

Planning Proposal

Lot 3 DP 1223039

277 Black Springs Road, Eurunderee



Navigate Planning

9 April 2024

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Introduction

The owners of the subject land, described below, would like to achieve a further subdivision of the land to result in one additional lot for rural-residential development purposes. To achieve this outcome, a Planning Proposal is required to change the minimum lot size for a part of the subject land from 400ha to 12ha.

Navigate Planning has been engaged by the land owners to prepare the relevant planning documents and provide the relevant justifications for the planning proposal.

The subject land is at 277 Black Springs Road, Eurunderee. The legal description of the land is Lot 3 in DP 1223039. The location of the land is shown in Map 1 below.



Map 1: Location Map

The land is currently zoned part R5 Large Lot Residential and Part C3 Environmental Management. The R5 part of the land has a 12ha minimum lot size and the C3 part has a 400ha minimum lot size.

The current minimum lot size map is provided in Part 4 below.

It is proposed to seek an amendment to the Mid-Western Regional Local Environmental Plan 2012 to reduce the minimum lot size for a part of the land zoned C3 Environmental Management from 400ha to 12ha in order to facilitate one additional lot.

The proposed minimum lot size map is provided in Part 4 below.

A draft Planning Proposal received initial support from Mid-Western Regional Council on 15 November 2023 and a Gateway Determination was issued by the Department of Planning and Environment on 5 April 2024.

Part 1 Objectives and intended outcomes

Objective

To amend the Mid-Western Regional Local Environmental Plan 2012 to provide for the subdivision of land at 277 Black Springs Road, Eurunderee, creating one additional rural residential lot.

Intended Outcomes

- To add to the rural residential land supply in Mudgee.
- To facilitate an additional rural residential lot in a manner that will avoid rural land use conflicts and with minimal impacts on the environment or the amenity of surrounding properties.

Part 2 Explanation of provisions

This planning proposal seeks to achieve the objective identified in Part 1 through the making of an amendment to the Lot Size Map.

The following table outlines the proposed change to the LEP.

Item	Current	Proposed
Lot Size Map	400ha	12ha

Mapping of the proposed amendment is included in Part 4.

Part 3 Justification

SECTION A NEED FOR A PLANNING PROPOSAL

QUESTION 1 *Is the planning proposal a result of an endorsed LSPS, strategic study or report?*

The subject land is at 277 Black Springs Road, Eurunderee. The legal description of the land is Lot 3 in DP 1223039. The land currently has a split zoning of C3 Environmental Management and R5 Large Lot Residential and a split minimum lot size (MLS) of 400ha and 12ha.

The land owner obtained development consent for a four lot subdivision. Two of these approved lots have been created, with the residue having approval for a further two lots. This planning proposal seeks to increase the area of land with a 12ha MLS in order to achieve a three lot subdivision from the residue of the original subdivision.

The subject land is partly identified in the Mid-Western Regional Comprehensive Land Use Strategy, adopted by Council in 2010. The subject land is included in Area C on the Rural Lifestyles Opportunities Map, an extract of which is provided in Map 2 below. The red lines on the map below represent the additional area of land proposed to have a 12ha MLS.

The planning proposal is considered to be consistent with the Strategy.



Map 2: Extract of Rural Lifestyles Opportunities Map in Mid-Western Regional Comprehensive Land Use Strategy

QUESTION 2 *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

Given the provisions of the Mid-Western Regional Local Environmental Plan 2012, there is no alternative to achieve the objectives and outcomes of this planning proposal.

In order to achieve the additional rural residential lot, the Minimum Lot Size Map in the LEP must be amended to change part of the land from a 400ha MLS to a 12ha MLS.

SECTION B STRATEGIC PLANNING FRAMEWORK

QUESTION 3 *Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?*

Central West and Orana Regional Plan 2041

The proposal aligns well with a number of the directions of the Central West and Orana Regional Plan 2041, as outlined below:

Objective	Relevance / Consistency
Objective 1: Deliver the Parkes Special Activation Precinct and share its benefits across the region	Not relevant.
Objective 2: Support the State's transition to Net Zero by 2050 and deliver the Central-West Orana Renewable Energy Zone	Not relevant.
Objective 3: Sustainably manage extractive resource land and grow the critical minerals sector	Not relevant.
Objective 4: Leverage inter-regional	Not relevant.

transport connections.	
Objective 5: Identify, protect and connect important environmental assets	Consistent. The proposal does not change the C3 zoning of the land. The proposed change to the minimum lot size does not necessitate any clearing of the vegetation as the proposed lot contains an area of cleared land zoned R5.
Objective 6: Support connected and healthy communities	Not relevant.
Objective 7: Plan for resilient places and communities	Consistent. The proposal facilitates the erection of a dwelling in full compliance with Planning for Bushfire Protection 2019 (see further discussion under Question 9 below). The proposed dwelling envelope is also located to facilitate a dwelling that will not be impacted by any local overland flow issues.
Objective 8: Secure resilient regional water resources	Consistent. The proposal does not necessitate development that would have any direct impacts on watercourses or water catchments. An effluent disposal investigation report has been prepared for the planning proposal, demonstrating that the site can accommodate effluent disposal with adequate setbacks to watercourses and without detrimental impacts on groundwater. See Appendix 4.
Objective 9: Ensure site selection and design embraces and respects the region's landscapes, character and cultural heritage	Consistent. The proposal does not result in any development that would be visually intrusive in the landscape. An Aboriginal archaeological assessment of the land has been undertaken and the Mudgee LALC raised no objections to subdivision of the land for rural residential purposes.
Objective 10: Protect Australia's first Dark Sky Park	Not relevant.
Objective 11: Strengthen Bathurst, Dubbo and Orange as innovative and progressive regional cities.	Not relevant.
Objective 12: Sustain a network of healthy and prosperous centres	Not relevant.
Objective 13: Provide well located housing options to meet demand	Not relevant.
Objective 14: Plan for diverse, affordable, resilient and inclusive housing	Not relevant.
Objective 15: Manage rural residential development	Consistent. The proposal will facilitate one addition rural residential lot in an area that is predominantly zoned for this kind of development, within close proximity to Mudgee. The proposal will not significantly add to local or regional infrastructure needs. A dwelling can be provided on the lot in a

	<p>manner that minimises conflicts with adjoining agricultural activities and does not require the removal of any native vegetation.</p> <p>Adequate water supply can be obtained from roof water with an additional supply through a new dam that can easily be accommodated on the land.</p> <p>Future development can be managed to minimise impacts on groundwater as demonstrated in the accompanying effluent disposal investigation report.</p> <p>The location of the proposal does not impact on any potential future urban growth opportunities.</p> <p>The subject land is identified in and consistent with the Mid-Western Regional Comprehensive Land Use Strategy.</p>
Objective 16: Provide accommodation options for seasonal, temporary and key workers	Not relevant.
Objective 17: Coordinate smart and resilient utility infrastructure	Not relevant.
Objective 18: Leverage existing industries and employment areas and support new and innovative economic enterprises	Not relevant.
Objective 19: Protect agricultural production values and promote agriculture innovation, sustainability and value-add opportunities	Consistent. The proposal would provide for one additional dwelling with a minimum 60m setback from the boundary of Saddleback Lane, across which is a vineyard. This complies with the minimum setback requirement in the Council's DCP.
Objective 20: Protect and leverage the existing and future road, rail and air transport networks and infrastructure	Not relevant.
Objective 21: Implement a precinct-based approach to planning for higher education and health facilities	Not relevant.
Objective 22: Support a diverse visitor economy	Not relevant.
Objective 23: Supporting Aboriginal aspirations through land use planning	Not relevant.

QUESTION 4 *Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?*

The planning proposal is consistent with and furthers the objectives of the following local strategies and plans.

Mid-Western Regional Council Local Strategic Planning Statement

The proposal aligns well with a number of the planning priorities of the Mid-Western Regional Local Strategic Planning Statement, as outlined below:

Planning Priority	Relevance / Consistency
Planning Priority 1 Respect and enhance the historic character of our Region and heritage value of our towns.	Not relevant.
Planning Priority 2 Make available diverse, sustainable, adaptable and affordable housing options through effective land use planning.	Consistent. The proposal provides for one addition rural residential lot in an area that is predominantly zoned for this kind of development.
Planning Priority 3 Maintain and promote the aesthetic appeal of the towns and villages within the Region.	Not relevant.
Planning Priority 4 Provide infrastructure and services to cater for the current and future needs of our community.	Not relevant.
Planning Priority 5 Ensure land use planning and management enhances and protects biodiversity and natural heritage.	Consistent. The proposal does not change the C3 zoning of the land. The proposed change to the minimum lot size does not necessitate any clearing of the vegetation as the proposed lot contains an area of cleared land already zoned R5. Should it be required, some form of covenant can be placed over the area proposed to be rezoned to ensure ongoing protection of the vegetation.
Planning Priority 6 Minimise the impact of mining and other development on the natural environment.	Not relevant.
Planning Priority 7 Support the attraction and retention of a diverse range of businesses and industries.	Not relevant.
Planning Priority 8 Provide leadership on economic development initiatives and identify resources and infrastructure required to drive investment and economic growth in the Region.	Not relevant.
Planning Priority 9 Support the expansion of essential infrastructure and services to match business and industry development in the Region.	Not relevant.
Planning Priority 10 Develop a regional transport network in partnership with	Not relevant.

government agencies, that grows with the needs of residents and businesses.	
Planning Priority 11 Develop and enhance walking and cycling networks across the Region.	Not relevant.
Planning Priority 12 Improve communications between Council and the community and create awareness of Council's roles and responsibilities.	Not relevant.

Mid-Western Regional Comprehensive Land Use Strategy

The subject land is partly identified in the Mid-Western Regional Comprehensive Land Use Strategy, adopted by Council in 2010. The subject land is included in Area C on the Rural Lifestyles Opportunities Map, an extract of which is provided in Map 2 above.

Area C is identified in the strategy as a short-term opportunity that should be prioritised for rural lifestyle development and investigated for release in the short term.

The planning proposal is considered to be consistent with the Strategy.

It is important to note that it is not proposed to construct a dwelling in the area the subject of the proposed MLS change. The purpose of the change to the MLS is to achieve one additional lot with an area of 12 hectares where that part of the lot that is already zoned R5 has adequate capacity for a dwelling and associated infrastructure.

No clearing within the area of the proposed MLS change will be required. The vegetated area is already fenced off from the cleared area and this fencing will be retained. This area will retain a C3 zoning.

The Mid-Western Regional Comprehensive Land Use Strategy contains a set of principles for development of rural land, including for rural residential development. The relevant principles are addressed below.

Principles	Relevance / Consistency
Encourage continued growth in the area's rural economic base by protecting agricultural areas.	Consistent. The proposal would provide for one additional dwelling with a minimum 60m setback from the boundary of Saddleback Lane, across which is a vineyard. This complies with the minimum setback requirement in the Council's DCP.
Recognise the contribution agriculture makes to the Mid-Western Regional local government area.	Not relevant.
Protect and conserve agricultural lands and encourage sustainable agricultural operations.	Not relevant. The subject land is not zoned for agricultural purposes.
Prevent inappropriate fragmentation of agricultural lands.	Not relevant. The subject land is not zoned for agricultural purposes.
Recognise the important contribution of industry makes to Mid-Western Regional Council local government area and the region	Not relevant.
Recognise tourism as an important component of the Mid-Western Regional Council local government area	Not relevant.

Recognise mining, extractive industries, forestry as a key primary production use and potential in the Mid-Western Regional Council local government area	Not relevant.
Minimise rural land use conflict.	Consistent. As noted above, the proposal would provide for one additional dwelling that will comply with the minimum setback requirements to minimise potential land use conflicts.
Consider the environmental capacity and constraints of the area and ensure development is consistent with the land capability and suitability criteria identified through the constraints and opportunities analysis (i.e. Part B - Constraints and Opportunities).	Consistent. The subject land is not identified as constrained land on the Strategy mapping. The proposal does not require the clearing of any native vegetation.
Provide for the continued and improved social and economic well being of the rural community.	Not relevant.
Protect the water quality of the Cudgegong, Macquarie and Goulburn Rivers and tributaries.	Consistent. The proposal facilitates one additional dwelling on the land. An effluent disposal investigation report has been prepared for the planning proposal, demonstrating that the site can accommodate effluent disposal with adequate setbacks to watercourses and without detrimental impacts on groundwater.
Recognise and protect natural and cultural values and features of the local government area.	Consistent. The proposal facilitates one additional dwelling that can be developed with no significant impacts on natural and cultural values. No native vegetation is required to be removed, the dwelling will not be prominent in the landscape and it is unlikely that any Aboriginal cultural heritage would be impacted.
Promote appropriate access and efficient use of water resources for all uses.	Consistent. The proposal would result in a new lot with legal and practical access. The proposed lot is large enough to accommodate a farm dam to supplement tank water for a future dwelling.
Permit compatible non-agricultural land uses such as rural industries within rural areas that would not adversely affect the future productivity of the area.	Not relevant.
Prevent development of inappropriate non-agriculture land uses including large lot residential development that will adversely affect the productivity potential of agricultural areas and result in inappropriate fragmentation.	Consistent. As noted above, the proposal would provide for one additional dwelling that will comply with the minimum setback requirements to minimise adverse impacts on agriculture. The proposal is not considered to result in inappropriate fragmentation. Importantly the proposal does not result in any new lot boundary within existing vegetated areas.
Provide a choice of living opportunities and variety of settlement types. Continue to provide rural small holdings opportunities	Consistent. The proposal provides one additional rural-residential housing opportunity.

for hobby farms and emerging rural industries in areas near the urban settlements of Mudgee, Gulgong, Kandos and Rylstone and in some instances surrounding the villages in defined areas	
Residential uses are to retain a buffer on that land in accordance with Water Directorate guidelines to agricultural areas, especially the intensive agricultural areas so as to minimise impact on agriculture. This buffer is to safeguard against noise, odour, dust, spray drift and other operations that may affect residential amenity.	The proposal will enable compliance with council's setback requirements. Further engagement with Council and relevant agencies may be required to discuss any additional buffer requirements. However, it is noted that the land where a dwelling would be proposed is already zoned R5 Large Lot Residential and could be approved as the location of a dwelling on the currently approved lot.
Promote rural enterprises and diversity of tourism developments, compatible with those uses particularly in relation to the viticulture industry.	Not relevant.
Provide opportunities for growth in the Villages	Not relevant.
Retain the ability to seek development approval for a dwelling on lots that have been created by Council for that purpose.	Noted.
Support home industries in rural areas but discourage the development of light industries on land which is suitable for agricultural development	Noted.
Support the consideration (merit based) for the development of wind farms and solar farms in rural areas	Not relevant.
Encourage value adding industries and businesses.	Not relevant.

QUESTION 5 *Is the planning proposal consistent with any other applicable State and regional studies or strategies?*

There are no other relevant regional studies or strategies.

QUESTION 6 *Is the planning proposal consistent with applicable State Environmental Planning Policies?*

The following table addresses the relevancy and consistency of the planning proposal with State Environmental Planning Policies.

SEPP	Relevance and Consistency
SEPP (Biodiversity and Conservation) 2021	<p>Relevant. The subject land is greater than 1ha in size and is currently zoned C3 and R5. There is no approved koala management plan applying to the land.</p> <p>The proposed change to the MLS and the future development of a dwelling does not require the removal of any native vegetation. It is therefore</p>

	considered that the planning proposal and future development will have no impact on koalas or koala habitat.
SEPP (Building Sustainability Index: BASIX) 2004	Not relevant.
SEPP (Exempt and Complying Development Codes) 2008	Not relevant.
SEPP (Housing) 2004	Not relevant.
SEPP (Industry and Employment) 2021	Not relevant.
SEPP 65 – Design Quality of Residential Apartment Development	Not relevant.
SEPP (Planning Systems) 2021	Not relevant.
SEPP (Precincts – Central River City)	Not relevant
SEPP (Precincts – Eastern Harbour City) 2021	Not relevant
SEPP (Precincts – Regional) 2021	Not relevant.
SEPP (Precincts – Western Parkland City) 2021	Not relevant.
SEPP (Primary Production) 2021	Not relevant.
SEPP (Resilience and Hazards) 2021	<p>Relevant. This SEPP contains planning controls for the remediation of contaminated land. The policy states that land must not be developed if contamination renders it unsuitable for a proposed use. If the land is unsuitable, remediation must take place before the land is developed.</p> <p>In accordance with Clause 4.6 of the SEPP, the subject land has been considered with respect to the likelihood of contamination. A statutory declaration has been provided by the landowner to demonstrate that there has been no activities on the land since at least 1970 that may have caused contamination of the land. See Appendix 3.</p> <p>The subject land is considered to be suitable for the proposed change in minimum lot size and future residential development.</p>
SEPP (Resources and Energy) 2021	Not relevant. The location of a dwelling on the proposed additional lot is on land zoned R5 Large Lot Residential.

SEPP (Sustainable Buildings) 2021	Not relevant.
SEPP (Transport and Infrastructure) 2021	Not relevant.

QUESTION 7 *Is the planning proposal consistent with applicable Ministerial Directions?*

The following table addresses the relevancy and consistency of the planning proposal with Ministerial Directions.

Direction	Relevance and Consistency
Focus Area 1: Planning Systems	
<p>1.1 Implementation of Regional Plans Planning Proposals must be consistent with a Regional Plan released by the Minister for Planning.</p>	Relevant. The Planning Proposal is consistent with the directions in the Central West and Orana Regional Plan as addressed under Question 3 above.
1.2 Development of Aboriginal Land Council Land	Not relevant.
<p>1.3 Approval and Referral Requirements This direction applies when a relevant planning authority prepares a planning proposal. The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p>	Relevant. The Planning Proposal is consistent with the direction as it does not include provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority and does not identify development as designated development.
1.4 Site Specific Provisions	Not relevant. This Planning Proposal seeks to facilitate the subdivision of an additional lot for residential purposes already permitted on the land. This Planning Proposal does not seek to allow a particular development not already permitted on the land.
1.5 to 1.22 (Place-based directions)	Not relevant.
Focus Area 2: Design and Place	Not commenced.
Focus area 3: Biodiversity and Conservation	
<p>3.1 Conservation Zones This direction applies to all relevant planning authorities when preparing a planning proposal. The objective of this direction is to protect and conserve environmentally sensitive</p>	Relevant. The Planning Proposal is consistent with this direction as it does not change the C3 zoning of the subject land. The change to the minimum lot size is not inconsistent with this direction as it is consistent with Direction 9.2 (2) of "Rural Lands" (see below).

areas.	
3.2 Heritage Conservation	Not relevant.
3.3 Sydney Drinking Water Catchments	Not relevant.
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not relevant.
3.5 Recreation Vehicle Areas	Not relevant.
3.6 Strategic Conservation Planning	Not relevant.
3.7 Public Bushland	Not relevant.
3.8 Willandra Lakes Region	Not relevant.
3.9 Sydney Harbour Foreshore and Waterways Area	Not relevant.
3.10 Water Catchment Protection	Not relevant.
Focus Area 4: Resilience and Hazards	
4.1 Flooding	Not relevant. The subject land is not identified as flood prone.
4.2 Coastal Management	Not relevant
<p>4.3 Planning for Bushfire Protection</p> <p>This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.</p> <p>The objectives of this direction are to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and to encourage sound management of bush fire prone areas.</p>	<p>Relevant. The subject land is mapped as bushfire prone. The Planning Proposal is consistent with the direction as it has had regard to Planning for Bushfire Protection 2019. See Section C below.</p> <p>In summary, the planning proposal facilitates the development of a dwelling in a location that can achieve a compliant Asset Protection Zone and provide adequate water supply for fire-fighting purposes.</p>
<p>4.4 Remediation of Contaminated Land</p> <p>This direction applies to:</p> <p>(a) land that is within an investigation area within the meaning of the Contaminated Land Management Act 1997,</p> <p>(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried</p>	<p>Relevant. The subject land is not within an investigation area. The site is known to have been used for a purpose referred to in Table 1 of the Contaminated Land Planning Guidelines, being agricultural/horticultural activities, as the site has been used for grazing cattle and some growing of fodder crops. These activities are not considered likely to have caused contamination of the land.</p> <p>A statutory declaration has been provided by the landowner to demonstrate that there has been no</p>

<p>out,</p> <p>(c) the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital – land:</p> <p>(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and</p> <p>(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).</p> <p>The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p>	<p>activities on the land since at least 1970 that may have caused contamination of the land. See Appendix 3. It is considered that this statutory declaration satisfies the requirement for a preliminary investigation of the land.</p> <p>The Planning Proposal is consistent with the direction as the planning proposal will not result in a change in land use of the area where the change in minimum lot size is proposed, as there is adequate room on the existing R5 zoned part of the proposed lot for the erection of a dwelling.</p> <p>The subject land is considered to be suitable for the proposed change in minimum lot size and future residential development.</p>
4.5 Acid Sulfate Soils	Not relevant
4.6 Mine Subsidence and Unstable Land	Not relevant.
Focus Area 5: Transport and Infrastructure	
5.1 Integrating Land Use and Transport	Not relevant. The planning proposal does not relate to land zoned, or proposed to be zoned for urban residential, business, industrial, village or tourist purposes.
5.2 Reserving Land for Public Purposes	Not relevant.
3.5 Development Near Regulated Airports and Defence Airfields	Not relevant.
5.4 Shooting Ranges	Not relevant.
Focus Area 6: Housing	
6.1 Residential Zones	Not relevant.
6.2 Caravan Parks and Manufactured Home Estates	Not relevant.

Focus Area 7: Industry and Employment	
7.1 Employment Zones	Not relevant
7.2 Reduction in non-hosted short-term rental accommodation period	Not relevant.
7.3 Commercial and Retail Development along the Pacific Highway, North Coast.	Not relevant.
Focus Area 8: Resources and Energy	
1.3 Mining, Petroleum Production and Extractive Industries	Not relevant. The Planning Proposal relates to land zoned C3 and R5 and therefore does not further prohibit or restrict mining, petroleum production or extractive industries.
Focus Area 9: Primary Production	
9.1 Rural Zones	Not relevant.
<p>9.2 Rural Lands</p> <p>This Direction applies when a relevant planning authority prepares a Planning Proposal that will affect land within an existing or proposed rural or conservation zone or that changes the existing minimum lot size on land within a rural or conservation zone.</p> <p>The objectives of this Direction include to protect the agricultural production value of rural land and facilitate the orderly and economic development of rural lands for rural and related purposes.</p>	<p>Relevant. The planning proposal is consistent with this direction as:</p> <ul style="list-style-type: none"> • It is consistent with the directions in the Central West and Orana Regional Plan as addressed under Question 3 above and Council’s Local Strategic Planning Statement as addressed under Question 4 above, • It does not affect land of agricultural significance for the State or the local rural community, • It will not negatively affect existing identified environmental values of the land as no clearing of native vegetation is required to facilitate a dwelling on the proposed additional lot, • The natural and physical constraints of the land have been considered and addressed in this planning proposal, • It will not increase fragmentation of rural land or cause rural land use conflicts as a dwelling can be located on the land in compliance with the minimum 60m setback requirement of the Mid-Western Regional Development Control Plan, • It will not adversely affect the operation and viability of existing and future rural land uses and related enterprises, • The land is appropriately located having regard to available utilities and reasonable proximity to the Mudgee town centre, and • The addition of one lot/dwelling to the locality will

	provide a minimal increase in rural residential land supply to assist in meeting demand with no significant social, economic or environmental impacts.
9.3 Oyster Aquaculture	Not relevant.
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	Not relevant.

SECTION C ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

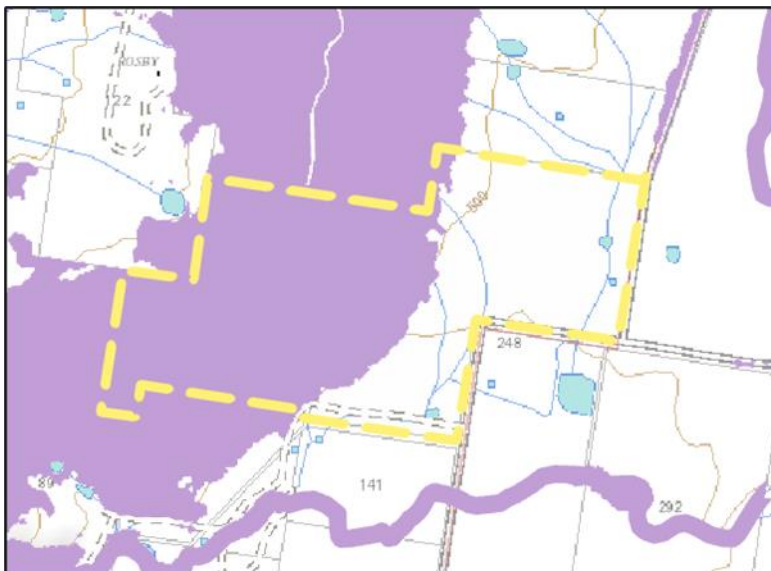
QUESTION 8 *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

No. The planning proposal seeks to facilitate the development of an additional lot on which a dwelling can be located in an existing cleared area already zoned R5 Large Lot Residential.

The subdivision would not require the removal of any existing vegetation as the proposed lot boundary follows an existing fenceline in the northern part of the site and crosses cleared land in the southern part of the site. No new property boundaries are proposed within the vegetated parts of the site.

A future dwelling on the proposed new lot would also not require any clearing of vegetation as a building envelope exists in the existing cleared area with adequate setbacks to front and side boundaries and with an adequate asset protection zone in compliance with Planning for Bushfire Protection 2019. Access to the building envelope can be provided without clearing of native vegetation and an on-site effluent management area can also be located within existing cleared areas.

The vegetated areas of the site are identified on the Biodiversity Values Map, as shown below.



Map 3: Biodiversity Values Map

No development is proposed within the mapped area and no clearing of vegetation is required within the mapped area. The vegetation in the mapped area is already fully fenced from the cleared areas of the site, preventing stock access.

Given there is no development or clearing in the mapped area, or any other clearing of native vegetation required, the proposal would not exceed the Biodiversity Offsets Scheme threshold.

Further, as the vegetated area is upslope of the developable area, it is considered that the development of a dwelling on the proposed additional lot will not have any indirect impacts on the mapped area. The subject land is already approved as part of a large rural residential lot and is able to be used for activities associated with rural-residential living, such as bushwalking or horse riding. The planning proposal will not result in any additional direct or indirect impacts.

It is therefore considered that the planning proposal will have no significant impacts on threatened species or their habitats.

QUESTION 9 *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

No. Environmental issues considered in the development of the planning proposal are outlined below.

Environmental Heritage

The planning proposal will have no detrimental impact on items of environmental heritage, as there are no heritage items located on or in the vicinity of the site.

Aboriginal Cultural Heritage

An Aboriginal Cultural Heritage Assessment of the site was undertaken for the previous rezoning and development application for subdivision of the land. The whole of the land was considered in this assessment which included inspections of the site by representatives of the Mudgee Local Aboriginal Land Council. The assessment resulted in a letter from the Mudgee LALC raising no objections to the development, and recommending a monitor be present during the initial removal of topsoils to identify any potential Aboriginal Cultural Heritage Materials that may be unearthed.

It is considered that this previous work will suffice for the current planning proposal which does not seek to include additional land for development. The additional land proposed for the change in minimum lot size is and will remain forested land. The purpose of the change is to achieve an area of 12ha to meet the minimum lot size criteria for one additional lot/dwelling.

It is considered that the planning proposal will have no detrimental impact on Aboriginal cultural heritage.

Potential Site Contamination

The land has been used for agricultural/horticultural activities, being the grazing of cattle and some growing of fodder crops. These activities are not considered likely to have caused contamination of the land.

A statutory declaration has been provided by the landowner to demonstrate that there has been no activities on the land since at least 1970 that may have caused contamination of the land. See Appendix 3.

The Planning Proposal will not result in a change in land use of the area as there is adequate room on the R5 zoned part of the proposed lot for the erection of a dwelling. The additional land proposed for the change in minimum lot size is and will remain forested land. The purpose of the change is to achieve an area of 12ha to meet the minimum lot size criteria for one additional lot/dwelling.

The subject land is considered to be suitable for the proposed change in minimum lot size and future residential development.

Watercourses and Groundwater

The land is traversed by one defined watercourse, as shown below.

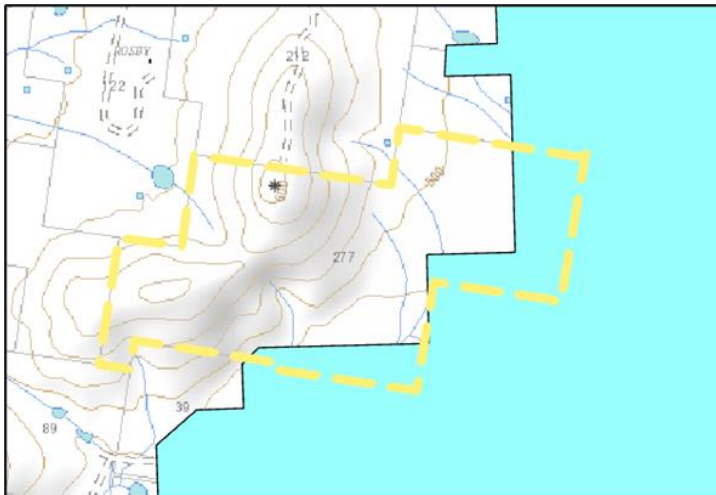


Map 4: Watercourses Map

It is noted that the cadastre and topographical mapping does not align. The survey undertaken of the site confirms that Saddleback Trail is located within the road reserve. Saddleback Trail and the road reserve align with the dashed lines in the above map. Therefore, the extent of the watercourse within the subject land is less than as shown above.

The proposed subdivision would ensure that the watercourses crossing the site are retained with adequate setbacks. There are no works associated with the proposed subdivision that would be located within 40m of a watercourse and therefore the proposal would not require a Controlled Activity Approval under the Water Management Act 2000 at the development stage. A future development application would therefore not be Integrated Development.

Part of the land is mapped as being groundwater vulnerable, as shown below.



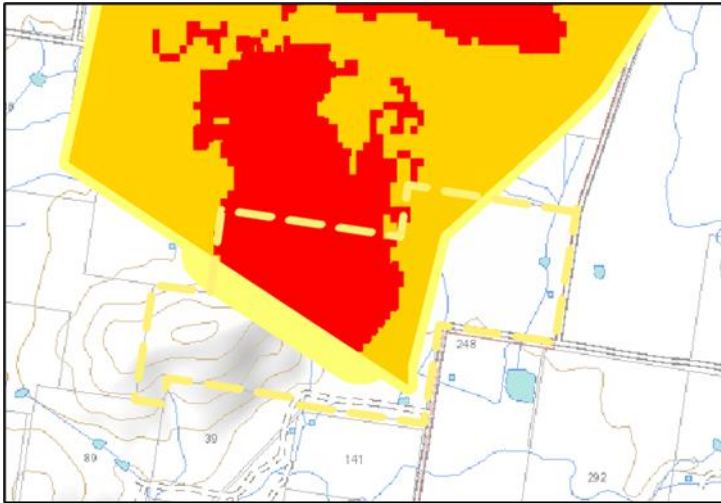
Map 5: Groundwater Vulnerability Map

To protect water quality (surface and groundwater), future on-site effluent management will need to be appropriately designed and located. An effluent disposal investigation report has been prepared for the planning proposal. The report demonstrates that the site can accommodate effluent disposal with adequate setbacks to watercourses and without detrimental impacts on groundwater.

Environmental Hazards

Bushfire

The subject land is partly mapped as bushfire prone as shown below.



Map 6: Bush fire prone land map

It is noted that the bushfire prone land mapping does not correlate with the extent of bushfire hazard on the land. Despite this mapping anomaly, the whole of the forested area of the site will be treated as a bush fire hazard for the purpose of assessment of Planning for Bushfire Protection 2019.

Subdivision of bushfire prone land for residential purposes requires a Bushfire Safety Authority under the Rural Fires Act 1997 at the development application stage. A future development application would be treated as Integrated Development for this reason also.

The proposed subdivision layout provides for a building envelope with a minimum 30m separation from the bushfire hazard, easily complying with the minimum 20m APZ required pursuant to Planning for Bushfire Protection 2019 (in relation to forests that are upslope of the dwelling). The available separation distance also provides for a dwelling to be constructed at a BAL-19 level (the NSW RFS do not support subdivisions where a BAL-40 or higher construction level is required).

The provision of a dwelling on the land can also meet the water supply for fire-fighting, services and landscaping provisions of Planning for Bushfire Protection 2019.

In relation to access, the proposed dwelling location would be approximately 350m from a sealed through road, in excess of the 200m requirement of Planning for Bushfire Protection. An alternative solution would need to be considered in relation to access, such as the identification of an alternative emergency egress route. An alternative route to Black Springs Road north of Saddleback Trail is achievable and could be formalised in the future subdivision of the land should this be required.

It is therefore considered that the planning proposal and potential future development is suitable for the site having regard to bushfire protection measures.

Flooding

The subject land is not mapped as flood prone.

QUESTION 10 *Has the planning proposal adequately addressed any social and economic effects?*

Yes. The addition of one rural residential lot and dwelling in the locality will have minimal social and economic impacts. A future dwelling on the additional lot can be located with adequate setbacks to adjoining land to minimise potential rural land use conflicts.

The proposal slightly increases the supply of rural residential land having a small positive economic impact in relation to land and housing supply and dwelling construction.

SECTION D STATE AND COMMONWEALTH INTERESTS

QUESTION 11 *Is there adequate public infrastructure for the planning proposal?*

Yes. Infrastructure issues considered in the development of the planning proposal are outlined below.

Sewer Services

The subject land is not connected to Council's reticulated sewer services and the proposed development will not generate demand for any connections. On-site effluent management will be required and the effluent disposal investigation report demonstrates that this is achievable on the site.

Water Supply

The subject land is not connected to Council's reticulated water supply system and the proposed development will not generate demand for any connections. On site water supply through a water tank for potable and fire-fighting purposes will be required. Additional water supply can be achieved through the construction of a dam on the land.

Traffic and Transport

No new road works are required for the planning proposal. The proposed lot has all weather access from Saddleback Trail. The provision of one additional rural-residential lot will not generate significant additional traffic to warrant any road upgrading, apart from the provision of a new driveway crossing.

Stormwater Management

Stormwater from future roofed and sealed areas can be collected in rainwater tanks and then discharged appropriately overland away from the dwelling and the effluent disposal area.

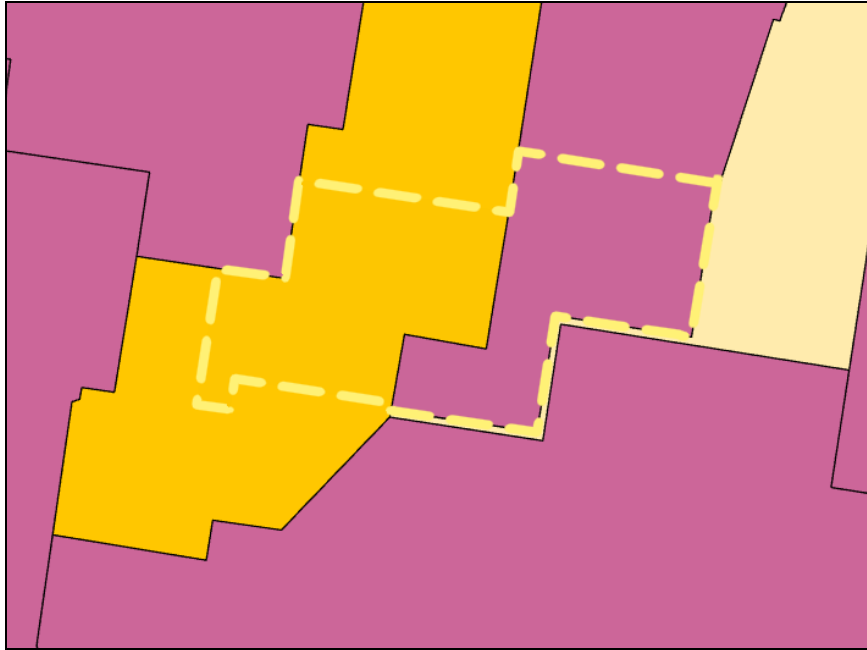
QUESTION 12 *What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?*

Consultation with State and Commonwealth public authorities has not yet been undertaken. In issuing a Gateway Determination, the Department of Planning and Environment will outline those agencies to be consulted with.

A Scoping Report was prepared prior to the preparation of this planning proposal to facilitate consultation with Mid-Western Regional Council. No agency consultation was required by Council as part of this process.

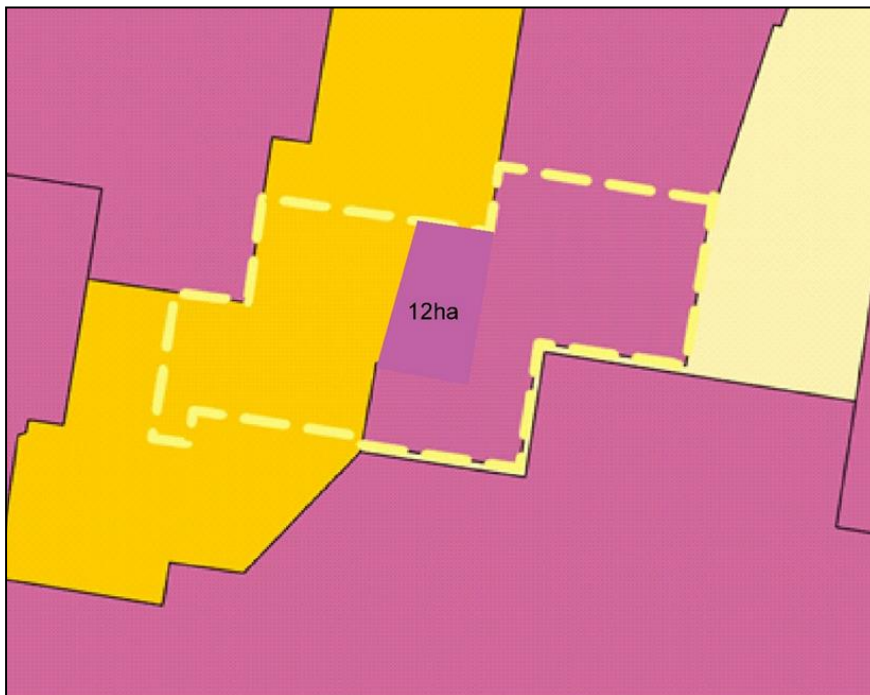
Part 4 Mapping

Existing Minimum Lot Size



Map 7: Current Minimum Lot Size Map

Proposed Minimum Lot Size



Map 8: Proposed Minimum Lot Size Map

Part 5 Community consultation

The Department of Planning and Environment has confirmed community consultation requirements in the Gateway Determination issued on 5 April 2024. The Planning Proposal is required to be publicly exhibited for a minimum of 20 working days.

The Gateway Determination also requires consultation with the NSW Rural Fire Service and the Department of Climate Change, Energy, the Environment and Water (DCCEEW) – Biodiversity and Conservation Division (BCD) prior to the commencement of public exhibition.

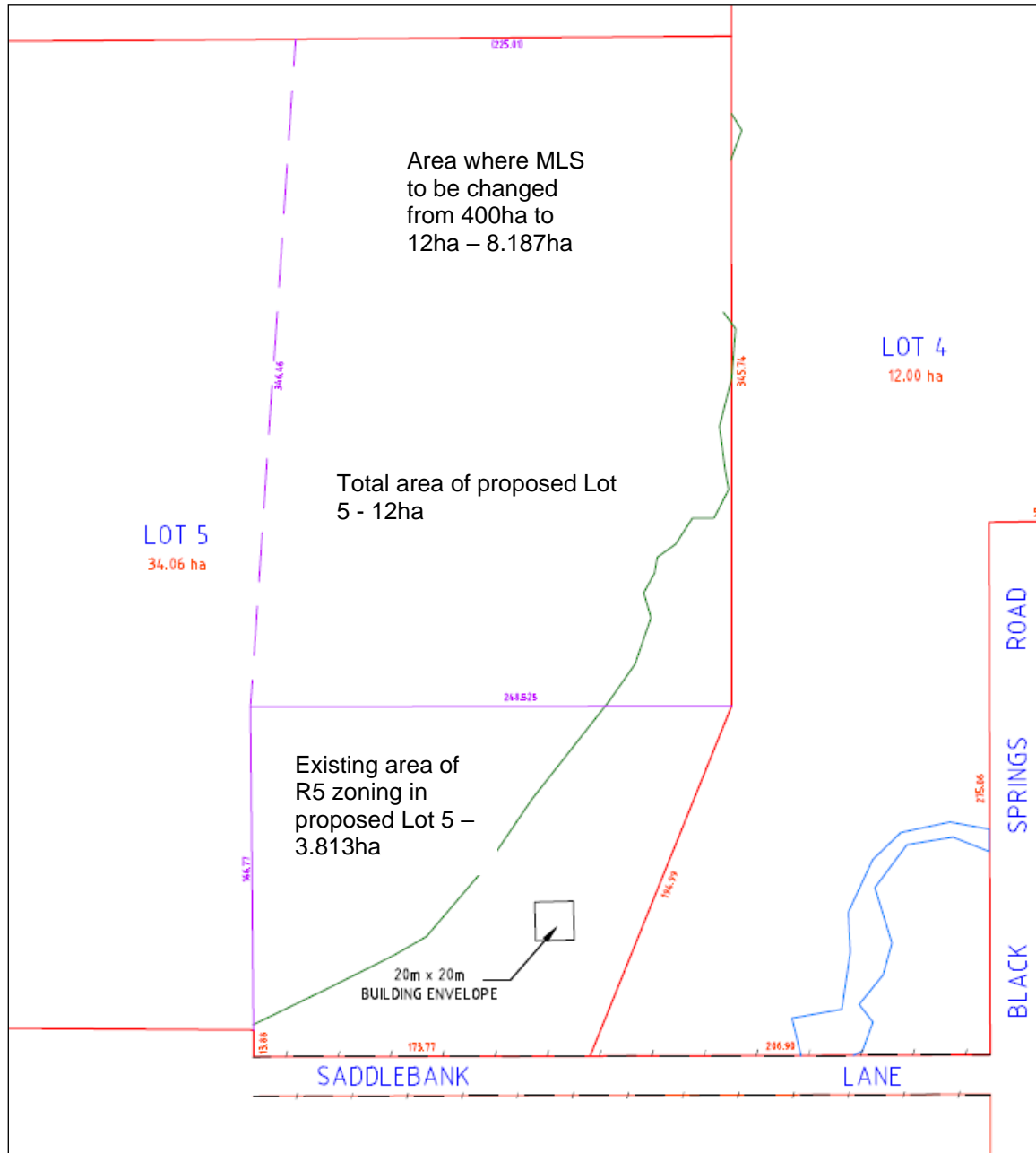
Part 6 Project timeline

The Project Timeline will assist with tracking the progress of the Planning Proposal through the various stages of consultation and approval. It is estimated that this amendment to Mid-Western Regional Local Environmental Plan 2013 will be completed by August 2024.

Estimated Timeline

Stage	Estimated Timeframe
Consideration by Council	October 2023
Council Decision	November 2023
Gateway Determination	April 2024
Pre exhibition	May 2023
Commencement and completion of public exhibition period	June 2024
Consideration of submissions	July 2024
Post exhibition review and additional studies	August 2024
Submission to the Department for finalisation (where applicable)	N/A
Gazettal of LEP amendment	October 2024

APPENDIX 1 – EXTRACT OF PROPOSED SUBDIVISION PLAN



APPENDIX 2 – CLEARANCE LETTER FROM MUDGEES LOCAL ABORIGINAL LAND COUNCIL



RE: Clearance Letter - Lot 110 DP1029542 Blacksprings Road

Dear Robert and Loretta,

On behalf of the Mudgee LALC I would like to thank you for the opportunity to conduct the recent assessment of your property at Lot 110 DP1029542 Blacksprings Road (Lots 1, 2, 4). Mudgee LALC Aboriginal Cultural Heritage Officer Mr Larry Foley has advised us of the outcomes of the assessment conducted on the 20/08/15.

Prior to the on ground assessment a desktop assessment was conducted which included a review of the AHIMS database. There were Aboriginal sites recorded in the region however none were identified as being potentially impacted by your development.

Whilst no Aboriginal Cultural Heritage Materials were identified we would recommend that a monitor be present during the initial removal of top soils to identify any potential Aboriginal Cultural Heritage Materials that may be unearthed.

Due to the lack of visibility no Aboriginal Heritage materials were identified during the assessment and as such we have no objection to the proposed development commencing.

If you have any queries regarding this assessment or require any further assistance please do not hesitate to contact our office.

Yours Sincerely,

Tony Lonsdale
A/G CEO
Mudgee LALC

Mudgee Local Aboriginal Land Council
PO Box 1098, Mudgee NSW 2850
Ph: 0263723511 Fax: 0263723522
Email: mudgeelalc@bigpond.com
ABN: 54 927 738 589

APPENDIX 3 – STATUTORY DECLARATION REGARDING SITE HISTORY

STATUTORY DECLARATION OATHS ACT 1900, NSW, EIGHTY SCHEDULES

I, ...*Loretta Allen of 227 Blacksprings Road*, do solemnly and sincerely declare that
[name of Declarant]

With regards to the history of Lot 110 DP1029542, my husband Robert, and I have lived on this property since 1998. The property has been owned by our family members or jointly in our names during this time. During the time we have lived at the property, land outside of our house yard, has only been used for cattle grazing. Previous to our residing here, Robert's parents owned the property, moving there in 1970. They used the land for grazing and some cropping of oats /pasture improvement. There have been no dwellings or sheds on land outside the existing yard. The existing house would at least be 94 years old. There has been periodic clearing/slashing for management of the land. Since 1998 the only weed management has been through use of Round Up and slashing. There are no bores on the land, only two dams in a proposed new Lot. There has been no bulk chemical or fuel storage on the land and no rubbish dumping sites outside of the house yard. To the best of our knowledge there have been no other activities that may have affected the land that we intend to subdivide.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act 1900.

Declared at: Mudgee on 24/3/2023.
[place] [date]

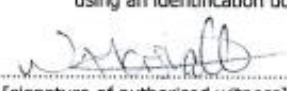
[signature of declarant]

In the presence of an authorised witness, who states:

I, Nadya Marshall, a Nadya Marshall
[name of authorised witness] [qualification of authorised witness]
Justice of the Peace NSW Reg. No. 256058

Certify the following matters concerning the making of this statutory declaration by the person who made it: [*please cross out any text that does not apply]

1. * I saw the face of the person OR * ~~I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering; and~~
2. * I have known the person for at least 12 months OR * I have confirmed the person's identity

using an identification document and the document I relied on was Drivers Licence
[describe identification document relied on]

[signature of authorised witness] 24/3/2023
[date]

**APPENDIX 4 – EFFLUENT DISPOSAL INVESTIGATION REPORT
(UNDER SEPARATE COVER)**