



IRF22/1064

Gateway determination report – PP-2022-59

Amendment to Mid-Western Regional Local Environmental Plan 2012 to facilitate further development of Glen Willow Regional Sports Complex at 58 Pitts Lane, Putta Bucca

May 22



Published by NSW Department of Planning and Environment

dpie.nsw.gov.au

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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.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Planning Proposal PP-2022-59 provided by Mid-Western Regional Council
Mid-Western Regional Council - Ordinary Meeting - 16 March 2022
Council Meeting Extract - Council Meeting: 16 March 2022

Noise Impact Assessment

Putta Bucca Rd Pump Station Odour Assessment (Council report attachment)

Site Plans - PP-2022-59

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Mid-Western
PPA	Mid-Western Regional Council
NAME	Amendment to Mid-Western Regional Local Environmental Plan 2012 to rezone land from RU4 Primary Production Small Lots to RE1 Public Recreation and to remove the minimum lot size of 20ha Part Lot 1 and Lot 2 DP 1252505 at 58 Pitts Lane, Putta Bucca,
NUMBER	PP-2022-59
LEP TO BE AMENDED	Mid-Western Regional Local Environmental Plan 2012 (LEP)
ADDRESS	58 Pitts Lane, Putta Bucca
DESCRIPTION	Part Lot 1 and Lot 2 DP 1252505
RECEIVED	4/04/2022
FILE NO.	IRF22/1064
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

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes on page 5 of the planning proposal provided by Mid-Western Regional Council that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- Allow for the development of a sports training and accommodation facility as ancillary development to the adjoining Glen Willow Regional Sports Complex.
- Amend the planning controls of Part Lot 1** and Lot 2 DP 1252505, 58 Pitts Lane, Putta Bucca (the subject site) to be consistent with the adjoining land where the Glen Willow Regional Sports Complex is located.

**Part Lot 1 DP 1252505 is not part of the planning proposal however it is the access handle that provides access from the Glen Willow Regional Sports Complex to Putta Bucca Road. Council agreed to include this land in this proposal so that the zoning and mls is consistent.

1.3 Explanation of provisions

The planning proposal seeks to amend the Mid-Western Regional Local Environmental Plan (LEP) 2012 per the changes listed in Table 3.

Table 3 Current and proposed controls

Control	Current	Proposed
Zone	RU4 Primary Production Small Lots	RE1 Public Recreation
Minimum lot size	20ha	No Minimum Lot Size

The above changes will result in subsequent changes to the LEP Lot Size map (LSZ-006C) and Land Zoning map (LZN-006C). Maps of the proposed amendments can be seen in section 1.5 of this report.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved on page 5.

1.4 Site description and surrounding area

The subject site is currently zoned RU4 Primary Production Small Lots and is bounded by the Cudgegong River and Lawsons Creek, north west of Mudgee town centre. The subject site measures approximately 7.15ha, has frontage to Putta Bucca Road and adjoins Council's sewer pumping station (Figure 1).

The subject site currently has an existing dwelling which is proposed to be retained and re-used in association with the proposed sports training and accommodation facility. The subject site also adjoins Glen Willow Sports Complex, with a physical connection underway through an extension of Pitts Lane across Lawson Creek to connect to Putta Bucca Road. The sports complex hosts a wide variety of local and regional sporting events and provides facilities for several different sports.

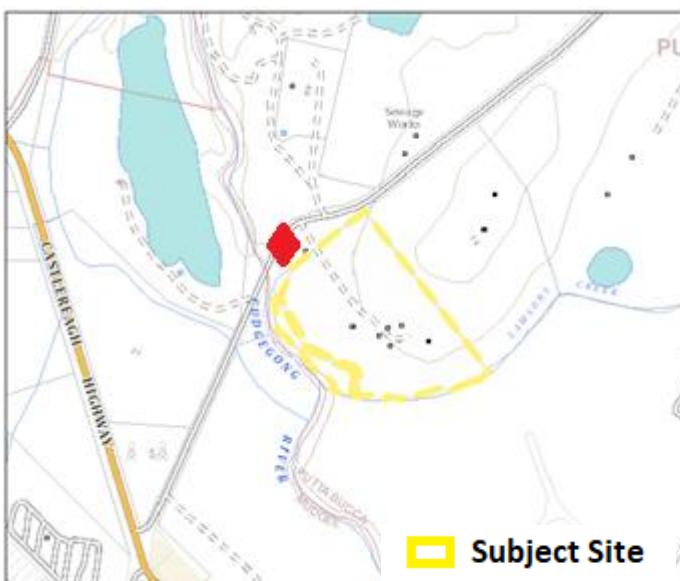
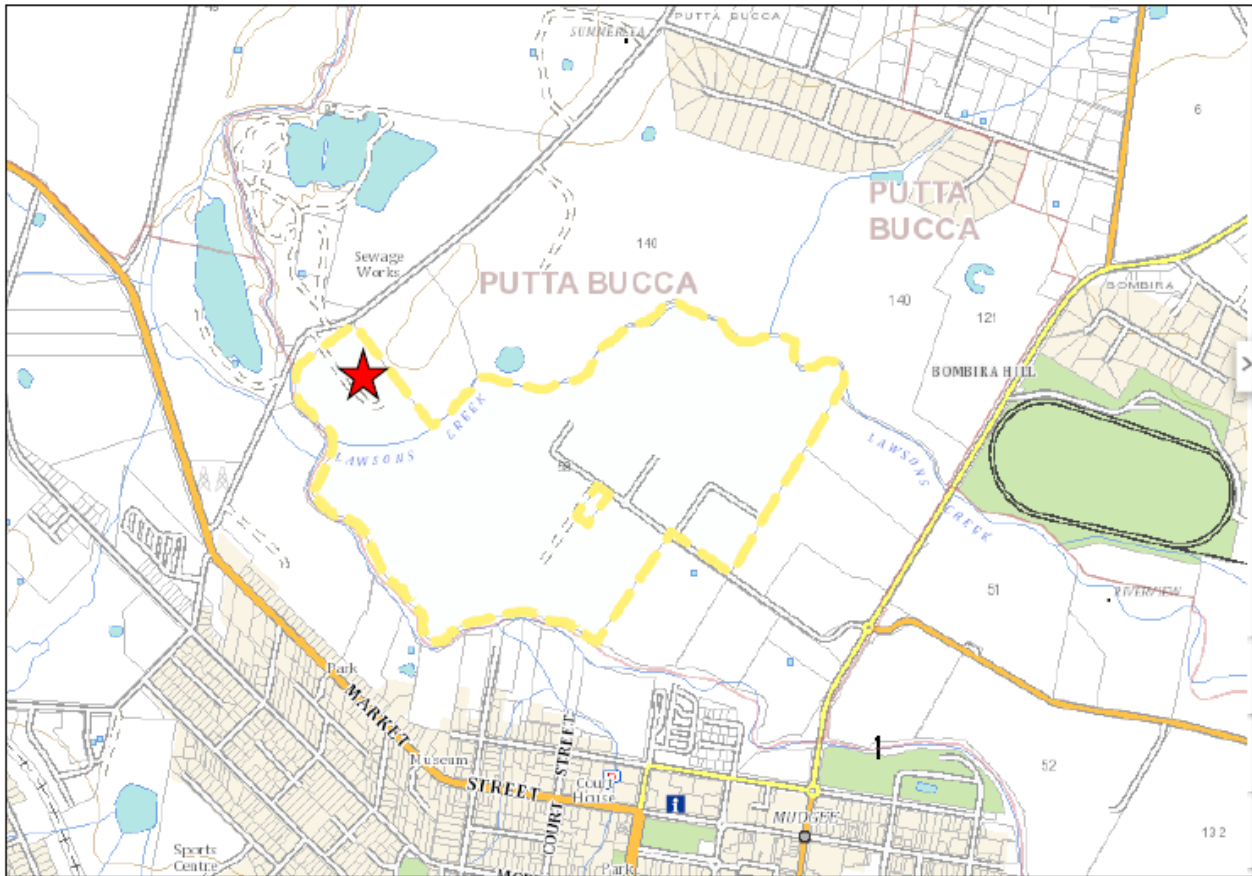


Figure 1 Subject site (yellow polygon) and the adjacent sewer pumping station (red diamond) (source: Planning Proposal provided by Mid-Western Regional Council)




 Site of proposed Sports Training and Accommodation Facility

Figure 2 Subject site context and relationship with the greater Glen Willow Sports Complex area (source: Planning Proposal provided by Mid-Western Regional Council)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Land Zoning map (LZN-006C) and Lot Size map (LSZ-006C), which are suitable for community consultation.

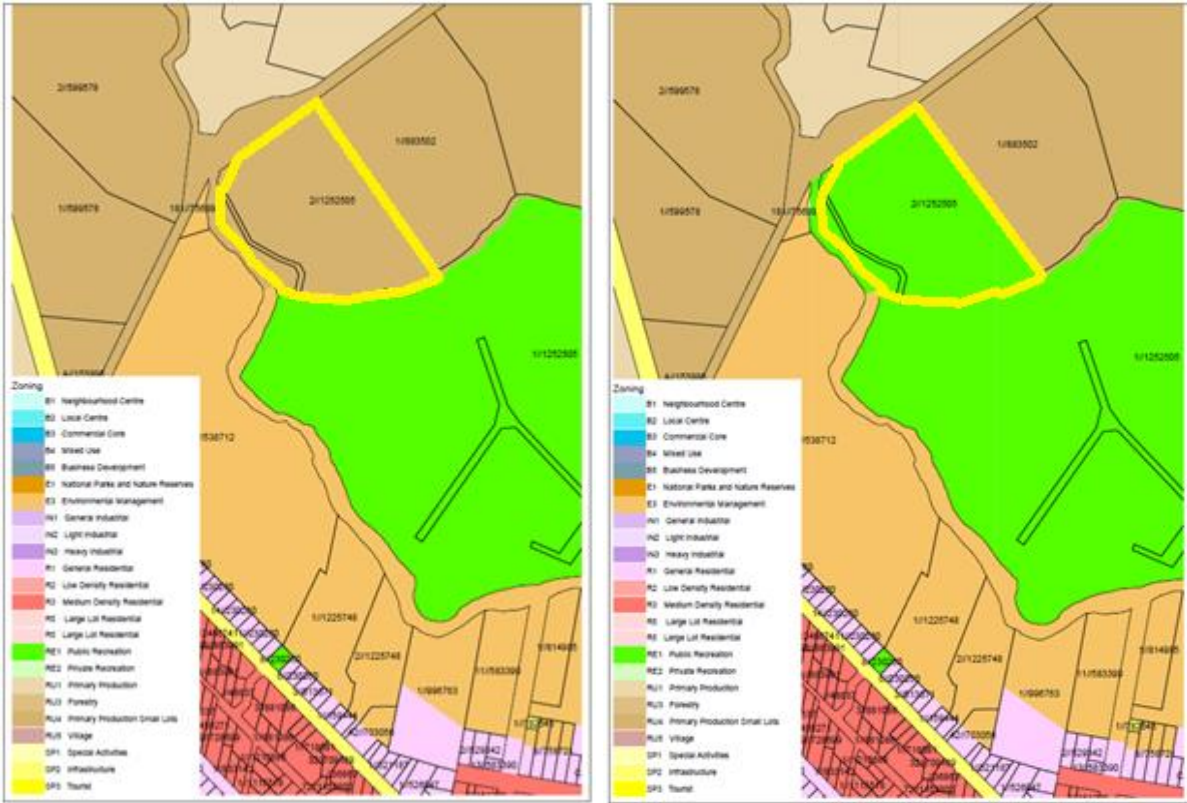


Figure 3 Current (left) and proposed (right) zoning maps (source: Planning Proposal provided by Mid-Western Regional Council)

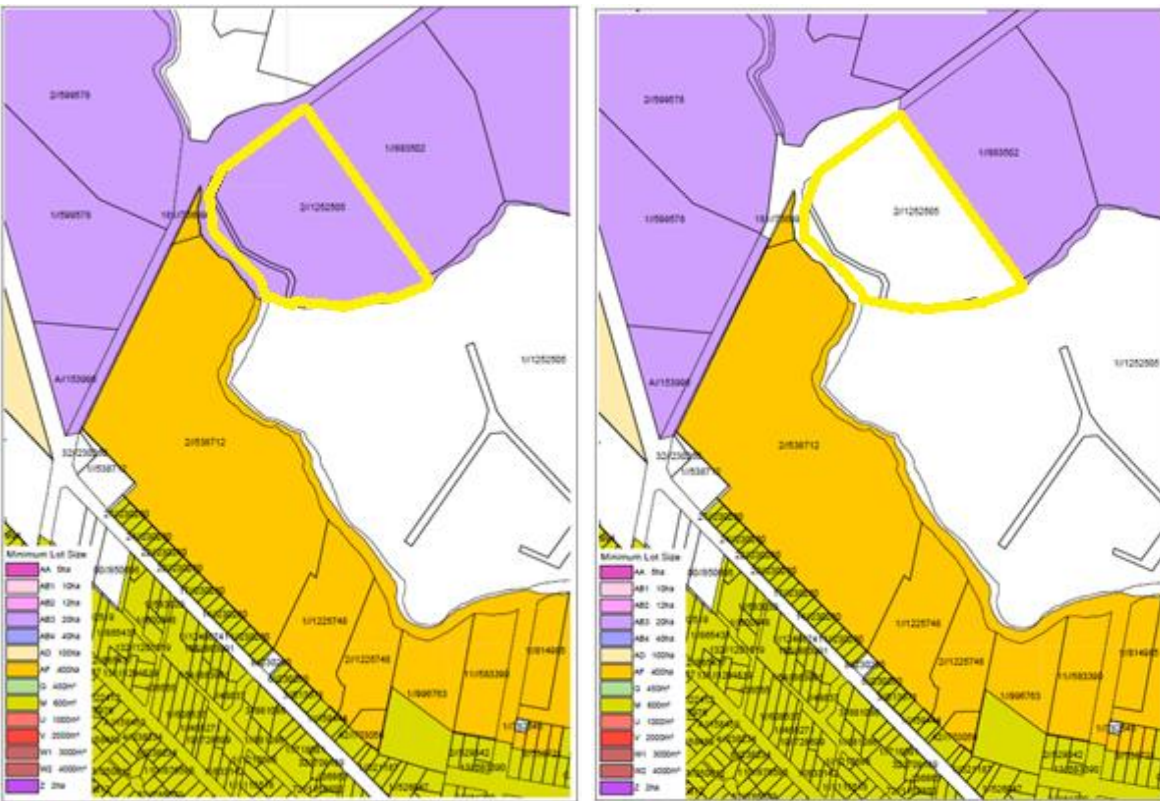


Figure 4 Current (left) and proposed (right) minimum lot size maps (source: Planning Proposal provided by Mid-Western Regional Council)

1.6 Background

Council and the Department's Western Region team have consulted and worked closely regarding this planning proposal in late 2021 and early 2022 to resolve concerns before formal lodgement of the planning proposal. Some issues discussed and resolved included:

- Odour concerns from the adjacent sewer pumping station. Results from the Odour Assessment indicate the site location of the proposal is suitable without the need for further LEP amendments such as inclusion of an odour buffer to limit development.
- Approval pathway options for the proposal, depending on different types of LEP amendments such as additional permitted use clause or alternate zones.
- Suitability of Council nominating as the plan making authority given their interests in the land as land holder and developer.

2 Need for the planning proposal

The proposal is not a direct result of any strategy or report. However, is supported by various plans and strategies, such as the Glen Willow Master Plan 2021 and the Mid-Western Regional Local Strategic Planning Statement 2020 as detailed in section 3.2 of this report.

Council considered various options to achieve the required outcome and the proposed rezoning and minimum lot size amendment of the subject site is considered the best means of achieving the proposed outcome. 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. The proposed sports training and accommodation facility would be permitted as an ancillary component of the Glen Willow Regional Sports Complex, with the flexibility of permitting more recreation uses on the subject site in the future.

Mid-Western Regional Council could also rezone the subject site to SP3 Tourist as tourist and visitor accommodation is permitted with consent under this land use zone. However, this is not considered to be the best means of achieving the intended outcome as the proposed sports training and accommodation facility will only be used for individuals and teams training and staying at Glen Willow Regional Sports Complex. Due to this the development can be considered ancillary as the component serves the dominant purpose of the sporting complex which is recreation facilities (major) and recreation areas.


Rezoning the subject site to RE1 with an additional permitted use is also not considered to be the best means of achieving the intended outcome as if the proposed development is ancillary to the Glen Willow Regional Sports Complex, an additional permitted use is not necessary.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Central West Orana Regional Plan 2036.

Table 4 Central West Orana Regional Plan 2036 assessment

Regional Plan Objectives	Justification
<p>Direction 1: Protect the region’s diverse and productive agricultural land</p>	<p>The objectives of this Direction are to protect agricultural land by aligning with various State strategies and avoiding land use conflict and fragmentation. The subject site is zoned RU4 Primary Production Small Lot and is mapped as important agricultural land on the draft State Significant Agricultural Land map (Figure 5). Council’s assessment disputes the mapping and does not consider the subject site to be important agricultural land given its relatively small size, public ownership and the current construction of a road through the centre of the site. This is considered reasonable given the accuracy of the map at this finer scale also includes the adjoining agricultural zoned land to the north and east as important agricultural land where the historic Putta Bucca House, which contains a dwelling and function centre, Mudgee Wastewater Treatment Plant and a concrete batching plant are. Considering the existing uses of the subject site and surrounding land, the proposal is not inconsistent with this Direction as the area is not considered productive agricultural land due to land use changes over time and the proposed future use.</p>  <p>Figure 5 Important agricultural land layer (blue) and the subject site (red star) (source: Planning Proposal provided by Mid-Western Regional Council)</p>
<p>Direction 4: Promote and diversify regional tourism markets</p>	<p>Action 4.4 is to: <i>Enable opportunities appropriate for tourism development and associated land uses in local environmental plans.</i> The proposed development of a sports training and accommodation facility will enable growth of sports tourism in the Mid-Western region and diversify the tourism market. The proposal is consistent with Action 4.4.</p>

Direction 8:
Sustainably
manage mineral
resources

This Direction applies as the proposal will rezone the subject site from RU4 to RE1 which will not prohibit mining, petroleum production and extractive industries as aquaculture (a form of agriculture) is permitted with consent. Under SEPP (Resources and Energy) 2021 where agriculture is permitted so is mining, petroleum production and extractive industries. Review of the MinView mapping shows there are no exploration or mining titles on the land, however, the Lawsons Paddock Prospect, which is a gold fossicking site is located on the subject site (Figure 6).



Figure 6 Lawsons Paddock Prospect on the subject site (source: MinView)

Direction 12:
Plan for greater
land use
compatibility

Action 12.4 is to amend planning controls to deliver greater certainty of land use and is relevant to the proposal. The proposal is consistent with Action 12.4 as the LEP will be amended to reflect the new intended land use of the subject site, as a sports training and accommodation facility.

Direction 13:
Protect and
manage
environmental
assets

Direction 13 applies as the riparian corridor of the subject site is mapped on the Biodiversity Values Map and the LEP map sheet BIO_006 as having high biodiversity sensitivity (Figure 7). The objectives of this Direction are to identify and protect biodiversity values of the region through implementation of Strategies and reducing development impacts. The proposed rezoning will reduce the development potential of the site and the location of the sports training and accommodation facility will avoid the riparian corridor. Some impact may occur from construction of ancillary infrastructure such as the road and walking paths, which will be assessed at the development application stage. The proposal is considered consistent with this Direction as existing protections provided for in the LEP will not be affected and the resulting development will largely avoid the riparian corridor habitat. Further protection will be provided as Council is the landowner.



Figure 7 Biodiversity Values (purple) and High Biodiversity Sensitivity (green) mapping of the subject site (source: ePlanning Spatial Viewer)

Direction 14:
Manage and conserve water resources for the environment

Direction 14 applies as the subject site is located along the banks of the Cudgegong River and Lawsons Creek, which is known Key Fish Habitat. Additionally, the whole site is mapped as groundwater vulnerable on LEP map sheet GRV_006. Council have indicated the location and design of the proposed development will ensure no detrimental impact from stormwater will occur to the watercourses or groundwater catchment. Therefore, the proposal is consistent with Direction 14.

Direction 15:
Increase resilience to natural hazards and climate change

Action 15.1 requires developments to be located away from high biodiversity value, bushfire, flooding, contaminated land, and designated waterways. The subject site is partially mapped as being within the flood planning area on the LEP map sheet CL1_006C. Figure 8, shows the subject site is partially mapped as being inundated to a maximum predicted level of 0.01m in a 1% AEP flood event with evacuation access on flood free portions of the lot. As previously discussed, the proposed development is located away from biodiversity values and watercourses and is not mapped as bush fire prone. Overall, the proposed rezoning is consistent with Direction 15.



Figure 8 Flood mapping of the subject site (source: Mudgee Flood Study 2021)

Direction 16: Respect and protect Aboriginal heritage assets	An Aboriginal Due Diligence Assessment has been completed for part of the subject site in May 2021 and found no evidence of Aboriginal cultural heritage items. The planning proposal states the subject site does not contain a heritage item, is not in a heritage conservation area and is unlikely to contain any significant archaeological deposits, due to land use disturbances. Therefore, the proposal is consistent with Direction 16.
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Table 5 Draft Central West Orana Regional Plan 2041 assessment

Regional Plan Objectives	Justification
Objective 1: Identify, protect and connect important environmental assets	As previously shown in Figure 7, the subject site contains mapped biodiversity values at the local and state level. The proposed rezoning will not change the protection levels of these mapped values and the proposed development is located to avoid impact these values. Therefore, the proposal is consistent with Objective 1.
Objective 2: Support connected and healthy communities	Objective 2 relates to improving access to quality open spaces and activation of riverfronts. The proposal is consistent to this Objective as it will rezone riverfront land to RE1 Public Recreation. The rezoning will facilitate future public works such as sporting fields, pathways and additional facilities associated with the Glen Willow Regional Sports Complex. Therefore, the proposal is consistent with Objective 2.
Objective 3: Plan for resilient places and communities	As previously discussed, the proposed development is located away from biodiversity values and watercourses and is not mapped as bush fire prone. Part of the subject site is subject to minor flooding of a maximum of 0.01m in a 1% AEP flood event with evacuation access on flood free portions of the lot. This avoidance development approach is consistent with Strategy 3.1 and 3.2 of Objective 3.
Objective 4: Secure and resilient regional water resources	As previously discussed, the subject site is located along the banks of the Cudgegong River and Lawsons Creek and is on groundwater vulnerable land. The proposal is consistent with Strategy 4.1 as the proposed development will be located, designed, constructed to minimise impacts on the adjacent watercourses and groundwater vulnerable land.
Objective 5: Ensure site selection and design embraces and respects the region's landscapes, character and cultural heritage	Council has considered potential impacts to cultural heritage by completing an Aboriginal Due Diligence Assessment which found no evidence of Aboriginal cultural heritage items. The local heritage significance listed Putta Bucca House is on the adjacent property to the subject site. Council has indicated the location and design of the proposed development will not impact this heritage item. In terms of protection of the region's landscapes, the low elevation of the subject site will not result in the development having a dominant visual impact in the landscape. Therefore, the proposal is consistent with Objective 5.

Objective 13: Protect agricultural production values and promote agriculture innovation, sustainability and value-add opportunities	Despite being located on the draft State Significant Agricultural Land map (Figure 5), the subject site is not considered important agricultural land given the small lot size, fragmentation from other agricultural enterprises and council ownership which has resulted in a road being built across the middle of the lot. Therefore, loss of agricultural zoned land by the proposed rezoning and future use is not considered inconsistent with the aims of this Objective.
Objective 16: Sustainably maximise the productivity of resource lands	The aims of this objective are to protect mineral and energy resources from incompatible development and zoning. There are no exploration or mining titles on the land, however, the Lawsons Paddock Prospect, which is a gold fossicking site is located on the subject site (Figure 6).
Objective 17: Support a diverse visitor economy	One of the aims of Strategy 7.1 is to create or enhance green and open spaces in tourist and recreation facilities. The proposal will enable future sporting fields and a sports training and accommodation facility which is consistent with this Objective.

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 6 Local strategic planning assessment

Local Strategies	Justification
Mid-Western Regional Local Strategic Planning Statement 2020 (LSPS)	The Mid-Western Regional LSPS contains a Mudgee Structure Plan which maps the subject site as agricultural land, not part of the open space and recreation area indicated for the Glen Willow Regional Sports Complex. The LSPS also has a statement regarding increased visitation due to major events with a strategic focus on sports and tourism in the region. The proposed sports training and accommodation facility will enhance the accommodation options for individuals and teams using Glen Willow Regional Sports Complex and is considered a minor deviation from the Mudgee Structure Plan map.
Mid-Western Regional Comprehensive Land Use Strategy 2010 (LUS)	Mudgee Town Centre Structure Plan map identifies the Glen Willow Regional Sporting Complex, without the subject site. At the time of writing the LUS, the subject site was not envisaged as becoming a part of the Complex. This minor LUS deviation does not preclude any other developments or strategic direction of the Mudgee township. Therefore, the proposal is consistent with the LUS.
Glen Willow Master Plan 2021	The Glen Willow Master Plan 2021, which was originally adopted by Council in 2016 shows the proposed sports training and accommodation facility on the subject site. The Master Plan also 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 proposed sports training and accommodation facility will compliment this goal.

3.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 section 9.1 Ministerial Direction assessment

Directions	Consistent	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	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 and Referral Requirements	Yes	The proposal does not impose any additional approval or referral requirements, nor identify development as designated development.
1.4 Site Specific Provisions	Yes	The planning proposal does not require any site-specific clauses, nor contain drawings which detail the proposed development.
3.1 Conservation Zones	Yes	Rezoning of the subject site from RU4 to RE1 will reduce the development potential of the site and impact on parts of the lot which are mapped as high biodiversity value.
3.2 Heritage Conservation	Yes	Council have indicated the proposal will not impact the adjacent LEP listed Putta Bucca House or any known Aboriginal cultural heritage items.
4.1 Flooding	Yes	The proposal takes into consideration most recent flood data from 2021, which is in accordance with the Floodplain Development Manual 2005. The proposed development will be primarily located outside of and above the 100-year ARI flood level which is consistent with this Direction. The proposed development is not for permanent residential habitation.
4.4 Remediation of Contaminated Land	Yes	The subject site has historically been used for dairying, which is a purpose referred to in Table 1 of the Contaminated Land Planning Guidelines. Grazing and milking activities are not in the opinion of Council to have likely caused contamination. In the last 47 years the subject site has been used for residential purposes. Furthermore, Geo-technical investigations of the site have been undertaken, which did not uncover any uncontrolled fill, structural footprints or potential asbestos containing material. No further contamination investigations are recommended by council.
5.1 Integrating Land Use and Transport	Yes	The proposal will enable the approval of a sports training and accommodation facility in association with the Glen Willow Regional Sports Complex. The new road connecting the Complex to Putta Bucca Road will provide an alternative access to Glen Willow and a through road link to Mudgee Town Centre. Associated with the road construction is an extension of a footpath/cycleway from Glen Willow to Putta Bucca Road, which will facilitate improved pedestrian and cycling access.

Directions	Consistent	Reasons for Consistency or Inconsistency
8.1 Mining, Petroleum Production and Extractive Industries	Yes	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.
9.1 Rural Zones	Yes	The proposal is consistent with the objectives this Direction as it will not rezone land to a residential, business, industrial, village or tourist zone.
9.2 Rural Lands	No but justified	This Direction applies as the proposal will alter the zoning and MLS of a rural zone. Despite being located on the draft State Significant Agricultural Land map (Figure 5), the subject site is not considered important agricultural land given the small lot size (7ha), historical use, fragmentation from other agricultural enterprises and council ownership which has resulted in a road being built across the middle of the lot. Therefore, loss of agricultural zoned land in the broader context of Mid-Western agricultural land supply and the removal of the MLS by the proposal is considered a minor and justified inconsistency.

3.4 State environmental planning policies (SEPPs)

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

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Consistent	Reasons for Consistency or Inconsistency
State Environmental Planning Policy (Transport and Infrastructure) 2021	Yes	Rezoning the land to RE1 Public Recreation will allow for certain works and infrastructure on operational land to be undertaken in accordance with the SEPP requirements. Given the site is public operational land, access to these provisions would be beneficial to the site.
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Yes	The subject land is greater than 1ha and there is no approved koala management plan applying to the land. As the proposed development does not require the removal of any native vegetation, it can be considered consistent with Chapter 2 and 4 of the SEPP which relates to native vegetation and Koala habitat protection.
State Environmental Planning Policy (Resilience and Hazards) 2021	Yes	As per Chapter 4 of this SEPP, the proposal has met the requirements of the section 9.1. Ministerial Direction 4.1 – Flooding and 4.4 Remediation of Contaminated Land.

SEPPs	Consistent	Reasons for Consistency or Inconsistency
State Environmental Planning Policy (Primary Production) 2021	Yes	The subject land is currently zoned RU4 Primary Production Small Lots and is identified on the draft State Significant Agricultural Land map. As previously explained, the subject site is not considered important agricultural land. Therefore, is consistent with this SEPP as the proposal will not result in a major loss of State significant agricultural land or cause any land use conflicts with any important agricultural land around Mudgee.

4 Site-specific assessment

4.1 Environmental

Table 9 provides an assessment of the potential environmental impacts of the proposal.

Table 9 Environmental impact assessment

Environmental Impact	Assessment
Biodiversity	The riparian corridor of the subject site is mapped as high value biodiversity land on local and State mapping (Figure 7). The proposed rezoning will limit development potential of the land which can assist in protecting the riparian vegetation. The associated road and pathway which traverses the riparian land will be subject to a separate assessment through Council's Review of Environmental Factors.
Flooding	Figure 8 shows the subject site is partially mapped as being inundated to a maximum predicted level of 0.01m in a 1% AEP flood event. As previously discussed, the proposed development will be located above the flood level with evacuation access to Putta Bucca Road on flood free portions of the lot.
Contaminated Land	The subject site has been historically used for agriculture to graze and milk cattle, which is a potentially contaminating activity as per the Managing Land Contamination Planning Guidelines. However, for the past 47 years the subject site has been used for residential purposes. Geo-technical investigations of the site did not uncover any uncontrolled fill, structural footprints or potential asbestos containing material. Council have determined no further contaminated land investigations are required as part of the planning proposal.

4.2 Social and economic

Table 10 provides an assessment of the potential social and economic impacts of the proposal.

Table 10 Social and economic impact assessment

Social and Economic Impact	Assessment
Odour	An Odour Assessment of the sewer pumping station found odour from the station would not exceed the relevant impact assessment criteria for operation of the proposed development. This issue will be further considered in detail at the Development Application stage.
Noise	Acoustic impact of the proposed development to and from adjacent users including the concrete batching plant, Glen Willow Regional Sports Complex and events held at the Putta Bucca House was completed. No noise levels were breached for the concrete batching plant or Sports Complex. However, intermittent noise from outdoor events at Putta Bucca House would exceed the trigger levels for day and evening periods by 11dB and 14dB respectively for the proposed accommodation. A 2m high noise barrier between the proposed development and the adjoining property to the north would reduce noise levels from Putta Bucca House events by up to 11dB. Given the options available for reducing noise impacts, Council have determined there are no acoustic impacts that would prevent the rezoning of the land. This issue will be further considered in detail at the Development Application stage.
Social and economic	The proposal would enable sporting teams to visit and stay in Mudgee, which can increase the opportunities for Mudgee to host more sporting events. The potential increased tourism generated by this facility could have local economic benefits. While the accommodation component is in direct competition with existing tourist accommodation, the proposal is considered a benefit to existing tourism accommodation providers as it frees up rooms for more visitors, providing an overall benefit to the whole community.

4.3 Infrastructure

The proposed development will be connected to Council's reticulated water and sewer mains. A new road connection and walking and bicycle path will be built to connect the proposed sports training and accommodation site to the greater Glen Willow Regional Sporting Complex. The proposal itself is not considered to generate significant traffic to impact the surrounding road network and adequate parking can be provided onsite.

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 initial consultation with Department of Regional NSW – Mining, Exploration and Geoscience (MEG) has commenced. Council also expected consultation with the nearby providers of the Mudgee Airport. However, as indicated by Council, the proposal will not affect the landing or take-off surface limitation areas and the proposed development is under the broader obstacle surface limitation height. Therefore, consultation with Mudgee Airport will not form a condition of the Gateway determination but can be optionally undertaken at Council's discretion.

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

- Environment Protection Authority due to odour.
- Biodiversity and Conservation Division due to Biodiversity Values Map.

6 Timeframe

Council proposes a six (6) month time frame to complete the LEP.

The Department recommends an extended time frame of nine (9) months, to ensure adequate time to consult with agencies and is still completed in line with its commitment to reduce processing times. It is recommended that if the gateway is supported and a condition to the above effect is recommended in the Gateway determination.

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. The inclusion of Part Lot 1 DP 1252505 (access handle that traverses this land) will facilitate this.
- Allow for the development of a sports training and accommodation facility which will support future sporting events and grounds at the Glen Willow Regional Sporting Complex.

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistency with section 9.1 Directions 9.2 Rural Lands is of minor significance and justified and no further work required

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

1. Before public and agency exhibition, Council is to update the planning proposal to make clear Part Lot 1 DP 1252505 is included as part of the proposed LEP amendments.
2. Consultation is required with the following public authorities:
 - Environment Protection Authority.
 - Biodiversity and Conservation Division.
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 nine (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 May 2022

Wayne Garnsey
Manager, Western Region



9 May 2022

Noted
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