

ATTACHMENT

6.2.3

Bellevue Road Planning Proposal
Attachments 1–3



Re : OBJECTION TO REZONING OF LAND BELLEVUE ROAD MUDGEE - Glen & Catherine Furney

From: Furnville <furnville@iinet.net.au>

To: "council@midwestern.nsw.gov.au" <council@midwestern.nsw.gov.au>

Subject: Re : OBJECTION TO REZONING OF LAND BELLEVUE ROAD MUDGEE

Date: Friday, 31 May 2013 12:52 PM

17 Redbank Road

MUDGEE NSW 2850

31 May, 2013

The General Manager

Mid-Western Regional Council

PO Box 156

MUDGEE NSW 2850

Dear Sir

Re REZONING OF LAND BELLEVUE ROAD MUDGEE

Your Ref: ML:AH OUTF13/235DDF10, A0420249

We are the owners of (Lot 6) 16 Kilkenny Avenue, Mudgee which adjoins the above land undergoing proposed rezoning.

We feel the proposal to have this area re-zoned is not in keeping with the surrounding blocks which have been recently developed under the LEP. We purchased our block in a completed cul-de-sac (Kilkenny Avenue) after seeing what the area had to offer (i.e. open spaces around homes and rural style fencing). This change is not what we bought into and no doubt would

reduce the value of our recently purchased land. Blocks of 2000 square meters, we feel, are acceptable but blocks of 600 square meters are certainly not. There are many people to whom we have spoken who wish to purchase larger blocks and they say they are finding it impossible. Surely Mudgee is not so short of space that blocks need to be so very small?

It is difficult to build a suitable family home which complies with BASIX and still have a yard large enough for a pool or shed and can still have space for other activities. The proposed smaller blocks do not accommodate this. In parts of Mudgee, houses are so close together you can literally step from one roof to another. This may be well founded in large metropolitan areas but it is not required here.

The proposed housing estate developments out of town ensure that there will be plenty of land available in the near future so such a dramatic change to an area which was planned to be "R2 Low Density Residential" in the LEP is not required, necessary or desired.

We therefore propose that minimum size of blocks be 2000 square metres and not left to developers to be split up into multiple units or dual occupancies as has happened in other areas of Mudgee.

2

There are many other people less than satisfied with the proposed changes who have paid considerable sums of money for their land and/or houses in the belief they would enjoy a lifestyle in a "semi rural" neighbourhood free of colour bond suburbia.

Yours sincerely

Glen and Cathryn Furney

Jason Rheinberger
19 Court Street
Mudgee, NSW 2850
+61 488 677 471
Jason.Rheinberger@gmail.com

30th May 2013

Warrick Bennett

General Manger

MWRC

Proposed rezoning of land on Bellevue road

I am writing in response to the proposed land rezoning of land situated between albens lane, Bellveiw road and Killkenny ave

I have a few questions in response to this proposal

Development of Albens lane

Currently Albens lane is listed as an unmaintained road by MWRC.

With this proposal, shouldn't this road be changed to a maintain road?

The reason I say this is that this lane in the past has been overgrown with long grass and Blackbury bushes and would became a haven for snakes which would become a hazard in a residential area.

Block sizes

The re zoning of this land allows a minimum block size of 600 square metres and in the proposal the smallest lot is actually 820 square metres.

Can MWRC confirm that these block sizes will not be changed to the minimum 600 square meters once the approval is through, as most people will agree that 600 is to small.

Drainage

The drainage diagram in the proposal shows that all storm water will be diverted along the sealed roads.

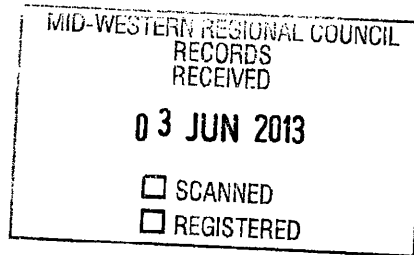
What will this mean for the drainage easement currently situated between killkenny ave and Bellvue road?

I would be more than happy to talk to council or the developer to explain this in detail at any time

Regards

Jason Rheinberger

The General Manager
Midwestern Regional Council
Market Street
Mudgee NSW2850



31st May 2013

RE- Planning Proposal (Rezoning of Land Bellevue Road Mudgee)

To whom it may concern,

We are writing to you in regards to the above Planning Proposal put forward to council. The proposal put forward is to change the zoning of the land from the current "R2 low Density Residential" to "R1 General Residential". We strongly oppose this proposal as it will affect residents Lifestyle and possibly the value of their properties.

We as residents of Albens lane feel that we too are affected as we bought land under the current LEP "R2 Low Density Residential", never believing the surrounding land would ever be considered for re-zoning to "R1 General Residential". We understand that all land around Mudgee will be developed however not all buyers are looking for small sized house blocks. Many people seek larger lifestyle blocks as did we. There are, already a number of lands Estates in the "pipeline" for the Mudgee Township, together with those existing, and we do not believe that the subject land on Bellevue Road needs to be included therein.

There is no reason to REZONE this small area. Leave the LEP as it is and the land size to suit those that wish to buy for a lifestyle, without affecting the current residents of this area being residents of Albens Lane and Kilkenny Avenue.

Regards

A handwritten signature in cursive script that reads "Sean & Erin Constable".

Sean & Erin Constable

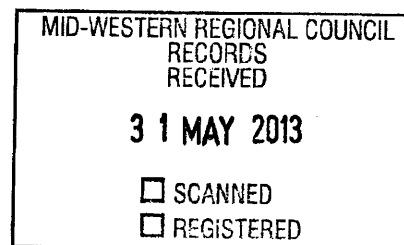
8 Albens Lane

Mudgee NSW



30th May 2013

The General Manager
Mid Western Regional Council
Market Street
MUDGEE NSW 2850



Re – Planning Proposal
Rezoning of Land Bellevue Rd

Dear Sir

We are writing to you in regards to the Planning Proposal – Rezoning of Land Bellevue Rd. We would like to emphasize that we do not oppose this land being developed however strongly object to this land being rezoned from 'R2 Low Density Residential' to 'R1 General Residential'. This land was not earmarked as 'R1 General Residential' in the LEP and therefore should not be considered.

We purchased our land in Albens Lane under the pretence of it being a lifestyle block surrounded by land under the same zoning. We chose this location as we did not wish to live in an area that you can step from house roof to roof.

Upon reading MINESPEX planning proposal there are a number of issues and concerns, as outlined below, from the surrounding residents that have not been adequately addressed.

On page 2 of the planning proposal MINESPEX states 'Mid-Western Regions population **COULD** grow 30,875 by 2020 and 33,160 by 2030 IF 65 percent of the mines workforce is based in the region (as reported in the Mudgee Guardian, Sept 17, 2012)'. There are many assumptions being made to justify this rezoning based on a newspaper article of the mining industry. This was also published in a very different economic climate and the growth in the mining sector has significantly reduced since this was published, to the point I note Ulan West Stage 2 has been suspended.

On page 13 of the planning proposal MINESPEX states 'The objective of the planning proposal is to enable the development of the site at Bellevue Rd, Mudgee, for residential lots in line with the **existing residential development opposite the site**, including a potential recreational area'. They have only taken into account the residents on Bellevue Rd, no consideration at all has been given to the impact on the residents to the south of the proposed development who own land in the same zoning as the land is currently zoned.

The planning proposal states that the 'rezoning aims to address the shortage of the supply of residential land for the short to medium term'. With various estates proposing over 1,000 residential lots of varying size within the township there is no justification for the subject land to be rezoned. If the land was to be rezoned as per the concept plan the net gain in blocks will be approximately 13 lots, I would not think 13 extra lots will address any land shortage.

It also states that 'the rezoning will potentially link to further potential rezoning for residential development'. This is basically opening the floodgates for future rezoning in the area. It is worth noting that none of this was considered necessary when the LEP was being finalised over a 5 year period and was only gazetted 6 months ago.

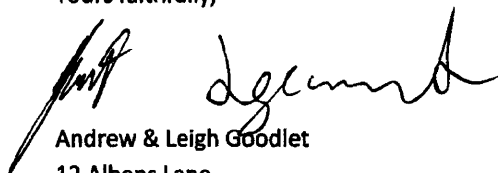
On page 26 of the planning proposal MINESPEX states 'Two other local roads, i.e. Kilkenny Avenue and **Albens Lane** are able to service the development area. This infrastructure is considered sufficient to provide access to the future residential development and therefore is considered acceptable for the Planning Proposal'. MINESPEX have obviously not viewed Albens Lane as it is only suitable for one way traffic. It is only 3m wide and is definitely not sufficient to provide access to a new subdivision.

It is also noted that the probable developer has other 'approved' subdivisions in town that have not as yet been developed. If those were developed, it would more than cover the perceived shortfalls as nominated by MINESPEX. Surely by sitting on land in one area, they cannot possibly justify a shortfall in other areas.

We also note that at MWRC meeting on the 1st May 2013 the proposed rezoning of land on Ulan Rd was rejected, thus setting a precedence for rezoning applications that are not consistent with the LEP.

In summary we object to this proposal on the grounds that there is inadequate infrastructure, the objective to ease land shortage will not be achieved, there are many assumptions that have been made in the Planning Proposal and it will have a negative impact on the residents in the surrounding area.

Yours faithfully,

The block contains two handwritten signatures in black ink. The first signature is on the left, and the second is on the right, both appearing to be cursive and fluid.

Andrew & Leigh Goodlet
12 Albens Lane
Mudgee

30 May 2013

H. Fisher
38 Marshfield Ln
MUDGEES NSW 2850

The General Manager
Mid-Western Regional Council
Market Street
MUDGEES NSW 2850

Dear Sir,

RE: REZONING OF LOTS 7 & 8 IN BOTH DP 842234 AND DP 1096581 – BELLEVUE RD

I wish to note my opposition to the rezoning of this land which is in close proximity to my own property. In consultation with the majority of neighbours along Marshfield Lane, Albens Lane and Kilkenny Avenue, it is felt by most that the change of zoning to the above land will affect the lifestyle choice we all consciously made to purchase larger lots in a quieter area of town. It will impact on noise, traffic flow, privacy and obviously the visual outlook. Opportunity to own larger lots should not be restricted to areas such as Bombira and further up Robertson Rd as many property owners prefer the closer proximity to schools, parks, the showground etc.

It is stated in the planning proposal that the aim is to provide general residential expansion of Mudgee. It is my understanding that land between Fairy Dale Lane and the local tip were earmarked for such development. Mudgee is currently in a land/housing downslide partially due to the mining industry so I do not see there is a necessity to rezone an area of town that is wanted and needed to suit the lifestyles of ALL types of locals.

I would appreciate serious consideration of the thoughts of not only my family but our neighbours also because ultimately we are the property owners being affected. I am not against development of the area, but that it retain the larger lot sizes so that we can enjoy the expensive investments that we call home with open spaces and quiet.

Yours sincerely,
Mr Henry Fisher



Planning & Infrastructure

Office of the Director General

Mr Warwick Bennett
General Manager
Mid-Western Regional Council
PO Box 156
MUDGEE NSW 2850

Contact: Daniel Wagner
Phone: (02) 6841 2180
Fax: (02) 6884 8483
Email: Daniel.Wagner@planning.nsw.gov.au
Postal: PO Box 58, Dubbo NSW 2830

Our ref: PP_2013_MIDWR_001_00 (13/01671)
Your ref: (ED) A0420249

Dear Mr Bennett,

Planning proposal to amend Mid Western Regional Local Environmental Plan 2012

I am writing in response to your Council's letter dated 7 January 2013 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to rezone Lots 7 & 8 DP842243 and Lots 7 & 8 DP1096571 at Bellevue Road, Mudgee from R2 Low Density Residential to R1 General Residential and reduce the minimum lot size that applies to the land to 600sqm.

As delegate of the Minister for Planning and Infrastructure, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan. Council should contact the relevant regional planning team of the department should it require assistance in relation to the exercise of its delegation, including assistance with access to GIS support.

The amending LEP is to be finalised within 9 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the department for administrative purposes.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Daniel Wagner of the regional office of the department on 02 6841 2180.

Yours sincerely,


Sam Haddad
Director General

5/2/2013.

| | |
|------------------------------|------------|
| MID-WESTERN REGIONAL COUNCIL | |
| RECORDS | |
| RECEIVED | |
| 11 FEB 2013 | |
| <input type="checkbox"/> | SCANNED |
| <input type="checkbox"/> | REGISTERED |

Gateway Determination

Planning proposal (Department Ref: PP_2013_MIDWR_001_00): to rezone land at Bellevue Road, Mudgee to R1 General Residential and reduce the minimum lot size for the land.

I, the Director General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Mid-Western Regional Local Environmental Plan (LEP) 2012 to rezone Lots 7 & 8 DP842243 and Lots 7 & 8 DP1096571 at Bellevue Road, Mudgee from R2 Low Density Residential to R1 General Residential and reduce the minimum lot size that applies to the land to 600sqm should proceed subject to the following conditions:

1. Council is to consult with the NSW Rural Fire Services as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection and amend the planning proposal, if necessary, to take into consideration any comments made prior to undertaking public exhibition.
2. Prior to undertaking public exhibition, Council is to amend the planning proposal to include a project timeline, consistent with Section 2.6 Part 6 of the *A Guide to Preparing Planning Proposals*. The project timeline is to provide a mechanism to monitor the progress of the planning proposal.
3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2012)* and must be made publicly available for **14 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2012)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Rural Fire Service

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.



Planning & Infrastructure

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
6. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 5th day of February 2013.

Sam Haddad
Director General
Delegate of the Minister for Planning and
Infrastructure



Planning & Infrastructure

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Mid-Western Regional Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

| Number | Name |
|----------------------|---|
| PP_2013_MIDWR_001_00 | The planning proposal seeks to rezone Lots 7 & 8 DP842243 and Lots 7 & 8 DP1096571 at Bellevue Road, Mudgee from R2 Low Density Residential to R1 General Residential and reduce the minimum lot size that applies to the land to 600sqm. |

In exercising the Minister's functions under section 59, the Council must comply with the Department's "A guideline for the preparation of local environmental plans" and "A guide to preparing planning proposals".

Dated 5 February 2013

Sam Haddad
DIRECTOR GENERAL
Department of Planning and Infrastructure

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

| Stage | Date/Details |
|-------------------------------------|----------------------|
| Planning Proposal Number | PP_2013_MIDWR-001_00 |
| Date Sent to Department under s56 | 07/01/2013 |
| Date considered at LEP Review Panel | 24/01/2013 |
| Gateway determination date | 05/02/2013 |

Table 2 – To be completed by the RPA

| Stage | Date/Details | Notified Reg Off |
|---|--------------|------------------|
| Dates draft LEP exhibited | | |
| Date of public hearing (if held) | | |
| Date sent to PCO seeking Opinion | | |
| Date Opinion received | | |
| Date Council Resolved to Adopt LEP | | |
| Date LEP made by GM (or other) under delegation | | |
| Date sent to DP&I requesting notification | | |

Table 3 – To be completed by the department

| Stage | Date/Details |
|-------------------------------|--------------|
| Notification Date and details | |

Additional relevant information:

MID-WESTERN REGIONAL COUNCIL
RECEIVED
23 NOV 2012
CUSTOMER SERVICE CENTRE

\$3,093.00
23 NOV 2012
R/N: 278458

MID-WESTERN REGIONAL COUNCIL
RECORDS
RECEIVED
26 NOV 2012
☐ SCANNED
☐ REGISTERED

Jabek Pty Limited

Planning Report

Proposed Rezoning of

Lots 7 & 8 DP842243 and

Lots 7 & 8 DP1096571, Bellevue Road

(R2 Low Density Residential to R1 General Residential)

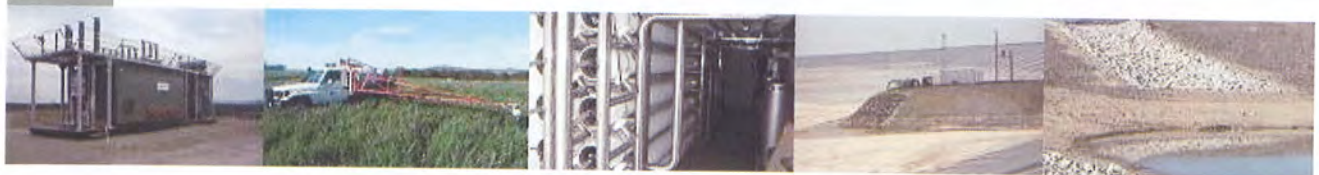
107-125
Bellevue Rd,
Mudgee, NSW

Emma Yule
0457 711 169

Mm. 1310
\$3,093.00



MINESPEX





Consultation and operational support to the mining industry

PO BOX 604, MUDGEES NSW 2850

DISCLAIMER

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This report has been prepared in behalf of an for the exclusive use of the Minespex client, and is subject to and issued in connection with the provisions of the agreement between Minespex and its client. Minespex accepts no liability or responsibility whatsoever for or in respect of any use of or reliance upon this report by any third party.

ISSUE AND AMENDMENT CONTROL HISTORY

| ISSUE | REVISION | DATE | DESCRIPTION | AUTHOR | QA/QC |
|-------|----------|--------|-------------|--------|-------|
| 1 | 0 | OCT 12 | DRAFT | EY | PE |
| 2 | 1 | NOV 12 | FINAL | EY | |
| | | | | | |

16 Kilkenny Ave.
Mudgee
NSW. 2850

12th. November, 2012-11-12

The General Manager
Mid Western Regional Council
Market Street
Mudgee, NSW.2850

Dear Sir,

We John and Kate Purcell being the owners of Lot 7 DP842243 and Lot 7 DP1096571 support the Planning Proposal for the land use to change from R2 Low Density to R1 General Residential.

Yours faithfully,



John Purcell

and



Kay Purcell

7th November 2012

The General Manager
Mid Western Regional Council
Market Street
MUDGEE NSW 2850

Dear Sir

We/I Gavin FOSTER

being the owners of Lot 8 DP842243 support the Planning Proposal for the land use to change from
R2 Low Density to R1 General Residential.



Regards

Gavin Foster

0413 341 604

EXECUTIVE SUMMARY

Minespex was commissioned on behalf of Jabek Pty Limited to prepare a Planning Proposal under Section 55 of the *Environmental Planning and Assessment Act 1979* to rezone land being Lots 7 & 8 DP842243 and Lots 7 & 8 DP1096571, Bellevue Road, Mudgee, to accommodate the future residential subdivision. This report describes the proposed rezoning, objectives and outcomes, explanation of provisions and justification for the planning proposal.

The existing zoning is R2 Low Density Residential and it is proposed to facilitate a rezoning to R1 General Residential pursuant to the Mid-Western Regional Local Environmental Plan 2012 with corresponding lot size map changes. It is considered that the Planning Proposal is the best means of achieving the intended outcomes for the site. By implementing the rezoning process, will ensure that the future development of the site is undertaken in accordance with state and local planning objectives.

This planning report has been prepared in accordance with relevant Department of Planning guidelines. The report includes a description of the site including an assessment of land use patterns of the surrounding area. It is considered that the land is appropriate for greater density residential development with the provision of essential services to the land. The objectives and intended outcomes for the proposal have been detailed for the rezoning, with proposed subdivision concept plans highlighting the opportunities for the site's development. Reasoning for the proposed development has been considered with justification supported by consideration of options, including a test of net community benefit.

The proposed Mid-Western Regional Local Environmental Plan 2012 amendment is intended to facilitate the development of residential land, in line with the Mid-Western Regional Comprehensive Land Use Strategy (LUS). The site's relationship to the strategic planning framework has been discussed. Justification for the proposal has been considerate to environmental, social and economic impacts. Specific design issues can be explored at the development application stage. However the planning proposal has included concept plans to highlight the feasibility of future residential development and integration with existing road layouts, drainage, services and existing development.

Based on the State Government report into the region, the Mid-Western Region will need more than 5000 new houses by 2021 to cope with predicted population growth. The change from 2000m² to smaller lots will address the housing shortage in the region and cater for a wider cross-section of people. The Planning Proposal includes available area for a recreational (playground) site within the subdivision with frontage to Bellevue Road. This will add to the aesthetics of the locality, and improve accessibility to passive recreational areas within vicinity to the developed Bellevue Estate and other nearby developed residential sites, as well as the subject land.

The planning proposal can be supported by MWRC with consideration of the issues addressed in this report.

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Appendix A – Site Photographs

Appendix B – AHIMS Search

Appendix C – Concept Plans

Appendix D – Proposed Zoning Under Mid-Western Regional Local Environmental Plan 2012

ABBREVIATIONS

| | |
|----------|--|
| AHIMS | Aboriginal Heritage Information Management System |
| DoP | Department of Planning |
| DP | Deposited Plan |
| DP&I | Department of Planning and Infrastructure |
| EDS | Economic Development Strategy |
| EP&A Act | Environmental Planning and Assessment Act 1979 |
| LGA | Local Government Area |
| LUS | Mid-Western Regional Comprehensive Land Use Strategy |
| MWRLEP | Mid-Western Regional Local Environmental Plan 2012 |
| RFS | Rural Fire Service |
| PBP | Planning For Bushfire Protection 2006 |
| SEPP | State Environmental Planning Policy |

1 INTRODUCTION

1.1 PURPOSE AND OBJECTIVES OF THIS PLANNING REPORT

This planning proposal describes the intended effect of and justification for a proposed amendment to *Mid-Western Regional Local Environmental Plan 2012* (MWRLEP) for a site specific rezoning to accommodate the proposed residential subdivision of four adjoining parcels of land comprising 6.06 hectares on Bellevue Road, Mudgee.

This planning proposal has been prepared in accordance with Section 55 of the (NSW) *Environmental Planning and Assessment Act 1979* (EP&A Act) and the following Department of Planning (DoP) guidelines:

- *A guide to preparing planning proposals* (July 2009)
- *A guide to preparing local environmental plans* (July 2009).

1.2 SITE IDENTIFICATION

The site is located in the township of Mudgee within the Mid-Western Regional Local Government Area (LGA). The site comprises land at Lots 7 & 8 DP842243 and Lots 7 & 8 DP1096571, located at Bellevue Road, Mudgee NSW 2850.

Two lots are in the same ownership (i.e. Lot 7 DP842243 and Lot 8 DP1096571), with the remaining two lots currently with two separate owners.

1.3 BACKGROUND

The land is located in an area considered the edge of the residential suburbs of Mudgee (characterised by the foothills forming a transition into rural residential uses in south-west of Mudgee), as well as adjacent existing rural uses on the edge of the urban areas of Mudgee. The site is surrounded by developed residential land to the north and east. The land is well accessed by Bellevue Road; being a major access route in the locality for developed residential land to the Mudgee CBD (especially traffic from the residential development known as Bellevue Estate).

Prior subdivision in the locality has been carried out in the past 6 years by one of the associated land owners (DA0187/2005). Environmental investigations carried out for this subdivision have been referred to in the preparation of this planning proposal as a resource. The change of zone and associated minimum lot size to allow lots of 600m² will facilitate development in line with the existing development on the opposite side of Bellevue Road to the subject land. The current zoning of the site does not permit development of lots below 2000m² and therefore this planning proposal

intends to rezone the property accordingly. The subject proposal has been discussed with planning officers within Mid-Western Regional Council.

The development aims to take advantage of the growth of the Mudgee region and the success of the residential sector in supplying additional development lots to the region. Additional growing demand for residential land within Mudgee is predicted resulting from expansion of coal mining in the area. A study on local services commissioned for the State Government, jointly requested by the Department of Planning and Mid-Western Regional Council, predicts that the Mid-Western Region's population could grow to 30,875 by 2020 and 33,160 by 2030 if 65 percent of the mine's workforce is based in the region (as reported in the Mudgee Guardian, Sept 17, 2012).

Ensuring that the adequate types and quantity of residential land are available ensures that the Mid-Western Region is better equipped to deal with the demand driven by population growth. Discussions with the client's representative, Jabek Pty Limited, and Mid-Western Regional Council representatives to date have indicated support for the type of development proposed in the current climate.

2 SITE DESCRIPTION

2.1 SITE LOCATION

The subject site is situated on land located approximately 2 kilometres (km) south-west of the Mudgee Central Business District (CBD) in the Mid-Western Regional Local Government Area (LGA), located within the Parish of Mudgee and County of Wellington.

The site comprises an area of 6.06 hectares. The eastern boundary of Lot 7 DP 1096571 is formed by Albens Lane and the southern boundary by Kilkenny Avenue. All lots have northern boundary frontage to Bellevue Road. The site is surrounded by rural residential lots to the south and west and urban residential to the north with the land to the east being recently zoned R1 General Residential with the gazettal of the Mid-Western Regional Local Environmental Plan 2012, on 10 August 2012.

Two existing dwellings located within the land. A fibro dwelling is located within Lot 7 DP842243 opposite the intersection with Banjo Patterson Avenue and Bellevue Road set to the front of the lot. The second dwelling is located within Lot 8 DP842243, set back from Bellevue Road to the rear of the lot. Both dwellings are generally within the western area of the planning proposal land, with eastern parts of the site affected by the transmission line. The majority of the site is relatively cleared of vegetation. Some site photographs are attached in **Appendix A**. These structures would not need to be demolished for future development.

A locality map is shown at **Figure 1**.

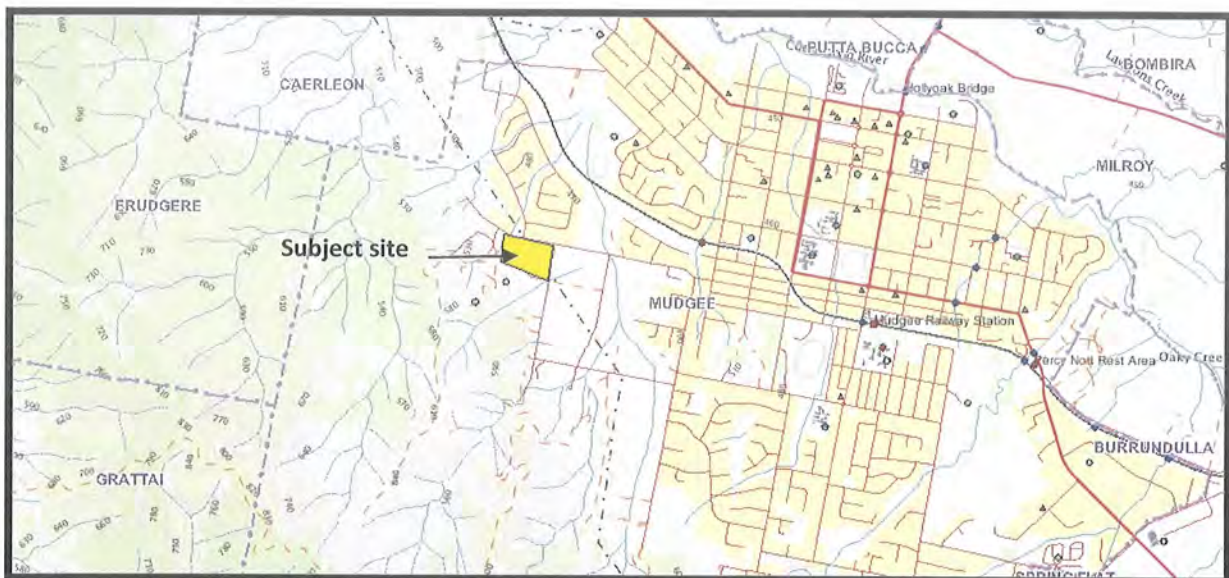


Figure 1: Locality Map

(Source: Department of Lands)

2.2 CURRENT ZONING

The site is located wholly within the Mid-Western Regional LGA and is subject to the provisions of Mid-Western Regional LEP 2012. The *Mid-Western Regional Local Environmental Plan 2012* (MWRLEP) commenced on 10 August 2012 and replaced the previous *Mid-Western Regional Interim Local Environmental Plan 2008* which applied to the site.

Land the subject of this planning proposal is located within the *R2 Low Density Residential* zone under MWRLEP (refer to **Figure 2: Current zoning under Mid-Western Regional Local Environmental Plan 2012**). The objectives of the current zone and land use table are provided below.

"Zone R2 Low Density Residential

1 Objectives of zone

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

2 Permitted without consent

Home-based child care; Home businesses; Home occupations; Roads; Water reticulation systems

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Child care centres; Community facilities; Dwelling houses; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Garden centres; Group homes; Health consulting rooms; Home industries; Hospitals; Hostels; Information and education facilities; Markets; Neighbourhood shops; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Residential accommodation; Respite day care centres; Signage; Water recycling facilities; Water storage facilities

4 Prohibited

Advertising structures; Attached dwellings; Dual occupancies (detached); Multi dwelling housing; Residential flat buildings; Rural workers' dwellings; Semi-detached dwellings; Any other development not specified in item 2 or 3"



Figure 2: Current zoning under Mid-Western Regional Local Environmental Plan 2012

(Source: Excerpt MWRLEP 2012 Land Zoning Map - Sheet LZN_005C)

Minimum Lot Size

The size of any lot resulting from a subdivision of land to which Clause 4.1 (3) applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land. (Refer to **Figure 3: Current Lot Size Map under Mid-Western Regional Local Environmental Plan 2012**). The subject site is within land marked AB1 which has a minimum lot size of 10ha.

However with reference to Clause 4.1 (3A) of MWRLEP, if the consent authority (Mid-Western Regional Council) is satisfied that each lot is, or will be serviced by a water reticulation system and sewerage system, the subject land may be subdivided to create lots of at least 2,000 square metres. As such, the current minimum lot size is 2000m².

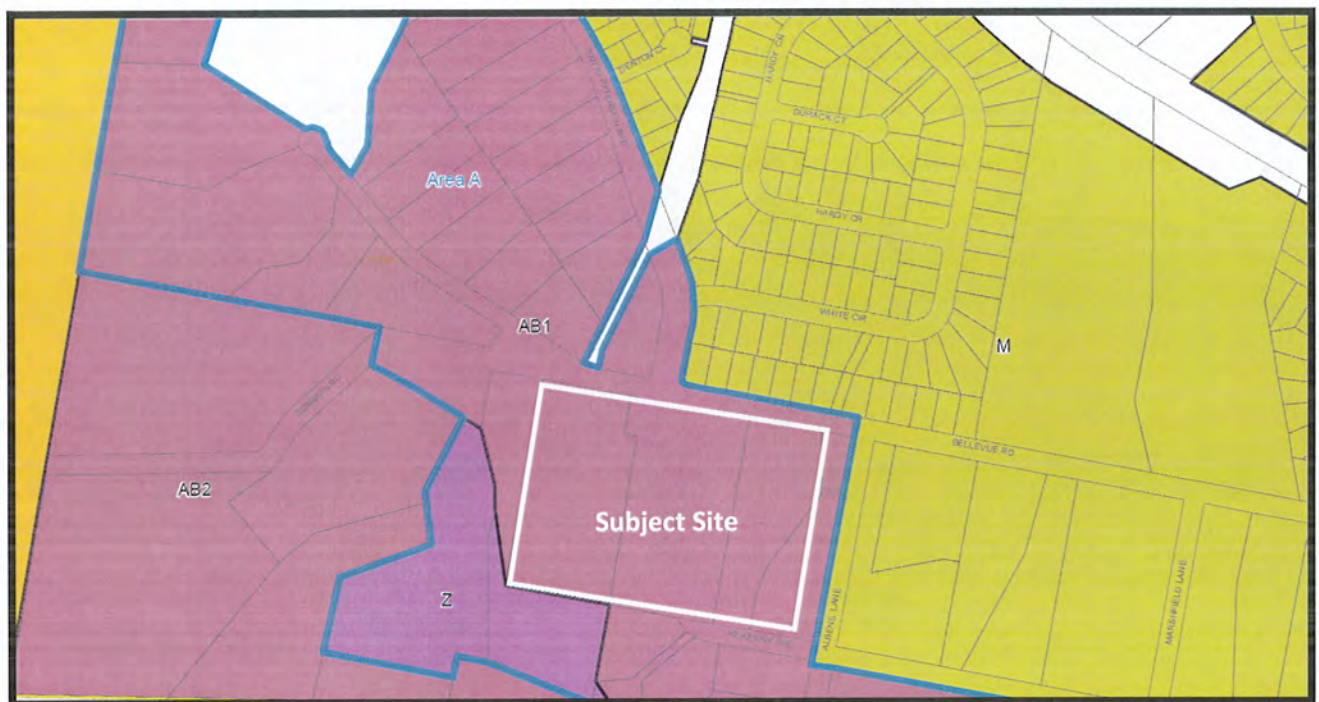


Figure 3: Current Lot Size Map under Mid-Western Regional Local Environmental Plan 2012

(Source: Excerpt MWRLEP 2012 Lot Size Map - Sheet LSZ_006C)

2.2.1 Land use patterns of the surrounding area

The locality surrounding the site comprises primarily residential land uses, including: residential, rural residential and some rural uses. The subject land has two existing dwellings. One dwelling is located to the rear of Lot 8 DP842243 with an existing pool and out buildings; this dwelling is accessed via Bellevue Road, and has an internal unsealed road to the dwelling. The other dwelling is located to the front of Lot 7 DP842243, and is also accessed via Bellevue Road.

The site is opposite at least an existing ten (10) residential lots sized approximately 800m² in Bellevue Road and further lots behind in White Circle; while larger blocks are located in Banjo Patterson Avenue to the north west of the site. The existing transmission line has influenced the lot yield for previous subdivision in Banjo Paterson Avenue. The surrounding land uses are also a reflection of the historic influence of the topography, local drainage patterns, rural enterprises, and development constraints such as the extension of essential services, forming significant influences in past development patterns. Sewer and water services have been extended in vicinity of the development site to the Bellevue Estate development, which has assisted other residential developments to follow in the locality.

2.2.2 Essential Services

Sewer, water, power and telecommunication services are all available on the subject land and can be readily extended to service all lots within the development.

2.2.3 Drainage and Flooding

The site is located outside of the associated Flood Planning Area identified under MWRLEP.

The street drainage within residential developments to the north of Bellevue Road has been sized to accommodate undeveloped flows entering from the subject land. As such the proposed concept plan has incorporated area for a detention basin to ensure discharges from the site are reduced to pre-developed flows.

2.2.4 Topography

The site is located in a foot slope landscape and can generally be described as sloping gently to the north. Slope was estimated to be 5% with the south western portion grading upslope at approximately 7-10%. The topography does not hinder the potential for future residential development at greater densities.

The broader regional landform has been described as undulating foot slopes with drainage lines 1000-2000m apart. Slope varies between 5-10% with local relief of 20-40m across interfluvies. The landscape grades upslope to the Burrendong Soil Landscape which is characteristically steep and hilly terrain.

The MWRELPS has provisions to preserve the visual setting of the Mudgee township, particularly through Clause 6.10 Visually sensitive land near Mudgee. The clause is relevant to the west and south west of the subject site. The land subject of the planning proposal is located outside of the Visually Sensitive Land area identified under the MWRLEP, and future residential subdivision will not compromise the visual setting forming the backdrop of Mudgee.

The setting is depicted in the aerial photo below with contours overlaid (refer to **Figure 4: Setting of the subject land**). The timbered areas to the west of the subject site correlate to the higher slopes and E3 Environmental Management zone depicted in **Figure 2**.



Figure 4: Setting of the subject land

(Source: Department of Lands)

2.2.5 Geology and Soils

Local geological units comprise of the Sutchers Creek Formation within Queens Pinch Group. This consist of lithic sandstone, peppy mustone, allodapic and allochthonous limestone (Australia 1: 100 000 Geological Series, Mudgee Sheet 8832).

The site has been identified in the Soil Landscape of Dubbo 1:250 000 Sheet as located in the Mullamuddy Soil Landscape. A soil landscape is an area of land that has recognisable and specifiable soils and topographies. To the west and south of the site is the hilly terrain indicative of the Burrendong Soil Landscape.

Dominant soils in the Mullamuddy Soil Landscape are Non-calcic Brown Soils and Yellow Podzolic Soils (Murphy and Lawrie, 1998). Limitations of the Mullamuddy Soil Landscape include: moderate to low fertility, high erosion hazard under cultivation and seasonal water logging and perched water tables on lower slopes due to imperfect drainage of depressions and lower slopes.

During the site inspection the soil type was noted and it is believed that the natural soils are indicative of the Mullamuddy Soil Landscape. The soil type and geology have not raised any concerns as to the suitability of the land to handle a greater density of residential development.

2.2.6 Groundwater Vulnerability

Clause 6.4 Groundwater vulnerability of MWRLEP applies to future development of the subject land as the site falls within land identified as "Groundwater vulnerable" on the Groundwater Vulnerability Map. The majority of Mudgee urban area falls within the mapped 'groundwater vulnerable' area as depicted in the excerpt from the map in Figure 5 below.

MWRC must consider this clause before determining a development application, and consider relevant issues such as: the likelihood of groundwater contamination caused by development, the likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals), and impacts on groundwater dependent ecosystems. This requirement is for the development stage and does not hinder further consideration of the planning proposal, further it is unlikely that the residential use will cause groundwater contamination with reticulated sewer.

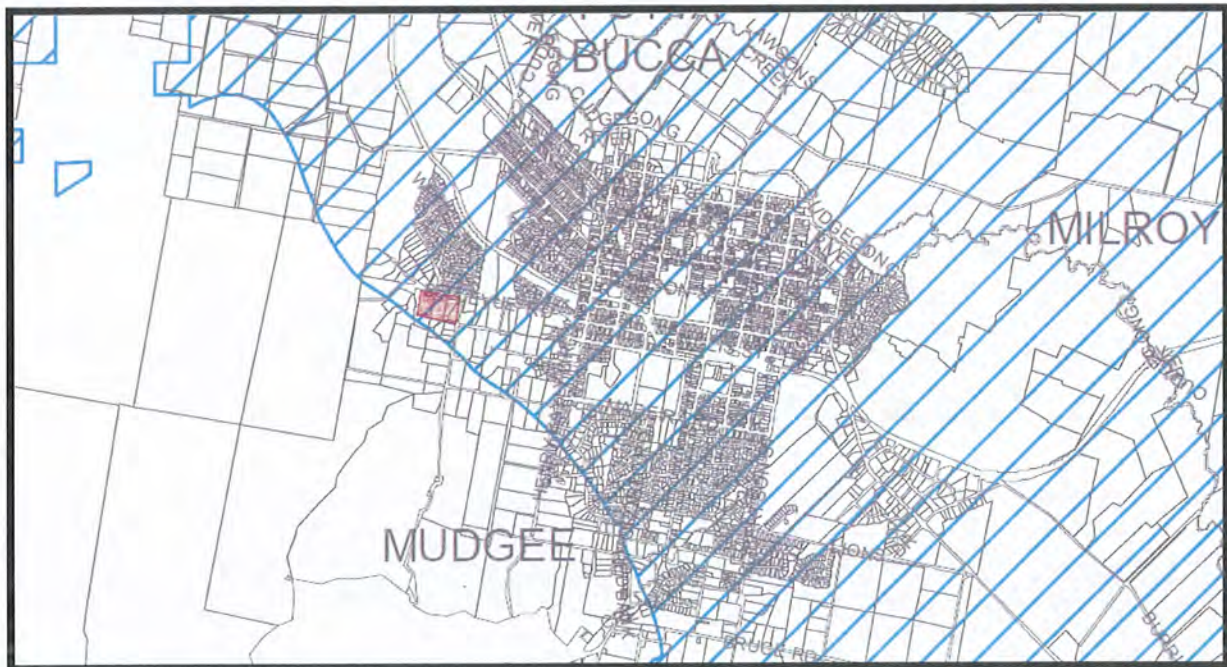


Figure 5: Groundwater Vulnerability

2.2.7 Salinity

An extensive salinity investigation was carried out on part of the site in 2004 by Environmental and Earth Sciences as a component of information supporting the aforementioned development for subdivision (DA0187/2005). The area investigated included Lot 7 DP842243 and Lot 7 and Lot 8 DP1096571. The report concluded that the site displayed no visual signs of a current or encroaching salinity problem. Specifically, salt tolerant species, stressed vegetation and areas of scalding were not observed during the site inspection. Where tested the soil salinity levels were found to be non saline through the profile.

Since this time no changes in land use have occurred at the site, which may have caused salinity issues to arise. It is assumed that the suitability of the site for rezoning facilitating greater density residential development is not hindered by salinity. Future subdivision developments will consider the potential for salinity and supplementary reports can be prepared at that stage.

2.2.8 Flora and Fauna

The native vegetation of the Mullamuddy Soil Landscape has been described as open eucalypt woodland with grass understorey and river red gum, yellow box and rough barked-apple (Murphy and Lawrie 1998). Much of this landscape has been extensively cleared.

The subject site was observed to be cleared of most timber, which had occurred in decades prior based known site history. Trees that remain in the subject land are along an internal track, fence

lines and centred around the dwelling sites. Ornamental species have been introduced in these areas. Groundcover was estimated at 95% and consisted of native and exotic grass species and weeds (including saffron thistle and cabbage weed).

Fauna surveys have not been carried out at the site. However the site is not likely to represent significant habitat based on the observed flora, and the existing protected lands in vicinity of the subject land. Known habitat features will not prevent residential development in the future.

2.2.9 Heritage

No European heritage items are listed within or in vicinity of the subject land as listed under the MWRLEP.

A search was completed for the site of the Office of Environment and Heritage Aboriginal Heritage Information Management System (AHIMS) web services. The search showed that:

- No Aboriginal sites are recorded in or near the above location
- No Aboriginal places have been declared in or near the above location.

The AHIMS searches are attached at **Appendix B**.

A process of due diligence in accordance with the DECCW guidelines may be applied to the assessment of indigenous heritage. At the planning proposal stage, no ground disturbance is proposed, and further assessment is not warranted.

2.2.10 Road Network

The site has access to Bellevue Road, a major connector road, from the south-west Mudgee to the CBD. The land also has frontage to Kilkenny Avenue, which has been designed to facilitate future development from the road continuation. Albens Lane provides frontage to the eastern boundary of Lot 7 DP1096571.

Frontage to existing roads is adequate and raises no issues regarding opportunity for future residential development in the locality to connect to the road network.

3 OBJECTIVES AND INTENDED OUTCOMES OF THE PROPOSAL

The purpose of this planning proposal is to enable greater density of residential development for the subject site in line with adjoining land.

The subject land is currently zoned R2 Low Density Residential and it proposed to change the zoning to R1 General Residential. A change is also proposed to the MWRLEP 2012 Lot Size Map - Sheet LSZ_006C, to change from AB1 (2000m²) to M (600m²).

The development concept includes a 36 lot residential subdivision. The type of proposed development has been explored in concept plans prepared by Jabek Pty Limited (provided as **Appendix C Concept Plans**).

The proposed concept development plans are consistent with the objectives of the R1 General Residential zone. The objectives of the proposed zone and land use table are provided below.

"Zone R1 General Residential

1 Objectives of zone

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

2 Permitted without consent

Home-based child care; Home businesses; Home occupations; Roads; Rural workers' dwellings; Water reticulation systems

3 Permitted with consent

Attached dwellings; Boarding houses; Caravan parks; Child care centres; Community facilities; Dwelling houses; Educational establishments; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Function centres; Funeral homes; Group homes; Health services facilities; Home industries; Hostels; Information and education facilities; Markets; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Residential accommodation; Residential flat buildings; Respite day care centres; Semi-detached dwellings; Seniors housing; Sewage reticulation systems; Shop top housing; Signage; Tourist and visitor accommodation; Water recycling facilities; Water storage facilities

4 Prohibited

Advertising structures; Farm stay accommodation; Any other development not specified in item 2 or 3".

3.1 STATEMENT OF OBJECTIVES AND OUTCOMES

Through the planning proposal, it is intended to rezone the site to 'R1 General Residential' to allow for residential development, at a greater density under provisions of the MWRLEP. The zone objectives align with the vision for future development of the site, i.e. the zone is to provide for the housing needs of the community, provide a variety of housing types and densities, and to enable other land uses that provide facilities or services to meet the day to day needs of residents.

The objective of the planning proposal is to enable the development of the site at Bellevue Road, Mudgee, for residential lots in line with existing residential development opposite the site, including a potential recreation area.

The proposed detention basin site has sufficient area to accommodate a recreational area (play equipment). With road frontage to Bellevue Road, the recreational area will also serve residents of Bellevue Estate.

3.2 DETAILS OF THE PROPOSED ACTIVITY TO BE CARRIED OUT ON THE LAND IF IT IS REZONED

It is proposed to develop a residential subdivision in line with adjacent development. The concept for future development proposes 36 generous residential lots generally having areas in excess of 800m², with some larger lots to accommodate constraints to development. A concept plan of the proposed subdivision development is attached at **Appendix C**.

The concept plan illustrates one option for development of the site for residential subdivision. This option shows a larger lot (5895m²) retaining the existing dwelling located within Lot 8 DP842243. The concept depicts the easement for transmission line (45 wide), which also restricts the lot density, however the concept represents a site yield of 6 lots per hectare.

Future development would be accessed from the existing road network including Bellevue Road and an extension of Kilkenny Avenue, as well as a new road. The concept development has been designed such that the proposed road layout is a natural continuation of the existing road pattern providing the opportunity for each of the individual sites to be developed independently, with the need for only a minor cul-de-sac servicing 3 potential lots.

A detention basin and reserve area is proposed in the concept plan, sufficiently free of encumbering easements and drainage lines to accommodate an active recreation area. Design principles to be adopted in the future when formalising the subdivision design will be considerate to the surrounding zoning and existing uses. Future design will continue to be considerate to the road network, and site constraints such as the easement for transmission line.

4 EXPLANATION OF PROVISIONS

The proposed objective of the planning proposal will be achieved by:

1. Amending MWRLEP Land Zoning Map (Sheet LZN_006C) in accordance with the proposed Land Zoning Map shown in Appendix D to rezone land to *R1 General Residential* (Lots 7 and 8 DP842243 and Lots 7 and 8 DP0196571, Bellevue Road, Mudgee).
2. Amending MWRLEP Lot Size Map (Sheet LZN_006C) in accordance with the proposed Lot Size Map shown in Appendix D to permit lots to minimum of 600m² (Lots 7 and 8 DP842243 and Lots 7 and 8 DP0196571, Bellevue Road, Mudgee).

5 JUSTIFICATION

This section sets out the reasoning for the proposed site specific rezoning at Lots 7 & 8 DP842243 and Lots 7 & 8 DP1096571, Mudgee, taking into consideration the intended outcomes and objectives outlined above. The following questions are based on requirements contained in DoP's *A guide to preparing planning proposals* (July 2009) and address the need for the planning proposal, relationship to strategic planning framework, environmental, social and economic impacts and its effect on State and Commonwealth interests.

5.1 NEED FOR THE PLANNING PROPOSAL

5.1.1 Consideration of options

5.1.1.1 Is the planning proposal the result of any strategic study or report?

The Planning Proposal stems from opportunities identified in the Mid-Western Regional Comprehensive Land Use Strategy for residential development. The future development will be informed by technical studies as required, including environmental investigations and drainage impact studies if required.

The proposed future development of the site comprises a residential subdivision. The site is considered advantageous for the proposed development due to its proximity to existing developed residential areas, availability of essential services, available road network access and proximity to shops and services in the Mudgee CBD and south Mudgee.

This application intends to amend the zoning of the land to R1 General Residential to better reflect the intended use of the site based on the concept design plans and is appropriate for the location.

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

It is considered that the Planning Proposal is the best means of achieving the objectives for the site. The current zoning restricts the development of the site for residential lots less than 2000m². Implementation of the site specific rezoning seeks to ensure that the future development of the site is undertaken in accordance with state and local planning objectives for residential development.

5.1.1.3 Is there a net community benefit?

The proposed residential development is considered likely to achieve a net community benefit, as determined by the application of the Net Community Benefit Test adapted from the *Draft Centres Policy: Planning for retail and commercial development* (April 2009), which provides a series of questions to determine the nature of a Planning Proposal, as detailed in **Table 1** below. A net community benefit arises where the sum of all the benefits of rezoning outweigh the sum of all costs.

The assessment evaluates the external costs and benefits of the proposal (i.e. the externalities). The assessment generally assumes that any private costs will be cancelled out by any private benefits. Net Community Benefit Test is not a quantitative test, but useful tool to inform debate and help decision making on planning proposals.

The merits of the rezoning proposal have been considered against the base case, being 'no change' to zoning/retaining the status quo.

Table 1: Net community benefit test

| Question | Application to Planning Proposal |
|--|--|
| Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800 metres of a transit node)? | <p>Yes. The <i>Mid-Western Regional Comprehensive Land Use Strategy</i> (LUS) indicates the land to the south and south-west of the existing urban area should be the short term to medium term priorities for greenfield residential development.</p> <p>The Mudgee Town Structure Plan within the LUS locates the subject land within the existing residential zone boundary, limited by availability of services.</p> <p>Services are available to the land and the demand for residential land justifies the application of the proposed zone and lots size.</p> |
| Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy? | The NSW Government is currently preparing a draft strategic regional land use plan for the Western region. |
| Is the LEP likely to create a precedent or create or change | No. The proposed rezoning has been discussed with Council's planning staff. The rezoning will potentially link to further |

| Question | Application to Planning Proposal |
|--|---|
| <i>the expectations of the landowner or other landholders?</i> | potential rezoning for residential development in the vicinity of the site also in line with the LUS. The rezoning will not set a precedent that is inconsistent with strategic documents. |
| <i>Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?</i> | The MWRLEP commenced on 10 August 2012. There have been no previous rezoning proposals in the locality under the LEP to date. |
| <i>Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?</i> | The MWRLEP amendment will not facilitate a permanent employment generating activity. |
| <i>Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?</i> | Yes. The proposed rezoning aims to address the shortage of the supply of residential land for the short to medium term for Mudgee. |
| <i>Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?</i> | The site is well serviced by road and other essential services. |
| <i>Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?</i> | No. The residential use of the area is established. |
| <i>Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?</i> | No. |
| <i>Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?</i> | No environmental impacts have been identified on the site. The land is already identified for residential use. The site is not within an identified Flood Planning Area under MWRLEP. The land is within 1km of the Avisford Nature Reserve (i.e. land with high biodiversity value), but does not impact upon the protection of the reserve. |

| Question | Application to Planning Proposal |
|--|--|
| <i>Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community?</i> | The proposed use of the land for residential use is not inconsistent with the surrounding land use. Land to the north comprises residential and rural residential development along Bellevue Road. The proposed use will not adversely impact on amenity of the existing residential land use. |
| <i>Will the public domain improve?</i> | It is anticipated that Council's planning instruments will ensure that adequate setbacks for future housing development is provided along the boundaries of the site to ensure safety and amenity is not compromised from the public domain. |
| <i>Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?</i> | No. |
| <i>If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?</i> | The MWRLEP amendment would not have the potential to develop into a centre. |
| <i>What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?</i> | The MWRLEP amendment is intended to facilitate the development of residential land, nominated in the Land Use Strategy (LUS) depicted in the Mudgee Town Structure Plan, which includes expansion within existing residential zoned land to the south and south-west of Mudgee, as well as the 'north west investigation' precinct. Should the planning proposal not proceed, the residential development is unlikely to be approved on the site at the proposed density. Also the opportunity to provide greater available residential lots to the Mudgee district in the short to medium timeframes. |

5.2 RELATIONSHIP TO THE STRATEGIC PLANNING FRAMEWORK

5.2.1 Local Strategic Plans

5.2.1.1 Comprehensive land use strategy

The *Rural Residential Industrial and Residential Strategy* was prepared for the Mudgee Shire Council and did not address the full Mid-Western Region. This document has been superseded by the Comprehensive Land Use Strategy. The Mid-Western Regional Comprehensive Land Use Strategy (LUS) was prepared by Parsons Brinckerhoff (October 2009) and provides a basis for identifying options for Mid-Western Regional local government area to meet long term urban and rural growth needs. The LUS provides a context for future land use and informed the preparation of the MWRLEP.

The LUS is a guide for future change in the area for the next 15 to 20 years. The context of this planning proposal has been considered with regard to the LUS. The future expansion of the residential area of Mudgee is illustrated on the Mudgee Town Structure Plan (Figure 3-1 of the LUS). The plan shows expansion within the existing residential zoned land to the south and south-west of Mudgee. The LUS proposed generally to retain the urban boundaries at the fringe of Mudgee, as well as the low density residential area.

Within the Mudgee Town Structure Plan, the subject land falls within the '*Low Density Residential*' category within the 'existing residential zone boundary'. The LUS states 'the land currently zoned *Low Density Residential* is constrained by the availability of infrastructure and should not be developed until such time as reticulated sewerage and water, and tar sealed road access is available'.

Due to the site's proximity to the adjoining land within the existing town structure and developed residential land, provision of services is achievable without creating a leap frog effect with regard to residential development. Sewer and water services have been extended in vicinity of the development site to the Bellevue Estate development, which has assisted other residential developments to follow in the locality.

The LUS indicates the land to the south and south-west of the existing urban area should be the short term to medium term priorities for Greenfield residential development. The proposed development is consistent with the LUS in that the location is identified for residential development, services are available for the development, the type of land use is compatible with the surrounding land uses and would not cause any adverse impacts to the surrounding locality and provides a net community benefit as described.

5.2.1.2 *Economic Development Strategy*

Mid-Western Regional Council has prepared an Economic Development Strategy (EDS) outlining a future economic direction for the Region in the next 10 years, to June 2020. The EDS provides a broad framework for the various lead agencies and stakeholders involved in economic development to identify their roles and engage in economic development initiatives for the Region.

Availability of residential land has not been identified as a key principle that will influence economic development in the region for the future. However maintaining adequate residential land supply will support Council in efforts to deliver projects that maximise local opportunities and economic benefits in line with the Economic Development Strategy.

5.3 STATE ENVIRONMENTAL PLANNING POLICIES

The Planning Proposal is considered to be consistent with applicable State Environmental Planning Policies as discussed below.

State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) applies to the whole of the State of NSW and is required to be considered in a rezoning proposal under Clause 6 of SEPP 55. The site the subject of this planning proposal is currently developed with two dwellings in separate lots with the remaining land being vacant land used for horse grazing. A title search has been carried out with land ownership recorded since 1959. The history of land ownership since 1959 would appear that the site has been used as a residence with occasional horse spelling since that date. Since 1978 the current owner of Lot 7 & 8 DP1096571 has occupied the land as a residence with occasional horse grazing since 1978, and has observed the land uses on the adjoining lands. Following a visual inspection, no evidence of fuel storage or machinery sheds with potentially contaminating materials. Given the previous and existing uses of the site, and that existing dwellings and associated outbuildings are proposed to be retained as part of the concept plans, it is not anticipated that the site would be contaminated or require remediation before the land can be used for residential development.

Should remediation be required, it is anticipated that this can occur at future development application stage. The Planning Proposal is not inconsistent with SEPP 55.

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) potentially applies to the site. The site does not contain flood liable land. Hence Clause 15 of the ISEPP referring to development with impacts on flood liable land is not relevant. Preliminary assessment of whether clause 85 Development immediately adjacent to rail corridors and clause 87 Impact of rail noise or vibration on non-rail development is applicable to future developments has been made. Clause 87 would require the consideration of guidelines issued for the purposes of this clause and published in the gazette. Currently guidelines to be considered in the future are 'Development Near Rail Corridors and Busy Roads Interim Guideline'. Based on the location of the land and distance to the nearest railway, this clause is not applicable to the subject land.

5.4 APPLICABLE MINISTERIAL DIRECTIONS (S.117 DIRECTIONS)

Section 117 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) enables the Minister for Planning and Infrastructure to issue directions regarding the content of LEPs to the extent that the content must achieve or give effect to particular principles, aims, objectives or policies set out in those directions. An overview of applicable directions and compliance is included in **Table 2**.

Table 2: Section 117 Ministerial directions

| Section 117 Ministerial directions | Compliance of Planning Proposal |
|---|---|
| 2.1 Environment Protection Zones | The planning proposal does not impact upon environment protection zones. Environmentally sensitive areas (including the Avisford Nature Reserve) that are in vicinity of the subject lands are zoned as E1 National Parks and Nature Reserves and E3 Environmental Management. |
| 2.3 Heritage | No items of Aboriginal or European heritage have been identified in the subject site. The planning proposal adopts measures that facilitate the conservation of environmental heritage. |
| 2.4 Recreation Vehicle Areas | The planning proposal does not include any recreational vehicle areas. |
| 3.1 Residential Zones | This direction applies to the subject land as a change to the residential zoning and lot size map is proposed. The planning proposal will make use of the available infrastructure (particularly roads, sewer and water) in the locality. The residential zoning does not extend the fringe of the town suburbs, but enables more efficient use of the available infrastructure and services, as a result being efficient in the effort to extend the number of available housing lots in the location. The planning proposal seeks to increase the residential density of land in line with the direction. |
| 3.2 Caravan Parks and Manufactured Home Estates | The planning proposal does not seek changes to the permissible land uses of the residential zones addressed. The zones and locations of caravan parks are not impacted by the planning proposal. |
| 3.3 Home Occupations | The planning proposal does not impact upon home occupations. |
| 3.4 Integrating Land Use and Transport | The planning proposal has considered the existing infrastructure, residential development patterns, and local transport issues when developing the concept plan for future subdivision. The planning proposal will be consistent with the existing level of access and public transport met by the adjacent residential areas of the existing developed residential subdivisions. |
| 4.4 Planning for Bushfire Protection | Mid-Western Regional LGA has a bushfire prone land map prepared under s146 of the <i>Environmental Planning and Assessment Act 1979</i> . The planning proposal is within proximity |

| Section 117 Ministerial directions | Compliance of Planning Proposal |
|--|--|
| | to bushfire prone land (i.e. timbered land to south and southwest of the subject site) however the subject land is outside of the fringe of the mapped bushfire prone land. MWRC must consult with the Commissioner of NSW Rural Fire Service following gateway determination and prior to community consultation. The planning proposal does not hinder adjoining lands from complying with the provisions of <i>Planning for Bushfire Protection 2006</i> . The subject land will be serviced with town water and have future hydrants installed as part of the concept subdivision. |
| 6.1 Approval and referral requirements | This direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. The planning proposal does not include provisions requiring concurrence, consultation or referral. |
| 6.2 Reserving Land for Public Purposes | The planning proposal does not impact upon land zoned for or reservations of land for public purposes. |
| 6.3 Site Specific Provisions | Site specific provisions are not proposed to provide for a particular development. |

The Planning Proposal is considered to be consistent with the applicable Ministerial directions as identified above.

5.5 ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

5.5.1 Is there any likelihood that Critical Habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The Planning Proposal involves rezoning from R2 Low Density to R1 General Residential in order to facilitate development of residential land in line with adjacent development. The land currently supports two dwellings and had been cleared historically. The potential for the site to become an extension of an ecological corridor has been considered. Given the site's location adjacent to a significant nature reserve (i.e. Avisford Nature Reserve), and the close vicinity of the existing Mudgee town developed areas, as well as the disturbed nature of the subject site, the potential as an extension of an ecological corridor is minimal for subject site. When compared to the ecological significance of the nature reserve there is a low likelihood that Critical Habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the Planning Proposal and subsequent residential subdivision.

The subject land is further surrounded by existing R2 Low Density Residential zoned land and R5 Large Lot Residential providing a lower density of development adjacent to the land subject to the planning proposal and the nature reserve.

The site is not identified as having high or moderate biodiversity sensitivity on the Sensitivity Biodiversity Map (BIO_006) within MWRLEP.

A flora and fauna assessment report can be undertaken at development application stage, if required.

5.5.2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

5.5.2.1 Planning for Bushfire Protection

Mid-Western Regional Council has a bushfire prone land map that has been consulted as part of assessment of the planning proposal. The subject land is not mapped bushfire prone land, however the site is adjoins mapped bushfire prone land. As such the potential for bushfire to impact upon the site and how it is to be managed is discussed.

Planning for Bushfire Protection 2006 provides the necessary planning framework for developments in rural and urban areas close to land likely to be affected by bush fire. The objectives of *Planning for Bushfire Protection* are to:

- “(i) afford occupants of any building adequate protection from exposure to a bush fire;

- (ii) provide for a defensible space to be located around buildings;
- (iii) provide appropriate separation between a hazard and buildings which, in combination with other measures, prevent direct flame contact and material ignition;
- (iv) ensure that safe operational access and egress for emergency service personnel and residents is available;
- (v) provide for ongoing management and maintenance of bush fire protection measures, including fuel loads in the asset protection zone (APZ); and
- (vi) ensure that utility services are adequate to meet the needs of fire fighters (and others assisting in bush fire fighting)."

Section 2.2 Preparation of LEPs and DCPs of *Planning for Bushfire Protection 2006* has been considered, which states: 'LEP amendments that affect BPAs (*bushfire prone areas*) need to address the planning principles of PBP (*Planning for Bushfire Protection*)'. The principles are provided below.

"Planning Principles for Rezoning to Residential Land in Bush Fire Prone Areas

- a. Provision of a perimeter road with two way access which delineates the extent of the intended development;
- b. Provision, at the urban bushland interface, for the establishment of adequate asset protection zones for future housing;
- c. Specifying minimum residential lot depths to accommodate asset protection zones for lots on perimeter roads;
- d. Minimising the perimeter of the area of land, interfacing the hazard, which may be developed;
- e. Introduction of controls which avoid placing inappropriate developments in hazardous areas; and
- f. Introduction of controls on the placement of combustible materials in asset protection zones."

As mentioned the land subject to the planning proposal is not bushfire prone land, but adjoins such mapped land. Potential issues associated with the site are considered in two main areas: firstly the impact the planning proposed would have on the ability of the adjoining lands to comply with the provisions of *Planning for Bushfire Protection 2006*; and secondly the ability of future development to provide adequate design and infrastructure to address bushfire risk.

Potential impact on adjoining mapped bushfire prone lands:

Asset protection zones would be required to be provided on adjoining lands and not within the future concept plan. The objectives of *Planning for Bushfire Protection 2006* would not be hindered,

such as safe operational access and egress for emergency service personnel and residents is to continue and is not impeded by the proposal.

Ability of future development to provide adequate design and infrastructure to address bushfire risk:

In line with the objectives of *Planning for Bushfire Protection 2006* future subdivision design will ensure that utility services are adequate to meet the needs of fire fighters (and others assisting in bush fire fighting). This requirement is for the development stage design and does not hinder further consideration of the planning proposal for reasons of potential bushfire.

5.5.2.2 Concept Subdivision and Drainage

An indicative concept plan for the future residential development of the site has been attached at **Appendix C** showing an option for the lot layout, roads and drainage consideration. This design shows a 36 lot residential subdivision. Drainage impacts are mitigated in the concept plan through the looped street design, which will provide flow routes to ensure excess flows can be transported through the development site and be detained prior to exiting the site. This ensures that post developed flows do not exceed pre-developed flows. It is also noted that street drainage within the residential developments to the north of Bellevue Road have been sized to accommodate undeveloped flows entering from the planning proposal site. Potential environmental impacts of drainage are able to be appropriately addressed at the development stage.

5.5.2.3 Transport Corridors

The site is not located on a major transport corridor. It is not envisaged that traffic impact assessment would be required due to the scale of the future development however such issues can accompany any development application which will consider impacts during construction and operation and address transport/access issues as required.

5.5.2.4 Demand

Other potential impacts of the proposed rezoning and subsequent development of the site include the demand for infrastructure and utility services and demand for community facilities and social services. It is considered that the site can be adequately serviced with the existing infrastructure without placing undue demand on services in Mudgee.

The change from 2000m² to smaller lots will address the housing shortage in the region and cater for a wider cross-section of people, including those in need of affordable housing. Areas identified for future development in the Comprehensive Land Use Strategy, such as Lions Drive and Bellevue Estate, have been developed. In recent reports to Council it has been noted that unprecedented growth in the mining sector had placed enormous pressure on the local housing market to the point

where demand for vacant residential land is outstripping supply. The planning proposal seeks to address the demand for housing in the short to medium term.

As reported in the Mudgee Guardian (17 September 2012), based on the recent State Government report, the Mid-Western region will need more than 5000 new houses by 2021 to cope within predicted population growth driven by mining. As the majority of population growth is expected to occur in Mudgee, this supports the need for such a planning proposal.

5.6 STATE AND COMMONWEALTH INTERESTS

5.6.1 Is there adequate public infrastructure for the planning proposal?

The site is located adjacent to Bellevue Road. Bellevue Road forms a road corridor connecting south west Mudgee to the Mudgee CBD. Two other local roads, i.e. Kilkenny Avenue, and Albens Lane are able to service the development area. This infrastructure is considered sufficient to provide access to the future residential development and therefore is considered acceptable for the Planning Proposal. The site is serviced by town water and sewer and has existing electricity connection.

The Planning Proposal includes available area for a recreational (playground) site within the subdivision with frontage to Bellevue Road. This will assist in improving the accessibility of passive recreational areas within vicinity to the developed Bellevue Estate and other nearby developed residential sites, as well as the subject land.

5.6.2 What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the Planning proposal?

A summary of the views of State and Commonwealth Public Authorities will be provided following gateway determination.

6 DETAILS OF THE COMMUNITY CONSULTATION THAT IS TO BE UNDERTAKEN ON THE PLANNING PROPOSAL

Community consultation for the Planning Proposal would be undertaken in accordance with the consultation requirements set out in *A guide to preparing local environmental plans* (DoP 2009).

The consultation requirements for this Planning Proposal are expected to be confirmed by the Department of Planning and Infrastructure DP&I at the gateway determination.

In accordance with Direction 4.4 Planning for Bushfire Protection issued by the Minister for Planning to relevant planning authorities under section 117(2) of the *Environmental Planning and Assessment Act 1979*, MWRC must consult with the Commissioner of NSW Rural Fire Service following gateway determination and prior to community consultation in satisfaction of section 57 of the Act, and take into account any comments.

7 CONCLUSION

This Planning Proposal relates to a site specific rezoning by way of an amendment to *Mid-Western Regional Local Environmental Plan 2012* for land at Lot 7 & 8 DP842243 and Lot 7 & 8 DP1096571, Mudgee. The aim of this report has been to describe the proposed amendment to the Land Zoning and Lot Size Maps to permit the development of residential lots to minimum 600m² on the site.

The proposed amendment will not cause any negative environmental, social or economic impacts to the surrounding locality and is consistent with the applicable strategic planning frameworks as demonstrated in this report. The change from 2000m² to smaller lots will address the housing shortage in the region and remain in line with the Comprehensive Land Use Strategy.

8 REFERENCES

Department of Planning (DoP) (July 2009) *A guide to preparing planning proposals.*

Department of Planning (DoP) (July 2009) *A guide to preparing local environmental plans.*

Department of Planning (DoP) (July 2008) *Development Near Rail Corridors and Busy Roads Interim Guideline.*

Department of Planning (DoP) (April 2009) *Draft Centres Policy Planning for Retail and Commercial Development.*

Environmental and Earth Sciences (2004) *Statement of Environmental Effects (including Salinity Investigation) Lot 7 DP842243 and Lot 7 and Lot 8 DP1096571*, (unpublished report for DA0187/2005).

Mid-Western Regional Council (2010) *Mid-Western Region Economic Development Strategy A 10 Year Plan.*

Parsons Brinckerhoff (October 2009) *Mid-Western Regional Comprehensive Land Use Strategy.*

NSW Rural Fire Service (December 2006) *Planning for Bushfire Protection.*

APPENDIX A – SITE PHOTOGRAPHS

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Existing site conditions, (looking south east along transmission line from Bellevue Road)



Existing Dwellings
(view looking south west from Bellevue Road)



Existing residential
development in
Bellevue Road
opposite the subject
site (view from
centre of front
boundary of land)



Existing front fence
line looking east
along Bellevue
Road)



Intersection of
Bellevue Road and
Banjo Paterson Ave
opposite existing
dwelling on subject
land). (Signage on
north western
corner)



Residential
development on
North eastern
corner of
intersection of
Bellevue Road and
Banjo Paterson Ave
opposite existing
dwelling on subject
land. (Fronts Banjo
Paterson Ave)

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APPENDIX B – AHIMS SEARCH

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AHIMS Web Services (AWS) Search Result

Your Ref Number : Purcell 3

Client Service ID : 82025

Minespex Pty Ltd
Units 1 and 2 73 Market Street
Mudgee New South Wales 2850
Attention: Emma Yule
Email: emma.yule@minespex.com.au

Date: 05 October 2012

Dear Sir or Madam:

**AHIMS Web Service search for the following area at Lot : 7, DP:DP1096571 with a Buffer of 200 meters.
conducted by Emma Yule on 05 October 2012**

A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

| | |
|---|---|
| 0 | Aboriginal sites are recorded in or near the above location. |
| 0 | Aboriginal places have been declared in or near the above location. * |

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette](http://www.nsw.gov.au/gazette) (<http://www.nsw.gov.au/gazette>) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date .Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.

PO BOX 1967 Hurstville NSW 2220
43 BridgeStreet HURSTVILLE NSW 2220
Tel: (02)9585 6345 (02)9585 6741 Fax: (02)9585 6094

ABN 30 841 387 271
Email: ahims@environment.nsw.gov.au
Web: www.environment.nsw.gov.au



AHIMS Web Services (AWS) Search Result

Your Ref Number : Purcell 2

Client Service ID : 80883

Date: 20 September 2012

Minespex Pty Ltd
Units 1 and 2 73 Market Street
Mudgee New South Wales 2850
Attention: Emma Yule
Email: emma.yule@minespex.com.au

Dear Sir or Madam:

**AHIMS Web Service search for the following area at Lot : 8, DP:DP1096571 with a Buffer of 200 meters,
conducted by Emma Yule on 20 September 2012**

A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

| | |
|---|---|
| 0 | Aboriginal sites are recorded in or near the above location. |
| 0 | Aboriginal places have been declared in or near the above location. * |

If your search shows Aboriginal sites or places what should you do?

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ABN 30 841 387 271
Email: ahims@environment.nsw.gov.au
Web: www.environment.nsw.gov.au



AHIMS Web Services (AWS) Search Result

Your Ref Number : Purcell

Client Service ID : 80882

Date: 20 September 2012

Minespex Pty Ltd
Units 1 and 2 73 Market Street
Mudgee New South Wales 2850
Attention: Emma Yule
Email: emma.yule@minespex.com.au
Dear Sir or Madam:

**AHIMS Web Service search for the following area at Lot : 7, DP:DP842243 with a Buffer of 200 meters,
conducted by Emma Yule on 20 September 2012**

A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

| | |
|---|---|
| 0 | Aboriginal sites are recorded in or near the above location. |
| 0 | Aboriginal places have been declared in or near the above location. * |

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
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- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
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ABN 30 841 387 271
Email: ahims@environment.nsw.gov.au
Web: www.environment.nsw.gov.au



AHIMS Web Services (AWS) Search Result

Your Ref Number : Purcell 4

Client Service ID : 82026

Date: 05 October 2012

Minespex Pty Ltd
Units 1 and 2 73 Market Street
Mudgee New South Wales 2850
Attention: Emma Yule
Email: emma.yule@minespex.com.au

Dear Sir or Madam:

**AHIMS Web Service search for the following area at Lot : 8, DP:DP842243 with a Buffer of 200 meters.
conducted by Emma Yule on 05 October 2012**

A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

| | |
|---|---|
| 0 | Aboriginal sites are recorded in or near the above location. |
| 0 | Aboriginal places have been declared in or near the above location. * |

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
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- Information recorded on AHIMS may vary in its accuracy and may not be up to date .Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
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- This search can form part of your due diligence and remains valid for 12 months.

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ABN 30 841 387 271
Email: ahims@environment.nsw.gov.au
Web: www.environment.nsw.gov.au

APPENDIX C – CONCEPT PLANS

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| drawn | Kate | Detail | CONCEPT SEWER |
| checked | RJC | | RETICULATION |
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| sheet size | A4 | | |
| scale | 1:3000 @ A4 | | |
| file | BK004 CONCEPT.dwg | date | 24/09/2012 |
| | | sheet number | 2 OF 3 |

Client
J and K PURCELL

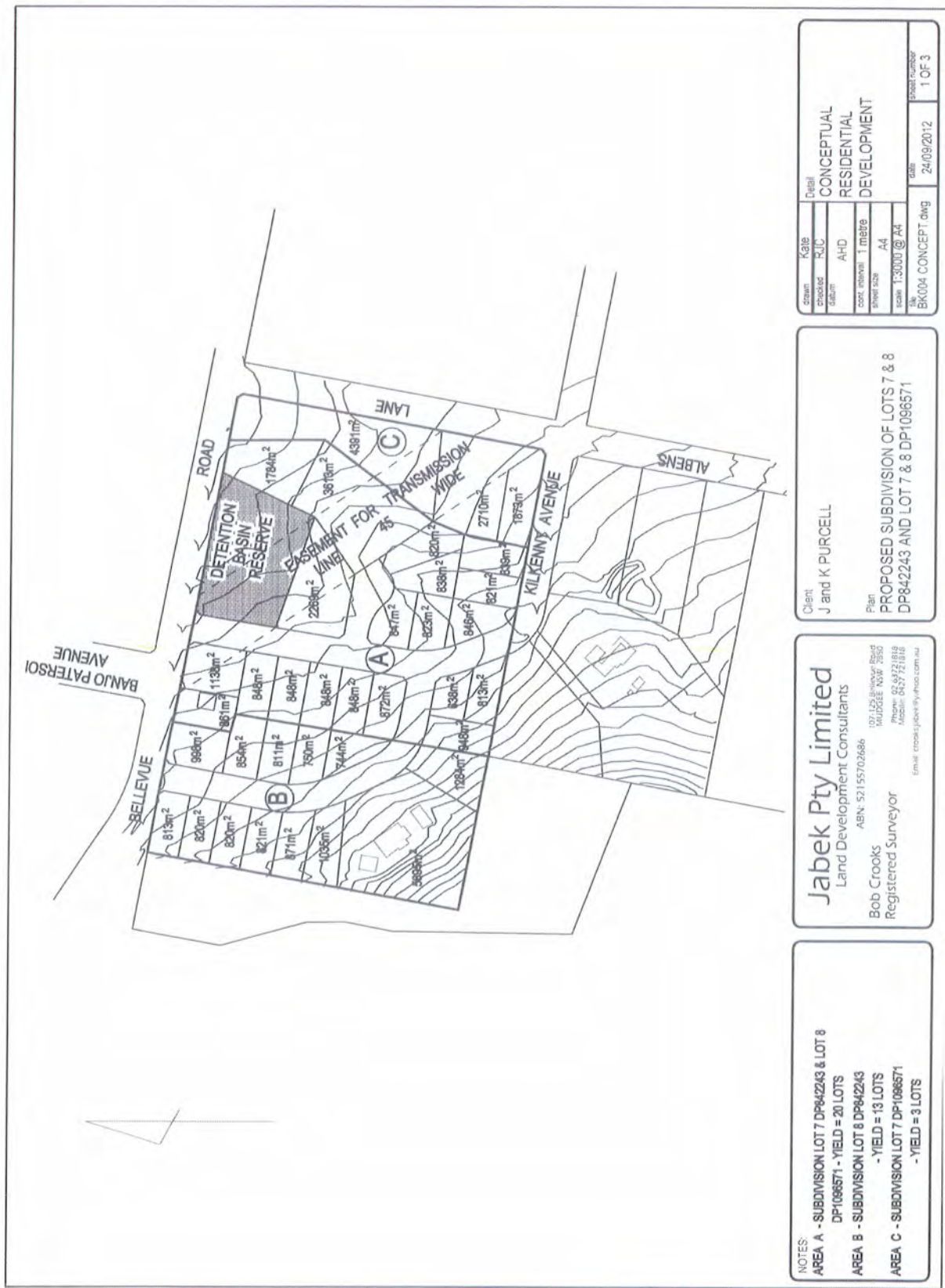
Plan
PROPOSED SUBDIVISION OF LOTS 7 & 8
DP842243 AND LOT 7 & 8 DP1096571

Jabek Pty Limited
Land Development Consultants

ABN: 52155702686
107-123 Bellevue Road
MUDGEE NSW 2855
Phone: 02 63721818
Mobile: 0427 721816
Email: crooks@jabekpty.com.au

Bob Crooks
Registered Surveyor

NOTES

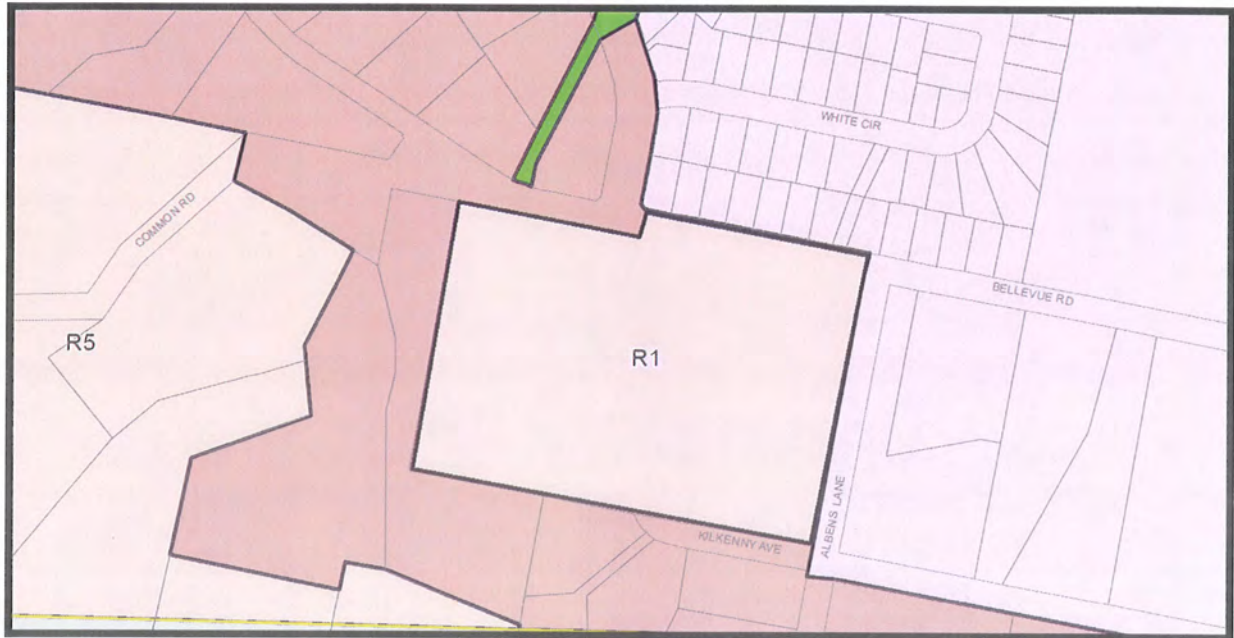


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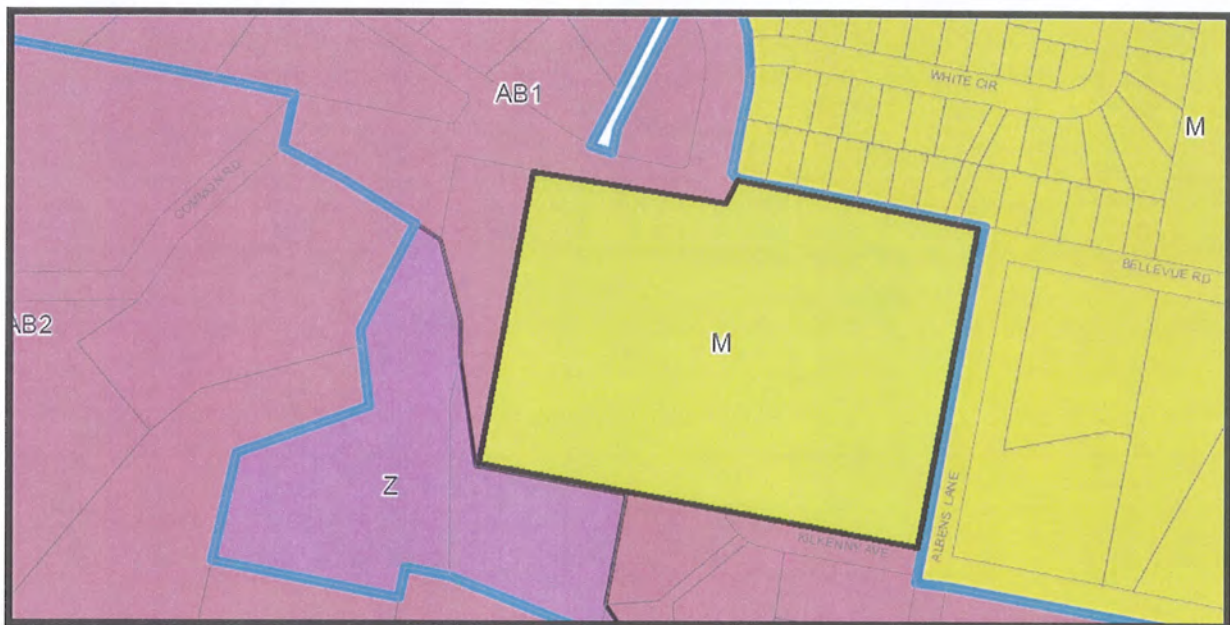
APPENDIX D – PROPOSED ZONING UNDER MID-WESTERN REGIONAL LOCAL ENVIRONMENTAL PLAN 2012

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Proposed Zoning under Mid-Western Regional Local Environmental Plan 2012



Amending MWRLEP Land Zoning Map (Sheet LZN_006C) in accordance with the proposed Land Zoning Map excerpt to rezone land to R1 General Residential as depicted above.



Amending MWRLEP Lot Size Map (Sheet LSZ_006C) in accordance with the proposed Lot Size Map excerpt to provide minimum subdivision size to 600m², as depicted above.