land with a long history of agricultural/rural residential use. No change is proposed to Biodiversity Value or Terrestrial Biodiversity maps which help identify, and ensure future development appropriately avoids ecology constrained land. Future subdivision plans can avoid the ecological constrained land.

Planning Priority 6: Strengthen our resilience to natural hazards and climate change.

This priority emphasises the need for planning and development that enhances the region's resilience to natural hazards such as bushfires, floods, and climate change impacts. It includes incorporating design principles that mitigate these risks and ensure sustainable development.

This proposal aligns with Planning Priority 6 by ensuring that future housing opportunities are located in an area free from high bushfire risk and flood hazards. The concept facilitates sustainable water and land use practices that minimise the environmental impact and enhance resilience to climate change. The large lot sizes also allow for effective management of potential risks, contributing to the overall resilience of the community.

Planning Priority 7: Foster a strong sense of place and community identity.

This priority focuses on creating vibrant, inclusive, and cohesive communities that have a strong sense of identity and place. It includes supporting community initiatives, enhancing public spaces, and promoting cultural and social activities to build strong community ties.

This proposal supports Planning Priority 7 by facilitating engagement with the local community as part of the Planning Proposal process, per the LEP making guidelines.

4.2.2.2. Mudgee and Gulgong Urban Release Strategy 2023 Update (URS)

The Mudgee and Gulgong Urban Release Strategy 2023 Update (URS 2023) was commissioned by Mid-Western Regional Council to assess and update the supply and demand for residential land in Mudgee and Gulgong. This update builds on the findings of the 2014 strategy and incorporates the latest demographic data, housing trends, and future projections up to 2041. The strategy aims to ensure a balance between residential land supply and demand, provide a framework for systematic land release, and address the housing needs of the growing population in these areas.

Key findings include:

- Mudgee and Gulgong are expected to experience significant population growth, driven by employment opportunities, particularly in renewable energy and mining sectors.
- Mudgee has a higher proportion of young families and children, while Gulgong has a slightly older population.
- There is a notable demand for detached dwellings and large-lot residential properties in both towns.
- Constraints such as environmental factors and infrastructure availability limit the immediate supply of developable land.
- Recommendations include progressing servicing investigations, enabling infill development, and planning for future zoning and servicing to accommodate projected growth.

This proposal to increase large lot residential land in the Gulgong area aligns closely with the objectives outlined in the URS 2023. The strategy emphasizes the need to manage residential land supply to meet the growing population's demands, particularly focusing on detached dwellings and large lots, which are key components of this proposal.

The URS 2023 highlights the importance of providing zoned and serviced land to ensure timely and efficient residential development. This proposal supports this by identifying suitable land for large lot residential use, which aligns with the strategy's goals of addressing housing supply shortfalls and catering to future demand.

This proposal complies with the URS 2023 by:

- Contributing to the identified need for additional large lot residential properties in the Gulgong area.

- Ensuring that the proposed lots are designed to be sustainable and self-sufficient, particularly in terms of water provisions and sewage management.
- Demonstrating the suitability of the proposed land for residential development, considering proximity to the township, road access, and minimal environmental constraints.
- Supporting the systematic release of residential land, as recommended in the strategy, to balance supply and demand effectively.

This planning proposal aligns with the URS 2023 by addressing key housing needs, supporting strategic planning goals, and contributing to the sustainable growth of the Gulgong area.

4.2.3. Is the planning proposal consistent with applicable SEPPs?

Table 3: Consistency with SEPPs

SEPP	Applicable?	Discussion
SEPP (Biodiversity and Conservation) 2021 Chapter 2 Vegetation in non-rural areas Chapter 3 and 4 Koala habitat protection 2021	Yes	The planning proposal intends to rezone the subject site currently zoned RU1 Primary Production in the Mid-Western Regional Council, listed in Schedule 2 without an asterisk. Since the current zoning is RU1 and the area is not marked with an asterisk, Chapter 3 is applicable. If rezoned to R5 Large Lot Residential, any future development must consider potential vegetation loss and comply with Chapter 4 requirements for koala habitat protection, as the subject site falls under the Northwest Slopes koala management area.
SEPP (Resilience and Hazards) 2021 Chapter 4 Remediation of Land	Yes	Consideration of potential contamination and site suitability for residential purposes is discussed in the Preliminary Site Investigation is provided at Appendix 7 . An analysis of historical land use and input from property owners indicates that the site poses minimal contamination risk. The site's long-standing use for low-intensity agriculture, primarily grazing and cropping, is considered low-risk for contamination. While the risk of contamination is minimal, future development of the subject site will also consider the provisions outlined in Chapter 4 of this SEPP to ensure compliance with environmental standards. This includes incorporating any necessary measures to maintain the safety and suitability of the site for residential use.
SEPP (Primary Production) 2021 Chapter 2 Primary production and rural development	Yes	The planning proposal involves rezoning land from RU1 Primary Production to R5 Large Lot Residential. Part of the lots are mapped as State Significant Agricultural Land (SSAL). This mapping is in an early draft stage and covers only parts of the lots in an irregular manner. The proposal is not considered to cause land fragmentation, urban encroachment, or other competing land uses. The planning proposal is consistent with the SEPP as it

		<p>will not adversely impact the orderly economic use and development of lands for primary production.</p> <p>The planning proposal aligns with the goals of minimizing land use conflict and supporting sustainable rural development. By rezoning to R5 Large Lot Residential, the proposal will support the rural lifestyle living while maintaining compatibility with surrounding agricultural activities. This ensures that the rezoning will not disrupt existing primary production but rather complements it by providing opportunities for low-density rural residential development.</p>
SEPP (Transport and Infrastructure) 2021 Chapter 2 Infrastructure	No	<p>The proposal involves rezoning to R5, which may lead to residential development. If the development includes 75 or more dwellings, it would be considered traffic-generating and would need to be referred to Transport for NSW (TfNSW). If the development involves the subdivision of land with 50 or more allotments, it would also be considered traffic-generating and require referral to TfNSW.</p> <p>The proposal will not result in either of the potential dwellings or allotments and therefore does not qualify as traffic-generating development under Schedule 3. Future development will not require referral to TfNSW.</p>
SEPP (Planning Systems) 2021 Chapter 2 State and regionally significant development	Yes	<p>Schedule 6 of this SEPP identifies the triggers for regionally significant development.</p> <p>Future development would not trigger regionally significant development.</p>

4.2.4. Is the planning proposal consistent with applicable Ministerial Directions?

Table 4: Consistency with s9.1 Ministerial Directions

Direction	Applicable?	Discussion
Focus Area 1: Planning Systems		
1.1 Implementation of Regional Plans	Yes	Section 4.1.1.1 and Section 4.2.1 discusses how the planning proposal is consistent with the Central West and Orana Regional Plan 2041.
1.2 Development of Aboriginal Land Council land	No	This Direction is not applicable to the planning proposal.
1.3 Approval and Referral Requirements	Yes	The objective of this direction is to ensure that LEP provisions encourage efficient and appropriate assessment of development. The planning proposal is a map-only amendment and therefore does not contain provisions pertaining to concurrence, consultation, or referral requirements, nor does it identify development as designated development. Thus, the planning

		proposal is substantially consistent with this direction.
1.4 Site Specific Provisions	Yes	The planning proposal proposes a change of zoning from RU1 Primary Production to R5 Large Lot Residential. No Additional Permitted Use (APU) is being proposed, meaning no unnecessary restrictions will be imposed upon the land beyond existing restrictions as set out in the land use zone within the existing EPI.
1.4A Exclusion of Development Standards from Variation	No	The planning proposal does not propose to introduce or alter an existing exclusion to Clause 4.6 of LEP 2012.

Focus Area 1: Planning Systems – Place-based

Directions 1.5 to 1.22 are not relevant to the geographical area concerned by this planning proposal.

Focus Area 2: Design and Place

This Focus Area was blank when the Directions were made.

Focus Area 3: Biodiversity and Conservation

3.1 Conservation Zones	Yes	<p>The planning proposal does not currently relate to any conservation zones and will not impact environmentally sensitive land. Further discussion of any environmental impacts is provided within Section 0 of this report.</p> <p>The subject site identified as containing Biodiversity Values areas. However, these areas are primarily located at lot boundaries, and are capable of being avoided by any future development. The planning proposal will not reduce the conservation standards of the land.</p>
3.2 Heritage Conservation	Yes	The planning proposal will give regard to the cultural heritage of the subject site. Heritage is considered in Section 4.3.3.1 of this report. The planning proposal itself will not harm Aboriginal objects or sites, however future development on the subject site will need to give regard to current policy.
3.3 Sydney Drinking Water Catchments	No	This Direction is not applicable to the planning proposal.
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	No	This Direction is not applicable to the planning proposal.
3.5 Recreation Vehicle Areas	No	This Direction is not applicable to the planning proposal.

3.6 Strategic Conservation Planning	No	This Direction is not applicable to the planning proposal as the land is not Avoided Land or a Strategic Conservation Area.
3.7 Public Bushland	No	This Direction is not applicable to the planning proposal as the Mid-Western Regional Council area is not listed as an applicable area.
3.8 Willandra Lakes Region	No	This Direction is not applicable to the planning proposal.
3.9 Sydney Harbour Foreshores and Waterways Area	No	This Direction is not applicable to the planning proposal as it is not identified as land within the Foreshores and Waterways Area of the Biodiversity and Conservation SEPP 2021.
3.10 Water Catchment Protection	No	This Direction is not applicable to the planning proposal as it will not affect land within a regulated catchment.
Focus Area 4: Resilience and Hazards		
4.1 Flooding	No	This Direction is not applicable to the planning proposal as the land is not identified as flood prone. Refer to Section 4.3.2.1 of this proposal for more information.
4.2 Coastal Management	No	This Direction is not applicable to the planning proposal as it is not coastal use, coastal environment, coastal wetland or littoral rainforest area.
4.3 Planning for Bushfire Protection	Yes	This Direction is not applicable to the planning proposal as it is not bushfire prone land.
4.4 Remediation of Contaminated Land	Yes	<p>A Preliminary Site Investigation is provided at Appendix 7.</p> <p>An analysis of the historical land use, supplemented by input from property owners, indicates that the site has a minimal risk of contamination. The land has been used predominantly for low-intensity agricultural activities such as grazing and cropping, which are generally regarded as low-risk for contamination.</p> <p>Regarding the SEPP (Resilience and Hazards) 2021, Chapter 4 Remediation of Land, the potential for contamination and the site's suitability for residential purposes have been considered.</p> <p>Although the contamination risk is minimal, any future development on the site will still need to adhere to the provisions outlined in Chapter 4 of this SEPP. Despite this, there are no obvious signs of contamination which will obstruct the typical DA requirements for subdivision or residential use.</p>

4.5 Acid Sulfate Soils	No	This Direction is not applicable to the planning proposal as it not mapped within a probability area, per the eSPADE 2.2 service.
4.6 Mine Subsidence and Unstable Land	No	This Direction is not applicable to the planning proposal as it is not located within a proclaimed mine subsidence district.

Focus Area 5: Transport and Infrastructure

5.1 Integrating Land Use and Transport	Yes	The aim of this direction is to enhance access to housing, jobs, and services via public and active transport and facilitate the efficient movement of people and goods. The planning proposal supports this by rezoning land from RU1 Primary Production to R5 Large Lot Residential. The subject site's proximity to major transport routes, including Henry Lawson Drive and the Wallerawang-Gwabegar Railway, ensures good connectivity and regional accessibility. This rezoning will integrate future development into the regional transport network, making it easier for residents to access employment, education, and services, thus supporting regional economic growth. The proposal aligns with Objective 4 of the Central West and Orana Regional Plan 2041, promoting development in areas with existing transport infrastructure and reducing the need for new investments.
5.2 Reserving Land for Public Purposes	No	This Direction is not applicable to the planning proposal as it does not relate to public land.
5.3 Development Near Regulated Airports and Defence Airfields	No	This Direction is not applicable to the planning proposal as it does not relate to airports or defence airfields.
5.4 Shooting Ranges	No	This Direction is not applicable to the planning proposal as it does not relate to a shooting range or adjoining shooting ranges, of which there are none.

Focus Area 6: Housing

6.1 Residential Zones	Yes	The planning proposal is consistent with this direction as it will provide additional residentially zoned land and facilitate a form of development that will serve existing and future residential development in the immediate surrounding area. The proposal seeks to rezone the land from RU1 Primary Production to R5 Large Lot Residential, addressing the growing demand for rural residential properties within the Gulgong area. This rezoning will enable the land to be used for residential purposes, aligning with the region's housing needs and strategic planning objectives. Future development can be appropriately
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		managed under the existing Mid-Western Regional Development Control Plan (DCP) 2013, which is appropriate for facilitating new residential development on R5 zoned land. The current DCP provides comprehensive guidelines to ensure that future development is sustainable, well-designed, and integrates seamlessly with the existing urban fabric. By increasing the supply of large lot residential land, the planning proposal supports the goals of the Central West and Orana Regional Plan 2041 and the Mid-Western Regional Local Strategic Planning Statement 2040.
6.2 Caravan Parks and Manufactured Home Estates	No	This Direction is not relevant as it does not relate to an existing or future caravan park or manufactured home estate.

Focus Area 7: Industry and Employment

Directions 7.1 to 7.3 are not relevant to the planning proposal.

Focus Area 8: Resources and Energy

8.1 Mining, Petroleum Production and Extractive Industries	No	This Direction is not relevant as it does not relate to mineral land, production or extraction.
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Focus Area 9: Primary Production

9.1 Rural Zones	Yes	<p>The planning proposal is inconsistent with the terms of Direction 9.1 as it seeks to rezone land from RU1 Primary Production to R5 Large Lot Residential. However, there is merit in this proposal. It aligns with the Central West and Orana Regional Plan 2041 and the Mid-Western Regional Local Strategic Planning Statement 2040 which consider the objectives of protecting agricultural production while accommodating residential growth.</p> <p>The subject site is not of high agricultural value and is more suitable for residential development due to its proximity to transport infrastructure and existing residential areas. The proposal is consistent with the Central West and Orana Regional Plan 2041, which supports the strategic framework for sustainable growth and housing development in the region.</p> <p>The subject site has not been used for significant agriculture and rezoning this land will not disrupt the overall agricultural production value of the region. Therefore, while inconsistent with Direction 9.1, the proposal is justified due to its strategic alignment with approved plans and minimal impact on agricultural production.</p>
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9.2 Rural Lands	Yes	<p>The planning proposal is inconsistent with Direction 9.2 as it seeks to rezone land from RU1 Primary Production to R5 Large Lot Residential and change the minimum lot size from 100 hectares to 10 hectares. However, there is merit in this proposal. It aligns with the Central West and Orana Regional Plan 2041 and the Mid-Western Regional Local Strategic Planning Statement 2040, which consider the objectives of protecting agricultural production while accommodating residential growth.</p> <p>The subject site is not of high agricultural value and is more suitable for residential development due to its proximity to transport infrastructure and existing residential areas. The proposal is consistent with the Central West and Orana Regional Plan 2041, which supports the strategic framework for sustainable growth and housing development in the region.</p> <p>The planning proposal reflects the environmental values and addresses the natural and physical constraints of the land. The proposal does not reduce the potential for sustainable rural economic activities in the area. The proposal aligns with broader strategic planning goals. The proposed rezoning ensures that the new residential development will be appropriately located considering the availability of services, infrastructure, transport, and proximity to existing centres. This minimises the risk of land fragmentation and land use conflicts, preserving the viability of existing and future rural land uses.</p> <p>Any inconsistency with Direction 9.2 is justified by the strategic alignment with approved regional and local plans. The proposed rezoning aligns with broader strategic planning goals, supporting sustainable development while addressing the needs and interests of the community. Therefore, while the proposal is inconsistent with the terms of Direction 9.2, its strategic alignment and minimal impact on agricultural production justify the proposed rezoning and lot size amendment.</p>
Section 9.3 Oyster Aquaculture	No	<p>This Direction is not relevant to the planning proposal as it does not relate to priority oyster aquaculture areas.</p>
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	No	<p>This Direction is not relevant to the planning proposal as it does not relate to LGAs outlined in the Direction.</p>

4.3. ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

4.3.1. 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?

No. The subject site is identified on the Biodiversity Values map, which indicates areas with threatened species or communities with potential for serious and irreversible impacts. An extract of the subject site and Biodiversity Values map is shown by *Figure 6*.

For 2794 Henry Lawson Drive, Gulgong (Lot 415-DP755433), both the northwest side and the southwest front corner are marked with biodiversity values. At 2787 Henry Lawson Drive, Gulgong (Lot 56-DP755433), the area to the north along Henry Lawson Drive and the south border, primarily on a separate property, also show biodiversity values. 94 Canadian Lead Road, Gulgong (Lot 264-DP755433) shows biodiversity values on the west boundary running along Ridout lane, (Lot 129-DP755433) does not have any areas mapped with biodiversity values.

The subject site is also identified on the Terrestrial Biodiversity Map under the Mid-Western Regional Local Environmental Plan 2012. An extract of the subject site and Terrestrial Biodiversity Map is shown by *Figure 7*.

The Terrestrial Biodiversity Map generally reflects the Biodiversity Values map described above. For 2794 Henry Lawson Drive, Gulgong (Lot 415-DP755433), both the northwest side and southwest front corner are marked as 'high biodiversity'. At 2787 Henry Lawson Drive, Gulgong (Lot 56-DP755433), the north area along Henry Lawson Drive and the south border, mainly on a separate property, are also classified as 'high biodiversity'. In contrast, 94 Canadian Lead Road, Gulgong (Lot 129-DP755433 and Lot 264-DP755433), does not have any areas mapped as high biodiversity.

Much of the area is not classified, primarily consisting of non-native vegetation or grasslands. The classified vegetation is mostly found in pockets, with the predominant type being *Western Grey Box - cypress pine shrub grass shrub tall woodland*. This type of vegetation is categorised under Grassy Woodlands and falls within the Floodplain Transition Woodlands category. An extract of the Plant Community Types (PCT) Map is shown in *Figure 8*.

The planning proposal is unlikely to cause significant impact to this vegetation. Future development on the subject site will consider environmental impacts and vegetation removal and future subdivision can avoid significant areas. As discussed throughout this planning proposal, the subject site is mostly cleared of vegetation.

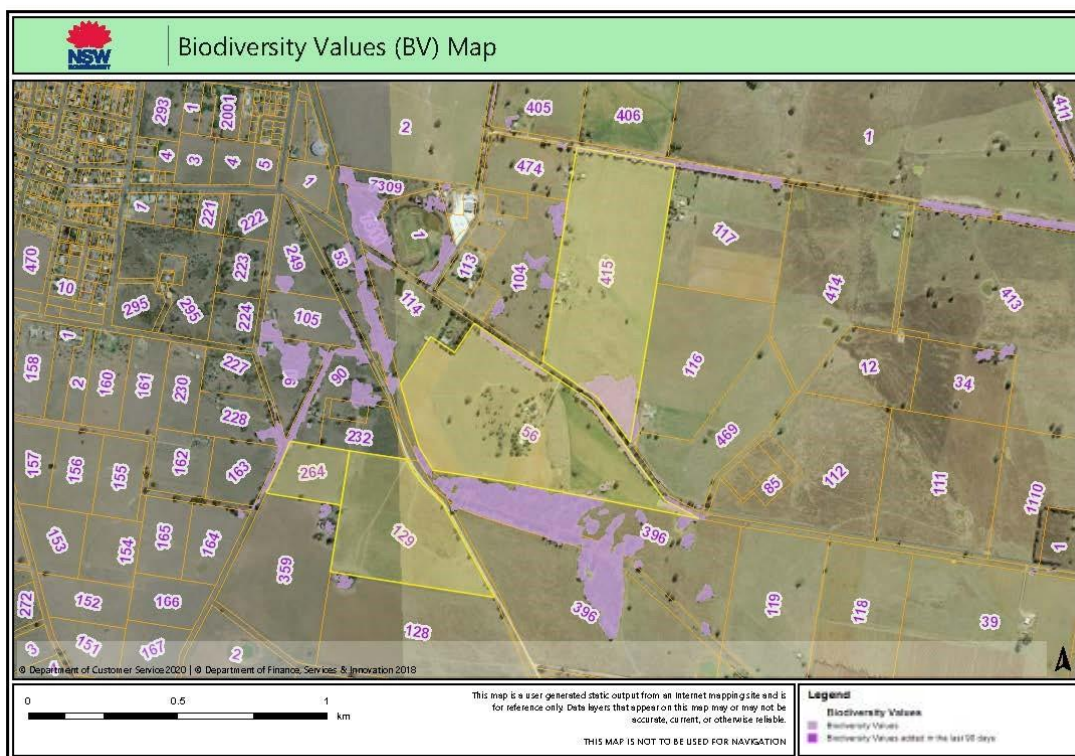


Figure 6: Biodiversity Values Map (source: SEED Map)

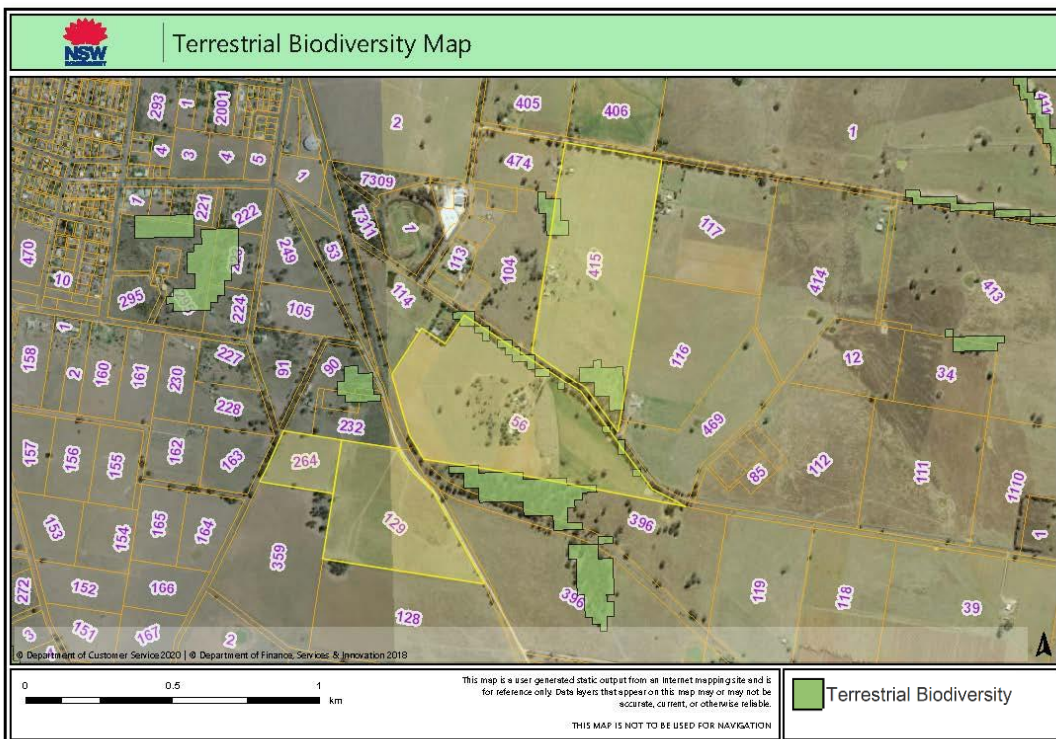


Figure 7: Terrestrial Biodiversity Map (source: SEED Map)

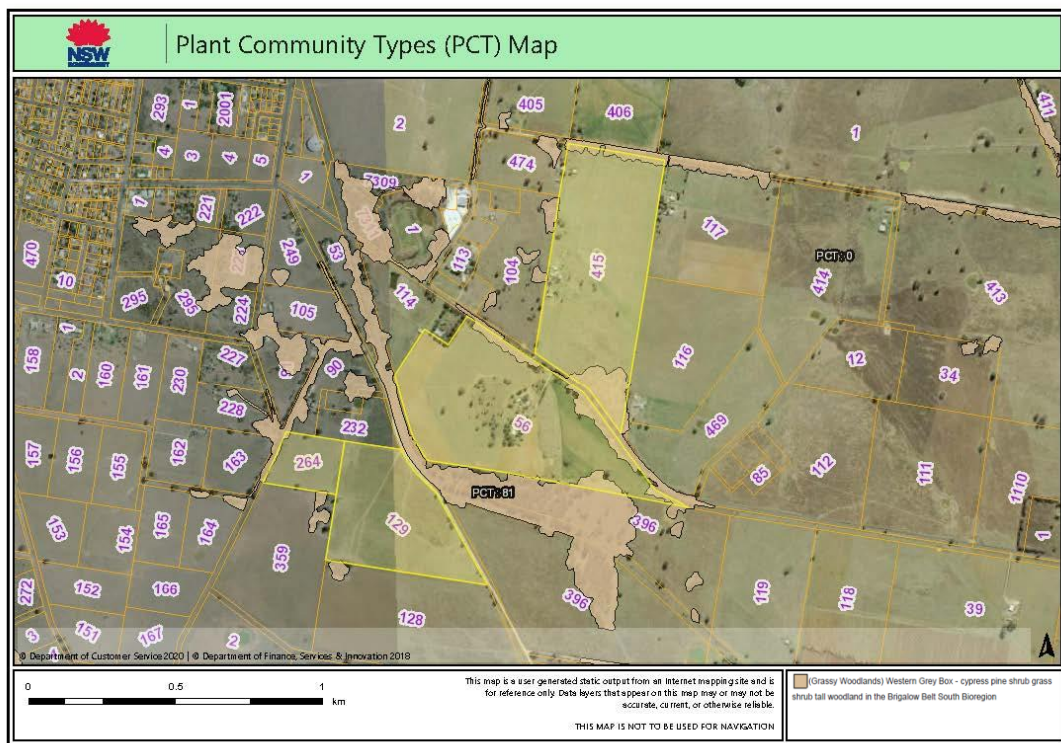


Figure 8: Plant Community Types (PCT) Map (source: SEED Map)

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

4.3.2.1. Flooding

The subject site is not identified as flood-prone land. The proposed rezoning will not intensify land use on flood-prone land.

4.3.2.2. Contamination

A Preliminary Contamination Investigation (**Appendix 7**) confirms that the subject site appears to have been used for low-intensity agricultural purposes (grazing and cropping) since at least 1964. No known contamination or contaminating activities have occurred on the subject site.

4.3.2.3. Geotechnical

The subject site is not identified as having acid sulfate soils. No significant geotechnical constraints are identified that cannot be managed by future development.

4.3.2.4. Bushfire

The subject site is not identified as bushfire prone land.

4.3.2.5. Noise and Vibration

No noise and vibration constraints are identified. Future development must consider noise and vibration impacts. At 2794 Henry Lawson Drive future development can maintain a setback of more than 200 meters from both Henry Lawson Drive. At 2787 Henry Lawson Drive, development can maintain a setback of more than 200 meters from both Henry Lawson Drive and the Wallerawang Gwabegar Railway. Similarly, at 94 Canadian Lead Road, development can maintain a setback of more than 200 meters from the Wallerawang Gwabegar Railway. This ensures appropriate noise and vibration buffers.

4.3.2.6. Air Quality

The subject site is adjacent to a rural residential area with large lot zones and some extensive agriculture. No high-intensity agricultural uses are nearby. The proposed rezoning will not negatively impact existing or future developments on the subject site and surrounding areas. Future development must consider air quality impacts on the surrounding development.

None of the roads are major roads (classified, a State Highway, or Goolma Road – per the DCP). The Development Control Plan allows for the following setbacks for R5 zoned land greater than 5 hectares: a 60-meter street setback and a 20-meter side/rear setback.

At 2794 Henry Lawson Drive future development can maintain a setback of more than 200 meters from both Henry Lawson Drive. At 2787 Henry Lawson Drive, future development can maintain a setback of more than 200 meters from both Henry Lawson Drive and the Wallerawang Gwabegar Railway. At 94 Canadian Lead Road, development can maintain a setback of more than 200 meters from the Wallerawang Gwabegar Railway. This ensures appropriate air quality buffers.

4.3.2.7. Agricultural Capability

No significant constraints related to agricultural capability are identified for the subject site. The land is primarily open farmland, historically used for low-intensity agriculture and grazing. The proposed rezoning to R5 Large Lot Residential is consistent with nearby land uses and does not impact agricultural productivity. Future development must consider maintaining the existing agricultural potential, such as hobby farming, small-scale crop production, and grazing. The land's capability supports the proposed rezoning without compromising its current or potential agricultural uses.

4.3.2.8. Visual Impacts

The subject site is located on the fringe of the Gulgong township and is characterised by its rural landscape with scattered residential and agricultural structures. The proposed rezoning to R5 Large Lot Residential will introduce more residential development to the area, potentially altering its visual character. However, the visual impact of this rezoning is expected to be minimal for several reasons:

Natural Screening: Existing vegetation and pasture around the subject site will provide natural screening for new developments. This will help blend new structures into the landscape, reducing their visual prominence.

Low-Density Development: The R5 zoning allows for large lot residential development, which results in low-density housing. This type of development is consistent with the rural character of the area and will not lead to high-density urbanisation. The rezoning is not introducing a minimum lot size that would result in a noticeable amount of new dwellings.

Design Guidelines: Future development will be assessed against the objectives of the R5 Large Lot Residential Zone, including:

- Providing residential housing in a rural setting while preserving and minimising impacts on environmentally sensitive locations and scenic quality.
- Ensuring large residential lots do not hinder proper and orderly urban development in the future.
- Preventing unreasonable increases in demand for public services or facilities.
- Minimising conflict between land uses within this zone and adjoining zones.

Additionally, development will be subject to the Mid-Western Regional Development Control Plan 2013 (or as amended), ensuring buildings are sympathetic to the rural aesthetic.

4.3.3.2. *Social Impacts*

The planning proposal aims to enhance the social fabric of the Gulgong community by providing additional rural residential housing options. This will help to accommodate the growing population and attract new residents, contributing to the vitality and diversity of the local community. The proposal ensures that development is sympathetic to the existing rural character, preserving the area's scenic and environmental qualities.

Furthermore, the increase in residential housing will support local amenities and services, including schools, healthcare, and recreational facilities, by boosting their utilization and viability. By planning for sustainable growth, the proposal aims to foster a sense of community and improve the overall quality of life for residents.

4.3.3.3. *Economic Impacts*

The rezoning of the land from RU1 Primary Production to R5 Large Lot Residential is expected to stimulate economic growth in the Mid-Western Regional LGA. The proposal will create new opportunities for local businesses and services, as an increase in the residential population will drive demand for goods and services, contributing to local economic development.

The proposal also supports the construction industry by creating jobs during the development phase and providing long-term employment opportunities in the local area. Additionally, the increase in housing supply will help to address the current demand for rural residential properties, potentially stabilising property prices and making the area more attractive for investment.

By promoting sustainable development and preserving environmental integrity, the proposal ensures that economic growth is balanced with the need to protect the natural and cultural heritage of the area. This balance will help to maintain the region's appeal and support long-term economic stability.

4.4. INFRASTRUCTURE (LOCAL, STATE AND COMMONWEALTH)

4.4.1. *Is there adequate public infrastructure for the planning proposal?*

4.4.1.1. *Traffic and Transport*

The planning proposal has considered the current and future traffic and transport needs of the area. The proposed rezoning to R5 Large Lot Residential will likely result in a very minor increase in local traffic due to additional residential development. The existing road network, including Henry Lawson Drive and Canadian Lead Road, is considered to provide adequate connectivity to support this.

Henry Lawson Drive is a sealed road that provides direct access to both 2794 Henry Lawson Drive (Lot 415-DP755433) and 2787 Henry Lawson Drive (Lot 56-DP755433). Snelsons Lane is an unsealed road that bounds the northern side of 2794 Henry Lawson Drive (Lot 415-DP755433). Canadian Lead Road transitions from sealed to dirt at the intersection with Ridout Lane, which is approximately 400 meters from Lot 129 DP755433. Ridout Lane is an unsealed road that provides access to Lot 264 DP755433, however it is more likely that access will continue from Canadian Lead Road.

The proposal leverages these existing transport connections, ensuring that future development will integrate well with the transport network. This will facilitate access for residents to employment, education, and services.

The proposed rezoning is not expected to generate traffic volumes that would classify it as a traffic-generating development under Schedule 3 of the SEPP (Transport and Infrastructure) 2021. Therefore, no referral to Transport for NSW is required at this stage. Future development will be assessed for traffic impact.

The existing traffic and transport infrastructure is considered adequate to support the planning proposal.

4.4.1.2. Public Facilities and Services

The planning proposal will enable development that is likely to increase the demand for public facilities and services. An assessment of existing infrastructure has been undertaken to determine its adequacy to meet the needs of the proposed development.

The existing infrastructure, including roads, utilities, and public services, has been reviewed and found to be generally adequate to support the proposed rezoning.

A specific local contributions plan is not considered necessary. The Mid-Western Regional Contributions Plan is considered appropriate for facilitating the provision of future development. The planning proposal is likely to place minor additional demands on public infrastructure. It is considered that the existing Mid-Western Regional Contributions Plan ensures all requirements are met and that the development proceeds in a way that supports the community's needs and infrastructure capabilities.

4.4.1.3. Utilities

The planning proposal and the proposed lot sizes have been developed considering the need to provide adequate water, sewer, and power services. This includes evaluating the relevant utilities in proximity to the subject site and ensuring sustainable and efficient service provision.

4.4.1.3.1. Sewer

Effluent disposal on the subject site is currently managed through onsite sewage management systems (OSSMS). Future development is anticipated to also utilise OSSMS, being of a suitable size. Any new systems will require approval from the Council under Section 68 of the Local Government Act 1993.

4.4.1.3.2. Water Supply

For future development, the northern lot is currently serviced by a reticulated water system, providing a reliable water source for future development. For the other lots, water supply is anticipated to rely on individual bores and rainwater harvesting systems. Each lot is large enough to support these sources sustainably. Future development can include individual bores through a basic landholder rights (BLR) bore water supply work approval under section 92 of the Water Management Act 2000, allowing groundwater extraction for domestic use and stock watering.

An assessment of potential for BLR bores is provided at **Appendix 8**. Future lots will align with the requirements for BLR bores under the Water Management Act 2000 and the Water Sharing Plan for the NSW Murray Darling Basin Fractured Rock Groundwater Sources. The site's compliance with the relevant standoff distances, including those related to on-site sewage management systems, ensures that future water supply works can be approved without significant environmental or public health concerns. The assessment confirms that the proposed development will not negatively impact groundwater sources or other environmental factors, including compliance with wastewater OSSMS restrictions by maintaining adequate separation distances or implementing necessary construction methods such as cement grouting. As such, the proposed rezoning and subsequent bore installations are expected to proceed without significant obstacles.

4.4.1.3.3. Electricity Supply

Regarding electricity infrastructure, supply will be provided as part of any application for future development. Given the scale of the anticipated development, no adverse impact on the existing electricity infrastructure is expected. The existing infrastructure is considered

capable of supplying the proposed development. However, the lots are of sufficient scale to allow for alternative electricity sources such as off-grid solar if required.

4.5. STATE AND COMMONWEALTH INTERESTS

4.5.1. What are the views of the State and federal public authorities and government agencies consulted in order to inform the Gateway determination?

4.5.1.1. Department of Planning and Environment

4.5.1.1.1. Council

The Scoping Proposal (where a MLS of 5ha was proposed initially) was referred to Department of Planning, Industry, and Environment (DPHI) as part of the Pre-Lodgement phase.

Mid-Western Regional Council and DPHI held the position that the proposal, as submitted with a 5ha MLS, was inconsistent with the established and consistently applied MLS for rural lifestyle. This inconsistency made it unlikely to gain support.

- Council did not find it necessary to engage with other agencies at this stage.
- Council indicated that if the MLS achieves 12 hectares, the proposal would be considered consistent.
- If reduced to 10 hectares with adequate justification regarding water supply, the proposal could also be considered consistent.

As a result of the above consultation, the planning proposal has been amended to have a MLS of 10 hectares. Adequate consideration of water supply is provided in Section 4.4.1.3.2 and Section 4.5.1.2 below.

4.5.1.1.2. SEPP (Primary Production and Rural Development) 2021

The State Environmental Planning Policy (Primary Production and Rural Development) 2021 is administered by the Department of Planning and Environment. Consideration of the SEPP is provided in Section 4.2.3. The planning proposal is considered consistent with the SEPP (Primary Production) 2021 objectives by ensuring that it does not adversely affect the economic use of the land for primary production and aligns with goals of minimising land use conflict while supporting sustainable rural development. Consideration of the land's current use, potential economic impacts, and alignment with regional planning strategies ensures that the proposal supports both the local economy and sustainable development objectives.

The support of Department of Planning and Environment is sought.

4.5.1.2. WaterNSW

The northern lot is currently serviced by a reticulated water system, providing a reliable water source for future development. For the other lots, future domestic water supply is anticipated to be managed through roof catchment and bore water supply. Each lot is large enough to support these sources sustainably. Water NSW is the applicable authority for the water supply work approval under section 92 of the Water Management Act 2000, allowing future lots to individually bore and use groundwater for domestic use and stock watering.

The subject site is located in the central inland-draining catchments harvestable rights area. In this area, up to 10% of the average annual regional rainfall runoff may be captured and used for any purpose, including domestic consumption, stock watering, and extensive agriculture. Dams for harvestable rights can be located on non-permanent minor streams, hillsides, and gullies, but they cannot be located within 40 metres of a third-order or higher-order stream or within 3 kilometres upstream of a Ramsar-listed wetland. For a landholding area of 10 hectares, the maximum volume of water that can be captured as a harvestable right is approximately 0.7 megalitres, which equals 700,000 litres.

5. MAPS

Mapping of existing land use development controls and those proposed to be implemented through the LEP amendment in Part 3 of this report are provided below (*Figures 10, 11, 12 and 13*).

The rezoned land would not be subject to maximum height development controls (Clause 4.3 Height of Buildings) and will remain as existing. Council has not adopted Clause 4.4 Floor Space Ratio and there are no proposed FSR development standards to be applied as part of this rezoning proposal.

GIS files can be supplied to Council for the preparation of amended LEP maps as required.

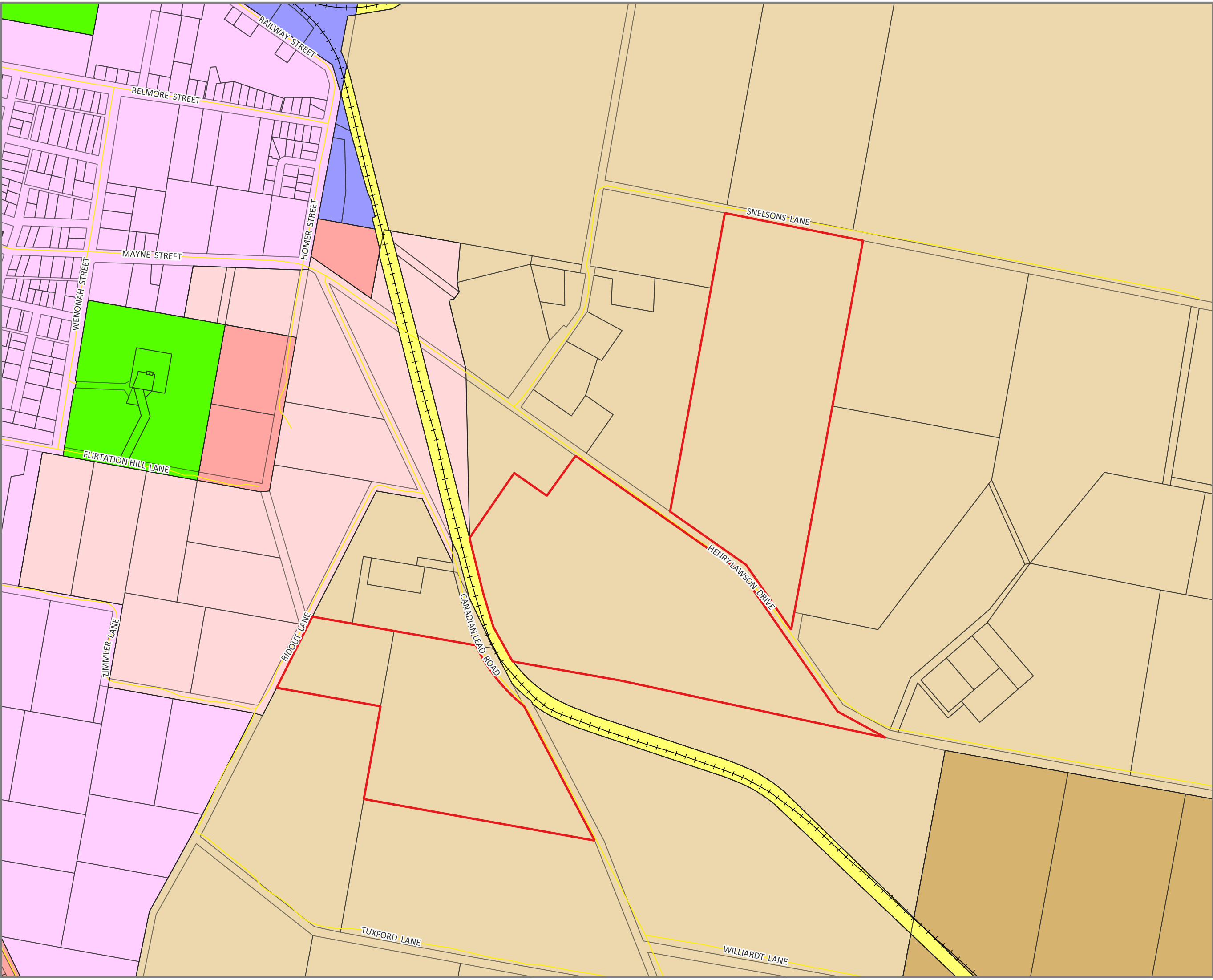


FIGURE 10
**EXISTING
ZONING**

LEGEND

- ROADS
- RAILWAY
- SITE BOUNDARY
- CADASTRE

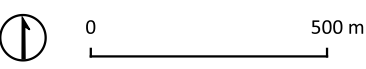
LAND USE ZONES

- E4
- R1
- R2
- R5
- RE1
- RU1
- RU4
- SP2

SITE ADDRESS:
GULGONG NSW 2852

CLIENT DETAILS:
VARIOUS LANDOWNERS

PREPARED BY:



A3 SCALE:1:8,000
DWC REF: 14046
VERSION: 01
CRS: EPSG:28355
AUTHOR: LP
APPROVED: MB
DATA © NSW SPATIAL SERVICES
2022

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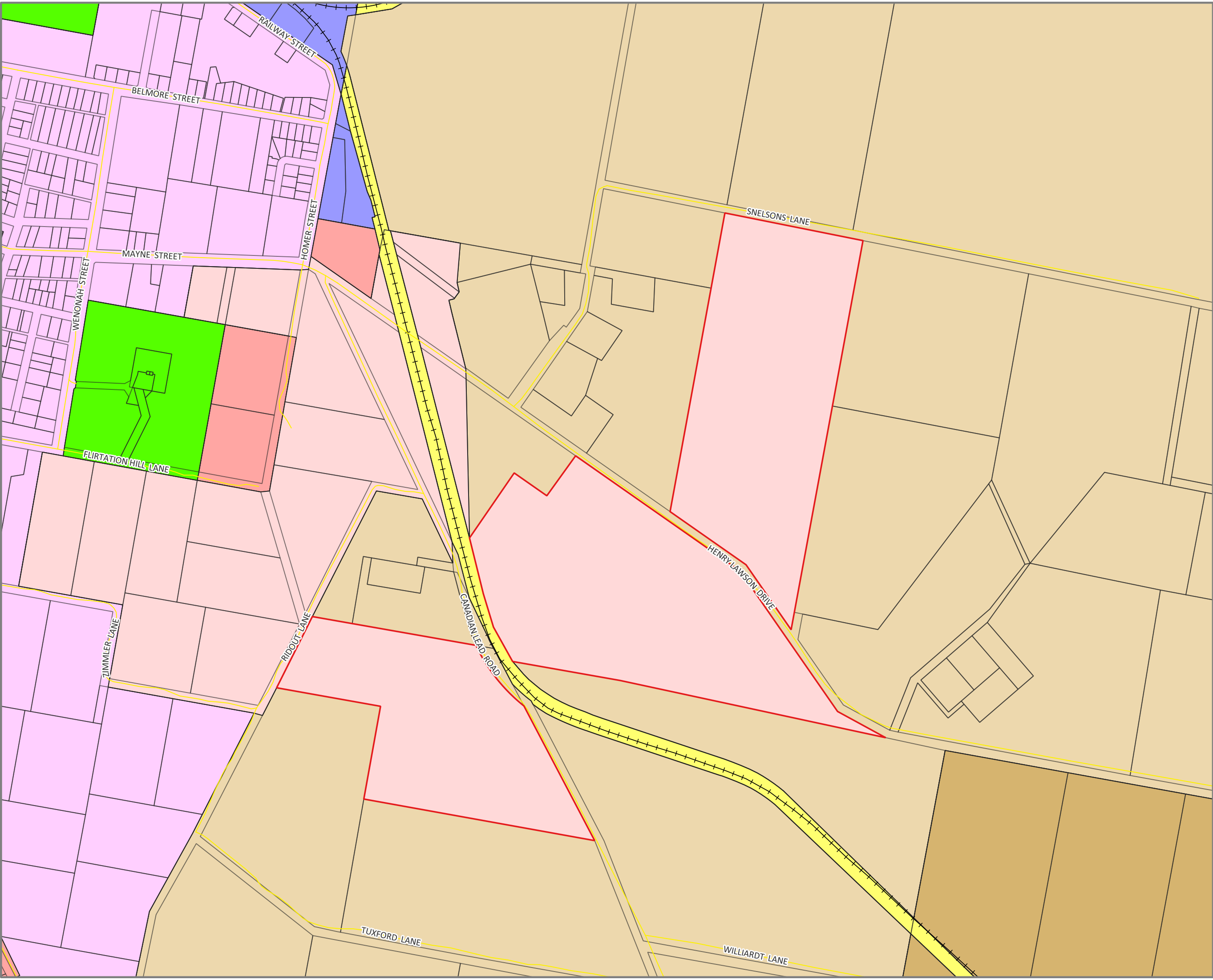


FIGURE 11
**PROPOSED
ZONING**

LEGEND

- ROADS
- RAILWAY
- SITE BOUNDARY
- CADASTRE

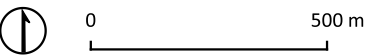
LAND USE ZONES

- E4
- R1
- R2
- R5
- RE1
- RU1
- RU4
- SP2

SITE ADDRESS:
GULGONG NSW 2852

CLIENT DETAILS:
VARIOUS LANDOWNERS

PREPARED BY:



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FIGURE 12
EXISTING
MINIMUM LOT
SIZE

LEGEND

- ROADS
- RAILWAY
- SITE BOUNDARY
- CADASTRE

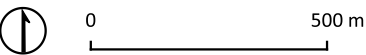
MINIMUM LOT SIZE

- 600 SQM
- 2000 SQM
- 2 HA
- 12 HA
- 20 HA
- 100 HA

SITE ADDRESS:
GULGONG NSW 2852

CLIENT DETAILS:
VARIOUS LANDOWNERS

PREPARED BY:

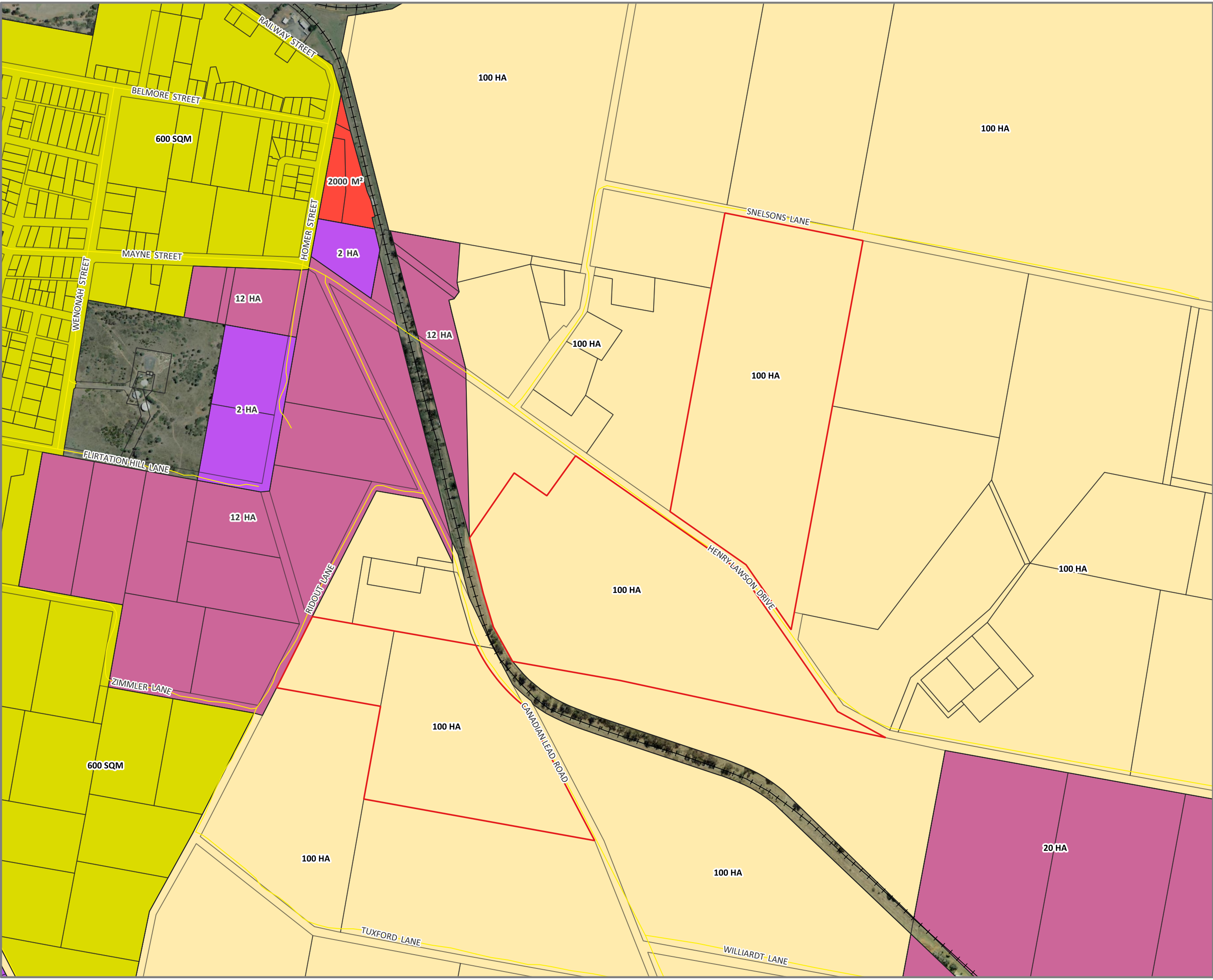


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CRS: EPSG:28355
AUTHOR: LP
APPROVED: MB
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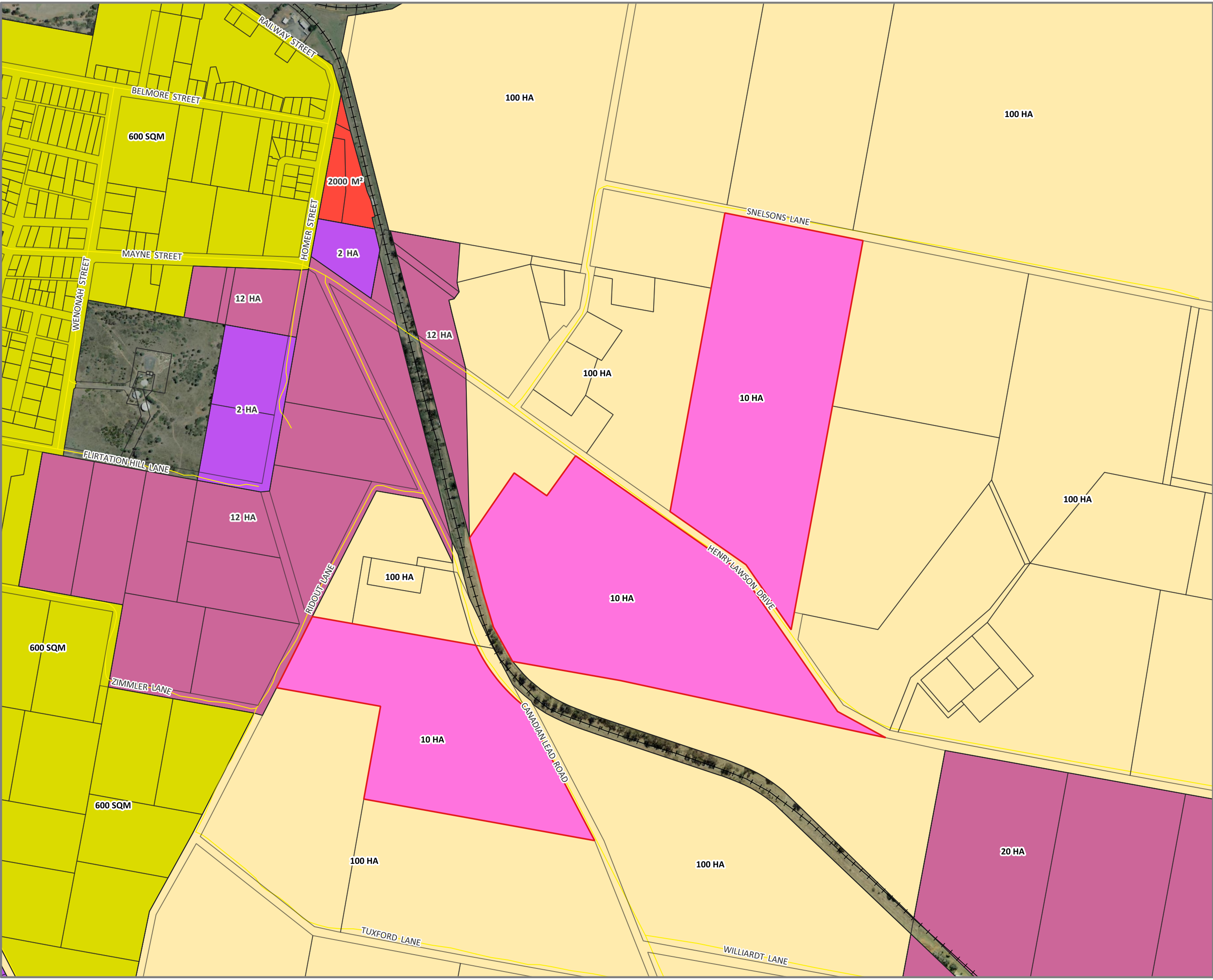


FIGURE 13
**PROPOSED
MINIMUM LOT
SIZE**

LEGEND

- ROADS
- RAILWAY
- SITE BOUNDARY
- CADASTRE

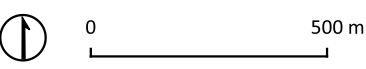
MINIMUM LOT SIZE

- 600 SQM
- 2000 SQM
- 2 HA
- 10 HA
- 12 HA
- 20 HA
- 100 HA

SITE ADDRESS:
GULGONG NSW 2852

CLIENT DETAILS:
VARIOUS LANDOWNERS

PREPARED BY:



A3 SCALE:1:8,000
DWC REF: 14046
VERSION: 03
CRS: EPSG:28355
AUTHOR: LP
APPROVED: MB
DATA © NSW SPATIAL SERVICES
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6. COMMUNITY CONSULTATION

Formal community consultation has not yet been undertaken. The LEP making process does not require formal community consultation prior to a proponent submitting a planning proposal to council.

The most appropriate time for community consultation for planning proposals is after a Gateway determination is issued and all relevant reports have been completed. This ensures the community has clear and evidence-based information available to help them make informed comments on the proposal.

Community consultation will be undertaken in accordance with any Gateway determination. The Gateway determination will specify:

- The duration and extent of community consultation including if targeted consultation is to occur with authorities, agencies or other stakeholders prior to public exhibition.

Once consultation is completed, the PPA should evaluate and assess these comments and address any concerns, to then determine whether the LEP should be made in accordance with the planning proposal.

7. PROJECT TIMELINE

The timeframe for the completion of the planning proposal will depend on the planning proposal category, the complexity of the matter, the nature of any additional information that may be required and the need for agency and community consultation. The timeframes for which an LEP is made will be determined by the Department at the Gateway stage and set out in the Gateway determination.

A project timeline is provided below in *Table 5* which outlines the anticipated stages and dates for the planning proposal. Each stage is defined to ensure a systematic and transparent process.

Table 5: Anticipated timeline based on Standard Benchmark Timeframes

Stage	Benchmark Timeframes (Standard)	Date
Pre-lodgement	50 days	Complete
Planning Proposal	95 days	October 2024 - January 2025
Gateway Determination	25 days	January 2025 – February 2025
Post-Gateway	50 days	February 2025 – March 2025
Public Exhibition & Assessment	95 days	April 2025 – June 2025
Finalisation	55 days	June 2025 – July 2025
Total Timeframes (End to End)	320 days	July 2025

We note that timeframes are estimates and may change over the life of the proposal. Furthermore, local government elections and associated caretaker period which are being held within the later months of 2024 (~August to ~December 2024) will impact Council's ability to determine that a Planning Proposal proceed to Gateway. The project timeline may be amended in the Gateway determination to provide the necessary level of confidence that the LEP will be finalised within a reasonable timeframe.

8. ALTERNATIVE FOR CONSIDERATION

As discussed, an earlier version of the proposal was submitted to Council and DPHI for a rezoning to R5 Large Lot Residential and a 5ha MLS.

Mid-Western Regional Council and DPHI held the position that the proposal, as submitted with a 5ha MLS, was inconsistent with the established and consistently applied MLS for rural lifestyle. This inconsistency made it unlikely to gain support. Council did advise that if reduced to 10 hectares with adequate justification regarding water supply, the proposal could also be considered consistent.

As a result of the above consultation, the planning proposal has been amended to have a MLS of 10 hectares. Adequate consideration of water supply is provided in Section 4.4.1.3.2 and Section 4.5.1.2, as discussed.

However, we would also seek to propose a further, alternative approach for Council's consideration – being a MLS of 9ha. For reference, the site areas are again as follows:

- Northern site: 27.09ha
- Central site: 29.898ha
- Southern site: 19.919ha

As can be appreciated, the increase to a 10ha MLS only allows the northern and central site 1 additional lot each, and no additional lots for the southern site. Conversely, a 9ha MLS works much more logically, mathematically subdividing the northern and central site into 3 lots and the southern site into 2 lots.

Noting that Council seems generally supportive of a 10ha MLS, we would seek further flexibility in the support of a 9ha MLS, in the interest of achieving a more logical and meaningful future subdivision of these sites. We would also stress that these lot sizes are still able to be supported in terms of servicing, particularly water servicing and on-site wastewater management.

An indicative (high level) Concept Subdivision Plan has been drafted overleaf in *Figure 14*, to provide Council and DPHI an appreciation of the possible lot sizes and boundary locations. We would emphasise that this Concept Subdivision Plan actually aligns more closely with the 10ha MLS than the current concept subdivision under a stringent 10ha MLS, as all lots are actually within ~10% of the 10ha MLS, whereas currently the concept lots are generally much larger (at approximately 10ha, 12ha, 16ha, 18ha and 19ha).

We would welcome the opportunity to explore this alternative approach further with Council and DPHI once an initial assessment of the information is undertaken. Further, we are also able to supply further information in terms of water servicing or a refined alternative concept subdivision plan, at Council's request.



Figure 14: Indicative alternative subdivision (de Witt Consulting)

9. CONCLUSION

The planning proposal to rezone land at Gulgong, NSW 2852 (Lots 56, 129, 264 & 415 DP755433) from RU1 Primary Production to R5 Large Lot Residential aligns with regional and local planning frameworks. This proposal aims to meet the growing demand for large lot residential properties in the Gulgong area, fostering sustainable development, economic growth, and enhanced community infrastructure.

The rezoning will provide additional rural residential land, optimizing land use and supporting rural lifestyle living. By changing the minimum lot size from 100 hectares to 10 hectares, the proposal promotes sustainable and efficient development in the region. It aligns with the objectives of several key planning documents, including the Central West and Orana Regional Plan 2041, which supports sustainable growth, housing, and economic development. It also aligns with the Mid-Western Regional Local Strategic Planning Statement 2040, addressing housing needs, infrastructure development, and the preservation of environmental and cultural heritage, and the Mudgee and Gulgong Urban Release Strategy 2023, which provides a framework for systematic land release and addresses housing needs. Importantly, it is consistent with the Mid Western Comprehensive Land Use Strategy, specifically the priority rezoning areas and development of unconstrained lands.

The planning proposal addresses environmental, social, and economic impacts. The subject site is not prone to significant environmental hazards such as flooding or bushfires. The proposal promotes rural lifestyle living, enhancing the quality of life for residents and supporting community health and connectivity. It supports local economic growth by attracting new residents and encouraging investment.

The planning proposal includes a detailed project timeline with estimated dates for key stages such as Gateway determination, infrastructure studies, public exhibition, and finalisation. The site plan (**Figure 1**) and location plan (**Figure 2**) prepared by de Witt Consulting provide a clear representation of the proposed rezoning area. The existing and proposed land use zoning maps (**Figures 10 and 11**) and lot size maps (**Figures 12 and 13**) demonstrate the changes in zoning and lot sizes. The concept subdivision plan (**Appendix 1**) illustrates the potential layout of the proposed development, while the utility and infrastructure servicing strategy (**Appendix 2**) outlines existing infrastructure and utilities. The AHIMS search results (**Appendix 3**) ensure that the proposal considers heritage. The subject site's suitability for residential use is supported by historical land use analysis, which considers the potential for site contamination.

In conclusion, the proposed rezoning of land at Gulgong to R5 Large Lot Residential is a well-considered proposal that supports strategic regional and local planning objectives. It addresses the growing demand for rural residential land, optimizes land use, enhances community infrastructure, stimulates economic growth, and preserves environmental integrity. The proposal has been prepared to assist the Mid-Western Regional Council in the Gateway determination process and to facilitate the sustainable development of Gulgong, ensuring a balanced and resilient future for the community. This planning proposal is recommended for approval, subject to the conditions and assessments outlined in this report.



APPENDICES



APPENDIX 1

Concept Subdivision prepared by de Witt Consulting



APPENDIX 2

Utility and Infrastructure Servicing Strategy prepared by de Witt Consulting



APPENDIX 3

AHIMS Search Result



APPENDIX 4

Comprehensive Land Use Strategy Opportunities Map prepared
by de Witt Consulting



APPENDIX 5

Deposited Plans



APPENDIX 6

Certificate of Titles



APPENDIX 7

Preliminary Contamination Assessment



APPENDIX 8

Assessment of Potential for Basic Landholder Rights (BLR) Bores