

# Planning Services

## Gateway Determination Report

<b>LGA</b>	Cowra Shire Council
<b>PPA</b>	Cowra Shire Council
<b>NAME</b>	Cowra Local Environmental Plan 2012 Schedule 4 Amendments
<b>NUMBER</b>	PP_2018_COWRA_003_00
<b>LEP TO BE AMENDED</b>	Cowra Local Environmental Plan 2012
<b>ADDRESS</b>	<u>Site 1:</u> Lot 16 DP 845643, Kangaroo Road, Gooloogong <u>Site 2:</u> Lot 45 DP 975291, 10 Lowes Lane, Cowra <u>Site 3:</u> Lot 1 DP 1118115, 42 Clearview Road, Darbys Falls <u>Site 4:</u> Lot 2 DP 1118115, Clearview Road, Darbys Falls. <u>Site 5:</u> Lot 1 & Lot 2 DP 1092182, Lynch Street, Cowra <u>Site 6:</u> Lot 22 DP 1104564, 1 Railway Lane, Cowra <u>Site 7:</u> Lot 4 DP 811274, 13 Waratah Street, Cowra <u>Site 8:</u> Lots 146, 147, 148 DP 1122349, North Logan Road, Cowra <u>Site 9:</u> Lot 1 DP 1001730, Doncaster Drive Cowra <u>Site 10:</u> Lot 1 DP 180296, Lachlan Valley Way Cowra <u>Site 11:</u> Lot 6 DP 304949, 104 Darling Street Cowra <u>Site 12:</u> Lot 21 DP 862774, Evans Street Cowra <u>Site 13:</u> Lot 1 DP 382774, Rankin Street, Woodstock. <u>Site 14:</u> Lot 1 DP 1099236, 5209 Lachlan Valley Way Cowra <u>Site 15:</u> Lots 5 and 6 Section 2 DP 758107, 9 Sloan Street Billimari <u>Site 16:</u> Lot 2 Sec 27 DP 758462, 8 Forbes Street Gooloogong. <u>Site 17:</u> Lot 1 DP 1060195, Camp Road Cowra <u>Site 18:</u> Lot 1 DP 1063303, Mount McDonald, Wyangala <u>Site 19:</u> Lot 2260 DP 1122311, Lachlan Street, Cowra <u>Site 20:</u> Lot 50 DP 862889, Brisbane Street, Cowra <u>Site 21:</u> Lot 2 DP 867898, Bennelong Place Cowra
<b>RECEIVED</b>	28 June 2018, additional information provided 29 August 2018
<b>FILE NO.</b>	IRF18/3700
<b>POLITICAL DONATIONS</b>	There are no donations known or gifts to disclose and a political donation disclosure is not required.

<b>LOBBYIST CODE OF CONDUCT</b>	There have been no known meetings or communications with registered lobbyists with respect to this proposal.
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## INTRODUCTION

### Description of planning proposal

To amend the Cowra LEP 2012 to reclassify 21 sites from 'community' to 'operational' located in the Cowra Local Government Area.

Cowra Council completed a review of the 2012 LEP and prepared an issues paper to address the findings. One of the actions in the issues paper was to change 21 parcels of land from 'community' to 'operational' in Schedule 4 of the LEP 2012. The identified sites that are proposed to be reclassified were classified as 'community' by default during the preparation of the LEP and when the land was acquired. Councils review has found that the sites should be classified as 'operational'.

#### Site 1: Lot 16 DP 845643, Kangaroo Road, Gooloogong

Site 1 is currently zoned RU1 Primary Production and owned by Council. As noted in the proposal the land was dedicated as a public reserve in 1995 as part of the subdivision created by DP 845643 and approved by Council under DA 81/1994. Council note that the land is not use for public recreation, is a small isolated parcel of land. Therefore, the amendment intends to discharge the land as a Public Reserve, which will require the Governors approval. Land will be discharged from its status as a Public Reserve.

\* Initially Council will not benefit. Potentially, reclassification will allow future sale of this land if Council resolves to offer it for sale. The land is to remain as zone RU1 and is about 9000m<sup>2</sup>.

#### Site 2: Lot 45 DP 975291, 10 Lowes Lane, Cowra

Site 2 is currently zoned RU1 Primary Production and owned by Council. As noted by Council the land was purchased by Council in 2007 as part of the STP augmentation and as a buffer to the STP. There is an existing dwelling on the land that is leased out. The land surrounding the dwelling is used for agriculture and is also leased out. No interests are being changed.

#### Site 3: Lot 1 DP 1118115, 42 Clearview Road, Darbys Falls

Site 4: Lot 2 DP 1118115, Clearview Road, Darbys Falls.

The current use of the site is for Darbys Falls Village Water Treatment Plant and is zoned RU1 Primary Production. Part of the lot that is not used for the plant is leased for agriculture use. The land is owned by Council. No interests are being changed.

Site 5: Lot 1 & Lot 2 DP 1092182, Lynch Street, Cowra

The site is currently zoned R1 General residential and is currently vacant. Council note that the land was purchased in 1998 to provide access to the Yarrabilly Estate development. Council owns the site and considers that reclassifying the land from 'community' to 'operational' will correctly identify the intended future use of the land in Schedule 4 of the LEP. No interests are being changed.

Site 6: Lot 22 DP 1104564, 1 Railway Lane, Cowra

The site is zone B2 Local Centre is currently used as the Cowra Senior Citizens Centre and owned by Council. Council considers that reclassifying the land from 'community' to 'operational' will correctly identify the current use of the land in Schedule 4 of the LEP. No interests are being changed.

Site 7: Lot 4 DP 811274, 13 Waratah Street, Cowra

The land is currently zoned IN2 Light Industrial and was purchased by Council to assist with drainage for Waratah Street. The land is currently vacant; however, Council considers that reclassifying the land from 'community' to 'operational' will correctly identify the current use of the land in Schedule 4 of the LEP. No interests are being changed.

\* Initially Council will not benefit. Potentially, reclassification will allow future sale of this land if Council resolves to offer it for sale.

Site 8: Lots 146, 147, 148 DP 1122349, North Logan Road, Cowra

The sites are currently used for the Cowra sewage treatment plant that is owned by Council. The Sewage Treatment Plant infrastructure is located primarily on Lot 146. Other/older infrastructure is located on Lot 147 and Lot 148 DP 1122349. The land is zoned RU1 Primary Production. Council considers that reclassifying the land from 'community' to 'operational' will correctly identify the current use of the land in Schedule 4 of the LEP. No interests are being changed.

Site 9: Lot 1 DP 1001730, Doncaster Drive Cowra

As noted in the proposal Council purchased this land in 2010 to allow for the extension of Cowra Cemetery. The land is zoned RU1 Primary Production. As the intended future use of the land is to provide additional land for the extension of the lawn cemetery it is considered appropriate to reclassify the land from 'community' to 'operational' in Schedule 4 of the LEP. No interests are being changed.

Site 10: Lot 1 DP 180296, Lachlan Valley Way Cowra

The lot is currently vacant and zoned RU1 Primary Production. The land was acquired by the Shire of Waugoola in 1936 through Resumption No. C473919. Despite the land being currently vacant; Council considers that reclassifying the land from 'community' to 'operational' will correctly identify the current use of the land in Schedule 4 of the LEP. No interests are being changed.

\* Initially Council will not benefit. Potentially, reclassification will allow future sale of this land if Council resolves to offer it for sale.

Site 11: Lot 6 DP 304949, 104 Darling Street Cowra

The subject land is currently owned by Council and zoned R1 General Residential. The property is currently vacant, however the intended use of the site at the time of purchase (1991) was to provide future parking spaces. Despite the land being currently vacant; Council considers that reclassifying the land from 'community' to 'operational' will correctly identify the current use of the land in Schedule 4 of the LEP. No interests are being changed.

\* Initially Council will not benefit. Potentially, reclassification will allow future sale of this land if Council resolves to offer it for sale.

Site 12: Lot 21 DP 862774, Evans Street Cowra

Site 13: Lot 1 DP 382774, Rankin Street, Woodstock.

The land is currently used for high level water reservoirs and is owned by Council. The land is zoned RU1 Primary Production. Reclassifying the land from 'community' to 'operational' will correctly identify the current use of the land in Schedule 4 of the LEP. No interests are being changed.

Site 14: Lot 1 DP 1099236, 5209 Lachlan Valley Way Cowra

The site is zoned RU1 Primary Production and owned by Council. The land is currently used as a sand and gravel quarry. Reclassifying the land from 'community' to 'operational' will correctly identify the current use of the land in Schedule 4 of the LEP. No interests are being changed.

Site 15: Lots 5 and 6 Section 2 DP 758107, 9 Sloan Street Billimari

The land is zoned RU5 Village and its current use is the Rural Fire Service Shed for Billimari. Council owns the site and considers that reclassifying the land from 'community' to 'operational' will correctly identify the current use of the land in Schedule 4 of the LEP. No interest is being changed.

Site 16: Lot 2 Sec 27 DP 758462, 8 Forbes Street Gooloogong.

The land is zoned RU5 Village and its current use is the Rural Fire Service Shed for Gooloogong. Council owns the site and considers that reclassifying the land from 'community' to 'operational' will correctly identify the current use of the land in Schedule 4 of the LEP. No interests are being changed.

Site 17: Lot 1 DP 1060195, Camp Road Cowra

The land is zoned RU1 Primary Production and its current use is the Porters Mount Rural Fire Service Shed. Council owns the site and considers that reclassifying the land from 'community' to 'operational' will correctly identify the current use of the land in Schedule 4 of the LEP. No interests are being changed.

Site 18: Lot 1 DP 1063303, Mount McDonald, Wyangala

The land is zoned RU1 Primary Production and its current use is the Mount McDonald Rural Fire Service Shed. Council owns the site and considers that reclassifying the land from 'community' to 'operational' will correctly identify the current use of the land in Schedule 4 of the LEP. No interests are being changed.

Site 19: Lot 2260 DP 1122311, Lachlan Street, Cowra

The land is zoned RE1 Public Recreation and is currently used as the sewer pump station. Council owns the site and considers that reclassifying the land from 'community' to 'operational' will correctly identify the current use of the land in Schedule 4 of the LEP. No interests are being changed.

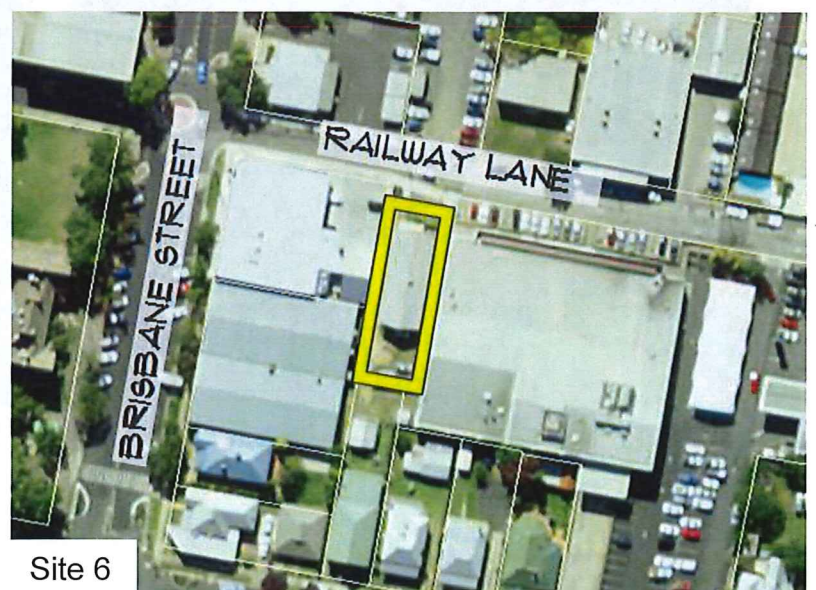
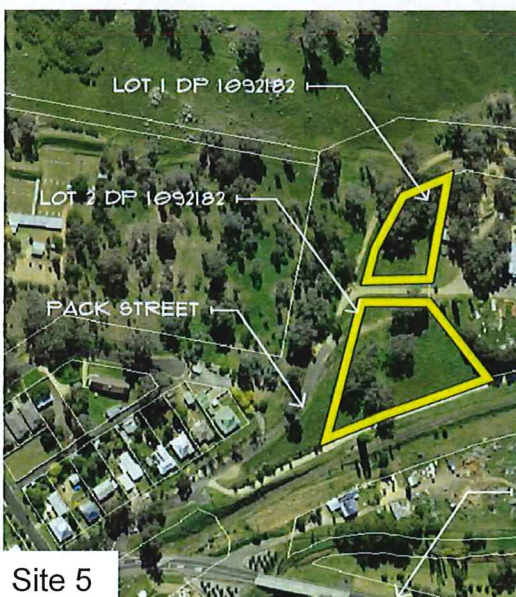
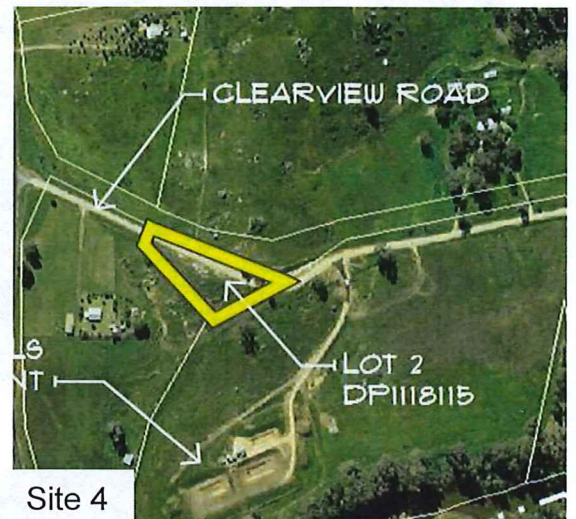
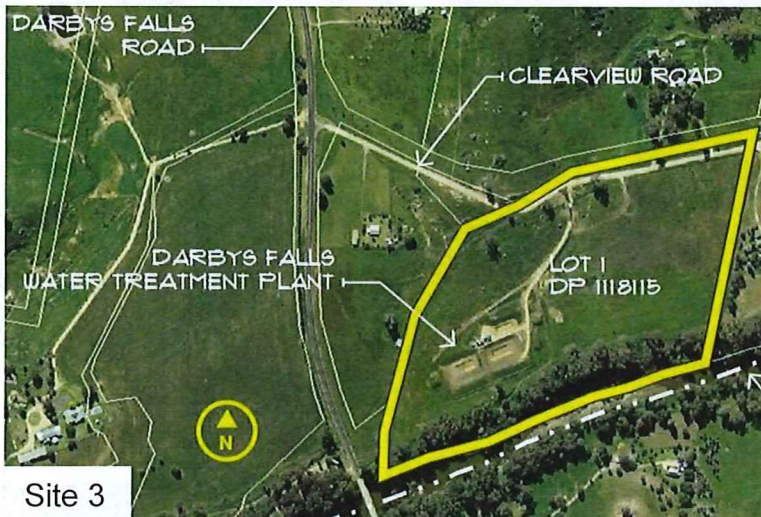
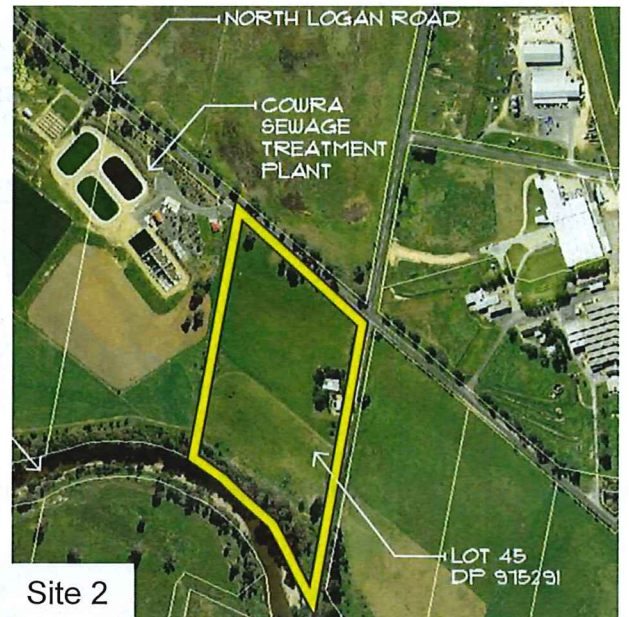
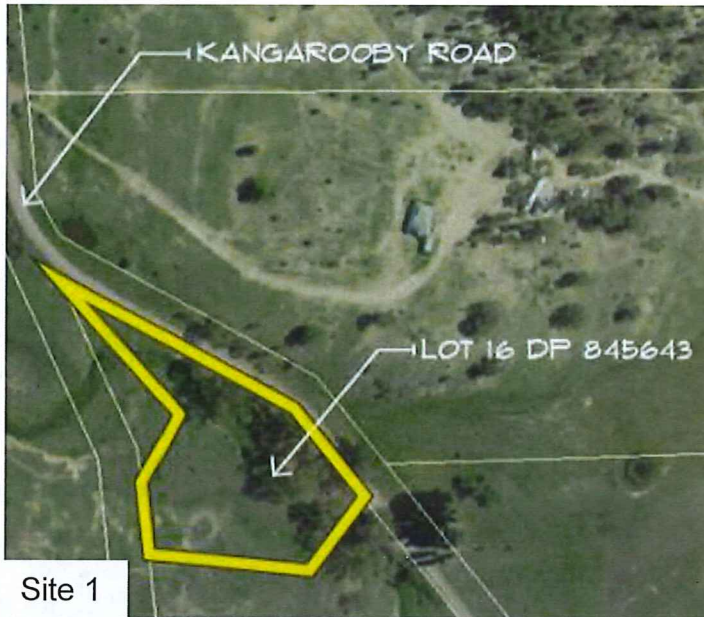
Site 20: Lot 50 DP 862889, Brisbane Street, Cowra

The land is zoned SP2 Infrastructure and is currently used as the water treatment plant for Cowra. Council owns the site and considers that reclassifying the land from 'community' to 'operational' will correctly identify the current use of the land in Schedule 4 of the LEP. No interests are being changed.

Site 21: Lot 2 DP 867898, Bennelong Place Cowra

The land is zoned R1 General Residential and was resumed by Council in 1926 as a public reservoir, the current use of the site remains a water reservoir. Council considers that reclassifying the land from 'community' to 'operational' will correctly identify the current use of the land in Schedule 4 of the LEP. No interests are being changed.

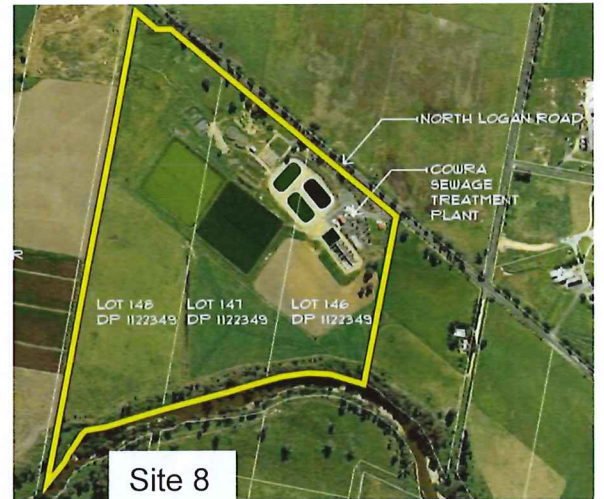








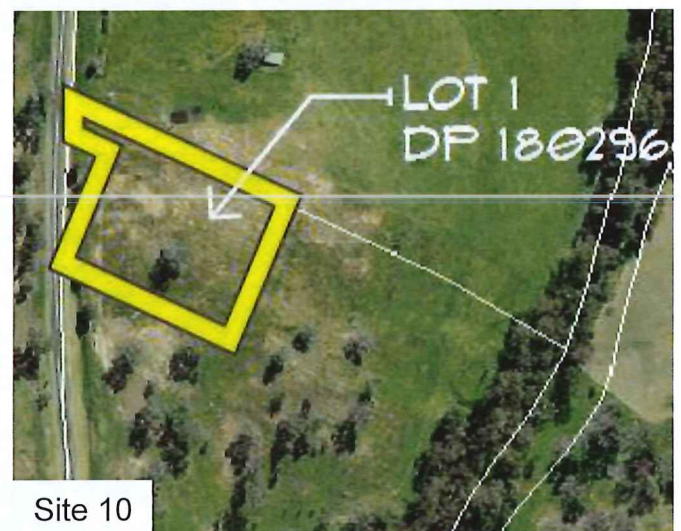
Site 7



Site 8



Site 9



Site 10



Site 11

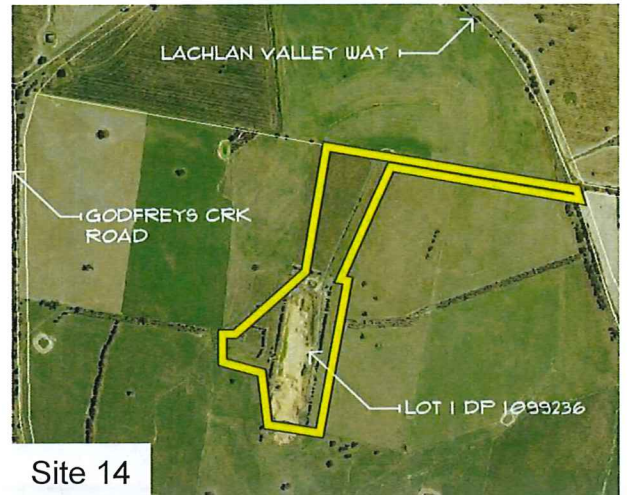


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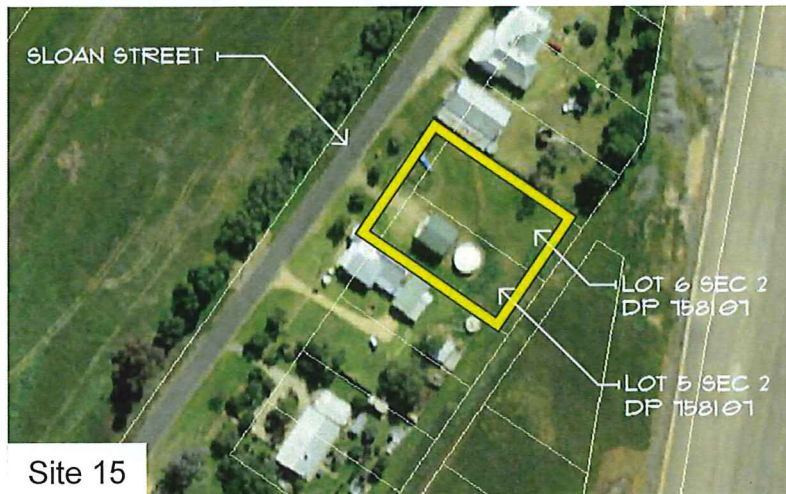




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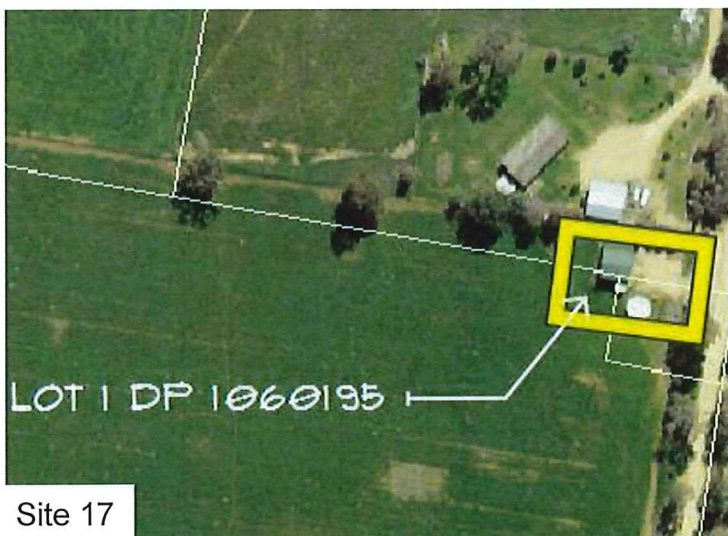
Site 14



Site 15



Site 16



Site 17



Site 18





Site 19



Site 20



Site 21

### Summary of recommendation

It is recommended that the proposal should proceed subject to conditions.

### PROPOSAL

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#### Objectives or intended outcomes

The objective of this planning proposal is to amend Schedule 4 of the Cowra LEP 2012 by reclassifying 21 parcels of land from 'community' to 'operational'.

#### Explanation of provisions

The objective will be achieved by amending Schedule 4 of the Cowra Local Environmental Plan 2012 to reclassify 21 individual properties.

## **Mapping**

The planning proposal does not require any changes to the mapping in Cowra Local Environmental Plan 2012.

Reference maps of the individual sites proposed for reclassification have been included in Appendix 1 of the planning proposal and are adequate to identify the subject land.

## **Council Report**

Council resolved to support the planning proposal.

## **NEED FOR THE PLANNING PROPOSAL**

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Council have completed a comprehensive review of the 2012 LEP. The outcome of this review was an issues paper which included many actions to improve the objectives of the LEP. One of the actions was to reclassify 21 parcels of land from 'community' to 'operational', to correctly identify the current and future intended use of the subject council owned land. A planning proposal is the only method to implement the proposed amendment.

## **STRATEGIC ASSESSMENT**

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### **State**

N/A

### **Regional / District**

The proposal is not directly aligned with any of the Goals in the Central West and Orana Regional Plan. The proposal is considered to indirectly apply to Goal 4 Dynamic and healthy communities. The subject land is owned and operated by Council as 'operational' land to support community infrastructure including sewage, water and emergency services. The amendment will correctly identify land as 'operational' in Schedule 4 of the LEP.

### **Local**

#### Cowra Shire Land-use Strategy

The proposal does not directly support the strategic direction or planning principles of the Cowra Land Use Strategy. The proposal will result in the correct identification of Council owned land as 'operational' rather than 'community' land. The subject sites support community infrastructure including sewage, water and emergency services.



It is also noted that the intention to remove Lot 16 DP 845643, Kangaroooby Road, Gooloogong as a public reserve would reduce the land available for public recreation. It is noted that this is of minor significance due to the land size and location.

## **Section 9.2 Ministerial Directions**

### 1.1 Business and Industrial Zones, 1.2 Rural Zones, 3.1 Residential Zones and 5.10 Implementation of Regional Plans

These Directions apply to the proposal as the amendment applies to land in these zones. The proposal does not intend to rezone the land or change the current land use in these zones. The Director, Regions Western can be satisfied that the planning proposal is consistent with these Directions and no further work is required.

### 6.2 Reserving Land for Public Purposes

This Direction applies to the proposal as the amendment intends to reclassify 21 lots from 'community' to 'operational' land in the Cowra LEP 2012. The proposal is consistent with this Direction except for removing Lot 16 DP 845643, Kangaroooby Road, Gooloogong as a public reserve. This amendment would reduce the land available for public recreation. It is considered that this inconsistency is minor in nature due to the size and location of the land. The Director Regions, Western can be satisfied that no further work is required regarding this consideration.

## **State environmental planning policies**

The planning proposal does not intend to change the zoning or current land use for the subject sites. The proposal will result in the correct identification of Council owned land as 'operational' rather than 'community' land.

## **SITE-SPECIFIC ASSESSMENT**

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### **Social and Environmental**

The proposal will correctly identify the current and future use of Council owned land as 'operational', rather than 'community'. The subject sites support community infrastructure including sewage, water and emergency services. The identified social impact of this proposal is the loss of Lot 16 DP 845643, Kangaroooby Road, Gooloogong as a public reserve. This amendment would reduce the land available for public recreation. This will be considered during the exhibition phase of the LEP process, however is considered of minor significance at this time.

## **Economic**

The subject land is Council owned. The change in LGA classification of the land from 'community' to 'operational' will correctly identify the current and future intended use of the land. The proposal notes that Council may intend to sell the following lots:

- Site 1: Lot 16 DP 845643, Kangaroo Road, Gooloogong
- Site 7: Lot 4 DP 811274, 13 Waratah Street, Cowra
- Site 10: Lot 1 DP 180296, Lachlan Valley Way Cowra
- Site 11: Lot 6 DP 304949, 104 Darling Street Cowra

This would result in an economic benefit to Council, which is noted in the proposal. It is identified that funds from any future sale of classified land would be transferred to the administrative and maintenance costs of Council infrastructure. This proposal does not propose to rezone the land.

## **CONSULTATION**

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### **Community**

Council have identified that the planning proposal will be placed on public exhibition for 28 days. The proposed consultation will include notification in the local newspapers and a notice on Council's website. Due to the purpose of the proposal being a reclassification a public hearing is required in accordance with the requirements of sections 29 and 47G of the Local Government Act 1993.

The proposed community consultation is considered appropriate.

No further consultation is required with agencies.

## **TIME FRAME**

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The proposed timeframe to complete the amendment is 12 months.

## **LOCAL PLAN-MAKING AUTHORITY**

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It is not considered appropriate to issue Council with delegation to exercise plan making functions for this proposal. Council is the landowner for the 21 subject sites.

## CONCLUSION

The proposal is considered to have merit and Council has assessed each of the subject lands. A conditional Gateway determination can be issued. The Governors approval will be required to remove the public reservation interest on Lot 16 DP 845643 (Site 1). Council therefore cannot exercise plan making delegation.


## RECOMMENDATION


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

1. Community consultation is required under section 3.34(2)(c) and Schedule 1 clause 4 of the Environmental Planning and Assessment Act 1979 as follows:
  - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
  - (b) the relevant planning 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 section 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Environment August 2016)*.
2. Cowra Shire Council is to conduct a public hearing in accordance with the requirements of section 29 of the *Local Government Act, 1993* as the proposal involves reclassification of land from 'community' land to 'operational' land.
3. No consultation is required with public authorities under section 3.34(2)(d) of the *Environmental Planning & Assessment Act, 1979*.
4. 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 *Environmental Planning and Assessment Act, 1979*. 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).
5. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

### Endorsed

 12/1/18  
**Wayne Garnsey**  
Team Leader  
Western Region

 12/9/18.  
**Damien Pfeiffer**  
  
**Director Regions,  
Western  
Planning Services**

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