

**Planning Proposal**  
**Lot 31 DP 158548**  
**53 Pitts Lane, Putta Bucca**



Navigate Planning

17 January 2022

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## Introduction

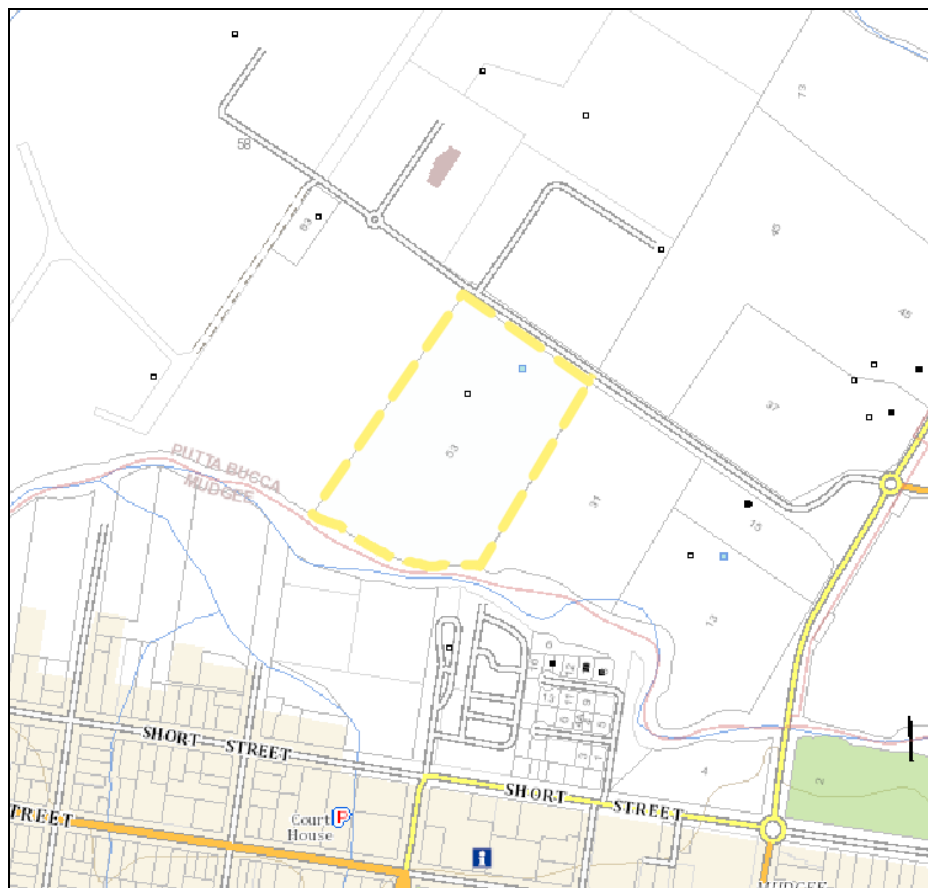
Mid-Western Council is progressively developing the Glen Willow Regional Sports Complex on land at Pitts Lane, Putta Bucca, across the Cudgegong River from the Mudgee town centre. The sports complex hosts a wide number of local and regional sporting events and provides facilities for many different sports and codes.

To further the sports and recreational opportunities at Glen Willow, the Council has recently purchased land adjoining the existing sports complex. The subject land is intended to be used for a mix of recreational uses, including:

- A BMX Pump Track
- A Bootcamp Fitness Zone
- Fitness Equipment
- Playground

The existing building on the site, previously used as a dwelling is proposed to be retained and used as a storage and maintenance depot for the whole of the Glen Willow Regional Sports Complex.

The subject site is Lot 31 DP 158548, as shown in the map below.



An aerial photograph of the site showing its relationship with Glen Willow is provided below, with the subject land outlined in red.



## Part 1 Objectives and intended outcomes

### Objective

To amend the Mid-Western Regional Local Environmental Plan 2012 to provide for the development of the subject site at 53 Pitts Lane, Putta Bucca in association with the adjoining Glen Willow Regional Sports Complex.

### Intended Outcomes

To facilitate the development of recreational facilities in association with the Glen Willow Regional Sports Complex.

To contribute to the growth of sport and recreation in the Mid-Western Region.

## Part 2 Explanation of provisions

This planning proposal seeks to achieve the objective identified in Part 1 through the rezoning of the land under the Mid-Western Regional Local Environmental Plan 2012 and the making of a consequential amendment to the Lot Size Map.

The following table outlines the proposed changes to the LEP.

Item	Current	Proposed
Land Zoning Map	RU4 Primary Production Small Lots	RE1 Public Recreation
Lot Size Map	20ha and 400ha	No Minimum Lot Size

Note: The 400ha minimum lot size is shown as a small strip along the southern boundary of the site and is likely to be an anomaly resulting from a misalignment between the cadastre and zoning maps.

Mapping of the proposed amendments are 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 proposed development of recreational facilities on the subject land is not a development specifically identified in any strategic study or report. However, it will support the objectives of the following plans and strategies:

- Glen Willow Master Plan
- Recreation Strategy 2013
- Community Strategic Plan
- Local Strategic Planning Statement
- Mid-Western Regional Comprehensive Land Use Strategy

Discussion on the above plans and strategies is included under Section B, Question 4, below.

**QUESTION 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 rezoning the land to RE1 is the best means of achieving the intended outcome.

Rezoning to RE1 is considered appropriate as this ensures all of the Glen Willow precinct has the one consistent zoning and this zone facilitates a range of public recreation uses that could be accommodated on the land.

The planning proposal also seeks to remove the current 20ha and 400ha minimum lot sizes from the subject land, consistent with the approach for the remainder of the Glen Willow site. It is proposed to consolidate the subject lot with the lots that make up the remainder of the Glen Willow site. Therefore, the removal of the 20ha and 400ha minimum lot sizes for the subject lot will ensure there is no split minimum lot size over the consolidated site.

The removal of the 20ha and 400ha minimum lot size is further justified by the proposed rezoning to RE1 Public Recreation, which removes the agricultural and dwelling potential of the land. The primary objectives of minimum lot sizes in rural zones relate to maintaining larger lot sizes for productive agricultural activities and minimising the density of dwellings. These objectives are not applicable to the RE1 zone and therefore, the 20ha and 400ha minimum lot sizes are not required to be retained.

## **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 2036**

The planning proposal is consistent with all relevant directions of the Central West and Orana Regional Plan as outlined in the table below.

<b>Direction</b>	<b>Relevance and Consistency</b>
<b>Direction 1: Protect the region's diverse and productive agricultural land</b>	The subject land is currently zoned RU4 Primary Production Small Lots, therefore these directions are relevant to the planning proposal.
<b>Direction 2: Grow the agribusiness sector and supply chains</b>	Each of these directions contain actions to protect important agricultural lands and minimise land use conflicts.
<b>Direction 12: Plan for greater land use compatibility</b>	The planning proposal seeks to rezone the land from RU4 to RE1 Public Recreation. The subject land is identified on the draft State Significant Agricultural Land map currently on public exhibition, an extract of which is provided below (with the subject land identified by the red star).



	 <p>Notwithstanding the inclusion of the land on the draft map, the land is not considered to be important agricultural land given its relatively small size, its public ownership and the recent construction of a road through the site. The adjoining land to the east is also not considered to be important agricultural land, again due to its small size and as it adjoins land used as a retail plant nursery.</p> <p>It is considered that the proposed rezoning of the land from RU4 Primary Production Small Lots to RE1 Public Recreation and the development of recreation facilities will not result in the loss of important agricultural land or cause any land use conflicts with any important agricultural land around Mudgee.</p>
<p><b>Direction 13: Protect and manage environmental assets</b></p>	<p>The key action is to <i>protect high environmental value assets through local environmental plans</i>.</p> <p>The subject land does not contain any mapped high value vegetation but adjoins high value vegetation along the Cudgegong River, as shown on the Sensitive Biodiversity Map in the Mid-Western Regional LEP 2012. Rezoning of the land to RE1 Public Recreation will facilitate the protection of these environmental assets through the application of the zone objectives, including <i>to protect and enhance the natural environment for recreational purposes</i>.</p> <p>Future development of recreation facilities will be undertaken in a manner that ensures the protection of the adjoining high value environments.</p>
<p><b>Direction 14: Manage and conserve water resources for the environment</b></p>	<p>The key action is to <i>locate, design, construct and manage new development to minimise impacts on water catchments, including downstream areas and groundwater sources</i>.</p> <p>The planning proposal will facilitate the development of recreation facilities that will be developed in a manner that ensures no detrimental impact from stormwater on the adjoining watercourses or groundwater.</p>


<b>Direction 15: Increase resilience to natural hazards and climate change</b>	<p>The key action is to <i>locate developments, including new urban release areas, away from areas of known high biodiversity value; areas with high risk of bushfire or flooding; contaminated land; and designated waterways.</i></p> <p>The planning proposal will facilitate the development recreation facilities in a location that avoids areas of high biodiversity value along watercourses, is not bushfire prone and is not known or likely to be contaminated land.</p> <p>The subject land is within the 1% AEP flood level. The proposed development of recreation facilities is a compatible activity on flood prone land and the proposed developments will have no significant impact on flood levels.</p>
<b>Direction 16: Respect and protect Aboriginal heritage assets</b>	<p>The key action is to <i>protect, manage and respect Aboriginal objects and places in accordance with legislative requirements.</i></p> <p>An Aboriginal Cultural Heritage Assessment was undertaken for the whole of the Glen Willow site in 2009. No items were found through the assessment process. While the subject land was not part of Glen Willow at the time of the assessment, the land is very similar in nature and the results of the assessment are highly likely to be replicated for the subject land.</p> <p>It is considered that the planning proposal will have no detrimental impact on Aboriginal cultural heritage.</p>
<b>Local Government Narrative</b>	<p>The Mid-Western Region's Local Government Narrative in the Regional Plan includes the following priority:</p> <p><i>Support the provision and continued development of major regional sports, recreation and cultural facilities.</i></p> <p>The planning proposal will facilitate continued growth of the Glen Willow Regional Sports Complex.</p>



## Draft Central West and Orana Regional Plan 2041

The planning proposal is consistent with all relevant objectives of the exhibited draft Central West and Orana Regional Plan as outlined in the table below.

Objectives	Relevance and Consistency
<b>Objective 1: Identify, protect and connect important environmental assets</b>	<p>The subject land does not contain any mapped high value vegetation but adjoins high value vegetation along the Cudgegong River, as shown on the Sensitive Biodiversity Map in the Mid-Western Regional LEP 2012.</p> <p>Rezoning of the land to RE1 Public Recreation will facilitate the protection of these environmental assets through the application of the zone objectives, including <i>to protect and enhance the natural environment for recreational purposes</i>.</p> <p>Future development of recreation facilities will be undertaken in a manner that ensures the protection of the adjoining high value environments.</p>
<b>Objective 2: Support connected and healthy communities</b>	<p>Rezoning the land to RE1 Public Recreation and the development of recreation facilities on the subject land will further the aim of boosting participation in sport and healthy lifestyles at a local level. The proposal involves extensions of the walking and cycling track along the Cudgegong River, furthering the aim of the Draft Plan to activate riverfronts.</p>
<b>Objective 3: Plan for resilient places and communities</b>	<p>The planning proposal will facilitate the development of recreation facilities in a location that avoids areas of high biodiversity value along watercourses, is not bushfire prone and is not known or likely to be contaminated land.</p> <p>The subject land is within the 1% AEP flood level. The proposed development of recreation facilities is a compatible activity on flood prone land and the proposed developments will have no significant impact on flood levels.</p>
<b>Objective 5: Ensure site selection and design embraces and respects the region's landscapes, character and cultural heritage</b>	<p>Rezoning of the land to RE1 Public Recreation will have no negative impacts on the local landscape, character and cultural heritage.</p> <p>An Aboriginal Cultural Heritage Assessment was undertaken for the whole of the Glen Willow site in 2009. No items were found through the assessment process. While the subject land was not part of Glen Willow at the time of the assessment, the land is very similar in nature and the results of the assessment are highly likely to be replicated for the subject land.</p> <p>It is considered that the planning proposal will have no detrimental impact on Aboriginal cultural heritage.</p>
<b>Objective 13: Protect agricultural production values and promote agriculture innovation, sustainability and value-add opportunities</b>	<p>This objective refers to the existing Biophysical Strategic Agricultural Land map and the development of Important Agricultural Land (IAL) mapping. The subject land is identified on the Biophysical Strategic Agricultural Land map, as contained in State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007, an extract of which is provided below (with the subject land identified by the red star). The whole of the Glen Willow Regional Sports Complex is also identified on this map.</p>

	 <p>Notwithstanding the inclusion of the land on the Biophysical Strategic Agricultural Land map, the land is not considered to be important agricultural land given its relatively small size, its public ownership and the recent construction of a road through the site. The adjoining land to the east is also not considered to be important agricultural land, again due to the small size and as it adjoins land used as a retail plant nursery.</p> <p>It is considered that the proposed rezoning of the land from RU4 Primary Production Small Lots to RE1 Public Recreation and the development of recreation facilities will not result in the loss of important agricultural land or cause any land use conflicts with any important agricultural land around Mudgee.</p>
<p><b>OBJECTIVE 14:</b>  <b>Protect and leverage the existing and future road, rail and air transport networks and infrastructure</b></p>	<p>This objective includes a strategy to limit the encroachment of incompatible development to airports and aerodromes. The planning proposal relates to land in the vicinity of the Mudgee Airport. The subject land is partly within the landing or take-off surface limitation areas and the obstacle surface limitation height is between 500 and 510m AHD.</p> <p>The subject land is within the floodplain of the Cudgegong River and has ground levels between 447m and 448m AHD. The proposed recreation facilities will be low in height and not exceed the obstacle surface limit, thereby having no impact on the operation of the airport.</p>
<p><b>Objective 22:</b>  <b>Protect Australia's first Dark Sky Park</b></p>	<p>The <i>Environmental Planning and Assessment Regulation 2000</i> provides that the Dark Sky Planning Guidelines apply to land in the local government areas of Coonamble, Dubbo, Gilgandra and Warrumbungle and to certain development within 200km of the Siding Springs Observatory (being development of a class or description included in Schedule 4A to the Act, State significant development or designated development). The subject land is located approximately 150km from the observatory but is not of a class or description to which the Dark Sky Planning Guidelines apply.</p> <p>Notwithstanding, the proposed development can be designed to meet the requirements of the guidelines for minimising lighting and avoid upward light spill.</p>

<b>Local Government Priorities</b>	<p>Mid-Western Council's priorities for the LGA include major recreation, cultural and regional sports facilities, including the Glen Willow Regional Sports Complex.</p> <p>The planning proposal will facilitate continued growth of the Glen Willow Regional Sports Complex.</p>
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**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.

#### **Glen Willow Master Plan**

The Glen Willow Master Plan, adopted by Council in 2016 states that *the goal is to encourage more participation in sport and to establish a significant green space that is located conveniently close to the majority of residents in the region.*

The development of recreation facilities on the subject land will further the aim of boosting participation in sport and healthy lifestyles at a local level. This planning proposal furthers the Council's local and regional sport and recreation objectives.

An extract of the current Glen Willow Master Plan incorporating the subject land is shown below.



## **Recreation Strategy 2013**

Mid-Western Regional Council adopted a Recreation Strategy on 25 July, 2013. The Strategy contains a number of recommendations that are supported by this planning proposal, including the following:

*That Council, through organised sporting groups, the Sports Council's and Mudgee Regional Tourism Inc, investigate opportunities for the promotion of the region's sporting facilities for sports related tourism.*

*That Council focus on the maintenance and embellishment of the existing infrastructure and delivery of Stages 2 and 3 of the Glen Willow facility in conjunction with rationalisation of duplicated facilities.*

While the strategy did not specifically envisage recreation facilities on the subject land, the proposal supports the above recommendations, specifically through the embellishment of facilities at Glen Willow in a manner that promotes local sports participation, healthy lifestyles and sports related tourism.

## **Community Strategic Plan**

The Mid-Western Regional Community Strategic Plan includes the following strategy:

*Strategy 1.3 - Support networks, program and facilities which promote health and wellbeing and encourage healthy lifestyles.*

The provision of new recreation facilities at the subject land which directly adjoins Glen Willow and is already physically connected by existing and new roads will boost participation in sport and physical activity at a local level. Greater participation in local sport will further the strategy of promoting healthy lifestyles and both personal and community wellbeing.

## **Local Strategic Planning Statement**

The Mid-Western Regional Local Strategic Planning Statement includes the following planning priority:

*Planning Priority 4: Provide infrastructure and services to cater for the current and future needs of our community.*

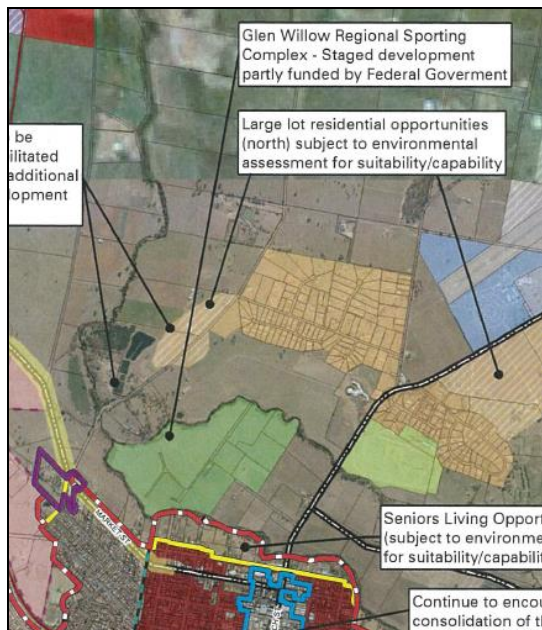
The rationale for this planning priority includes the following statement:

*Council's Recreation Strategy provides direction on the planning and development of recreational opportunities and facilities. As urban release areas are developed, the strategy will be reviewed to ensure adequate additional open space and recreational areas are provided.*

The Glen Willow Sports Complex is the primary regional sporting complex in the Mid-Western Region. It has already been successful in attracting tourists to the region for major sporting events. The planning proposal will facilitate additional recreation facilities that add to the attractions at Glen Willow for locals and visitors alike.

## Mid-Western Regional Comprehensive Land Use Strategy

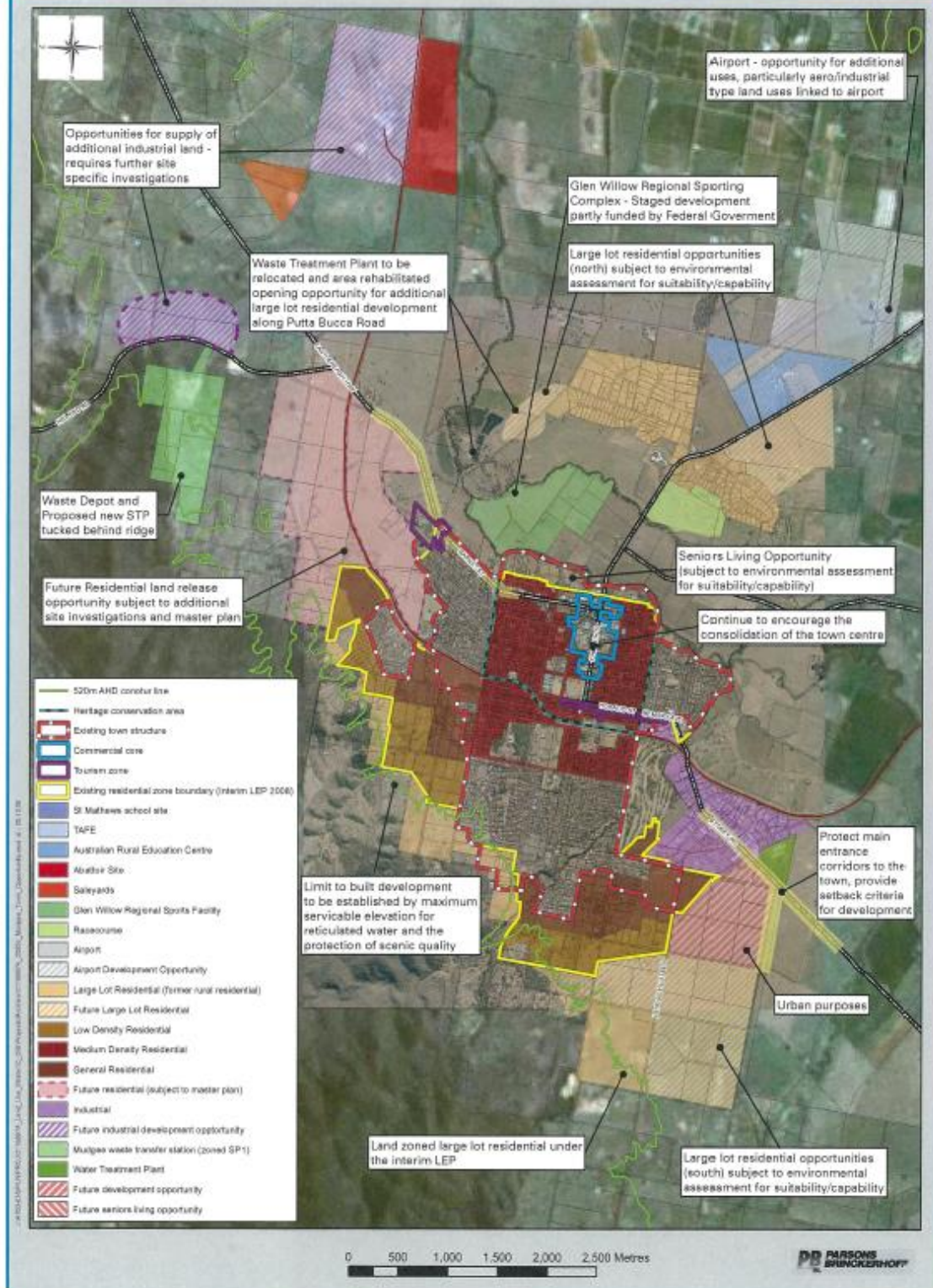
The Mudgee Town Centre Structure Plan contained within the Comprehensive Land Use Strategy identifies the Glen Willow Regional Sporting Complex with staged development partly funded by the Federal Government, as shown in the extract below. A full copy of the Structure Plan is provided on the following page.



The subject land was not envisaged as being part of the Glen Willow Regional Sporting Complex at the time the Strategy was developed. However, the inclusion of the land does not prejudice other strategic directions as the land is not identified in the Structure Plan for any other specific development opportunity.

The development proposal represents a new stage of the Glen Willow redevelopment and is therefore consistent with the identification in the Comprehensive Land Use Strategy of staged development at Glen Willow.







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

There are no other applicable State or 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.

<b>SEPP</b>	<b>Relevance and Consistency</b>
SEPP (Aboriginal Land) 2019	Not relevant. This SEPP only applies to certain mapped land in the Central Coast LGA.
SEPP (Activation Precincts) 2020	Not relevant. The subject land is not within an Activation Precinct.
SEPP (Affordable Rental Housing) 2009	Not relevant.
SEPP (Building Sustainability Index: BASIX) 2004	Not relevant.
SEPP (Coastal Management) 2018	Not relevant. The proposal is not in the coastal zone.
SEPP (Concurrences and Consents) 2018	Not relevant.
SEPP (Educational Establishments and Child Care Facilities) 2017	Not relevant.
SEPP (Exempt and Complying Development Codes) 2008	Not relevant.
SEPP (Gosford City Centre) 2018	Not relevant.
SEPP (Housing for Seniors or People with a Disability) 2004	Not relevant.
<b>SEPP (Infrastructure) 2007</b>	<p>Relevant. This SEPP provides approval pathways for various infrastructure projects, including identifying development without consent and exempt development on public reserves. The SEPP also identifies certain traffic generating development that requires referral to Transport for NSW.</p> <p>Rezoning the land to RE1 Public Recreation will provide the opportunity for certain works and infrastructure relating to public reserves to be undertaken in accordance with the SEPP requirements.</p> <p>The proposal is not considered to be traffic generating development under clause 104 of the SEPP.</p>

SEPP (Koala Habitat Protection) 2020	Not relevant. This SEPP does not apply to land in the RU4 or RE1 zones.
<b>SEPP (Koala Habitat Protection) 2021</b>	<p>Relevant. The subject land is greater than 1ha in size and is currently zoned RU4 and proposed to be zoned RE1. There is no approved koala management plan applying to the land.</p> <p>The proposed rezoning and the future development of recreation facilities does not require the removal of any native vegetation. It is therefore considered that the planning proposal and future development will have no impact on koalas or koala habitat.</p>
SEPP (Kosciuszko National Park—Alpine Resorts) 2007	Not relevant.
SEPP (Kurnell Peninsula) 1989	Not relevant.
SEPP (Major Infrastructure Corridors) 2020	Not relevant.
<b>SEPP (Mining, Petroleum Production and Extractive Industries) 2007</b>	<p>Relevant. This SEPP standardises the approach throughout NSW to the assessment and approval of mining activities under Part 4 of the EP&amp;A Act. Clause 13 of the SEPP applies to an application for consent for development on land that is in the vicinity of an existing mine, petroleum production facility or extractive industry, or identified on a map as being the location of State or regionally significant resources of minerals, petroleum or extractive materials, or identified by an environmental planning instrument as being the location of significant resources of minerals, petroleum or extractive materials.</p> <p>Consultation with the Department of Regional NSW – Mining, Exploration and Geoscience (MEG) to determine if clause 13 of the SEPP applies will be undertaken during public exhibition of the planning proposal.</p>
SEPP No 19—Bushland in Urban Areas	Not relevant. This SEPP applies only to Sydney metropolitan council areas.
SEPP No 21—Caravan Parks	Not relevant.
SEPP No 33—Hazardous and Offensive Development	Not relevant.
SEPP No 36—Manufactured Home Estates	Not relevant.
SEPP No 47—Moore Park Showground	Not relevant.

SEPP No 50—Canal Estate Development	Not relevant.
<b>SEPP No 55—Remediation of Land</b>	<p>Relevant. This SEPP introduces 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 6 of SEPP 55, the subject land has been considered with respect to the likelihood of contamination. Mid-Western Regional Council's records indicate that the subject land is unlikely to be contaminated. See further discussion under Question 9.</p> <p>The subject land is considered to be suitable for the proposed change of use from rural and rural-residential purposes to recreation purposes.</p>
SEPP No 64—Advertising and Signage	Not relevant.
SEPP No 65—Design Quality of Residential Apartment Development	Not relevant.
SEPP No 70—Affordable Housing (Revised Schemes)	Not relevant.
SEPP (Penrith Lakes Scheme) 1989	Not relevant.
<b>SEPP (Primary Production and Rural Development) 2019</b>	<p>Relevant. The subject land is currently zoned RU4 Primary Production Small Lots and is identified on the draft State Significant Agricultural Land map currently on public exhibition.</p> <p>Notwithstanding the inclusion of the land on the draft map, the land is not considered to be State significant agricultural land given its relatively small size, its public ownership and the recent construction of a road through the site. The adjoining land to the east is also not considered to be important agricultural land, again due to the small size and as it adjoins land used as a retail plant nursery.</p> <p>It is considered that the proposed rezoning of the land from RU4 Primary Production Small Lots to RE1 Public Recreation and the development of recreation facilities will not result in the loss of State significant agricultural land or cause any land use conflicts with any important agricultural land around Mudgee.</p>
SEPP (State and Regional Development) 2011	Not relevant.
SEPP (State Significant Precincts) 2005	Not relevant. The land is not a state significant

	precinct.
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	Not relevant.
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	Not relevant.
State Environmental Planning Policy (Three Ports) 2013	Not relevant.
State Environmental Planning Policy (Urban Renewal) 2010	Not relevant.
<b>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</b>	Relevant. This SEPP applies to land in the RE1 Public Recreation zone and outlines the approval requirements for clearing of vegetation.  The planning proposal seeks to rezone the land to RE1 Public Recreation. However, the planning proposal does not necessitate any clearing of native vegetation.
State Environmental Planning Policy (Western Sydney Aerotropolis) 2020	Not relevant.
State Environmental Planning Policy (Western Sydney Employment Area) 2009	Not relevant.
State Environmental Planning Policy (Western Sydney Parklands) 2009	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
1.1 Business and Industrial Zones	Not relevant
<b>1.2 Rural Zones</b> This Direction applies when a relevant planning authority prepares a Planning Proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary). The objective of this Direction is to protect the agricultural production value of rural land.	Relevant. The planning proposal is consistent with this direction as it does not propose to rezone land from a rural zone to a residential, business, industrial, village or tourist zone. The planning proposal seeks to rezone land from a rural zone to a recreation zone.

<p><b>1.3 Mining, Petroleum Production and Extractive Industries</b></p> <p>This direction applies when a relevant planning authority prepares a Planning Proposal that would have the effect of prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.</p> <p>The objective of this Direction is to ensure that the future extraction of State or Regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</p>	<p>Relevant. The Planning Proposal is inconsistent with this Direction as it proposes a zone that prohibits mining and extractive industries. The proposed land use (recreation facilities) would also be incompatible with any mining or extractive industries.</p> <p>The direction requires consultation with the Department of Primary Industries to identify if the planning proposal will affect any resources of State or regional significance.</p> <p>A planning proposal may be inconsistent with the direction if Council can satisfy the Department of Primary Industries that the inconsistency is of minor significance.</p> <p>Consultation with the Department of Regional NSW – Mining, Exploration and Geoscience (MEG) will be undertaken during public exhibition of the planning proposal.</p>
<p>1.4 Oyster Aquaculture</p>	<p>Not relevant</p>
<p><b>1.5 Rural Lands</b></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 environment protection zone or that changes the existing minimum lot size on land within a rural or environment protection 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"> <li>• 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,</li> <li>• It does not affect land of agricultural significance for the State or the local rural community,</li> <li>• It will not negatively affect existing identified environmental values along the Cudgegong River,</li> <li>• The natural and physical constraints of the land have been considered and addressed in this planning proposal,</li> <li>• It will not cause rural land use conflicts, and</li> <li>• The further development of the Glen Willow Regional Sports Complex is considered to be in the public interest, having significant social and economic benefits to the community.</li> </ul>
<p>2.1 Environment Protection Zone</p>	<p>Not relevant</p>
<p>2.2 Coastal Management</p>	<p>Not relevant</p>

<p><b>2.3 Heritage Conservation</b></p> <p>This Direction applies when a relevant planning authority prepares a Planning Proposal. The objective is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p>	<p>Relevant. This Planning Proposal is not inconsistent with this Direction as relevant provisions to facilitate the conservation of heritage items and Aboriginal objects, areas or places are already contained in the Mid-Western Regional LEP 2012 and no changes to these provisions are proposed.</p> <p>The site does not contain a heritage item or any known Aboriginal objects, areas or places.</p>
<p><b>2.4 Recreation Vehicle Areas</b></p>	<p>Not relevant</p>
<p><b>2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPS</b></p>	<p>Not relevant</p>
<p><b>2.6 Remediation of Contaminated Land</b></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 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 style="padding-left: 40px;">(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 style="padding-left: 40px;">(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</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 was formerly used for the grazing of sheep and horses ancillary to residential occupation of the land.</p> <p>These activities are not considered likely to have caused contamination of the land.</p> <p>Given this known history, it is not considered necessary to obtain a preliminary investigation report for the planning proposal. The only likely contamination of the land is from the potential for asbestos fragments from the historic demolition of any sheds that may have been on the land.</p>



remediation are considered by planning proposal authorities.	
3.1 Residential Zones	Not relevant
3.2 Caravan Parks and Manufactured Home Estates	Not relevant
3.3 Revoked	N/A
<p><b>3.4 Integrating Land Use and Transport</b></p> <p>This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p> <p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve a range of planning objectives relating to accessibility.</p>	<p>Not relevant. The planning proposal does not relate to land zoned, or proposed to be zoned for residential, business, industrial, village or tourist purposes.</p>
<p><b>3.5 Development Near Regulated Airports and Defence Airfields</b></p> <p>This direction applies when a relevant planning authority prepares a Planning Proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome. The objectives of this Direction are to ensure the effective and safe operation of aerodromes, ensure that their operation is not compromised by development and ensure development for residential purposes is not adversely affected by aircraft noise.</p>	<p>Relevant. The planning proposal relates to land in the vicinity of the Mudgee Airport. The subject land is partly within the landing or take-off surface limitation areas and the obstacle surface limitation height is between 500 and 510m AHD, as shown below.</p> <p>The subject land is within the floodplain of the Cudgegong River and has ground levels between 447m and 448m AHD. The proposed recreation facilities will be low in height and not exceed the obstacle surface limit.</p> <p>It is anticipated that consultation with the operator of the Mudgee Airport will be undertaken as a requirement of the Gateway Determination.</p>

3.6 Shooting Ranges	Not relevant
3.7 Reduction in non-hosted short term rental accommodation period	Not relevant
4.1 Acid Sulfate Soils	Not relevant
4.2 Mine Subsidence and Unstable Land	Not relevant
<p><b>4.3 Flooding</b></p> <p>This Direction applies when a relevant planning authority prepares a Planning Proposal that creates, removes or alters a zone or a provision that affects flood prone land.</p> <p>The objectives of this Direction are to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 and that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</p>	<p>Relevant. This Planning Proposal is consistent with this direction as the extent of flooding affecting the subject land is known.</p> <p>The subject land is within the 1% AEP flood level. The proposed development of recreation facilities is a compatible activity on flood prone land and the proposed developments will have no significant impact on flood levels.</p>

<p><b>4.4 Planning for Bushfire Protection</b></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>Not relevant as the subject land is not mapped as bushfire prone and is not in close proximity to land mapped as bushfire prone land.</p>
5.1 Revoked	N/A
5.2 Sydney Drinking Water Catchments	Not relevant
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not relevant
5.4 Revoked	N/A
5.6 Revoked	N/A
5.7 Revoked	N/A
5.8 Revoked	N/A
5.9 North West Rail Link Corridor Strategy	Not relevant
<p><b>5.10 Implementation of Regional Plans</b></p> <p>Planning Proposals must be consistent with a Regional Plan released by the Minister for Planning.</p>	<p>Relevant. The Planning Proposal is consistent with the directions in the Central West and Orana Regional Plan as addressed under Question 3 above.</p>
5.11 Development of Aboriginal Land Council Land	Not relevant
<p><b>6.1 Approval and Referral Requirements</b></p> <p>This direction applies when a relevant planning authority prepares a planning proposal.</p>	<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.</p>

The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	
6.2 Reserving Land for Public Purposes	Not relevant
<b>6.3 Site Specific Provisions</b> This Direction applies when a relevant planning authority prepares a Planning Proposal that will allow a particular development to be carried out. The objective of this Direction is to discourage unnecessarily restrictive site specific planning controls.	Relevant. The Planning Proposal is consistent with this direction as it seeks to rezone the subject land to a zone that facilitates the proposed development. No additional permitted land use is required and no site specific development standards or requirements are proposed.
7.1 to 7.13 Metropolitan Planning	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 subject land is predominantly cleared of native vegetation, with some scattered paddock trees and some planted vegetation around the former dwelling on site. The site is not mapped as containing any high value vegetation. The site adjoins high value vegetation along the Cudgegong River. No development associated with this planning proposal will have any impact on the high value riparian vegetation along the river.

**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 subject land does not contain a heritage item, is not in a heritage conservation area and is unlikely to contain any significant archaeological deposits. It is considered that the planning proposal will have no detrimental impact on items of environmental heritage.

### Aboriginal Cultural Heritage

An Aboriginal Cultural Heritage Assessment was undertaken for the whole of the Glen Willow site by the Mudgee Local Aboriginal Land Council in 2009. No items were found through the assessment process. While the subject land was not part of Glen Willow at the time of the assessment, the land is very similar in nature and the results of the assessment are highly likely to be replicated for the subject land.

It is not considered that a further Aboriginal Cultural Heritage Assessment is required for the planning proposal or for the development of recreation facilities. However, any future development of recreation facilities on the site, where they involve soil disturbance, should be undertaken in accordance with the legislative requirements to protect any Aboriginal item uncovered during construction.

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

### **Potential Site Contamination**

The subject land has a long history of residential and rural activities, primarily the grazing of sheep and horses ancillary to residential occupation of the land.

There is potential for asbestos to be found in the existing dwelling and fragments may be located in the soil from the demolition of any previous sheds.

There is no evidence of any previous use that is likely to have caused contamination of the site and the site is considered suitable for the proposed use.

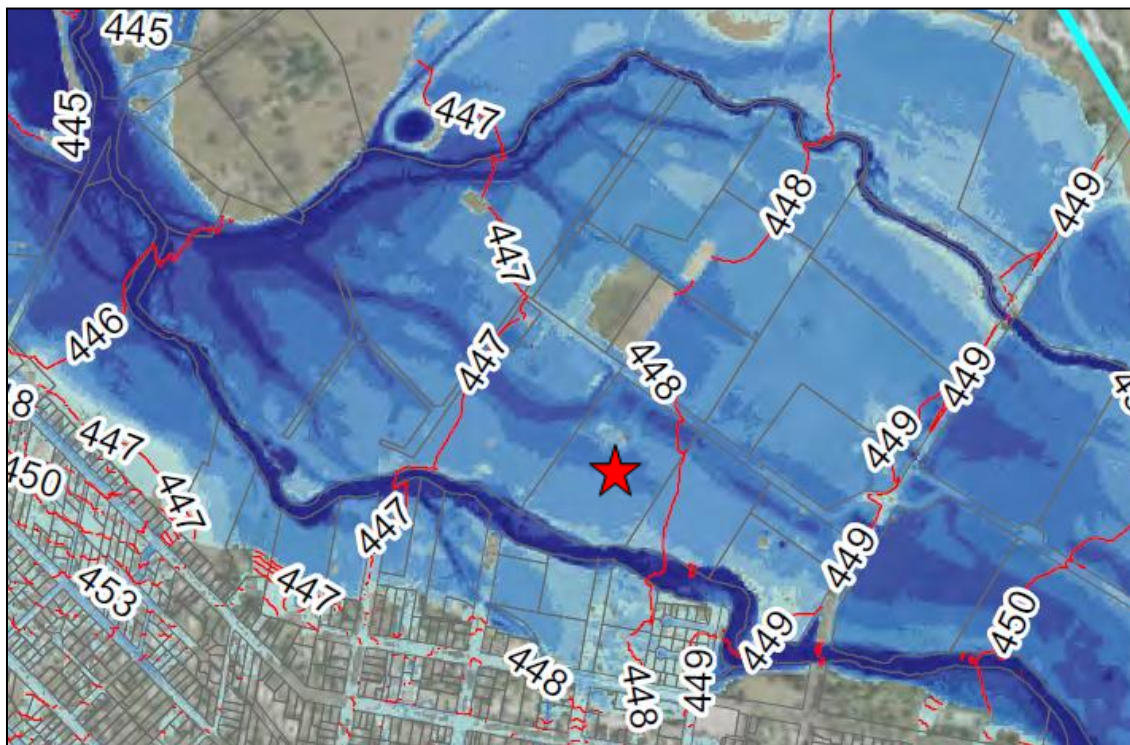
### **Environmental Hazards**

#### ***Bushfire***

The subject land is not mapped as bushfire prone and the proposed development of the site for recreation facilities is not a kind of development that requires a bushfire assessment under Planning for Bushfire Protection 2019.

#### ***Flooding***

The subject land is within the 1% AEP flood level, as shown in the map below. The proposed development of recreation facilities is a compatible activity on flood prone land and the proposed developments will have no significant impact on flood levels.



Site of proposed Sports Training and Accommodation Facility

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

Yes. Social and economic issues considered in the development of the planning proposal are outlined below.

**Acoustic Impacts**

The proposed rezoning and development of recreation facilities is considered unlikely to have detrimental impacts on any nearby sensitive receivers. The nearest sensitive receiver is a caravan park across the Cudgegong River, with the nearest permanently occupied mobile dwelling approximately 160m from the proposed development. The nearest residential dwelling is approximately 240m from the proposed development. These sensitive receivers are shielded from the proposed development by native vegetation along the Cudgegong River.

It is not considered that an acoustic report is warranted for the planning proposal, however an acoustic report may be submitted with any development application required to be prepared for recreation facilities that do not meet the provisions of the Infrastructure SEPP.

**Other Social Impacts**

The proposed rezoning and development of recreation facilities will have significant positive social impacts for Mudgee and the wider Mid-Western community. As part of the growing regional sports complex known as Glen Willow, the proposal will boost participation in sport and healthy lifestyles at a local level. This planning proposal furthers the Council's local and regional sport and recreation objectives.

**Economic Impacts**

The proposed rezoning and development of recreation facilities will have significant positive economic impacts for Mudgee and wider Mid-Western community. The additional facilities at the Glen Willow Regional Sports Complex will increase the attractiveness of Mudgee as a tourist destination for people interested in sports and fitness.

**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 capable of being connected to Council's reticulated sewer system should it be required.

**Water Supply**

The subject land is capable of being connected to Council's reticulated water supply system should it be required.

**Traffic and Transport**

The subject land has direct frontage to Pitts Lane and a new internal road connection has been constructed through the site improving movement of traffic across the site. Significant areas of parking are available in the Glen Willow complex and there is adequate capacity on the subject land for additional car parking should it be required.



The proposed recreation facilities will not generate significant additional traffic to the road network as the facilities are likely to be used by people who already access the sporting facilities at Glen Willow and the site is easily accessible by people who choose to walk or cycle to the facilities.

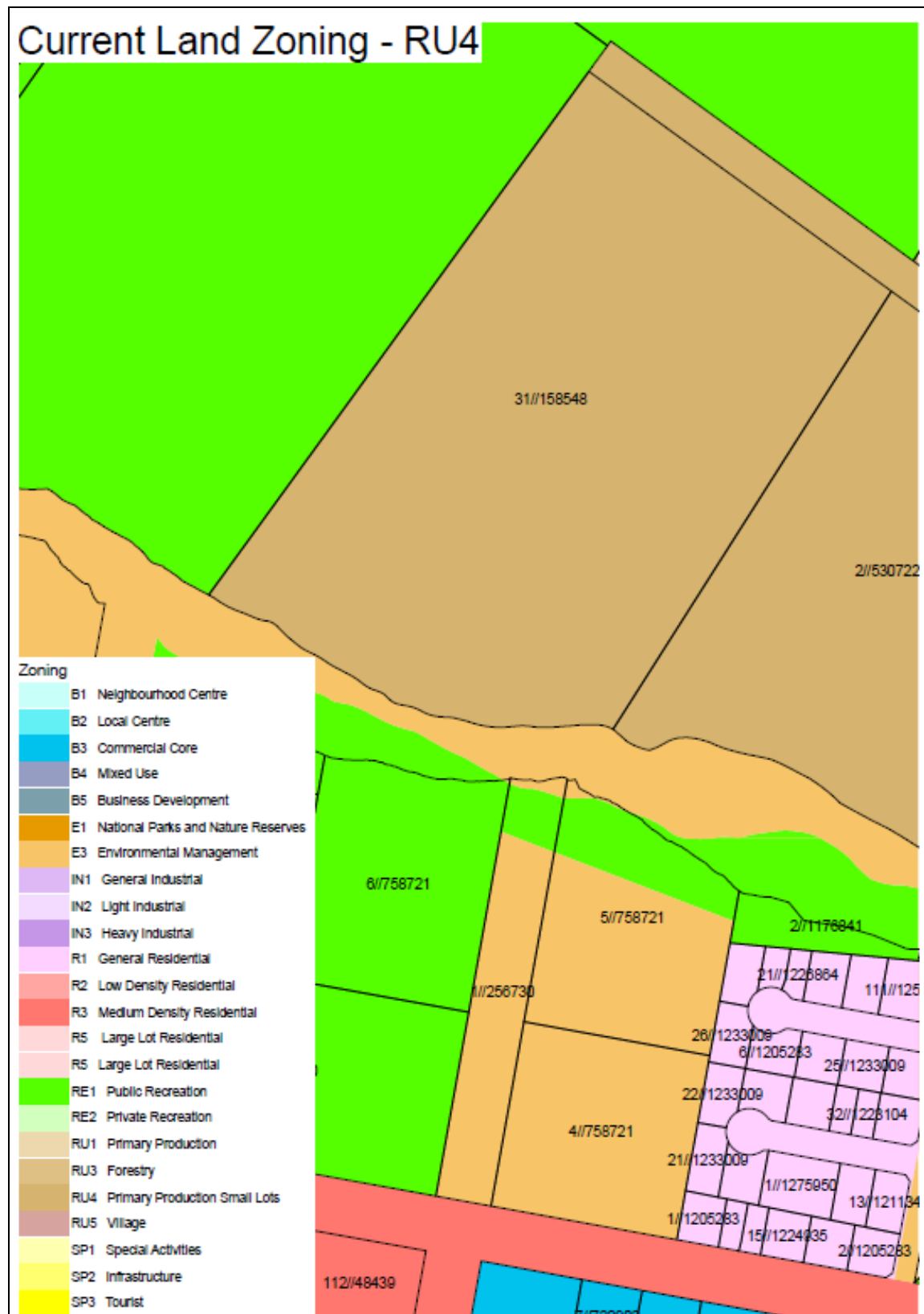
A Review of Environmental Factors was undertaken by Mid-Western Regional Council as part of the approval for the road works under Part 5 of the *Environmental Planning and Assessment Act 1979*. No further traffic assessment is considered warranted for the planning proposal.

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

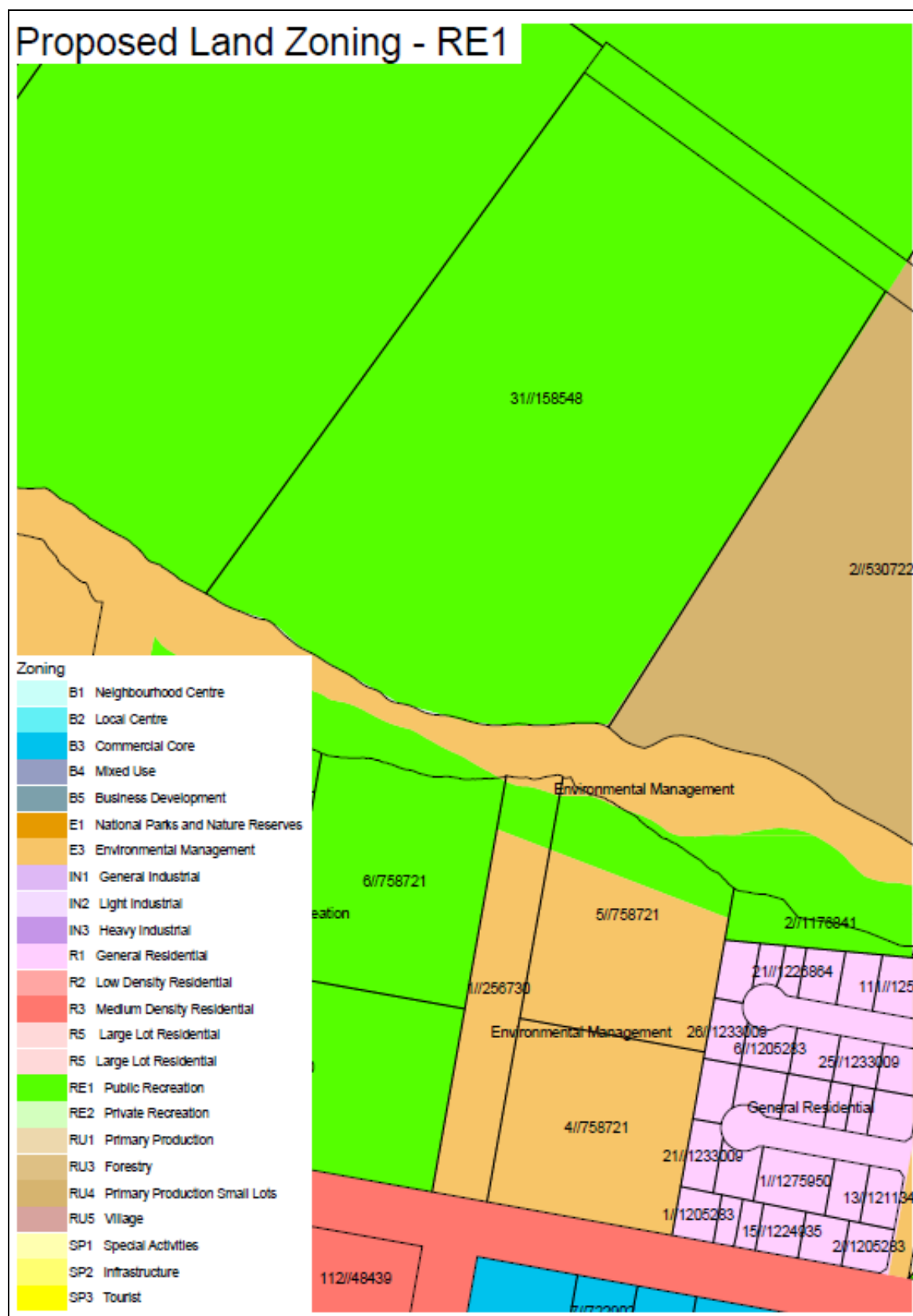
Consultation with State and Commonwealth public authorities has not yet been undertaken. In issuing a Gateway Determination, the Department of Planning, Industry and Environment will outline those agencies to be consulted with.

## Part 4 Mapping

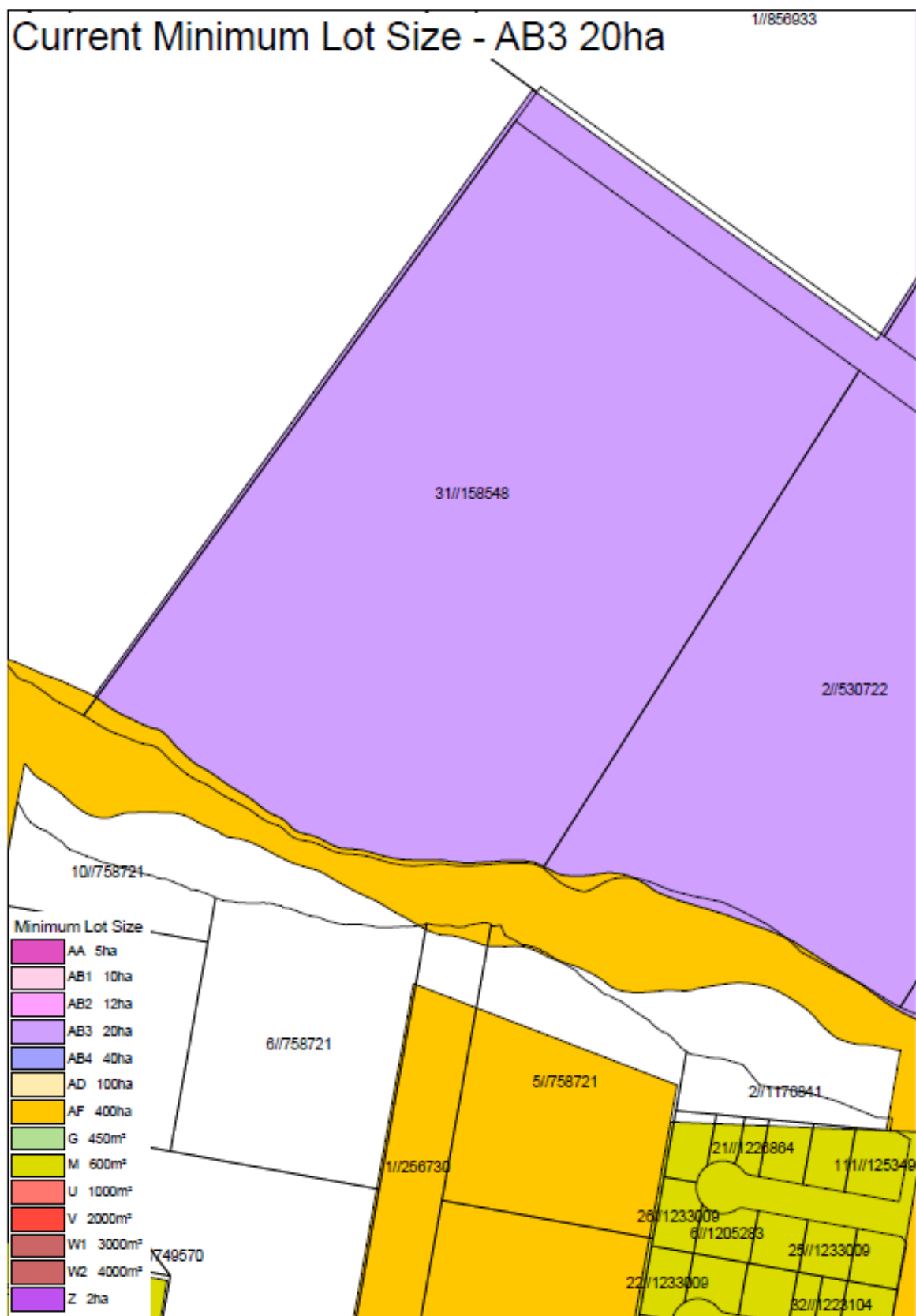
### Existing Zoning



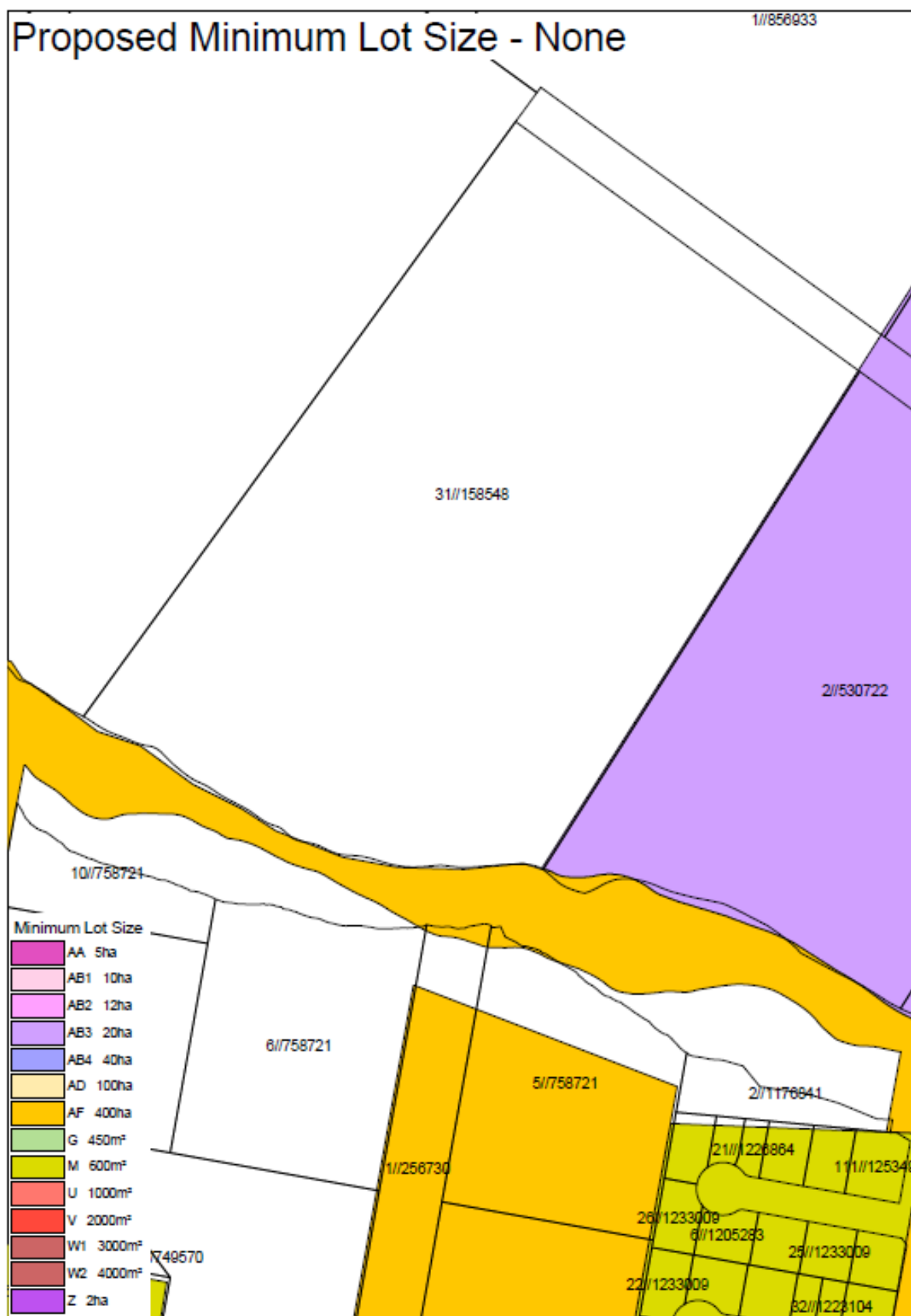
## Proposed Zoning



## Existing Minimum Lot Size



## Proposed Minimum Lot Size



## Part 5 Community consultation

The Department of Planning, Industry and Environment will confirm community consultation requirements through the Gateway Determination process. If this Planning Proposal is supported, it is likely that the Proposal will be exhibited as a low impact proposal for a period of not less than 14 days in accordance with Section 5.5.2 of A Guide to Preparing LEPs. A low impact proposal is defined as ‘a *Planning Proposal that, in the opinion of the person making the Gateway determination is:*

- *consistent with the pattern of surrounding land use zones and/or land uses*
- *consistent with the strategic planning framework*
- *presents no issues with regard to infrastructure servicing*
- *not a principal LEP*
- *does not reclassify public land.”*

Public exhibition of the Planning Proposal will include notification on the Mid-Western Regional Council website and in writing to affected and adjacent landowners.

## 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 September 2022.

Council requests delegation to carry out certain plan-making functions in relation to this proposal.

### Estimated Timeline

Key Stages of Consultation and Approval	Estimated Timeframe
STAGE 1 – Consideration by Council	February 2022
STAGE 2 – Council Decision	March 2022
STAGE 3 –Gateway Determination	April 2022
STAGE 4 – Pre exhibition	May 2022
STAGE 5 – Commencement and completion of public exhibition period	June 2022
STAGE 6 – Consideration of submissions	July 2022
STAGE 7 – Post exhibition review and additional studies	August 2022
STAGE 8 – Submission to the Department for finalisation (where applicable)	August 2022
STAGE 9 – Gazettal of LEP amendment	September 2022