

8.2 Planning Proposal 705 Springfield Lane, Gulgong Lots 277-282, 285, 286 DP 755433, Lots 64, 70, 71, 138 DP 755434, Lots 15-17 DP 1172228, rezone to R5 Large Lot Residential and change the minimum lot size to 12 hectares

REPORT BY THE TOWN PLANNER
TO 17 MARCH 2021 ORDINARY MEETING
GOV400088, LAN900120

RECOMMENDATION

That Council:

1. **receive the report by the Town Planner on the Planning Proposal 705 Springfield Lane, Gulgong Lots 277-282, 285, 286 DP 755433, Lots 64, 70, 71, 138 DP 755434, Lots 15-17 DP 1172228, rezone to R5 Large Lot Residential and change the minimum lot size to 12 hectares;**
2. **provide initial support for the rezoning and change to minimum lot size of Planning Proposal 705 Springfield Lane, Gulgong Lots 277-282, 285, 286 DP 755433, Lots 64, 70, 71, 138 DP 755434, Lots 15-17 DP 1172228;**
3. **forward the Planning Proposal to amend the Mid-Western Regional Local Environmental Plan 2012 to the NSW Department of Planning Industry and Environment seeking a Gateway Determination, in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979; and**
4. **undertake community consultation as outlined within any approved Gateway Determination.**

Executive summary

Council has received a Planning Proposal to rezone 705 Springfield Lane, Gulgong NSW 2852 Lots 277-282, 285, 286 DP 755433, Lots 64, 70, 71, 138 DP 755434, and Lots 15-17 DP 1172228 from RU1 Primary Production to R5 Large Lot Residential and to reduce the minimum lot size from 100 hectares to a 12 hectare minimum lot size. The proposed rezoning would facilitate a future 6 lot subdivision ranging from 12.5 hectares to 16.2 hectares.

The subject site is located south of Gulgong approximately 1.5 kilometres from the CBD. The property sits either side of the Castlereagh Highway on the outer edge of Gulgong. The combined area of the site is 82.06 hectares.

The Planning Proposal provided as Attachment 1 has been prepared generally in accordance with the structure outlined in the NSW Department of Planning Industry and Environment (DPIE) Guide to Preparing Planning Proposals. The report outlines the context, intended outcomes, explanation of provisions and justification for the Planning Proposal.

The Planning Proposal has been considered in accordance with Council's Comprehensive Land Use Strategy (CLUS), specifically, Part C. Part C outlines the future large lot residential land supply opportunities around Gulgong. The subject site has been identified as a short term opportunity area, which is a first priority area under the CLUS. This is visually displayed in Figures 2, 3, 4. The

proposed rezoning and change to the minimum lot size is considered consistent with Part C of the CLUS.

Disclosure of Interest

Nil.

Detailed report

Planning Proposals

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

The Gateway Process

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

Gateway Timeline

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

Stage	Completed	Comment
Preparation of a Planning Proposal		
Planning Proposal lodged with Council	✓	October 2020
Staff Undertake Initial Assessment	✓	October 2020 - February 2021
Council Decision to Support Proposal	✓	The Planning Proposal is being reported to 17 March 2021 meeting.
Issue of Gateway Determination		
Council Requests Gateway Determination		
DP&E Issues Gateway Determination		
Gateway Conditions Satisfied		
Consultation		
Consultation with Relevant Agencies		
Public Exhibition		
Post-Exhibition Report to Council		
Finalisation of the Planning Proposal		
Council Exercises Delegation to Prepare LEP		
Draft LEP by Parliamentary Council		
Opinion Issued and LEP Made		

PROPOSED

The Planning Proposal seeks to rezone the subject site from RU1 Primary Production with a current minimum subdivision lot size of 100 hectares, to R5 Large Lot Residential and reduce the minimum lot size to 12 hectares. The below map highlights the subject site and current zoning.

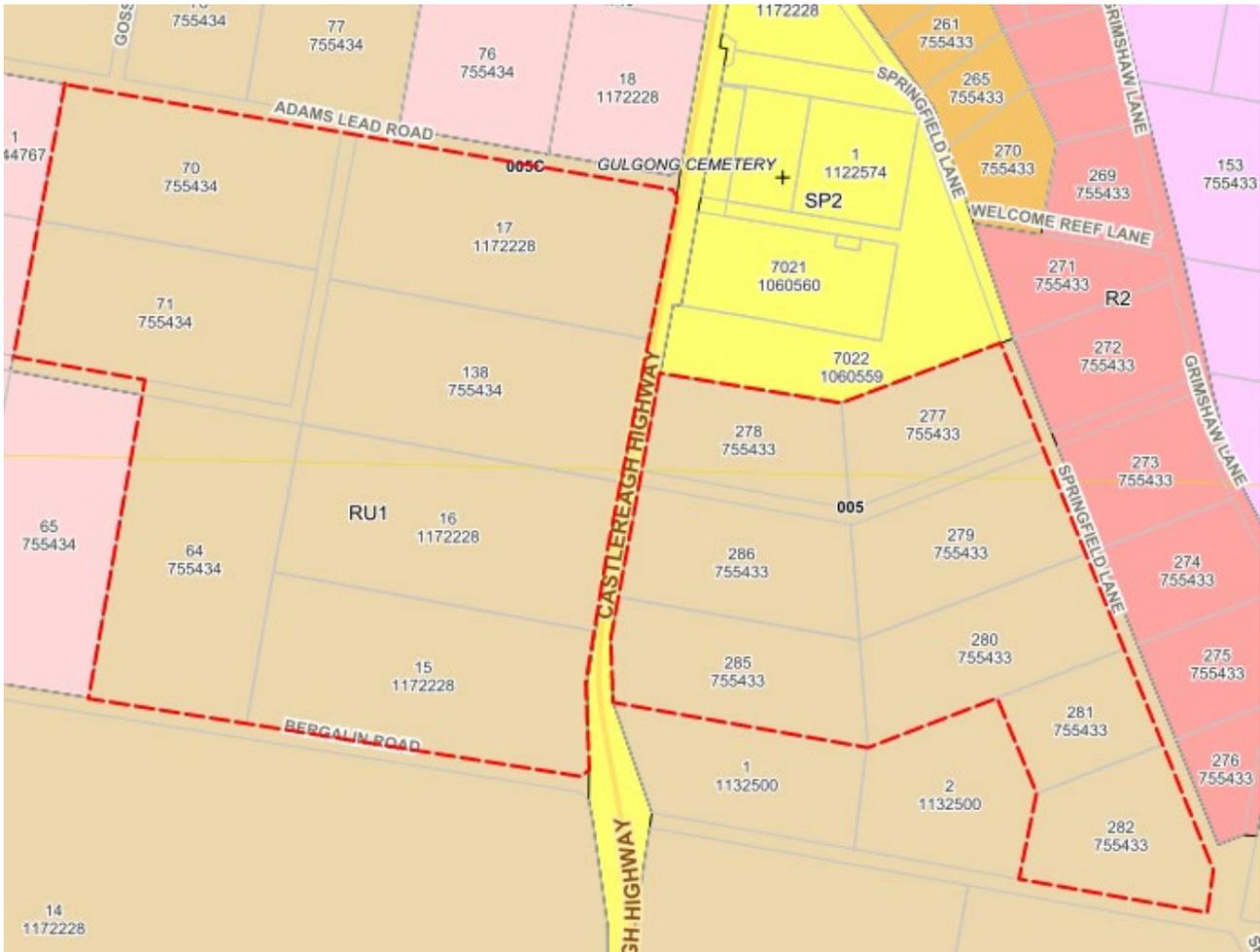


Figure 1: Subject site and current RU1 Primary Production zoning.

Page 69 of the Comprehensive Land Use Strategy (CLUS) refers to the subject land, stating that:

“The minimum lot size for these opportunity areas should generally be 12 hectares. Council may consider 2-6 hectare lots within section E if reticulated water is available.”

In this regard, the proponent has proposed 12 hectares as the minimum lot size either through consolidation or subdivision; and will not rely on reticulated water services. The lots are of a size sufficient to contain an on-site sewage management system (OSSM), have individual bores for a domestic water source, and rely upon rainwater as the source of primary potable water.

INTENDED OUTCOMES

The Planning Proposal seeks to rezone the site to R5 Large Lot Residential land and change the minimum lot size to 12 hectares to facilitate a 6 lot subdivision.

EXPLANATION OF PROVISIONS

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

1. Amending the zone indicated on Land Zoning Map – Sheet LZN_005 and 005C from RU1 Primary Production to R5 Large Lot Residential.

2. Amending the minimum lot size indicated on the Lot Size Map – Sheet LSZ_005 and 005C from (AD) 100 hectares to (AB2) 12 hectares.

JUSTIFICATION

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

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

The Planning Proposal has been considered in accordance with Council's Comprehensive Land Use Strategy (CLUS), specifically, Part C. Part C outlines the future rural lifestyle opportunities around Gulgong, visually displayed in Figures 2, 3, 4.

The CLUS identifies the subject site (described as precinct E) as a short-term opportunity to develop rural lifestyle lots with a minimum lot size of 12ha. This is further reflected in Figure 4-4 of the CLUS, which details the map indicating the area as a future large lot residential opportunity.

The CLUS clarifies that this proposal would supply the residential market rather than the rural market. The proposed lots would keep a rural setting and provide a supply of rural lifestyle lots.

IDENTIFIED SUPPLY OF RURAL LIFESTYLE LOTS

Mid-Western Regional Comprehensive Land Use Strategy 2010

Council adopted the CLUS in 2010. The CLUS has the following three volumes:

- Part A – Introduction and Background
- Part B – Constraints and Opportunities
- Part C – Strategy

The CLUS identifies opportunities for the delivery of rural lifestyle lots with a minimum lot size of 12 hectares.

Council identified 12 hectare rural lifestyle opportunities around the urban centres. These opportunities are located within the 5 kilometres offset of Gulgong, Kandos and Rylstone and within the 15 kilometres offset around Mudgee. The subject site is located within 5 kilometres of Gulgong, being approximately 1.5 kilometres from the town centre.

The rural lifestyle opportunities map identifies the majority of the subject site as being within a short term opportunity area (Figure 2, 3). Part of the site extends outside of Precinct E. Whilst this area is outside the Precinct, and located within 'Class 3 land (otherwise unconstrained)' it has been identified as a future large lot residential area with a minimum of 2 hectares (Figure 4). Whilst the Planning Proposal is for 12 hectare lots, it would not inhibit this area from a future rezoning to a 2 hectare minimum lot size. A 12 hectare minimum lot size is a natural progression down to the intended future 2 hectare size.

There is one other short term opportunity area, 'Precinct C' (see Figure 2) in the Gulgong area, located to the west of town, which was rezoned to R5 Large Lot Residential when the MWRLEP was gazetted in 2012. It is noted that none of the R5 land in this precinct has been taken up and subdivided by landholders since 2012. Consequently, this precinct has not yielded the intended targets set by the CLUS and therefore it is reasonable to consider the rezoning of this subject site.

The CLUS states that demand for rural lifestyle lots surrounding Gulgong has been estimated as high as 75-100 lots over a 5 year period. The two short term opportunity areas have an estimated yield of 30-50 lots, which would partially meet this demand. Accordingly, this Planning Proposal is appropriate because it will deliver a supply of rural lifestyle opportunities surrounding the Gulgong urban area and cater for the needs of the community.

The Mudgee and Gulgong Urban Release Strategy identifies an average demand of 1 lot per year, which provides a sufficient buffer of availability to demand. This is monitored by Council on a 6-monthly basis.

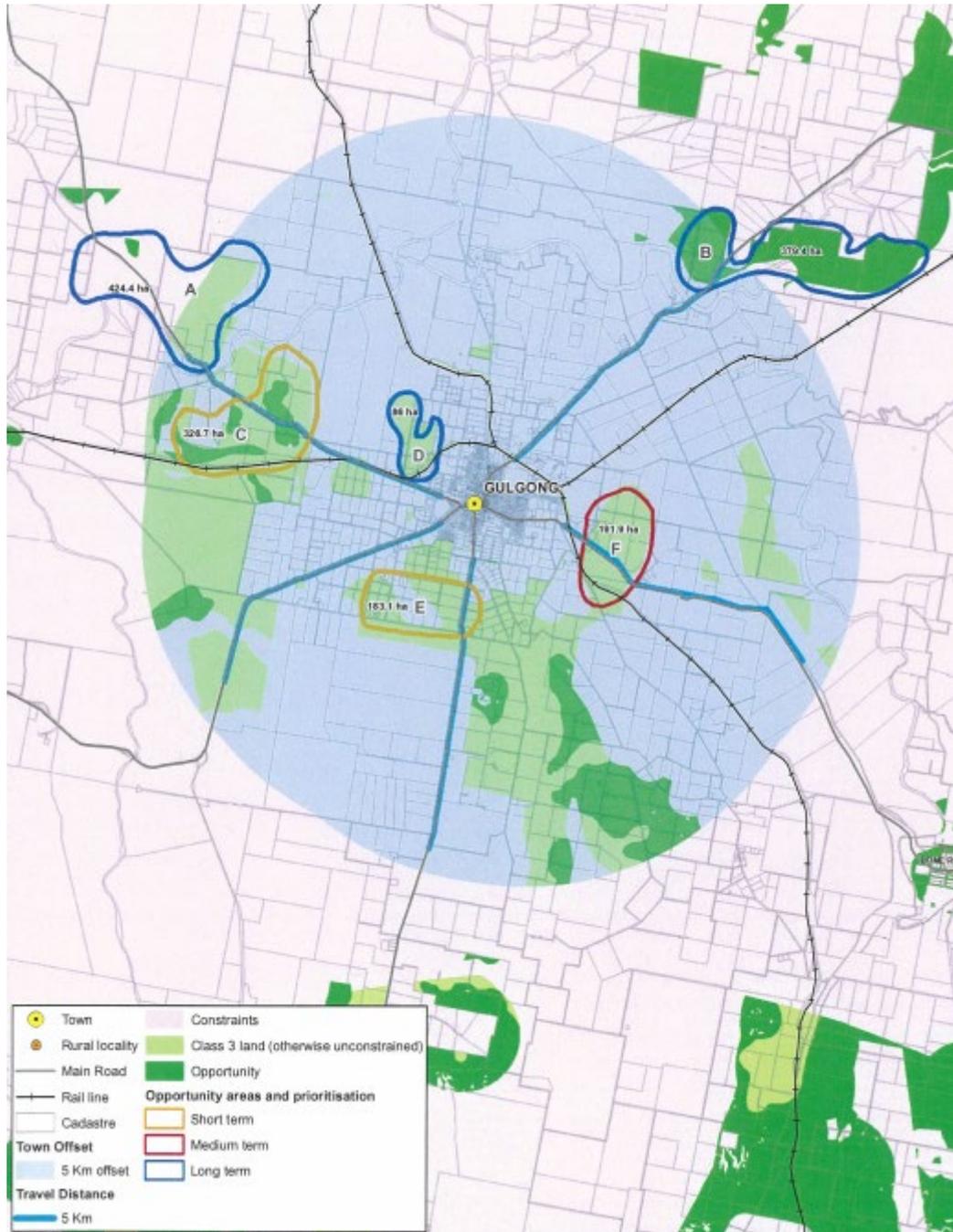


Figure 2: Rural lifestyle opportunities – 5km offset area surrounding Gulgong

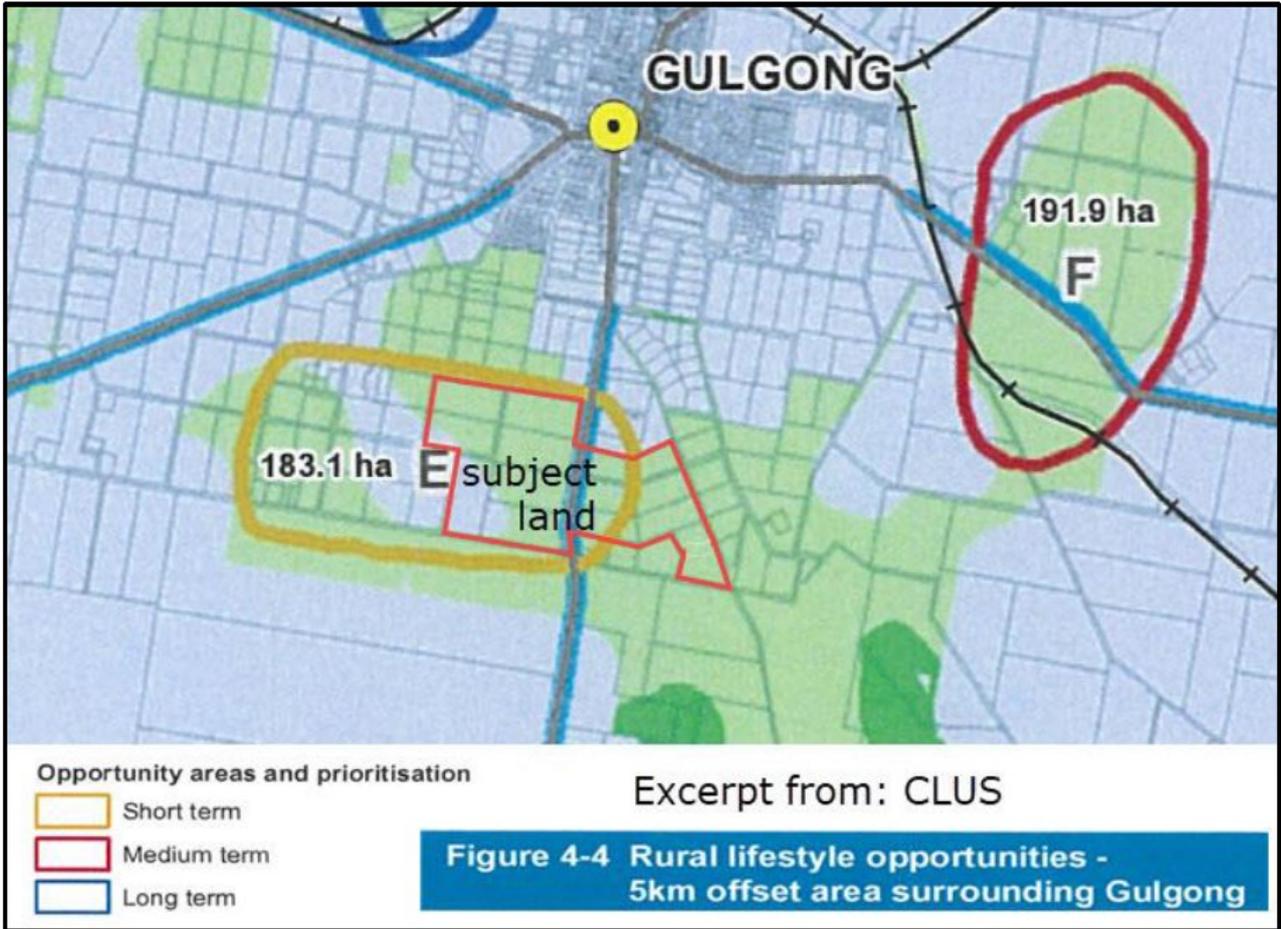


Figure 3: Subject site in relation to the rural lifestyle opportunities

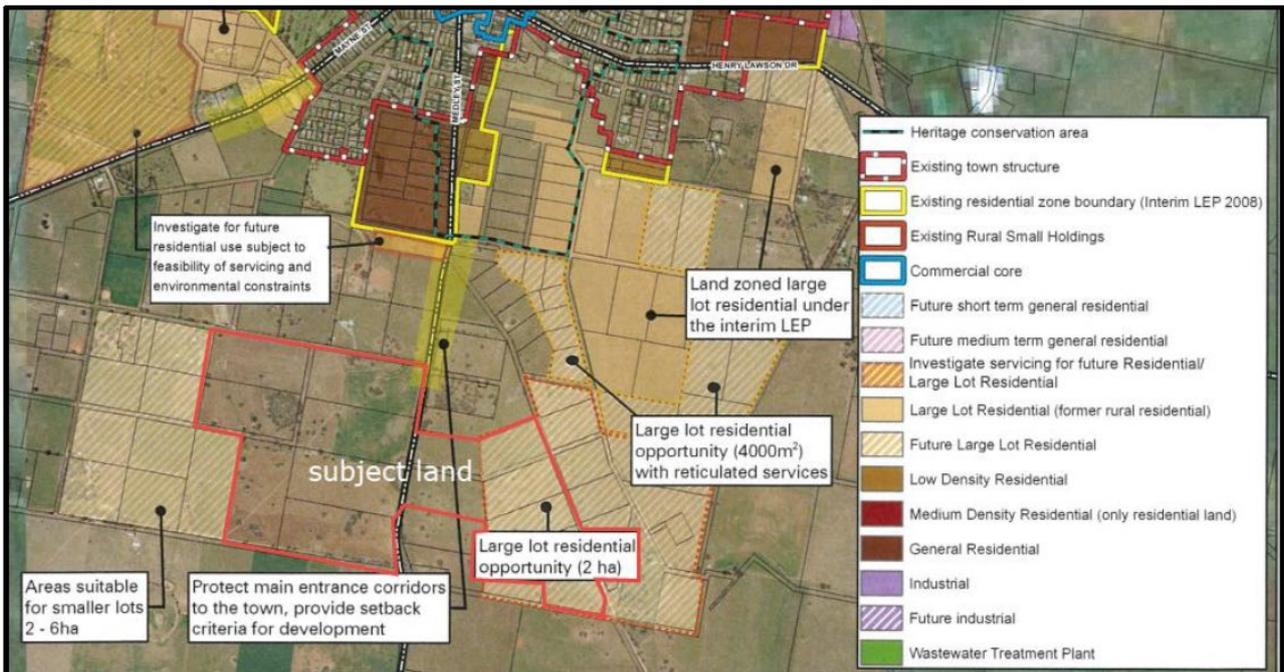


Figure 4: Gulgong town structure plan

DEMAND

The Mudgee and Gulgong Urban Release Strategy 2014 provides specific demand and supply details for the Gulgong Urban Release Areas. An average demand of 1 lot per year is stipulated as being required for R5 Large Lot Residential.

NEXT STEP

If Council supports the recommendation to support the proposed rezoning, the next step would involve forwarding the Planning Proposal to DPIE for a Gateway determination.

Community Plan implications

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

Strategic implications

Council Strategies

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

Council Policies

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

Legislation

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

Financial implications

Nil.

Associated Risks

Nil.

CAMERON AMOS
TOWN PLANNER

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

19 February 2021

Attachments: 1. Planning Proposal. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER