

8.2 Planning Proposal - 53 Pitts Lane, Putta Bucca (Lot 31 DP 158548)

REPORT BY THE MANAGER, STRATEGIC PLANNING
TO 20 APRIL 2022 ORDINARY MEETING
GOV400087, LAN900141, GOV400098

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Strategic Planning on the Planning Proposal - 53 Pitts Lane, Putta Bucca (Lot 31 DP 158548) to rezone from RU4 Primary Production Small Lots to RE1 Public Recreation with no minimum lot size;**
2. **provide initial support for a Planning Proposal to amend the *Mid-Western Regional Local Environmental Plan 2012* to the NSW Department of Planning and Environment seeking a Gateway Determination, in accordance with Section 3.34 of the *Environmental Planning and Assessment Act 1979*; and**
3. **undertake community consultation as outlined within any approved Gateway Determination.**

Executive summary

Council has received a Planning Proposal seeking an amendment to the *Mid-Western Regional Local Environmental Plan 2012* (Mid-Western LEP) to rezone Lot 31 DP 158548 from RU4 Primary Production Small Lots to RE1 Public Recreation with no minimum lot size. The subject site adjoins the established Glen Willow Regional Sports Complex.

The proposed rezoning is to facilitate the development of various recreational facilities within the established Glen Willow Regional Sports Complex precinct.

The subject site measures approximately 6.75 hectares, has frontage to Pitts Lane and adjoins the Cudgegong River to the south.

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

The staff recommendation is to provide initial support for the Planning Proposal and to send to DPE for a Gateway Determination. If the staff recommendation is supported, the Planning Proposal along with the Council resolution will be forwarded to DPE for Gateway Determination.

Disclosure of Interest

Nil

Detailed report

Planning Proposals

Planning Proposal is a term used to describe the process of rezoning or making an amendment to a Local Environmental Plan (LEP). A Planning Proposal application is a document that explains the intended effect of the LEP amendment and provides a strategic justification for doing so. DPE has issued the Local Environmental Plan Making Guideline 2021, to provide guidance and information on the process for preparing planning proposals and making the amendment to the LEP.

The Gateway Process

DPE is responsible for assessing Planning Proposals through the Gateway Process. Details of the Gateway Process are outlined in the Local Environmental Plan Making Guideline 2021.

Gateway Timeline

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

Stage	Completed	Comment
Preparation of a Planning Proposal		
Planning Proposal lodged with Council	✓	January 2022
Staff Undertake Initial Assessment	✓	January – April 2022
Council Decision to Support Proposal	✓	20 April 2022
Issue of Gateway Determination		
Council Requests Gateway Determination		
DP&E Issues Gateway Determination		
Gateway Conditions Satisfied		
Consultation		
Consultation with Relevant Agencies		
Public Exhibition		
Post-Exhibition Report to Council		
Finalisation of the Planning Proposal		
Council Exercises Delegation to Prepare LEP		
Draft LEP by Parliamentary Council		
Opinion Issued and LEP Made		

PROPOSED

The rezoning of the subject site from RU4 Primary Production Small Lots to RE1 Public Recreation is proposed to facilitate the future development of recreational facilities on the subject lot. The Planning Proposal states the site is intended to be used for a mix of recreational uses. The inclusion of the subject site is detailed in the adopted Glen Willow Masterplan. An extract of the Masterplan is included in the Planning Proposal and details the following recreational facilities; BMX pump track, bootcamp fitness zone, fitness equipment, playground and ancillary uses. An extract of the Glen Willow Masterplan is provided below.

It should be noted that concept plans and in this case, an extract from the Masterplan are provided with a Planning Proposal to assist with the consideration of the rezoning of the site. Council will consider the specific plans and details of any proposed land uses through the lodgement of a development application as required.

A change from the 20 hectare minimum lot size to no minimum lot size is proposed. This approach is consistent with the approach on the adjoining established Glen Willow Sports Complex currently zoned RE1 Public Recreation with no minimum lot size. The Planning Proposal states, it is proposed to consolidate the subject lot with the lots that comprise the Glen Willow Regional Sports Complex site.



Source: Extract from the Glen Willow Masterplan

INTENDED OUTCOMES

The subject site is zoned RU4 Primary Production Small Lots and is mapped with a minimum lot size of 20 hectares. It should be noted, a strip of land along the southern boundary adjoining the Cudgegong River is mapped AF within a minimum lots size of 400 hectares, due to a discrepancy alignment between the cadastral boundary and minimum lot size mapping.

It is proposed the land be rezoned to RE1 Public Recreation with no minimum lot size to facilitate the future development of recreational facilities on the subject in conjunction with the established Glen Willow Regional Sports Complex.

EXPLANATION OF PROVISIONS

The intended outcomes outlined above will be achieved by updating the zoning of Lot 31 DP 158548 from RU4 Primary Production Small Lots to RE1 Public Recreation on Land Zoning Map – sheet LZN_006G and updating the minimum lot size from 20 hectares to no minimum lot size on Lot Size Map – sheet LSZ_006G.

JUSTIFICATION

The DPE Local Environmental Plan Making Guideline 2021 outlines questions to consider when demonstrating the justification for the planning proposal. A staff comment is provided in response to those questions below.

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

The proposed zoning of the subject site was not identified in the Council adopted Comprehensive Land Use Strategy Parts A, B and C in 2010. However, justification for this rezoning is outlined below.

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

The rezoning of the subject site is considered the best means of achieving the objectives and intended outcomes. The proposed zoning is a logical step to ensure all land subject to the Glen Willow Masterplan has consistent land use permissibility.

Will the planning proposal give effect to the objectives and actions of the Central West and Orana Regional Plan?

The proponent has outlined how the Planning Proposal is consistent with the Central West and Orana Regional Plan 2036 (the Plan). Two of the Plans Directions are of particular relevance, with Direction 1 and 4 discussed below.

Direction 1 Protect the region's diverse and productive agricultural land is relevant in the consideration of this Planning Proposal. The site is currently zoned RU4 Primary Production Small Lots and identified as biophysical agricultural land. Within the Region, RU4 Primary Production Small lots generally have a minimum lot size of 20 hectares or greater. It is acknowledged there are smaller lots (similar to the size of the subject site) also within the Region, these lots are generally held with adjoining lots to increase the holding size and support an agricultural operation. In the context of the site, there is limited opportunity to increase an agricultural operation. Further, the site is currently constrained by the established and proposed uses of the Glen Willow Masterplan. For these reasons, the loss of the agricultural land can be justified.

Direction 4 Promote and diversify regional tourism markets is relevant in the consideration of this Planning Proposal. The development of the site with additional recreational opportunities will increase recreational offerings within the Region in accordance with this Direction.

Is the planning proposal consistent with the Mid-Western Local Strategic Planning Statement, or another endorsed local strategy or strategic plan?

Mid-Western Local Strategic Planning Statement, Our Place 2040

Council's Local Strategic Planning Statement, Our Place 2040 (LSPS) details 12 Planning Priorities. The provision of initial support to amend the LEP to facilitate the development of additional recreational opportunities is consistent with Planning Priority 7 *Support the attraction and retention of a diverse range of businesses and industries*.

Mid-Western Regional Comprehensive Land Use Strategy 2010

Council adopted the Comprehensive Land Use Strategy (CLUS) Parts A, B and C in 2010. Within Part C of the Strategy, Section 3.2.6 Open space and recreation facility recognises the development of the existing Glen Willow Regional Sports Complex. Further, the complex is identified in the Mudgee town structure plan. Therefore, the rezoning of land contiguous to the existing facility is consistent with the direction of the CLUS.

Glen Willow Masterplan

The Planning Proposal is consistent with the Glen Willow Masterplan. The additional recreational land uses are detailed on the Glen Willow Masterplan, provided on page 10 of the Planning Proposal. The proponent has also highlighted the proposal is consistent with a key goal of the masterplan.

Recreation Strategy 2013

The proponent has stated the Planning Proposal supports the following recommendations of the Recreation Strategy 2013:

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.

Other matters

The Planning Proposal adequately addresses its relationship with applicable State Environmental Planning Policies and Ministerial Directions.

The Planning Proposal includes a Project timeline. Council will request the update of this timeline prior to any future public exhibition.

In addition, the Local Environmental Plan Making Guideline 2021 requires a Planning Proposal to address the environmental, social and economic impacts of the proposed. The Planning Proposal addresses these matters.

NEXT STEP

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

Community Plan implications

Theme	Looking After Our Community
Goal	A safe and healthy community
Strategy	Support networks, program and facilities which promote health and wellbeing and encourage healthy lifestyles

Strategic implications

Council Strategies

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

Council Policies

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

Legislation

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

Financial implications

Nil

Associated Risks

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

SARAH ARMSTRONG
MANAGER, STRATEGIC PLANNING

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

4 April 2022

Attachments: 1. Planning Proposal. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER