

Lachlan Shire Council - Reclassification of 3 Sites

Proposal Title : **Lachlan Shire Council - Reclassification of 3 Sites**

Proposal Summary : **Council is seeking to reclassify 3 sites in Lachlan Shire from community to operational land.**

PP Number : **PP_2016_LACHL_001_00**

Dop File No : **16/09654**

Proposal Details

Date Planning Proposal Received : **22-Jul-2016**

LGA covered : **Lachlan**

Region : **Western**

RPA : **Lachlan Shire Council**

State Electorate : **BARWON**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Reclassification**

Location Details

Street : **Madline and Leifermann Street**

Suburb : City : **Condobolin** Postcode : **2877**

Land Parcel : **Lot 1 Section 5 DP 758271**

Street : **Brady Street**

Suburb : City : **Condobolin** Postcode : **2877**

Land Parcel : **Lot 1354 DP 1158730**

Street : **Bokhara Street**

Suburb : City : **Lake Cargelligo** Postcode : **2672**

Land Parcel : **Lot 6 Section 13 DP 758595**

DoP Planning Officer Contact Details

Contact Name : **Megan Jones**
Contact Number : **0268412180**
Contact Email : **megan.jones@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Eliza Buckland**
Contact Number : **0268951950**
Contact Email : **Eliza.Buckland@lachlan.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Wayne Garnsey**
Contact Number : **0268412180**
Contact Email : **wayne.garnsey@planning.nsw.gov.au**

Land Release Data

Growth Centre :	Release Area Name :
Regional / Sub Regional Strategy :	Consistent with Strategy :
MDP Number :	Date of Release :
Area of Release (Ha) :	Type of Release (eg Residential / Employment land) :
No. of Lots : 0	No. of Dwellings 0 (where relevant) :
Gross Floor Area : 0	No of Jobs Created : 0

The NSW Government Yes
Lobbyists Code of
Conduct has been
complied with :
If No, comment :

Have there been Yes
meetings or
communications with
registered lobbyists? :

If Yes, comment : **There have been no known meetings with any registered lobbyists.**

Supporting notes

Internal Supporting Notes : **The subject planning proposal seeks to reclassify three parcels of land, Lot 1 Section 5 DP 758271, Lot 1354 DP 1158730 and Lot 6 Section 13 DP 758595 from community land to operational land.**

No rezoning is proposed.

The three parcels of land are Council owned and surplus to Council needs.

Condobolin District Retirement Village is located at Lot 1 Section 5 DP 75821, Madline and Leifermann Street, Condobolin. Council have outlined the reclassification is required as the retirement village has been operated by specialists on a lease basis for some time,

Lachlan Shire Council - Reclassification of 3 Sites

and Council requires the option of selling the asset to a service provider in order for it to be profitable for an operator and it is therefore best that they own the asset.

The Water Reservoir in Brady Street, Condobolin is located at Lot 1354 DP 1158730. Council outline it is a key asset in water provision operations and is appropriate that it be classified as Operational Land.

The Lake Cargelligo Pool Manager's Residence is located at Lot 6 Section 13 DP 758595, Bradley Street, Lake Cargelligo. Council have rented the residence out publicly for a number of years. The changing nature of pool operations have meant that a manager no longer needs to occupy this property, making the property surplus to the needs of Council. The current classification of community land prevents the potential sale of the residence.

The initial planning proposal was received on 19/7/16.

Additional information was requested regarding s117s and intent for Council to change interests in the land through removing public reserve status on 20/7/16.

Part of information this information was received 21/7/19.

A further request for information was made on 21/7/16.

Council advised on 22/7/16 that there is no public reserve status to be removed from any of the lots and no interests changed. Therefore the Governors approval is not required.

Council has requested to be authorised to exercise delegation to complete the planning proposal and this is considered to be appropriate.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **Council is seeking to reclassify 3 lots in Lachlan Shire from community to operational land.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **Council is proposing to amend the Lachlan LEP 2013 by inserting relevant identifying information for the 3 sites into 'Schedule 4 Part 1 Land classified, or reclassified, as operational land - no interests changed'.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

2.3 Heritage Conservation

* May need the Director General's agreement

3.1 Residential Zones

5.1 Implementation of Regional Strategies

6.2 Reserving Land for Public Purposes

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

SEPP (Infrastructure) 2007

e) List any other
matters that need to
be considered :

Section 117 Directions:

Council has identified the planning proposal is considered consistent with all section 117 Directions and State Environmental Planning Policies (SEPP).

2.3 Heritage Conservation

This direction is applicable to the proposed LEP amendment as it affects land in the vicinity of a heritage item.

The Lake Cargelligo Swimming Pool Residence (Lot 6 DP 758595) is located within Bicentennial Park which is listed in Lachlan LEP 2013 as a heritage item.

The proposal is consistent with this direction as there is no physical change proposed to the building on the land and any potential future impact to heritage significance will be assessed at development assessment stage.

This direction is not applicable to the Condobolin District Retirement Village or the Water Reservoir, Brady Street, Condobolin.

3.1 Residential Zones

This direction is applicable to the proposed LEP amendment as it affects land in an existing or proposed residential zone.

Both Lot 1 Section 5 DP 758271 (Condobolin District Retirement Village) and Lot 6 Section 13 DP 758595 (Lake Cargelligo Swimming Pool Residence) are zoned RU5 under Lachlan LEP 2013.

The proposal is consistent with this direction as this zone and use is not expected to change or will remain consistent with the current purpose that is permitted in the RU5 zone.

This direction is not applicable to Lot 1354 DP 1158730 (Water Reservoir, Brady Street, Condobolin) as the site is currently used for infrastructure purposes and will continue to be used for that purpose.

6.2 Reserving Land for Public Purposes

This direction is applicable to the proposed LEP amendment as it is to reclassify public land. The subject land is zone RU5 Village and are not identified as public reserves or recreation.

Council have provided adequate information to permit the subject land to be reclassified to permit the sale of Lot 1 Section 5 DP 758271 (Condobolin District Retirement Village) and Lot 6 Section 13 DP 758595 (Lake Cargelligo Swimming Pool Residence), and to ensure Lot 1354 DP 1158730 (Water Reservoir, Brady Street, Condobolin) is consistent with its use.

Therefore the proposal is not inconsistent with this Direction.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Mapping clearly identifies the 3 lots subject to this planning proposal.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **28 days is proposed. This is supported.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment**Principal LEP:**

Due Date : **August 2013**

Comments in relation to Principal LEP : **The standard instrument Lachlan LEP 2013 was notified on 9 August 2013.**

Assessment Criteria

Need for planning proposal :	Council is seeking to amend the Lachlan LEP 2013 by inserting the identified lots into Schedule 4 Part 1 Land classified, or reclassified, as operational land—no interests changed. A planning proposal is the appropriate mechanism to amend the LEP.
Consistency with strategic planning framework :	The Lachlan Shire Urban Land Use Strategy 2015 does not discuss the proposed reclassification of any land. There is no reference to the need to maintain ownership of either the Lake Cargelligo pool caretaker's residence or Condobolin District Retirement Village.
Environmental social economic impacts :	Council maintains that disposal of the pool caretaker's residence and the retirement village will relieve a significant financial burden from Council without impacting the day-to-day operation of each facility. Reclassification of the water reservoir will regularise its classification in accordance with its current use. This is supported.

Assessment Process

Proposal type :	Consistent	Community Consultation Period :	28 Days
-----------------	-------------------	---------------------------------	----------------

Timeframe to make LEP :	9 months	Delegation :	RPA
-------------------------	-----------------	--------------	------------

Public Authority Consultation - s56(2)(d) :	NSW Public Works Department of Trade and Investment
---	--

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons : **Planning proposal and additional information provided are adequate.**

Lachlan Shire Council - Reclassification of 3 Sites

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Lachlan Attachment_4_-_Evaluation_criteria_for_the_delegation_of_plan_making_fun....pdf	Proposal	Yes
Lachlan Reclassification Correspondence received from Council dated 13 July 2016.pdf	Proposal	Yes
Lachlan reclassification.pdf	Proposal	Yes
Lachlan Shire Council Report 15 June 2016 Reclassification.pdf	Proposal	Yes
Lachlan further information 22 July 2016.pdf	Proposal	Yes
Lachlan initial request for gateway.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **2.3 Heritage Conservation**
 3.1 Residential Zones
 5.1 Implementation of Regional Strategies
 6.2 Reserving Land for Public Purposes

Additional Information : **1. Community consultation is required under sections 56(2)(c) and 57 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 & Infrastructure 2013).

No consultation is required with public authorities under section 56(2)(d) of the Environmental Planning and Assessment Act, 1979.

2. Lachlan Shire Council is to conduct a public hearing in accordance with the requirements of section 29 of the Local Government Act, 1993 and section 57 of the Environmental Planning and Assessment Act, 1979 as the proposal involves reclassification of the land from community to operational.

3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Environmental Planning and Assessment Act, 1979.

4. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Lachlan Shire Council - Reclassification of 3 Sites

Supporting Reasons : The proposal is to reclassify 3 sites in Lachlan Shire from community to operational land to allow for the sale of Lot 1 Section 5 DP 758271 (Condobolin District Retirement Village) and Lot 6 Section 13 DP 758595 (Lake Cargelligo Pool Manager's Residence) and to consistently reference Lot 1354 DP 1158730 (Water Reservoir) with its current use.

Signature: _____

M. Jones

Printed Name: _____

M. Jones

Date: _____

15/8/16.

*Endorsed
Wyansey
TLWR 15/8/16*

