

## 8.3 Planning Proposal Lot 31 DP 158548, 53 Pitts Lane, Putta Bucca - Post Exhibition

REPORT BY THE MANAGER, STRATEGIC PLANNING  
TO 17 AUGUST 2022 ORDINARY MEETING  
GOV400098, LAN900141

### RECOMMENDATION

#### That Council:

- A. receive the report by the Manager, Strategic Planning on the Planning Proposal Lot 31 DP 158548, 53 Pitts Lane, Putta Bucca - Post Exhibition; and**
- B. when Gateway Determination Conditions 1 and 2 have been satisfied, Council request the Department of Planning and Environment to draft and finalise the amendment to the Mid-Western Regional Local Environmental Plan 2012 to rezone Lot 31 DP 158548 from RU4 Primary Production Small Lots to RE1 Public Recreation with no minimum lot size.**

### Executive summary

At Council's 20 April 2022 meeting, Council resolved to support the Planning Proposal and to forward it to the NSW Department of Planning and Environment (DPE) for a Gateway Determination. The Planning Proposal relates to Lot 31 DP 158548, 53 Pitts Lane, Putta Bucca and will facilitate the further development of the Glen Willow Regional Sports Complex.

A conditional Department of Planning and Environment Gateway Determination was granted on 8 July 2022. A copy of the Gateway Determination is provided as Attachment 1.

Condition 1 of the Gateway Determination required an Aboriginal Cultural Heritage Assessment, in consultation with Heritage NSW be prepared. Condition 2 required a Preliminary Site Investigation be prepared. The draft Preliminary Contamination and Cultural Heritage Assessment submitted by the proponent has been referred to Heritage NSW. The Gateway Determination conditions 1 and 2 are yet to be satisfied, once satisfied the Planning Proposal will progress to Stage 6 Finalisation in accordance with the Department of Planning and Environment, Local Environmental Plan Making Guideline.

The Planning Proposal was placed on public exhibition on Friday 15 July 2022 until Friday 12 August 2022 in accordance with Gateway Determination Condition 3. No submissions were received during the exhibition period.

The purpose of this report is to provide Council with a post exhibition report and to advise DPE to progress to Stage 6 Finalisation of the LEP making process.

### Disclosure of Interest

Nil

## Detailed report

### Planning Proposals

Planning Proposal is a term used to describe the application and 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 *Local Environmental Plan Making Guideline*, dated December 2021, to provide guidance and information on the process for preparing planning proposals.

### The Gateway Process

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

### Gateway Timeline

The following table summarises the key components of making an amendment to the Mid-Western Regional Local Environmental Plan 2012 and the progress of the current Planning Proposal through the various stages.

Stage	Completed	Comment
<b>Preparation of a Planning Proposal</b>		
Planning Proposal lodged with Council	✓	17 January 2022
Staff Undertake Initial Assessment	✓	January – April 2022
Council Decision to Support Proposal	✓	20 April 2022
<b>Issue of Gateway Determination</b>		
Council Requests Gateway Determination	✓	25 May 2022
DPIE Issues Gateway Determination	✓	8 July 2022
Gateway Conditions Satisfied	N/A	N/A no conditions to satisfy prior to commencing public exhibition
<b>Consultation</b>		
Consultation with Relevant Agencies	✓	Agency consultation with: - NSW Heritage
Public Exhibition	✓	Friday 15 July 2022 – Friday 12 August 2022.
Post-Exhibition Report to Council	✓	Planning Proposal Post Exhibition is being reported to 17 August 2022 meeting.
<b>Finalisation of the Planning Proposal</b>		
Council Exercises Delegation to Prepare LEP		
Draft LEP by Parliamentary Council		
Opinion Issued and LEP Made		

### GATEWAY DETERMINATION

A conditional Gateway Determination was received on 8 July 2022 and included six conditions. As discussed above, once conditions 1 and 2 have been satisfied, the Planning Proposal will progress to Stage 6 Finalisation.

### CONSULTATION

#### **Community Consultation**

Condition 3 of the Gateway Determination required Council to undertake community consultation with a public exhibition period of 28 days. During the public exhibition no submissions were received.

#### **Agency Consultation**

In accordance with Condition 4, the Planning Proposal was referred to NSW Heritage.

### FINALISATION OF PLANNING PROPOSAL

The recommendation of staff is to proceed to Stage 6 Finalisation when the Gateway Determination conditions 1 and 2 have been satisfied. This will involve sending the finalisation package to DPE to facilitate the preparation of the mapping and progress a map only amendment to the LEP.

### Community Plan implications

Theme	Looking After Our Community
Goal	Meet the diverse needs of the community and create a sense of belonging
Strategy	Provide equitable access to a range of places and spaces for all in the community

### Strategic implications

#### Council Strategies

Mid-Western Regional Comprehensive Land Use Strategy, August 2010.

#### Council Policies

The steps involved towards the notification 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 proceed with finalisation of the Planning Proposal, it can withdraw its support at this stage in the Gateway Process. Council would be required to formally resolve not to proceed with the Planning Proposal and advise the landowners and DPE accordingly.

SARAH ARMSTRONG  
MANAGER, STRATEGIC PLANNING

ALINA AZAR  
DIRECTOR DEVELOPMENT

2 August 2022

*Attachments:* 1. Gateway Determination.

#### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



Department of Planning and Environment

## Gateway Determination

**Planning proposal (Department Ref: PP-2022-157): to facilitate further development of the Glen Willow Regional Sports Complex at Lot 31 DP158548, 53 Pitts Lane, Putta Bucca, Mudgee.**

I, the Director, Western Region at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the 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 at Lot 31 DP 158548, 53 Pitts Lane, Putta Bucca, Mudgee should proceed subject to the following conditions:

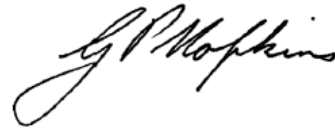
1. An Aboriginal Cultural Heritage Assessment in consultation with Heritage NSW is to be prepared that is relevant to the subject site and the findings of the assessment incorporated into the planning proposal prior to finalisation.
2. A Preliminary Site Investigation is to be prepared to determine the risk of contamination and the findings of the investigation incorporated into the planning proposal prior to finalisation.
3. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
  - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) which has a minimum of 20 days consultation requirement. To avoid inconsistencies with Council's Community Participation Plan and statutory requirements, a 28-day consultation is recommended; and
  - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).
4. Consultation is required with Heritage NSW under section 3.34(2)(d) of the Act and to comply with the requirements of applicable directions of the Minister under section 9.1 of the Act.

Heritage NSW is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 40 days to comment on the proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

6. The LEP should be completed within nine (9) months of Gateway determination

Dated 8th of July 2022.



**Garry Hopkins**  
**Director, Western Region**  
**Local and Regional Planning**  
**Department of Planning and Environment**

**Delegate of the Minister for Planning**