

## Planning and Assessment

IRF20/4283

### Gateway determination report

<b>LGA</b>	Central Darling Shire
<b>PPA</b>	Central Darling Shire Council
<b>NAME</b>	Reclassify four (4) allotments from Community to Operational land to facilitate the development of a health services facility at Bonney Street, Wilcannia
<b>NUMBER</b>	PP_2020_CENTR_004_00
<b>LEP TO BE AMENDED</b>	Central Darling Local Environmental Plan (LEP) 2012
<b>ADDRESS</b>	Bonney Street, Wilcannia
<b>DESCRIPTION</b>	Lot 2, 3 and 4 DP 1201089 Lot 111 DP 1201028
<b>RECEIVED</b>	02/09/2020. Additional information received 7/9/2020.
<b>FILE NO.</b>	IRF20/4283
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## 1. INTRODUCTION

### 1.1 Description of planning proposal

The planning proposal seeks to amend Central Darling Local Environmental Plan (LEP) 2012 by reclassifying lands owned by Central Darling Shire Council. The lands are currently classified as community land and the proposal will reclassify the lands to operational land. Council intends to dispose of the allotments to Maari Ma Aboriginal Corporation.

The submitted planning proposal states interests on the land will be discharged as part of the reclassification. However, further information provided by Council on 6 October 2020 clarified that interests will not be discharged from the subject land as part of the reclassification. As this affects the eventual amendment to Schedule 4 of Central Darling LEP 2012, Condition 1 of the Gateway determination requires the planning proposal to be amended prior to public exhibition.

It is intended that the lots will be consolidated and developed as a health services facility. The development of the health services facility is not part of this planning proposal.

No changes to the land zone or development standards are proposed within this planning proposal.

## 1.2 Site and surrounding area description

The subject land is described as Lots 2, 3 and 4 DP 1201089, Bonney Street, Wilcannia, and Lot 111 DP 1201028, Bonney Street Wilcannia. The total area of the land is approximately 5,085m<sup>2</sup>.

The sites are located to the east of the town centre of Wilcannia. Surrounding land is zone R1 General Residential and adjoins the existing Wilcannia Hospital. Lot 4 has frontage to the Darling River, however, the lot is wholly contained within zone R1 General Residential. The site is vacant with some vegetation.



Figure A: Aerial View of the Subject site. Source -Six Maps, 2020.



Figure B: Lots subject to this Proposal. Source- SIX Maps, 2020.

Figure C: Zoning Maps. Source- Eplanning, 2020.

### 1.3 Existing planning controls

The site is zoned R1 General Residential and has a minimum lot size (MLS) of 800m<sup>2</sup>.

## 2. PROPOSAL

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### 2.1 Objectives or intended outcomes

The objectives of the proposal, on page 3 of the planning proposal, indicate the intended outcome is to facilitate development of a health services facility at Bonney Street, Wilcannia.

### 2.2 Explanation of provisions

The explanation of provisions outlined in the planning proposal state that the planning proposal will achieve the intended outcomes by listing the subject land in *Part 2 Land classified, or reclassified, as operational land – interests changed of Schedule 4 Classification and reclassification of public land* of Central Darling LEP 2012.

However, further information provided by Council on 6 October 2020 clarified that interests will not be discharged from the subject land.

Therefore, to achieve the planning proposal objective and intended outcome, an amendment of *Part 1 Land classified, or reclassified, as operational land – no interests changed of Schedule 4 Classification and reclassification of public land* of Central Darling Shire LEP 2012.

Condition 1 of the Gateway determination requires the planning proposal to be amended prior to public exhibition to reflect the correct amendment.

#### **Part 1 Land classified, or reclassified, as operational land – no interests changed**

##### **Column 1**

##### **Locality**

Bonney Street, Wilcannia

##### **Column 2**

##### **Description**

Lots 2, 3 and 4 DP 1201089

Bonney Street, Wilcannia

Lot 111 DP 1201028

Once this change is made the explanation of provisions will be consistent with the objectives and intended outcomes of the planning proposal.

### 2.3 Mapping

No mapping changes are proposed.

## 3. NEED FOR THE PLANNING PROPOSAL

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The subject lands are located near the Wilcannia Hospital. The site was selected as a result of community consultation, to be developed as a health services facility. The facility will be an integral part of local health services delivery and will complement the Hospital. The planning proposal is not the result of any strategic study or report. The proposal is a result of development opportunity in Wilcannia at the most suitable site for the development.

It is agreed that a planning proposal to change the land classification is the best means of achieving the intended outcomes.

## **4. STRATEGIC ASSESSMENT**

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### **4.1 State**

There are no state strategies applicable to the proposal.

### **4.2 Regional**

The planning proposal is consistent with the objectives of the Far West Regional Plan 2036 by providing access to health services through collaborating with local Aboriginal partners. The reclassification of land from community to operational will facilitate the health services facility.

### **4.3 Local**

Central Darling Shire Local Strategic Planning Statement (LSPS) is the local strategic planning framework for Central Darling Shire local government for the next 20 years.

The LSPS identifies opportunities for major towns in Central Darling, like Wilcannia, to enhance essential services, introduce new services and increase liveability within Wilcannia. The planning proposal will help facilitate the provision of an essential health service for the local community and smaller settlements in Central Darling Shire.

#### Assessment of Loss Community land and Open Space.

The following table provides an assessment of the proposed reclassification of the land from community operational.

How public land can deliver a public benefit?	The subject land is currently vacant and is not used for public or community purposes. The reclassification of land will facilitate development of a public health services facilities, which will provide future economic and social benefit and easier access to public health services for the local community.
How public land contributes to open space?	The land currently has no public open space attributes or embellishments to allow for public use or community access. The reclassification of land will facilitate a future health services facility which will provide an overall improved community benefit.

Is the reclassification informed by other local planning, including the Local Strategic Planning Statement, s7.11 plans or open space strategies?	The proposal is not the result of a strategic study. The subject land was identified through a community consultation process as the most suitable site for a new health services facility. The reclassification of the land allows the site to be disposed of from Central Darling Shire Council to the Maari Ma Health Aboriginal Corporation.
If the planning proposal is being driven by council's planning team or the asset managers	The planning proposal is submitted by Central Darling Shire Council. The planning proposal was prepared and submitted on behalf of the Maari Ma Health Aboriginal Corporation who intend to develop the subject land as a health services facility.
What has council said/ resolved about where the funds from the sale of land will be going?	The land disposal is supported by Council. The exact sale agreement has not yet been finalised and will be informed by the public consultation and public hearing process as part of this planning proposal. Council has verbally indicated it is likely that it will entertain a token monetary exchange to facilitate the proposed positive community infrastructure outcome on the subject land.
Will there be an open space benefit or net gain to open space?	The land currently has no public open space attributes or embellishments to allow for community access. The reclassification of land will allow for the future use of the site for a health services facility which will provide an overall community benefit.

#### 4.4 Section 9.1 Ministerial Directions

Assessing the proposal, it is determined to be consistent with the following section 9.1 Directions:

- 2.3 Heritage Conservation
- 2.6 Remediation of Contaminated Land
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 5.10 Regional Plans

The planning proposal is inconsistent with the following section 9.1 Directions:

Direction 4.4 Planning for Bushfire Protection is relevant to the planning proposal. The site is mapped as being bushfire prone land. The direction provides that the Council must consult with the Commissioner of the NSW Rural Fire Service (RFS). Consultation with the RFS is required after a Gateway Determination is issued; until this consultation has occurred the inconsistency of the proposal with the direction remains unresolved.



#### **4.5 State environmental planning policies (SEPPs)**

The planning proposal has provided an assessment of the proposal against the State Environmental Planning Policies on Table 1, page 21 of the planning proposal.

### **5. SITE-SPECIFIC ASSESSMENT**

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#### **5.1 Social and economic**

The planning proposal will provide additional health services in Wilcannia. Although the proposal will result in less community land, the public benefit provided by the future use of the land outweighs the loss of public land.

The proposed use will also provide additional jobs related to the health services construction and ongoing management. The proposed development will provide additional short term and long-term employment opportunities.

### **6. CONSULTATION**

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#### **6.1 Community**

A 28-day exhibition period is deemed to be adequate for this planning proposal.

#### **6.2 Agency**

The planning proposal suggests that Agency consultation will be undertaken with Crown Lands, NSW Rural Fire Service, Environment, Energy and Science (biodiversity and flooding issues) and the Office of Local Government. However, on assessment of the planning proposal, it is determined that given there is no change to permissibility or subdivision potential, general agency consultation is not warranted at the Gateway determination stage.

Consultation with RFS is required post Gateway determination to resolve the inconsistency with the Direction 4.4 Planning for Bushfire Protection, given the land is bushfire prone land.

### **7. TIME FRAME**

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The planning proposal provides a timeframe of 12 months to completion. This timeframe is excessive given the proposal is not discharging interests and will not require the additional time to progress the reclassification to EXCO.

It is proposed to provide 9 months to make the LEP.

### **8. 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 of the subject site.

### **9. CONCLUSION**

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The planning proposal is recommended to proceed with conditions as:

- It is consistent with the Far West Regional Plan 2036 and relevant section 9.1 Ministerial Direction and state environmental planning policies.

- Reclassification of the land will facilitate development of additional health services in Wilcannia.
- There is no known environmental, social and economic impacts.

## 10. RECOMMENDATION

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

1. Prior to community consultation, the planning proposal is to be amended to reflect that there are no interests being discharged.
2. 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 6.5.2 of *A Guide to Preparing LEPs* (Department of Planning & Environment August 2018).
3. Consultation is required with NSW Rural Fire Service under section 3.34(2)(d) of the *Environmental Planning and Assessment Act, 1979*. NSW Rural Fire Service is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
4. Central Darling 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 public land from 'community' land to 'operational' land.
5. The timeframe for completing the LEP is to be **9 months** from the date of the Gateway determination.



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