

6.3.4 Planning Proposal – Black Springs Road

REPORT BY THE STATUTORY/STRATEGIC PLANNER TO 5 FEBRUARY 2014 COUNCIL MEETING
140205 Council1
GOV400038, LAN900045

RECOMMENDATION

That:

1. **the report by the Statutory/Strategic Planner on the Planning Proposal – Black Springs Road be received;**
2. **Council prepare an amending Local Environmental Plan for Lot 110 DP 1029542 Black Springs Road Eurunderee to provide for Large Lot Residential land with a minimum lot size of 12ha;**
3. **the applicant prepare amended mapping to remove proposed Lot 5 from the indicative lot layout;**
4. **the amended Planning Proposal under Section 55 of the Environmental Planning and Assessment Act 1979 for Black Springs Road Eurunderee be forwarded to the Department of Planning & Infrastructure seeking Gateway determination.**

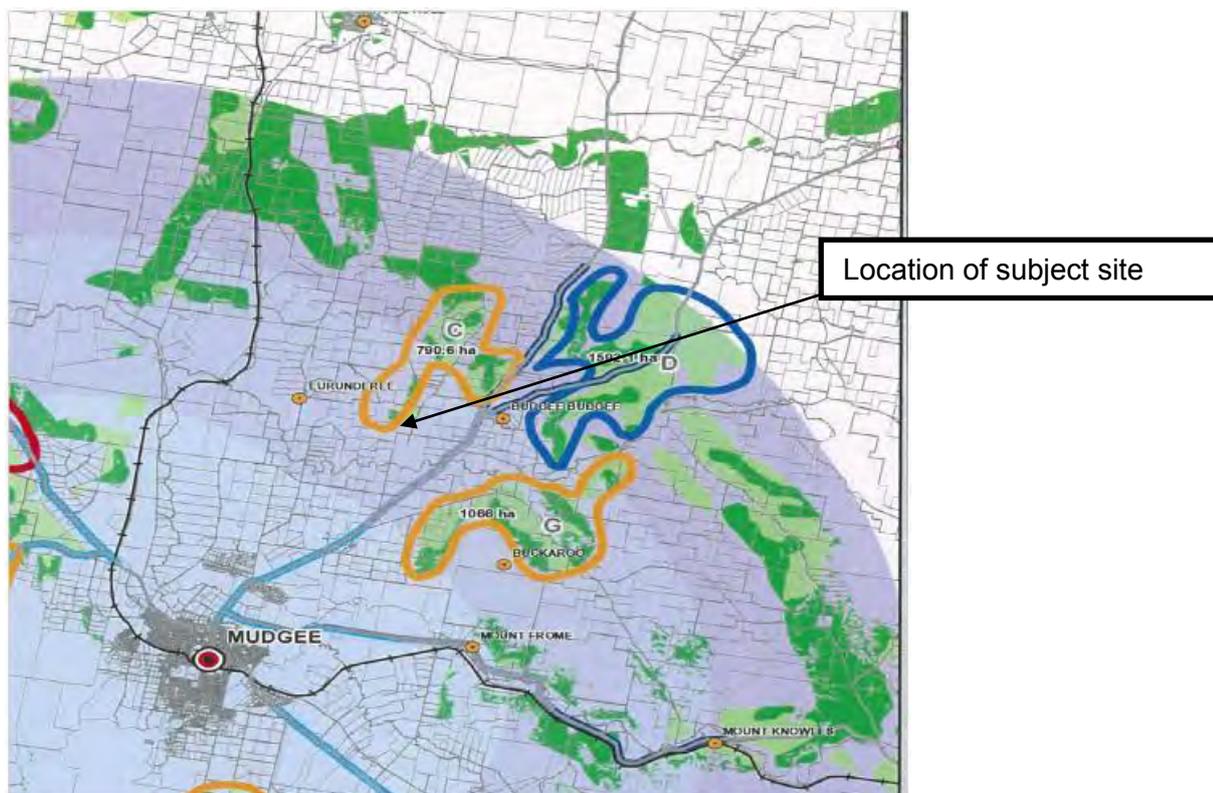
Executive summary

The purpose of this report is to allow Council to consider the preparation of an amending Local Environmental Plan (LEP) to rezone Lot 110 DP 1029542 from RU1 Primary Production to R5 Large Lot Residential and to amend the minimum lot size from 100ha to 12ha.

The total area of land subject to the rezoning is approximately 51.8ha out of the total 82ha of land available. The remainder of the land will remain under E3 - Environmental Management zoning. The estimated lot yield from the proposal is 5 lots, however it is recommended that only 4 lots be supported for reasons outlined later in this report.

The proposed zone is generally consistent with the Comprehensive Land Use Strategy (CLUS), although part of the land is located fractionally outside of the identified area in Figure 1. Should Council support the planning proposal, it will be forwarded to the Department of Planning & Infrastructure (DoPI) for Gateway Determination. The Gateway Determination will stipulate whether the rezoning should proceed and identify any necessary referrals, additional information required and exhibition requirements.

Figure 1 – Extract from Comprehensive Land Use Strategy



A full copy of the planning proposal prepared by Minespex on behalf of R & L Allen is attached to this report.

Detailed report

Subject Site

The site is identified as Lot 110 DP 1029542, 277 Black Springs Road Eurunderee and is located approximately 9.3km by road from Mudgee town centre and 1.4km west of Ulan Road.

The subject land contains a single dwelling and associated ancillary structures. The primary use of the land is for grazing.

1. OBJECTIVES OR INTENDED OUTCOMES

The applicant has provided the following statement which outlines the intended outcomes of the planning proposal:

The planning proposal intends to:

- *Support the CLUS intention to provide rural lifestyle development within the identified 'short term' opportunity area.*
- *Amend the corresponding zone maps to change the RU1 Primary Production land to R5 Large Lot Residential.*
- *Amend the corresponding lot size maps for the identified parcel to reduce the minimum lot size to accommodate the concept development.*

The objectives of the proposed R5 Large Lot Residential zone align with the vision for future development of the site. The concept plan as a whole provides a feasible option to provide residential housing in a rural setting while preserving and minimising impacts on, environmentally sensitive locations and scenic quality.

Comment:

The proposal goes a small way towards meeting the short term supply for rural lifestyle lots as identified in Table 4-5 of the CLUS. The amendment to the land zoning and minimum lot size will have minimal environmental impact, subject to further assessment at development application stage.

2. EXPLANATION OF PROVISIONS

The intended outcome of Planning Proposal is to be achieved by amending the land zoning and minimum lot size maps in accordance with the mapping shown in Part 4 of this report.

3. JUSTIFICATION

a) Need for Planning Proposal

The subject site falls on the edge of Area C – Rural Lifestyle as identified in the CLUS. Area C contains a developable area of approximately 553ha with an estimated lot yield of 46 lots.

The CLUS estimates that Mudgee will require 40-50 Rural Lifestyle lots per annum, with an estimated 200-500 required in the next 5-10 years. The current planning proposal will go a small way to satisfying the estimated demand.

b) Relationship to strategic planning framework

Comprehensive Land Use Strategy (CLUS)

The subject land was identified in Area C of the CLUS as being a short term priority for rural lifestyle lots. The site adjoins existing R5 residential allotments and directly fronts Black Springs Road which is sealed.

The indicative lot layout submitted with the planning proposal shows lots 1-4 at 12ha, with lot 5 proposed to be a split zone of E3 Environmental Management and R5 Large Lot Residential (30.2ha and 3.8ha respectively).

Lots 1-4 are supported, however lot 5 does not provide sufficient land within the proposed R5 part of the lot to meet the minimum lot size of 12ha recommended in Part 4.8.3 of the CLUS and prescribed in Council's LEP 2012. Any future dwelling on proposed lot 5 would need to factor-in bush fire asset protection zones, effluent disposal areas and chemical spray drift buffers to protect the residential use from adjacent agricultural activities. This would lead to a highly contained lot which is considered an undesirable outcome.

If Council is to support this planning proposal, it will be recommended that the applicant prepare amended mapping to reduce the estimated lot yield to 4 prior to it being forwarded to the Department of Planning & Infrastructure for Gateway Determination.

Relevant Section 117 directions:

Rural Zones

A planning proposal must not rezone land from a rural zone to residential under this direction, however a planning proposal may be inconsistent with this provision if it is justified by a relevant planning strategy. The proposal is considered consistent with the CLUS which was endorsed by the Department of Planning & Infrastructure and therefore satisfactory in regard to this direction.

Rural Lands

A planning proposal must be consistent with the Rural Planning Principles contained in State Environmental Planning Policy (Rural Lands) 2008, however a planning proposal may be inconsistent with this provision if it is justified by a relevant planning strategy. The proposal is considered consistent with the CLUS which was endorsed by the Department of Planning & Infrastructure.

Heritage Conservation

The applicant conducted an AHIMS search which identified one item of Aboriginal heritage located in the vicinity of the site. Prior to any future development on the site, a cultural heritage assessment will need to be undertaken to ensure that any heritage items are avoided.

It is anticipated that consultation with the Office of Environment & Heritage will be required as part of a Gateway Determination. Notification to the Local Aboriginal Land Council may also be undertaken during the exhibition period.

Residential Zones

This direction applies to existing and proposed residential zones with the objective of encouraging a variety of housing types that are adequately serviced and minimising the potential for land use conflict.

The need for additional large lot residential land has been identified in the CLUS and the proposal goes a small way to achieving this need. Reticulated water and sewer infrastructure is not available to service the site but this can be addressed with on-site water storage and effluent disposal. Electricity and telecommunications are available and will be required to be extended if the land is subdivided in the future.

Planning for Bush Fire Protection

The subject land is mapped as being bush fire prone with the main hazard coming from the vegetation within the E3 zone on the western part of the lot. There is sufficient space within the subject lot to allow for future residential development whilst complying with the provisions of 'Planning for Bush Fire Protection 2006' (PBP). It is anticipated that the NSW Rural Fire Service will be one of the agencies that Council will be required to consult with if Gateway Determination is granted. Full assessment of compliance with PBP will be undertaken if a development application for subdivision is submitted in the future.

c) Environmental, social and economic impacts:

The proposal will not result in the removal of vegetation and each of the proposed lots will have sufficient area to allow for a dwelling, effluent disposal area and ancillary structures without the need for removing any native vegetation. It should be noted, however, that this layout is not locked in and will be the subject of a separate development application if this planning proposal is endorsed.

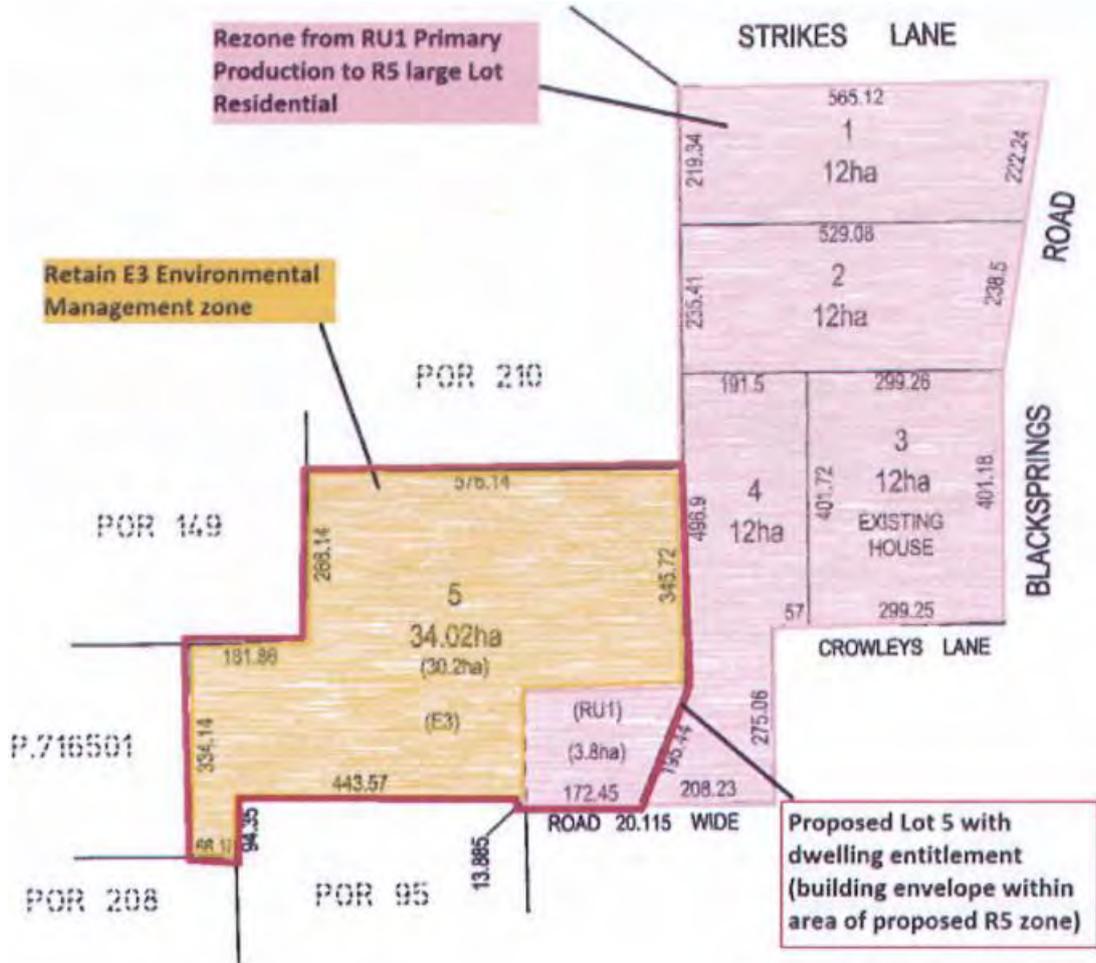
Council's mapping shows that the vegetation within the road reserve directly adjoining the subject land is of high conservation value and is likely to be an Endangered Ecological Community (EEC). Vegetation within the E3 zoned part of the land is mapped as being of high biodiversity sensitivity. No removal of this vegetation is considered likely if the land is rezoned to R5 Large Lot Residential.

The site contains an identified Aboriginal Heritage item and the applicant of the planning proposal makes reference to this. The applicant has stated that, as no ground disturbance is proposed at this stage, no further assessment of this issue is required prior to Gateway determination. This is considered to be acceptable as community consultation will be carried as required by the Gateway determination and this will include consultation with the local Aboriginal Land Council and NSW Office of Environment & Heritage.

d) State and Commonwealth interests

State and Commonwealth interests have been taken into consideration by the applicant and

1. MAPPING



2. COMMUNITY CONSULTATION

The applicant has advised that community consultation will be undertaken in accordance with the requirements of *A Guide to Preparing Planning Proposals*.

The length of the exhibition period will be determined by the DoPI.

Financial and Operational Plan implications

The applicant has paid the appropriate fees for the rezoning application.

Community Plan implications

Not applicable.

MARK LYNDON
STATUTORY/STRATEGIC PLANNER

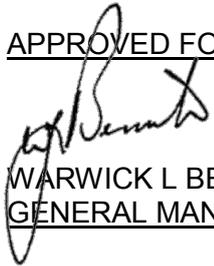


CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT & COMMUNITY
SERVICES

10 January 2014

Attachments: 1. Planning Proposal prepared by Minespex on behalf of Mr & Mrs R & L Allen
(included at the end of the business paper).

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER