



IRF22/1902

Gateway determination report – PP-2022-157

Amendment to Mid-Western Regional LEP 2012-
rezone to RE1 Public Recreation and change
minimum lot size to zero at 53 Pitts Lane, Putta Bucca,
Mudgee

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

Contents

1	Planning proposal.....	1
1.1	Overview.....	1
1.2	Objectives of planning proposal	1
1.3	Explanation of provisions	1
1.4	Site description and surrounding area.....	2
1.5	Mapping.....	4
1.6	Background	6
2	Need for the planning proposal	6
3	Strategic assessment	6
3.1	Regional Plan	6
3.2	Local.....	10
3.3	Section 9.1 Ministerial Directions	12
3.4	State environmental planning policies (SEPPs)	14
4	Site-specific assessment	15
4.1	Environmental.....	15
4.2	Social and economic.....	16
4.3	Infrastructure	17
5	Consultation.....	18
5.1	Community	18
5.2	Agencies.....	18
6	Timeframe	18
7	Local plan-making authority	18
8	Assessment summary	18
9	Recommendation.....	18

Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Planning Proposal PP-2022-157 – 17 January 2022
Report Council Meeting – 20 April 2022
Minutes Council Meeting – 20 April 2022
Glen Willow Current Plan – 3 December 2021

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Mid-Western Council
PPA	Mid-Western Regional Council
NAME	Planning proposal to further develop the Glen Willow Regional Sports Complex at 53 Pitts Lane, Putta Bucca, Mudgee
NUMBER	PP-2022-157
LEP TO BE AMENDED	Mid-Western Regional Local Environmental Plan 2012
ADDRESS	53 Pitts Lane, Putta Bucca, Mudgee
DESCRIPTION	Lot 31 DP 158548
RECEIVED	7/04/2022
FILE NO.	IRF22/1902
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal
DWELLINGS/JOBS	0/0

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- 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, Mudgee in association with the adjoining Glen Willow Regional Sports Complex.
- To facilitate the development of recreational facilities in association with the Glen Willow Regional Sports Complex.
- To contribute to the growth of sports and recreation in the Mid-Western Region.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Mid-Western LEP 2012 per the changes below:

Table 3 Current and proposed controls

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

It is noted that the current 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. Council should address this in the planning proposal should it be an error.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved. The current and proposed LEP mapping is provided in Figure 3 to Figure 6 below.

1.4 Site description and surrounding area

The site is 53 Pitts Lane, Putta Bucca, Mudgee. It is formally known as Lot 31 DP 158548 and is located north of the Cudgegong River from the Mudgee Town Centre. The site is regular in shape and contains a dwelling house.

The site has frontage to Pitts Lane at its northern boundary and adjoins the Cudgegong River at its southern boundary. It contains fragments of vegetation and is relatively flat in topography.

Adjoining the site to the east is the Mudgee Nursery and to the west is a car park. Directly opposite across Pitts Lane is the Glen Willow Sports Ground. An aerial image of the site and a locality plan is provided in Figure 1 and Figure 2 respectively.



Figure 1: Aerial Image (NSW eplanning Portal, 17 June 2022)

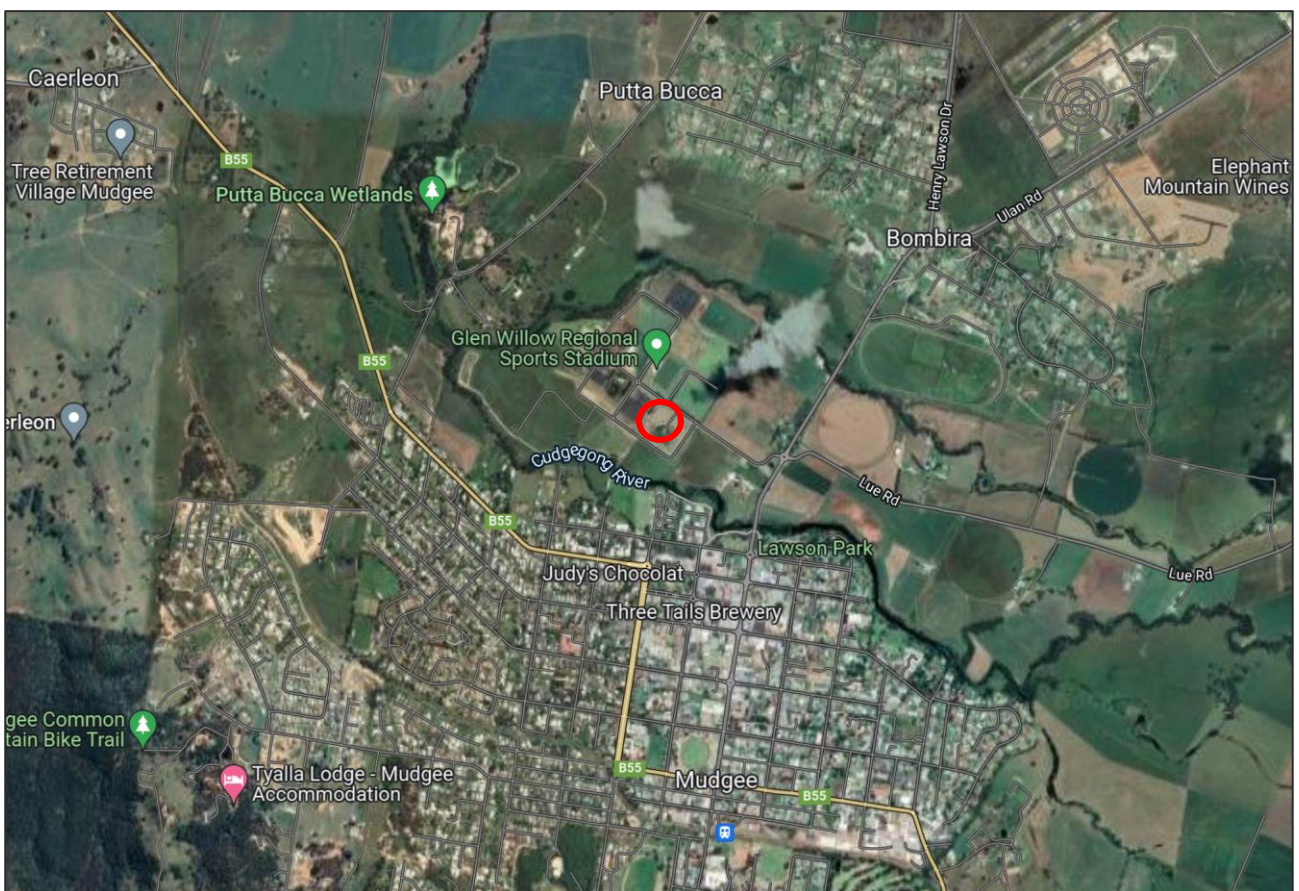


Figure 2: Site Context (source: Google Maps, 17 June 2022)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Land Zoning (LZN_006G) and Lot Size (LSZ_006G) maps, which are suitable for community consultation.

1.6 Background

Mid-Western Council is progressively expanding the Glen Willow Regional Sports Complex through the acquisition and development of land parcels at Pitts Lane, Putta Bucca, and across the Cudgegong River.

The complex hosts a wide variety of local and regional sporting events. The proposal seeks to further the strategic growth of this existing complex, by allowing a mix of additional recreational uses, including:

- A BMX Pump Track
- A Bootcamp Fitness Zone
- Fitness equipment, and
- Playground.

The existing dwelling located on the site is proposed to be retained and repurposed as a storage and maintenance depot for the entire Glen Willow Regional Sports Complex.

2 Need for the planning proposal

The proposal is not specifically identified within any strategy, study, or plan. However, the objectives and outcomes are supported within 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.

These strategies are discussed further in Section 3 below.

Council has considered that the rezoning of the land to RE1 is the most suitable option of achieving the intended outcome.

The planning proposal seeks to ensure the Glen Willow precinct maintains a consistent zoning to facilitate a range of public recreation uses.

The planning proposal seeks to facilitate a consistent approach to the Glen Willow precinct by applying a consistent zoning to the land and removing the minimum lot size. The rezoning will facilitate the formalisation of the precinct.

It is considered that the proposed approach is the best means of achieving the objectives and intended outcomes of the subject proposal.

This will be a map only amendment.

3 Strategic assessment

3.1 Regional Plan

The following tables provides an assessment of the planning proposal against relevant aspects of the Central West and Orana Regional Plan 2036 and the Draft Central West and Orana Regional Plan 2041.

Table 4 Regional Plan assessment - Central West and Orana Regional Plan 2036

Regional Plan Objectives	Justification
<p>Direction 1: Protect the region's diverse and productive agricultural land</p> <p>Direction 2: Grow the agribusiness sector and supply chains</p> <p>Direction 12: Plan for greater land use compatibility</p>	<p>The objectives of the three directions are to protect agricultural land and reduce fragmentation and land use conflict. The site is mapped within the draft State Significant Agricultural Land map currently on exhibition.</p> <p>Council considers that the land is not important agricultural land give its small size, public ownership and the recent construction of a road through it. This justification is considered reasonable.</p> <p>It is considered that the proposal is not inconsistent with these directions as the land is not productive agricultural land for the reasons identified by Council.</p>
<p>Direction 13: Protect and manage environmental assets</p>	<p>The subject site does not contain any mapped high value vegetation but adjoins high value vegetation along the Cudgong River.</p> <p>The planning proposal identifies that the re-zoning of the land from RU4 to RE1 will facilitate the protection of the high value assets due to the zone objectives, specifically:</p> <ul style="list-style-type: none"> <i>To protect and enhance the natural environment for recreational purposes.</i> <p>Future development for recreational purposes will be subject to the objectives of the zone to ensure protection and enhancement of the natural environment.</p> <p>The creation and implementation of future management plans can identify means to manage impact on the high value vegetation along Cudgong River. As such, the proposal is considered to be consistent with Direction 13.</p>
<p>Direction 14: Manage and conserve water resources for the environment</p>	<p>The objective of this Direction is to ensure new development minimises impact on water catchments. This Direction applies to the subject site as it has frontage to the Cudgong River which is identified Key Fish Habitat. Furthermore, the subject site is mapped as groundwater vulnerable on the LEP map sheet GRV_006.</p> <p>Council advised that the development of the recreational facilities onsite will occur in a manner that ensures no detrimental impact is caused to the adjoining watercourses or groundwater. Specific impacts of the planned works will be determined during future planning approval processes.</p> <p>The creation and implementation of future management plans can identify means to ensure proper water management techniques protect the vulnerable groundwater and adjoining watercourses. As such, the proposal is consistent with Direction 14.</p>
<p>Direction 15: Increase resilience to natural hazards and climate change</p>	<p>Direction 15 seeks to ensure new development is located away from known high biodiversity values, areas with risk of bushfire or flooding, contaminated land, and designated waterways.</p> <p>The subject site is mapped as flood prone land within the 1% AEP. However, the type of development proposed is compatible with flood prone land.</p> <p>The proposal is therefore considered consistent with Direction 15.</p>

Regional Plan Objectives	Justification
Direction 16: Respect and protect Aboriginal Heritage	<p>This Direction seeks to protect, manage and respect Aboriginal objects and places in accordance with the relevant legislative requirements.</p> <p>Council's assessment indicates that an Aboriginal Cultural Heritage Assessment was undertaken for Glen Willow in 2009, in which no items were found during the assessment process. Council's assessment identified that the subject site was not included within the study area.</p> <p>This assessment is not suitable to determine potential impact of the proposed development at this time. An Aboriginal Cultural Heritage Assessment of the subject site may be required and consultation with Heritage NSW is to be undertaken prior to finalisation of the planning proposal.</p>
Local Government Narrative	<p>Within the Regional Plan the Mid-Western Region's Local Government Narrative includes the following priority –</p> <ul style="list-style-type: none"> • <i>Support the provision and continued development of major regional sports, recreation and cultural facilities.</i> <p>The proposal facilitates the growth of the existing Glen Willow Regional Sports Complex. As such, the proposal is directly consistent with the priority of the Mid-Western Region's Local Government Narrative within the Regional Plan.</p>

Table 5 Regional Plan assessment - Draft Central West and Orana Regional Plan 2041

Regional Plan Objectives	Justification
Objective 1: Identify, protect and connect important environmental assets	<p>The subject site does not contain any mapped high value vegetation but adjoins high value vegetation along the Cudgegong River.</p> <p>The planning proposal identifies that the re-zoning of the land from RU4 to RE1 will facilitate the protection of the high value assets through the application of the zone objectives, specifically including:</p> <ul style="list-style-type: none"> • <i>To protect and enhance the natural environment for recreational purposes.</i> <p>Future development for recreational purposes will be subject to the objectives of the zone to ensure protection and enhancement of the natural environment.</p> <p>The creation and implementation of future management plans can identify means to manage impact on the high value vegetation along Cudgegong River. As such, the proposal is consistent with Objective 1.</p>
Objective 2: Support connected and healthy communities	<p>The planning proposal seeks to facilitate the development of recreation facilities on the subject site which will directly promote participation in sport and healthy lifestyles.</p> <p>Further to the above, the proposal seeks to extend existing walking and cycling tracks along the Cudgegong River, further facilitating the aims of the Draft Plan to activate river fronts.</p> <p>The planning proposal is consistent with Objective 2.</p>

Regional Plan Objectives	Justification
Objective 3: Plan for resilient places and communities	<p>Objective 3 seeks to ensure new development is located away from known high biodiversity values, areas with risk of bushfire or flooding, contaminated land, and designated waterways.</p> <p>The subject site is mapped as flood prone land within the 1% AEP. However, the type of development proposed is considered to be compatible with flood prone land.</p> <p>The planning proposal is therefore consistent with Objective 3.</p>
Objective 4: Secure and resilient regional water resources	<p>The subject land is located along the banks of the Cudgeong River and is on groundwater vulnerable land. The proposed development will be for passive and active recreation use that will be located, designed and constructed to minimise impacts on adjacent watercourses and vulnerable land.</p>
Objective 5: Ensure site selection and design embraces and respects the region's landscapes, character and cultural heritage	<p>This Objective seeks to protect, management and respect Aboriginal objects and places in accordance with the relevant legislative requirements.</p> <p>Council's assessment indicates that an Aboriginal Cultural Heritage Assessment was undertaken for Glen Willow in 2009, in which no items were found during the assessment process. Council's assessment identified that the subject site was not included within the study area.</p> <p>This assessment is not considered to be suitable to determine potential impact of the proposed development at this time. An Aboriginal Cultural Heritage Assessment of the subject site may be required and consultation with Heritage NSW is to be undertaken prior to finalisation and the outcomes considered in future planning of the complex.</p> <p>The subject site is adjacent to an item of non-Aboriginal heritage, being the Putta Bucca House. Council's assessment has ensured that the proposed development will not impact this heritage item. It is agreed that the proposed rezoning will not negatively impact the heritage significance of the local heritage item.</p> <p>Accordingly, the planning proposal is considered to be consistent with Objective 5.</p>
Objective 13: protect agricultural production values and promote agricultural innovation, sustainability and value-add opportunities	<p>Objective 13 refers to the existing Biophysical Strategic Agricultural Land map and the development of Important Agricultural Land mapping.</p> <p>The subject site, as well as the whole of the Glen Willow Regional Sports Complex is identified on the Biophysical Strategic Agricultural Land map which is contained within the <i>State Environmental Planning Policy (Resources and Energy) 2021</i>.</p> <p>The planning proposal considers that the land is not important agricultural land give its small size, public ownership, and recent construction of a road through it. This justification is considered reasonable.</p> <p>As such, the planning proposal is consistent with this Objective.</p>

Regional Plan Objectives	Justification
Objectives 14: Protect and leverage the existing and future rail and air transport networks and infrastructure	<p>This Objective seeks to prepare a strategy to limit the encroachment of incompatible development to airports and aerodromes.</p> <p>The subject site is within the vicinity of the Mudgee Airport, with a portion of the site mapped as being within the landing and take-off surface limitation areas and obstacle surface limitation height between 500 and 510m AHD.</p> <p>The planning proposal identified that future development will be low in height and will not exceed the obstacle surface limit.</p> <p>Accordingly, the planning proposal is consistent with Objective 14.</p> <p>Council is the Airport operator and will need to have regard to the development on the land so as not to impact on the Airport.</p>
Objective 22: Protects Australia's first Dark Sky Park	<p>The Environmental <i>Planning and Assessment Regulation 2021</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.</p> <p>The subject site is within 150km of the Siding Springs Observatory but is not of a class or description to which the Dark Sky Planning Guidelines apply.</p> <p>Council's assessment has identified that the proposal can be designed in compliance with the guidelines to minimise lighting spill.</p> <p>It is considered that the planning proposal is consistent with this Objective.</p>
Local Government Priorities	<p>Mid-Western Council's priorities include major recreation, cultural and regional sports facilities, including the Glen Willow Regional Sports Complex.</p> <p>Council's assessment identifies that the planning proposal will facilitate growth of the Glen Willow Regional Sports Complex, which is consistent with the Local Government Priorities.</p>

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies:

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

It is also consistent with the strategic direction and objectives of these plans and strategies, as stated in the table below:

Table 6 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement	<p>The Mid-Western Regional Local Strategic Planning Statement (LSPS) includes a planning priority relevant to the proposal, specifically Planning Priority 4 which seeks to <i>'provide infrastructure and services to cater for the current and future needs of our community'</i>.</p> <p>The LSPS also includes the rationale for this planning priority which identifies Council's direction to facilitate opportunities and facilities to provide additional open space and recreational areas.</p> <p>The planning proposal is consistent with the LSPS.</p>
Mid-Western Regional Comprehensive Land Use Strategy (LUS) – endorsed by the Department on 1 August 2011	<p>The Mudgee Town Centre Structure Plan map identifies the Glen Willow Regional Sporting Complex, but does not include the subject site as it was not envisioned to be incorporated at the time of writing the LUS.</p> <p>This minor deviation does not preclude any other developments or strategic direction of the Mudgee township. The proposal facilitates the expansion of the existing facility to further facilitate the objectives of sports and recreation growth. Therefore, the planning proposal is considered consistent with the LUS.</p>
Glen Willow Master Plan	<p>The Glen Willow Master Plan was adopted by Council in 2016. The goal of the Master Plan is to <i>'... encourage more participation in sport and establish a significant green space that is located conveniently close to the majority of residents in the region'</i>.</p> <p>The planning proposal will facilitate the development of recreation facilities on the subject site and will further the facilitation of encouraging participation in sport and healthy lifestyles.</p> <p>Accordingly, the planning proposal is consistent with the goals of the Glen Willow Master Plan.</p>
Recreation Strategy 2013	<p>The Recreation Strategy 2013 contains a number of recommendations that support the key principals of the proposal. Specifically, the following is noted –</p> <ul style="list-style-type: none"> <i>'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'</i>. <i>'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'</i>. <p>The planning proposal seeks to facilitate new opportunities for sporting facilities while also extending key existing infrastructure.</p> <p>The planning proposal is consistent with the recommendations of the Recreation Strategy 2013.</p>

Local Strategies	Justification
Community Strategic plan	<p>Strategy 1.3 of the Community Strategic Plan is to ‘<i>support networks, programs and facilities which promote health, and wellbeing and encourage healthy lifestyles</i>’.</p> <p>The planning proposal will facilitate the development of recreation facilities on the subject site and will further the facilitation of encouraging participation in sport and healthy lifestyles.</p> <p>It is considered that the planning proposal is consistent with the Community Strategic Plan.</p>

3.3 Section 9.1 Ministerial Directions

The planning proposal’s consistency with relevant section 9.1 Directions is discussed in Table 7 below. **Note:** The planning proposal refers to the previous Directions and adequately addresses the relevant policy position of the Ministerial Directions.

Table 7 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans (previous Direction 5.10)	Yes	Consistency with the Central West Orana Regional Plan 2036 and draft Central West Orana Regional Plan 2041 has been demonstrated through discussions in Tables 4 and 5.
1.3 Approval of Referral Requirements (previous Direction 6.1)	Yes	The planning proposal does not impose any additional approval or referral requirements, nor identify development as designated development.
1.4 Site Specific Provisions (previous Direction 6.3)	Yes	The planning proposal does not require any site-specific clauses, nor contain drawings which detail the proposed development.
3.1 Conservation Zones (previous Direction 2.1)	Yes	Rezoning of the subject site from RU4 to RE1 will reduce the development potential of the site and remove livestock grazing opportunities which may be detrimental to sensitive environments. Accordingly, it is considered that parts of the lot which are mapped as high biodiversity value will benefit from the land zoning change.

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
3.2 Heritage Conservation (previous Direction 2.3)	No – Inconsistent	<p>The planning proposal states there will be no impact upon the adjacent local heritage item 'Putta Bucca House' or any known Aboriginal cultural heritage items.</p> <p>No Aboriginal cultural heritage assessment has been undertaken for the subject site.</p> <p>River fronts are common locations for Aboriginal relics. It is recommended that an Aboriginal cultural heritage assessment may be required in consultation with Heritage NSW, and the planning proposal is updated to reflect its findings. This has been included as a condition of the Gateway determination.</p>
4.1 Flooding (previous Direction 4.3)	Yes	<p>The proposed land use is compatible with flood prone land. Future development will not be for a habitable purpose.</p>
4.4 Remediation of Contaminated Land (previous Direction 2.6)	No – Inconsistent	<p>The site has historically been used for agricultural/horticultural activities, which is a purpose referred to in Table 1 of the Contaminated Land Planning Guidelines.</p> <p>The planning proposal considered that these uses are not likely to have caused contamination of the land. However, it notes that contamination may have been caused from potential asbestos fragments from historic demolition of any sheds that may have been on the land.</p> <p>Council's assessment has not undertaken a preliminary investigation report to determine the condition of the land. It is recommended that a preliminary investigation report is prepared and the planning proposal is updated to reflect its findings. This has been included as a condition of the Gateway determination.</p>
5.3 Development Near Regulated Airports and Defence Airfields (previous Direction 3.5)	Yes	<p>The proposal relates to land within 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.</p> <p>Council is the Airport operator and will need to consider the future development of the land in regard to the Airport operation.</p>
8.1 Mining, Petroleum Production and Extractive Industries (previous Direction 1.3)	Yes	<p>This Direction applies as the proposal will rezone the subject site from RU4 to RE1. Aquaculture is a form of agriculture, and where agriculture is permitted so is mining, petroleum and extractive industries under SEPP (Resources and Energy) 2021. Therefore such uses remain permissible.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
9.1 Rural Zones (previous Direction 1.2)	Yes	<p>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.</p> <p>The planning proposal seeks to rezone land from a rural zone to a recreation zone.</p>
9.2 Rural Lands (previous Direction 1.5)	Yes but justified	<p>The Direction applies as the proposal will alter the zoning and MLS of a rural zone. Despite the site being mapped within the draft State Significant Agricultural Land map currently on exhibition. In terms of the Direction the Planning Secretary's delegate can be satisfied that the inconsistency is of minor significance because it is consistent with the regional plan, has strategic merit, will not negatively affect existing identified environmental values along the Cudgegong River, it will not cause land use conflicts, and the planning proposal will facilitate the expansion of the existing Glen Willow Regional Sports Complex.</p>

3.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table 8 below.

Note: The planning proposal refers to the previous SEPP's and adequately addresses the relevant matters transferred the current SEPP's.

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
State Environmental Planning Policy (Transport and Infrastructure) 2021	Yes	<p>Rezoning the land to RE1 Public Recreation will allow for certain works and infrastructure to be undertaken in accordance with the SEPP requirements.</p> <p>Given the site is operational land, access to these provisions would be beneficial to facilitate future development.</p>
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Yes	<p>The provisions of the SEPP apply as the subject site has a site area greater than 1ha and no approved koala management plan applies to the land.</p> <p>However, the planning proposal does not seek to remove any native vegetation. As such, no impact is anticipated to potential koala habitat and the planning proposal is consistent with the provisions of the SEPP.</p>

SEPPs	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
State Environmental Planning Policy (Resources and Energy) 2021	Yes	<p>The provisions of the SEPP will apply to future development on the subject site.</p> <p>Aquaculture is a form of agriculture, and where agriculture is permitted so is mining, petroleum and extractive industries under section 2.9 of the SEPP. The proposal is consistent with the SEPP.</p>
State Environmental Planning Policy (Resilience and Hazard) 2021	Yes	<p>Council's assessment states that the potential for site contamination is low given the historic uses undertaken on the site were unlikely to have resulted in land contamination. Council has not undertaken a preliminary assessment at this stage.</p> <p>Due to the known history of the site, including sheep grazing, it is recommended that a preliminary investigation report is prepared and the planning proposal is updated to reflect its findings.</p> <p>The site is mapped to contain flood prone land. The proposed land uses are compatible with potential flooding as no habitable development is proposed.</p> <p>It is expected that future development applications will undertake a thorough assessment of potential hazards to ensure risk is minimised.</p>
State Environmental Planning Policy (Primary Production) 2021	Yes	<p>Due to the nature, size, public ownership, and public road built through the site, the subject site is not considered to be important agricultural land.</p> <p>Accordingly, the planning proposal is considered to be consistent with the provisions of the SEPP as the proposal will not result in a major loss of State significant agricultural land or cause any potential land use conflicts with important agricultural land.</p>

4 Site-specific assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 9 Environmental impact assessment

Environmental Impact	Assessment
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<p>Environmental Heritage and Aboriginal Cultural Heritage</p>	<p>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.</p> <p>The site is within the vicinity of a listed local heritage item, the Putta Bucca House. Council's assessment identifies that it is unlikely any impact will occur as a result of the proposal. The Department is satisfied that the planning proposal will have no detrimental impact on items of environmental heritage</p> <p>Council's Assessment states – <i>“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.”</i></p> <p>This assessment is not considered to be suitable to determine potential impact of the proposed development at this time. An Aboriginal Cultural Heritage Assessment of the subject site may be required and consultation with Heritage NSW is included as a condition of Gateway determination.</p>
<p>Contamination</p>	<p>The subject site has historically been used for residential purposes as well as ancillary sheep grazing and horse keeping. Council's assessment indicates that there is potential for asbestos to be found in the soil from previous demolition of old structures on the site.</p> <p>A preliminary contamination investigation has not been undertaken by Council to determine the potential for contamination. It is recommended that a preliminary investigation report is prepared and the planning proposal is updated to reflect its findings. This is included as a condition of the Gateway determination.</p>
<p>Hazards</p>	<p>The subject site is identified as flood prone land 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>No further assessment is required at this stage.</p>

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 10 Social and economic impact assessment

Social and Economic Impact	Assessment
Acoustic Impact	<p>The subject site is directly adjacent to the existing recreation precinct and is over 160m away from the nearest sensitive receiver, being a caravan park across Cudgegong River. The nearest residential dwelling is approximately 240m away from the proposal.</p> <p>Due to the distance of the planning proposal and future use for active and passive recreation purposes to potential receivers, the strategic location of the site within an existing recreational precinct an acoustic report is not considered necessary at this stage.</p> <p>Further acoustic assessment can be undertaken in accordance with the provisions of relevant legislation during assessment of future development applications.</p>
Social and Economic Impact	<p>The proposed rezoning and facilitation of additional recreation facilities will provide positive social impact by encouraging sport and healthy lifestyles on a local scale, while also achieving the objectives of the region.</p> <p>The planning proposal is considered to provide additional recreational facilities at the Glen Willow Regional Sports Complex to enhance the existing precinct and provide an attractive tourist destination to encourage positive economic growth.</p> <p>The planning proposal is considered to provide positive social and economic impact.</p>

4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

Table 11 Infrastructure assessment

Infrastructure	Assessment
Sewer Services	Council's assessment identified that the subject land is capable of being connected to Council's reticulated sewer system should it be required.
Water Supply	Council's assessment identified that the subject land is capable of being connected to Council's reticulated water supply system should it be required.
Traffic and Transport	<p>Council's assessment identified that the site maintains a primary frontage to Pitts Lane with access to the new internal road which was constructed through the site.</p> <p>Ample parking is available within the broader Glen Willow precinct which will service the proposed development. If required, additional car parking can be incorporated into a future development application should it be required.</p>

5 Consultation

5.1 Community

Council proposes a community consultation period of 14 days, in line with a low impact proposal.

The exhibition period proposed is considered not appropriate, as the proposed exhibition period is based on the superseded LEP Making Guidelines. The current LEP Making Guidelines would categorise this proposal as a standard planning proposal which has a minimum 20 working days consultation requirement.

To avoid inconsistencies with Council's Community Participation Plan and statutory requirements a 28-day consultation is recommended and forms the conditions of the Gateway determination.

5.2 Agencies

Council has indicated that consultation with the Department of Regional NSW – Mining, Exploration and Geosciences will be required however this is not the case in terms of the Ministerial Direction 8.1 or SEPP (Resources and Energy) 2021. Council's assessment also identified consultation with the operator of the Mudgee Airport, for which it is the operator, and this can be undertaken through the development application process.

It is recommended the following agency be consulted on the planning proposal:

- Heritage NSW

6 Timeframe

Council proposes a six month time frame to complete the LEP.

The Department recommends a time frame of nine (9) months to ensure it is completed in line with its commitment to reduce processing times. It is recommended that if the gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

7 Local plan-making authority

Council does not request delegation to be the Local Plan-Making authority. As the site is owned and will be developed by Council, the Department recommends that Council not be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The proposal is broadly consistent with all local, regional and State legislation and policies.
- Is not expected to cause a negative impact on the environment and will have a positive impact on the local community and economy.
- The proposed amendments would ensure the entire Glen Willow precinct has one consistent zoning and minimum lot size, while facilitating a range of public recreation uses on the subject site.

9 Recommendation

It is recommended the delegate of the Secretary:

- Note that any inconsistency with section 9.1 Direction, 3.2 Heritage Conservation and 4.4 Remediation of Contaminated Land remains unresolved until consultation with Heritage NSW and the findings incorporated and addressed prior to finalisation.
- Note that any inconsistency with section 9.1 Direction, 4.4 Remediation of Contaminated Land remains unresolved until a Preliminary Site Investigation has been prepared and considered by Council prior to finalisation.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal is to be updated to:
 - Prepare an Aboriginal Cultural Heritage Assessment in consultation with Heritage NSW that is relevant to the subject site and incorporate the findings of the assessment into the proposal.
 - Prepare a Preliminary Site Investigation report to determine the risk of potential contamination and address and incorporate the findings of the assessment into the proposal.
 - Address the current 400ha minimum lot size that is shown as a small strip along the southern boundary of the site.
2. Consultation is required with the following public authority:
 - Heritage NSW
3. The planning proposal should be made available for community consultation for a minimum of 28 days.
4. The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.
5. Given the nature of the proposal, Council should not be authorised to be the local plan-making authority.
6. It is noted that the current 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.
- 7.



(Signature)

8 July 2022 (Date)

Wayne Garnsey

Manager, Western Region

Noted:



(Signature)

8 July 2022 (Date)

Garry Hopkins
Director, Western Region

Assessment officer

Jenna McNabb
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