

Planning Proposal

To reclassify four (4) allotments from Community to Operational land and discharge Council interests to facilitate the development of a health services facility, Bonney Street, Wilcannia

Amendment to Central Darling Local Environmental Plan 2012

Proposal

The planning proposal involves the reclassification of four (4) lots owned by Central Darling Shire Council from Community to Operational land, the discharging of Council interest to facilitate the disposal and consolidation of the land for the development of a health services facility. The land will retain the existing R1 General Residential zone and minimum lot size (800m²) provisions which currently apply under the Central Darling Local Environmental Plan 2012.

The land is owned by Central Darling Shire Council and is classified as Community land under the Local Government Act 1993. It is Council's intention to dispose of the allotments to Maari Ma Health Aboriginal Corporation and consolidate the allotments to facilitate the development of a health services facility on the land. Council also intends to dispose of any interests in the land. Concept plans of the health services facility – wellbeing centre that will be subject to Council consent are provided at **Attachment A**.

All lots are vacant and not currently utilised as formal public open space in Wilcannia.

The existing R1 General Residential zone permits a health services facility with consent, however the land needs to be reclassified to Operational land to allow Council to sell the land.

Site location and context

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 5,085m². Refer to Locality Maps below.

The Certificate of Title of each parcel is provided as **Attachment B**. Details of each parcel are provided in **Attachment C**.

The sites are located to the east of the town centre of Wilcannia. Surrounding land is zoned R1 General Residential and adjoins the existing Wilcannia Hospital.

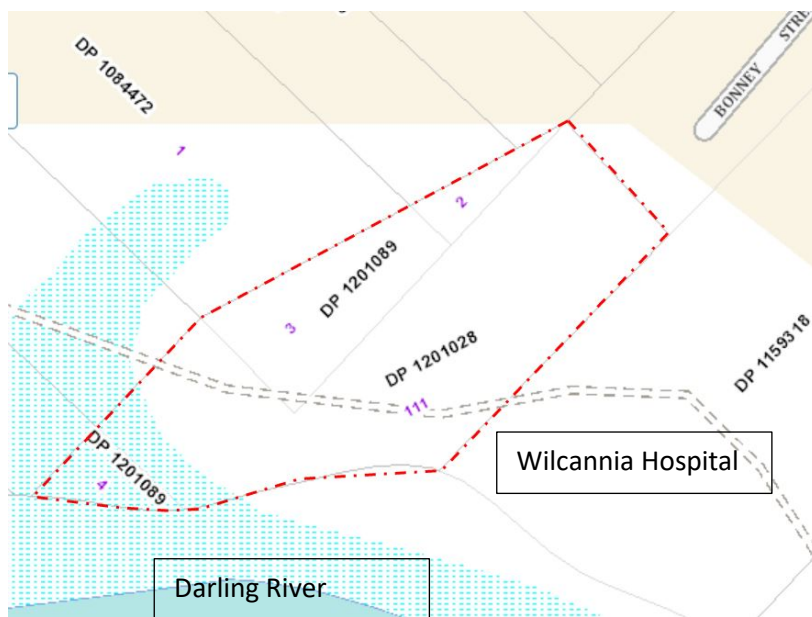
Lot 4 has frontage to the Darling River, however, is wholly contained within the R1 General Residential zone.

Locality Map – Wilcannia and subject land (not to scale)



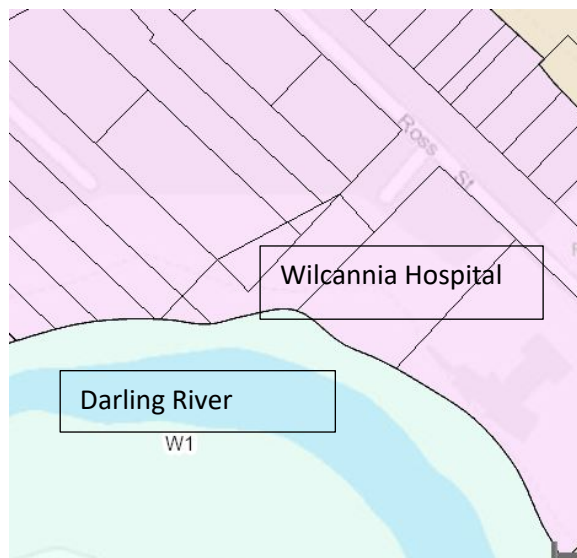
Source: Six Maps

Cadastral Information



Source:- SIX Maps

Subject land – Aerial photo - Source: Six Maps Current zoning – Source: NSW Planning portal



All lots are owned and managed by Council and are vacant as shown on the imagery above. The planning proposal seeks to reclassify the land from Community to Operational land, to allow the sale of the land and that is proposed to be developed as a health services facility.

Objectives and intended outcomes

The objective of this planning proposal is to reclassify the subject land from Community to Operational Land and discharge Council's interest in the land. Council is not proposing to change the zoning or minimum lot size provisions of subject lots.

Explanation of provisions

The reclassification of the lots from Community to Operational land will enable the lots to be disposed of by Council and to be developed for a health services facility.

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

No mapping changes are required.

Justification

Need for the planning proposal

Is the planning proposal a result of any strategic study or report?

The planning proposal has been prepared having regard to the Department's *Practice Note PN 16-001- Classification and reclassification of public land through a LEP*. The planning proposal is not the result of any strategic study or report. Health Services facility is a permissible use under the Central Darling LEP 2012. The proposal is a result of a development opportunity for a health services facility adjoining the existing hospital and to be able to sell the land a reclassification is required. This is the most suitable site for the development.

The land is strategically located near the Wilcannia Hospital and will be developed as an integral part and complementary to the facility. The health services facility will be access through the Wilcannia Hospital facility.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Council's intention is to reclassify the subject land and discharge interests in the land with the objective to dispose the land. This site has been chosen as a result of community consultation. The planning proposal process is the best mechanism to allow Council to dispose of the land. The objective of the proposal to sell the land can only be achieved through an amendment to the Central Darling Local Environmental Plan 2012 via a planning proposal and approval of the Governor.

Relationship to strategic planning framework

Far West Regional Plan 2036

The proposal is consistent with the Far West Regional Plan. Direction 22 *Collaborate and partner with Aboriginal Communities* and Direction 23 *Improve Access to local health services, aged care and seniors housing* is directly applicable to the proposal. The Plan does not address the reclassification of land.

The proposal is directly consistent with Direction 22, as the reclassification of the land will allow Council to discharge the subject land to the Maari Ma Aboriginal Health Corporation for the development of the health services facility.

The proposal is directly consistent with Action 23.1 as the proposal will result in the development of a health services facility adjoining the existing hospital in Wilcannia, providing complimentary services for the community.

The site is small (5,085m²) and adjoins the town centre of Wilcannia and the existing hospital. The proposal is consistent with the Regional Plan as it will provide essential community health services to the town of Wilcannia and the Far West Region. The subject land can be better utilised by disposal by Council to facilitate the development of the health services facility.

There is no current strategic land use plan applicable to the reclassification of land in the

Consistency with relevant SEPPs

Refer to **Attachment D**.

Consistency with Section 9.1 Directions

Refer to **Attachment D**.

Local Land use Strategy

The Department endorsed Central Darling Strategy dated November 2012 applies to the land. The proposal is consistent with this strategy.

Environmental Social and economic impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities or their habitats, will be adversely affected as a result of the proposal?

No. The planning proposal is not likely to adversely impact on critical habitats or threatened species, populations or ecological communities, or their habitats. The land is cleared and vacant. The proposal will result in the reclassification of the land from community to operational land, and be disposed of by Council, culminating in the construction of a health services facility. It will not permit development in any areas with critical habitats or threatened species, populations or ecological communities, or their habitats. The use of the land for a health service facility is permissible with Council consent now and the environmental, social and economic impacts will be considered at the development application stage.

Consultation with NSW Environment, Energy and Science will be undertaken in relation to biodiversity and flooding considerations.

Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. There are no likely negative environmental effects associated with the planning proposal. The proposed amendments are administrative in nature and unlikely to result in any environmental effects. Development applications based on the proposed changes to the Central Darling LEP 2012 will be subject to a detailed assessment, where the environmental effects are considered. While the site adjoins residential land to the west, north and east, there is potential for some land use conflict, in terms of noise and traffic during hours of operation once the health services facility has been completed. The proposed facility will be integral and compatible with the Wilcannia Hospital. This assessment will consider consistency with the desired future character of the neighbourhood at the development application stage.

The subject land is not identified as flood prone under the provisions of the Central Darling LEP 2012. However, there is informal information that indicates the site is flood prone. It is being proposed that the finished floor levels will be similar to the Wilcannia Hospital facility. This will be addressed through the development application process.

Has the planning proposal adequately addressed any social and economic impacts?

The social cost of this development is that the reclassification will limit the availability of Council owned lands, public reserves and open space that will be utilised by the broader community, however, the proposal will provide a much need new health facility for the community. The proposal will be positive in that it provides for the opportunity for a health services facility development integrated with the Wilcannia Hospital, another option for health care and employment opportunities during construction and ongoing operation.

Mapping

No mapping changes are required for this proposal. The current zoning and minimum lot size will be retained.

Community Consultation

As the proposal is a reclassification, a period of 28 days exhibition is proposed, in line with Council's Community Participation Plan. A public hearing will also be required as the land is proposed to be reclassified.

Agency Consultation

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.

Project timeline

The proposal is expected to be finalised within 12 months of receiving a Gateway determination.

A draft timeline is provided below:

Action	Anticipated date
Gateway determination received	September 2020
Completion of technical information	October 2020
Agency consultation	October 2020
Public exhibition	October 2020
Consideration of submissions	November 2020
Public Hearing	December
Council meeting	February 2021
Submission for finalisation	March 2021

Additional time has been provided to account for any delays in the process and the NSW Governor's approval to change the interests in the subject land.

As Council is a landowner and has an interest in the proposal. For that reason Council is not requesting to be authorised to exercise plan making delegations in this instance.

Attachments

A – Proposed Development – concept plans by Troppo Architects

B – Certificates of Title for each parcel

C – Details of each parcel

D – SEPP and Section 9.1 Direction checklists.

A – Proposed Development – concept plans by Troppo Architects

B – Certificates of Title for each parcel

C – Details of each parcel

Lot 2 DP 1201089	
Property Owner	Central Darling Shire Council
Current classification	Community Land
Proposed classification	Operational Land
Title	Freehold
Public reserve	Yes
Zoning	R1 General Residential
Minimum Lot Size	800m ²
Area	161.71m ²
Planning/Environmental constraints	Bushfire Prone Land – Vegetation Buffer
Background information and how acquired	VOL 5013 FOL 188
Certificate of title provisions, restrictions on the land	NIL
Council interests	Yes
Is it proposed to discharge the land?	Yes
Current uses (authorised and unauthorised)	Vacant and undeveloped public open space
Strategic and Site Specific Merit issues	Not utilised as public open space

Lot 3 DP 1201089	
Property Owner	Central Darling Shire Council
Current classification	Community Land
Proposed classification	Operational Land
Title	Freehold
Public reserve	Yes
Zoning	R1 General Residential
Minimum Lot Size	800m ²
Area	722.95m ²
Planning/Environmental constraints	Bushfire Prone Land – Vegetation Buffer
Background information and how acquired	VOL 5045 FOL 17
Certificate of title provisions, restrictions on the land	NIL
Council interests	Yes
Is it proposed to discharge the land?	Yes
Current uses (authorised and unauthorised)	Vacant and undeveloped public open space
Strategic and Site Specific Merit issues	Not utilised as public open space

Lot 4 DP 1201289

Property Owner	Central Darling Shire Council
Current classification	Community Land
Proposed classification	Operational Land
Title	Freehold
Public reserve	Yes
Zoning	R1 General Residential
Minimum Lot Size	800m ²
Area	222.05m ²
Planning/Environmental constraints	Bushfire Prone Land – Vegetation Buffer
Background information and how acquired	VOL 5483 FOL 167
Certificate of title provisions, restrictions on the land	NIL
Council interests	Yes
Is it proposed to discharge the land?	Yes
Current uses (authorised and unauthorised)	Vacant and undeveloped public open space
Strategic and Site Specific Merit issues	Not utilised as public open space

Lot 111 DP 1201028

Property Owner	Central Darling Shire Council
Current classification	Community Land
Proposed classification	Operational Land
Title	Freehold
Public reserve	Yes
Zoning	R1 General Residential
Minimum Lot Size	800m ²
Area	3978.83m ²
Planning/Environmental constraints	Bushfire Prone Land – Vegetation Buffer
Background information and how acquired	FOLIO: 111/1201028
Certificate of title provisions, restrictions on the land	Boundaries of lot have not been investigated by Valuer General
Council interests	Yes
Is it proposed to discharge the land?	Yes
Current uses (authorised and unauthorised)	Vacant and undeveloped public open space
Strategic and Site Specific Merit issues	Not utilised as public open space

D – SEPP and Section 9.1 Direction checklists

Section 9.1 Direction	Applicable (Y/N)	Consistent (Y/N)	Comments/Justification
1. Employment and Resources			
1.1 Business and Industrial Zones	N	N	
1.2 Rural Zones	N	N	
1.3 Mining, Petroleum Production and Extractive Industries	N	N	
1.4 Oyster Aquaculture	N	N	
1.5 Rural Lands	N	N	
2. Environment and Heritage			
2.1 Environment Protection Zones	N	N	
2.2 Coastal Protection	N	N	
2.3 Heritage Conservation	N	N	
2.4 Recreation Vehicle Areas	N	N	
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	N	N	
2.6 Remediation of Contaminated Land	Y	Y	There is no known contamination of the subject land, or activities which may have resulted in land contamination. The proposal is therefore consistent with this Direction. Council will consider the potential contamination at development application stage.
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	Y	Y	This Direction applies to the subject lots currently zoned for residential use (zone R1 General Residential). The proposal to reclassify the land will not increase the development potential of the subject lots as they were all created for development purposes.
3.2 Caravan Parks and Manufactured Home estates	N	N	
3.3 Home Occupations	N	N	

3.4 Integrating Land Use and Transport	N	N	
3.5 Development Near Regulated Airports and Defence Airfields	N	N	
3.6 Shooting Ranges	N	N	
3.7 Reduction in non-hosted short term rental accommodation period	N	N	
4. Hazard and Risk			
4.1 Acid Sulfate Soils	N	N	
4.2 Mine Subsidence and Unstable Land	N	N	
4.3 Flood Prone Land	N	Y	The subject land is not identified as flood prone under the provisions of the Central Darling LEP 2012 and the proposal is therefore consistent with this Direction. However, there is informal information that indicates the site may be flood prone. It is being proposed that the finished floor levels will be similar to the Wilcannia Hospital facility. This will be assessed at the development application stage.
4.4 Planning for Bushfire Protection	Y	Y	Lot 4 is identified as being Vegetation Category 3 of bushfire prone land. The reclassification of the land will not impact the bushfire safety risk of the land, and consultation will occur with the NSW Rural Fire Service prior to community consultation to satisfy this inconsistency.
5. Regional Planning			
5.1 Implementation of Regional Strategies	N	N	
5.2 Sydney Drinking Water Catchments	N	N	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N	N	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N	N	

5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)	N	N	
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	N	N	
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	N	N	
5.8 Second Sydney Airport: Badgerys Creek (Revoked 20 August 2018)	N	N	
5.9 North West Rail Link Corridor Strategy	N	N	
5.10 Implementation of Regional Plans	Y	Y	This Direction applies to the planning proposal as it relates to directions of the Far West Regional Plan. As previously described, the planning proposal is consistent with the directions of the Regional Plan. Therefore, the proposal is consistent with this Direction.
5.11 Development of Aboriginal Land Council land	N	N	
6. Local Plan Making			
6.1 Approval and Referral Requirements	N	N	
6.2 Reserving Land for Public Purposes	Y	Y	This Direction applies to the proposal as the objective is to reclassify the subject land from a public reserve to operational with the intention of selling the land for development purposes. The outcome of this proposal will reduce the availability of Council owned land for public purposes in Central Darling LGA. The planning proposal is inconsistent with this Direction however the Department can be satisfied that the inconsistency is of minor significance. The subject land is not required for open space as there is adequate useable open space available elsewhere in Central Darling LGA. Council will dispose of any interests

		in the land as part of the reclassification.
6.3 Site Specific Provisions	N	N
7. Metropolitan Planning		
7.1 Implementation of A Plan for Growing Sydney	N	N
7.2 Implementation of Greater Macarthur Land Release Investigation	N	N
7.3 Parramatta Road Corridor Urban Transformation Strategy	N	N
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	N	N
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N	N
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N	N
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	N	N
7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	N	N
7.9 Implementation of Bayside West Precincts 2036 Plan	N	N

7.10 Implementation of Planning Principles for the Cooks Cove Precinct	N	N	
State Environmental Planning Policy (SEPP)	Applicable (Y/N)	Consistent (Y/N)	Comments/Justification
State Environmental Planning Policy No 1—Development Standards	N	N	
State Environmental Planning Policy No 19—Bushland in Urban Areas	N	N	
State Environmental Planning Policy No 21—Caravan Parks	N	N	
State Environmental Planning Policy No 33—Hazardous and Offensive Development	N	N	
State Environmental Planning Policy No 36—Manufactured Home Estates	N	N	
State Environmental Planning Policy No 44—Koala Habitat Protection	N	N	
State Environmental Planning Policy No 47—Moore Park Showground	N	N	
State Environmental Planning Policy No 50—Canal Estate Development	N	N	
State Environmental Planning Policy No 55—Remediation of Land	Y	Y	The subject land has not previously been used for primary production, and Council is of the view that there is limited potential for any contamination on the site. Council will consider this issue at the development application stage.
State Environmental Planning Policy No 64—Advertising and Signage	N	N	
State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development	N	N	
State Environmental Planning Policy No 70—	N	N	

Affordable Housing (Revised Schemes)		
State Environmental Planning Policy (Aboriginal Land) 2019	N	N
State Environmental Planning Policy (Affordable Rental Housing) 2009	N	N
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	N	N
State Environmental Planning Policy (Coastal Management) 2018	N	N
State Environmental Planning Policy (Concurrences) 2018	N	N
State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017	N	N
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	N	N
State Environmental Planning Policy (Gosford City Centre) 2018	N	N
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	N	N
State Environmental Planning Policy (Infrastructure) 2007	N	N
State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007	N	N
State Environmental Planning Policy (Kurnell Peninsula) 1989	N	N
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	N	N

State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	N	N
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	N	N
State Environmental Planning Policy (Primary Production and Rural Development) 2019	N	N
State Environmental Planning Policy (State and Regional Development) 2011	N	N
State Environmental Planning Policy (State Significant Precincts) 2005	N	N
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	N	N
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	N	N
State Environmental Planning Policy (Three Ports) 2013	N	N
State Environmental Planning Policy (Urban Renewal) 2010	N	N
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	N	N
State Environmental Planning Policy (Western Sydney Employment Area) 2009	N	N
State Environmental Planning Policy (Western Sydney Parklands) 2009	N	N