

8.2 Planning Proposal - 10 - 12 Burrundulla Avenue, Mudgee

REPORT BY THE MANAGER STRATEGIC PLANNING

TO 17 APRIL 2024 ORDINARY MEETING

GOV400105, LAN900189

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Strategic Planning on the Planning Proposal at 10-12 Burrundulla Avenue, Mudgee, Lot 122 DP 1074283 for the part rezoning to R3 Medium Density Residential, with a 600m² minimum lot size and a 8.5 height limit;**
2. **provide initial support for the Planning Proposal to amend *Mid-Western Regional Local Environmental Plan 2012* and submit to the NSW Department of Planning, Housing and Infrastructure via the NSW Planning Portal seeking a Gateway Determination, in accordance with Section 3.34 of the *Environmental Planning and Assessment Act 1979*; and**
3. **undertake community consultation as outlined in any approved Gateway determination.**

Executive summary

In 2016 Council purchased Lot 122 DP1074283, a former bowling club, at 10-12 Burrundulla Ave, Mudgee. The site is 1.67ha and is bound by Burrundulla Avenue to the east, residential land zoned R3 Medium Density Residential to the north and south and an access handle to George Street to the west. The subject site is currently zoned part RE2 Private Recreation and part R3 Medium Density Residential.

The Planning Proposal seeks an amendment to *Mid-Western Regional Local Environmental Plan 2012* (LEP) to rezone part of the Lot 122 DP1074283 from RE2 Private Recreation with no maximum height limit or minimum lot size to R3 Medium Density Residential with a maximum height limit of 8.5m and a 600m² minimum lot size.

The objective of the Planning Proposal is to provide additional residential dwellings in the form of multi-dwelling housing. A concept plan has been prepared to demonstrate the type and form of development that may be achieved on site.

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

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

Disclosure of Interest

Nil

Detailed report

Planning Proposals

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

The Gateway Process

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

Gateway Timeline

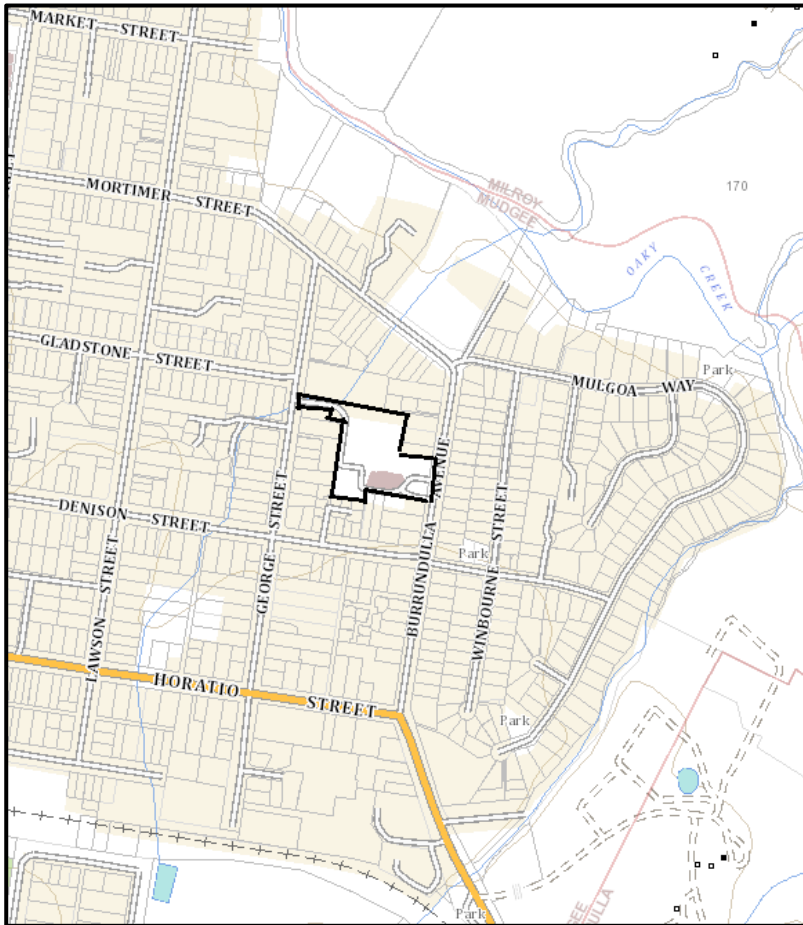
The following table summarises the key components of making an amendment to the Mid-Western Regional Local Environmental Plan (LEP) and the progress of the current Planning Proposal through the various stages. The below table demonstrates the Planning Proposal is within the initial stage of the process.

| Stage | Completed | Comment |
|--|-----------|---|
| Preparation of a Planning Proposal | | |
| Planning Proposal prepared by Council | ✓ | November 2023 |
| Council Decision to Support Proposal | ✓ | The Planning Proposal is being reported to the April 2024 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 | | |

PROPOSAL CONTEXT

The Planning Proposal seeks to rezone part of the site from RE2 Private Recreation to R3 Medium Density Residential (LZN_006G) and amend the Height of Buildings map from no control to 8.5m (HOB_006G) and map the site with a 600m² minimum lot size (LSZ_006G).

The map below demonstrates the area subject to the Planning Proposal. Access to the site is gained from both George Street to the west and Burrundulla Avenue in the east. Part of the site is already zoned R3 Medium Density Residential at the entrance to George Street.

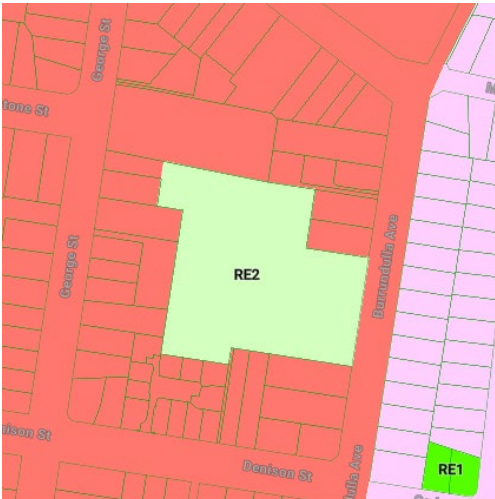


The map below demonstrates the split zoning on the site, with the green outline of the subject site.

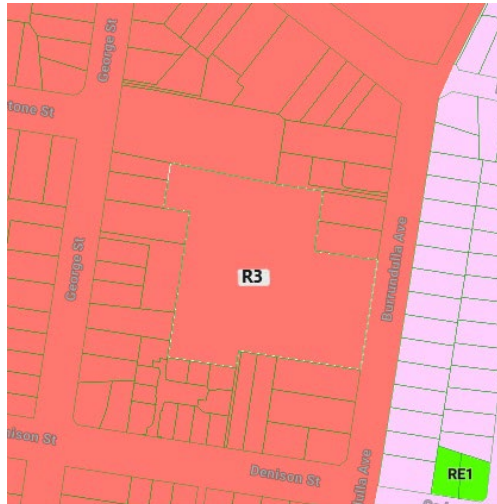


(Source: Mecone Mosaics)

The maps below highlight the current and proposed zoning and height of buildings.



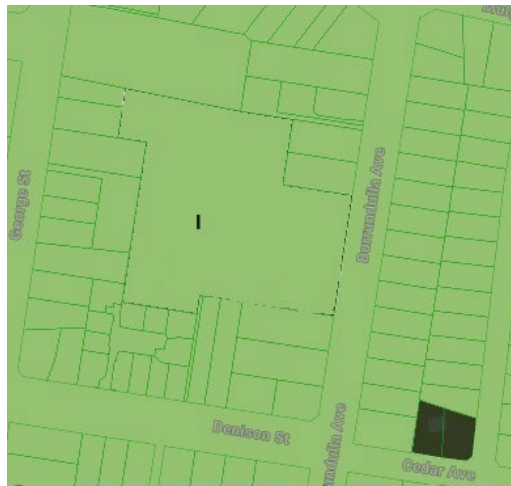
Existing – Zoning (Source: Mecone Mosaics)



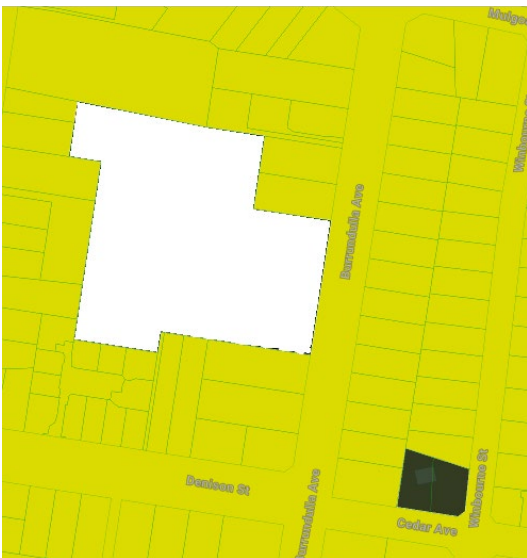
Proposed – Zoning (Source: Mecone Mosaics)



Existing – Height of building (Source: Mecone Mosaics)



Proposed – Height of building (Source: Mecone Mosaics)



Existing - Minimum Lot Size



Proposed - Minimum Lot Size

INTENDED OUTCOMES

The intended outcomes of the Planning Proposal are to:

- Permit infill multi-dwelling housing close to Mudgee CBD,
- Utilise existing social facilities and infrastructure,
- rezone part of the site from RE2 Private Recreation to R3 Medium Density Residential, and
- amend the LEP to reflect surrounding development, including zoning and height of building.

A Council development application for 49 dwellings on the subject site has been lodged for assessment and is on public exhibition. The plans utilise an access handle from George Street and another access point off Burrundulla Avenue.

EXPLANATION OF PROVISIONS

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

1. Amending the zoning from RE2 Private Recreation to R3 Medium Density Residential indicated on LZN_006G, amend the Height of Building maps from no control to 8.5m on HOB_006G and amend the Minimum Lot Size Map from no minimum lot size to 600m² on LSZ_006G.

JUSTIFICATION

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

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

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

Our Place 2040 – Mid-Western Regional LSPS supports the planning proposal through Planning Priority 2. Planning Priority 2 Make available diverse, sustainable, adaptable and affordable housing options through effective land use planning. The planning proposal supports this priority by contributing to housing diversity which in turn, will attract new residents to the Region or ensure existing residents have a choice of housing that suits their needs as their circumstances change.

The Mudgee and Gulgong Urban Release Strategy (2023 Updates), states that Council will need to encourage and enable infill development to ensure that additional pressure is not placed on the land identified in this strategy. The strategy highlights that utilising Council or government owned land could be an opportunity to increase infill development.

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

The Planning Proposal is the best and only means of rezoning the subject site by amending the Land Zoning map within the Mid-Western LEP 2012 and achieve the intended outcomes and objectives of the Planning Proposal.

Further the Height of Building map must also be amended to reflect the surrounding development controls. This can only be achieved through a planning proposal.

Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) and SEPPs?

The Planning Proposal is generally consistent with all the Ministerial Directions and State Environmental Planning Policies (SEPPs).

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?

The subject site is generally cleared of vegetation, with general regrowth on the former bowling greens. The site is overgrown and there is a stand of trees on site.

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

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

The social and economic effects of the planning proposal are positive for Mid-Western LGA and the local and future residents. The planning proposal will facilitate future development of multi dwelling housing that will contribute to the housing diversity and choice in Mudgee.

The site is close to the Mudgee town centre, being the largest town in Mid-Western LGA enjoying high amenities and services including schools, child care, medical facilities and retail and commercial services.

Positive economic effect with an increase in jobs during construction and future residents will be close to jobs in Mid-Western's largest and main township.

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

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

NEXT STEP

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

Community Plan implications

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

Strategic implications

Council Strategies

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

Council Policies

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

Legislation

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

Financial implications

Nil

Associated Risks

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

SARAH ARMSTRONG
MANAGER STRATEGIC PLANNING

ALINA AZAR
DIRECTOR DEVELOPMENT

28 March 2024

Attachments: 1. Planning Proposal. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER