

8.2 Planning Proposal Putta Bucca Road, Lot 2 DP 1252505

REPORT BY THE MANAGER, STRATEGIC PLANNING

TO 16 MARCH 2022 ORDINARY MEETING

GOV400087, LAN900139, GOV400098

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Strategic Planning on the Planning Proposal Pitta Buccal Road, Lot 2 DP 1252505 to rezone from RU4 Primary Production Small Lots to RE1 Public Recreation with no minimum lot size and include a buffer and corresponding clause or similar to restrict and ensure future land uses consider odour;**
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 2 DP 1252505 from RU4 Primary Production Small Lots to RE1 Public Recreation with no minimum lot size. The subject site adjoins the Mudgee sewer pumping station and is impacted by odour. Accordingly, the recommendation is to include a Mid-Western LEP buffer and corresponding clause or similar to restrict and ensure future land uses consider the odour generated by the facility.

The proposed rezoning is to facilitate the development of a sports training and accommodation facility ancillary to the established Glen Willow Regional sporting complex.

The subject site measures approximately 7.15 hectares, has frontage to Pitta Buccal Road and adjoins Council's Mudgee sewer pumping station.

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 | ✓ | 10 January 2022 |
| Staff Undertake Initial Assessment | ✓ | January – March 2022 |
| Council Decision to Support Proposal | ✓ | 16 March 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 a sports training and accommodation facility. The sports training and accommodation facility will comprise three buildings, as detailed below. Buildings A and B will accommodate 28 self-contained units and building C will accommodate the common areas. A covered BBQ area, fire area and three recovery baths are proposed between buildings B and C.

It should be noted concept plans 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 this proposal through the lodgement of a development application in the future.

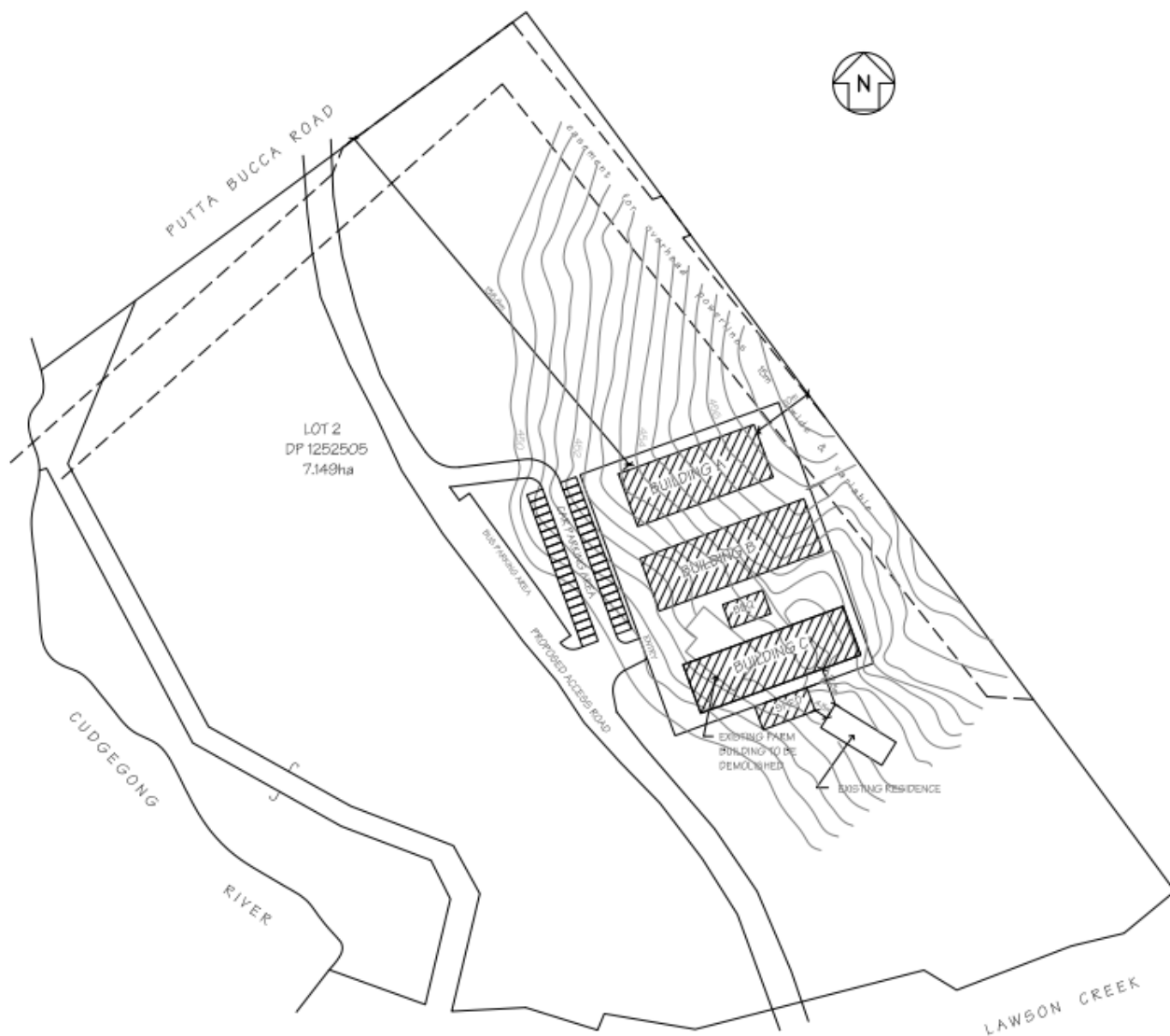


Image: Concept Plan

The change from the 20 hectare minimum lot to no minimum lot size is proposed. This approach is consistent with the approach on the adjoining the established Glen Willow sporting complex currently zoned RE1 Public Recreation with no minimum lot size.

The existing dwelling is proposed to be retained and utilised in association with the sports training and accommodation facility.

Due to the sites location adjoining the Mudgee sewer pump station, an odour impact assessment was requested and provided. The assessment identifies the site is impacted by odour. Accordingly, the staff recommendation is to include a Mid-Western LEP buffer and corresponding clause or similar to restrict and ensure future land uses consider the odour generated by the facility on the land impacted by odour.

INTENDED OUTCOMES

The subject site is zoned RU4 Primary Production Small Lots and mapped with a minimum lot size of 20 hectares. It is proposed the land be rezoned to RE1 Public Recreation with no minimum lot size to facilitate the development of a sports training and accommodation facility ancillary to the established Glen Willow sporting complex.

A mapped buffer and corresponding local provision clause or similar will ensure suitable land uses will be considered on the land impacted by odour.

EXPLANATION OF PROVISIONS

The intended outcomes outlined above will be achieved by updating the zoning of Lot 2 DP 1252505 from RU4 Primary Production Small Lots to RE1 Public Recreation on Land Zoning Map – sheet LZN_006C and updating the minimum lot size from 20 hectares to no minimum lot size on Lot Size Map – sheet LSZ_006C.

In addition, the intended outcome will be achieved by the inclusion of a mapped buffer and corresponding clause or similar.

JUSTIFICATION

The DPE Local Environmental Plan Making Guideline 2021 outlines questions to consider when demonstrating the justification. 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 sports training and accommodation facility 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 various options to achieving the outcome were discussed at pre-lodgement state. In addition, DPE advice was sought and provided. The Planning Proposal was then lodged consistent with discussions and advice.

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, Direction 1 and 4 and have been 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, the whole of the Glen Willow sporting complex is also identified. 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 a holding size a 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 pedestrian and vehicular movements, both current and proposed in the Glen Willow Masterplan. For these reasons the loss of 6.65 hectares of agricultural land is justifiable.

Direction 4 Promote and diversify regional tourism markets is relevant in the consideration of this Planning Proposal. The development of the site with the sports training and accommodation facility will result in visitors to the Region, specifically promoting this Direction. Further, this facility is providing an offering, not currently provided in the Region.

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 a sports training and accommodation facility 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. Part C is the Strategy, Section 3.2.6 Open space and recreation facility, recognises the development of the existing Glen Willow sporting complex. Further, the sporting complex is identified on 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 sports training and accommodation facility is detailed on the Glen Willow Masterplan, Stage 3 Plan, provided on page 14 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.

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

Mid-Western Regional Council - Regional Economic Development Strategy 2018-2022

One of the elements of this Strategy is to develop a mature and diversified tourism sector, recognising the region's strong and mature winery reputation and building a diverse offering, including sports and heritage tourism. The proposed supports the above strategy by improving facilities at the Glen Willow Regional Sports Complex to attract sporting events and grow sports tourism.

Destination Country & Outback Destination Management Plan

The support of sports tourism through attracting and hosting regional, State or national sporting events is a key action. The proposed supports the action by improving facilities at the Glen Willow regional sporting complex to attract sporting events and grow sports tourism.

Other matters

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

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, in addition has submitted technical acoustic and odour assessments. These assessments are provided as Attachment 2 and 3a.

STAFF COMMENT

Development Engineering

The Planning Proposal was referred to Council's Development Engineering team, who provided the following comment. Which will assist in the preparation of any future development application.

The introduction of through traffic past the proposed sports training and accommodation facility may require implementation of a management plan. Problems could include noise late in the evenings from hoon behaviour. A traffic management plan post the development could include lockable barriers if the need warranted.

The proposed road is located on a moderately graded cross fall which will result in cut and fill operations. Its location may need to be adjusted slightly near the car park to provide for suitable grades in and out of the carpark.

Standard environmental (soil and sedimentation measures) need to be implemented during the construction.

Gross pollutant traps will be required on culverts established under the road. There will be table drains established on the high side of the new road. The specification for the sealed pavement width is 9m.

Water and Sewer

The Planning Proposal was referred to Council's Water and Sewer team, who provided the following comment.

The subject site adjoins the Putta Pucca sewer pump station, a key piece of infrastructure for the Mudgee community. The sewer pump station was designed and developed in the current rural context and omits odour accordingly. An odour assessment was requested and provided. The assessment identifies area of the site impacted by odour. The building envelope is suitably located outside of the 2 odour unit and above affected area. The odour assessment outlines the suitability of the location of the facility on the subject site. The rezoning and development of the site will result in the potential for future uses within the odour impacted area. Accordingly, a buffer and corresponding clause or similar to restrict and ensure future land uses consider the odour generated by the facility is recommended.

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 | Building a Strong Local Economy |
| Goal | A prosperous and diversified economy |
| Strategy | Support the attraction and retention of a diverse range of businesses and industries |

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

7 December 2021

- Attachments:*
1. Planning Proposal. (separately attached)
 2. Acoustic Assessment. (separately attached)
 3. Odour Assessment. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER