



13 July 2016

Contact Person: **A Townsend**



Lachlan Shire Council
58-64 Molong Street
PO Box 216
CONDOBOLIN NSW 2877
P: 02 6895 1900
F: 02 6895 3478
E: council@lachlan.nsw.gov.au

Department of Planning & Environment
GPO Box 39
Sydney NSW 2001

Attention: Planning Services

13 July 2016

Dear Sir/Madam

PLANNING PROPOSAL TO RECLASSIFY LAND, LACHLAN SHIRE

Please find attached a planning proposal that aims to reclassify three parcels of land in Lachlan local government area. It is requested that the Minister for Planning, or the Department as delegate, issue a Gateway Determination.

These parcels are described as:

- Lot 1 Section 5 DP 758271 at Condobolin, Parish of Condobolin,
- Lot 1354 DP 1158730 at Condobolin, Parish of Condobolin, and
- Lot 6 Section 13 DP 758595 at Lake Cargelligo, Parish of Gurangully.

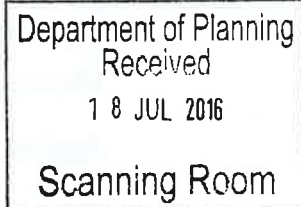
Council resolved to prepare the planning proposal and to forward it to the Department of Planning and Environment requesting a Gateway Determination on 15 June 2016. An extract from the Minutes of the Ordinary Meeting of Lachlan Shire Council is also attached.

If you require any further information please contact Council's Acting Director Environment and Planning, Mr Alan Townsend on (02) 6895 1953.

Yours sincerely,

Andrew Johns

Director – Environment & Planning



7.4.3 DEVELOPMENT ACTIVITY MAY 2016

203/16 RESOLVED THAT:

- a) Environment and Planning Report No. 14/16 be received and noted.

(Manwaring/Scott)

7.4.4 RECLASSIFICATION OF LAND

204/16 RESOLVED THAT:

- a) Council prepare a Planning Proposal in accordance with the NSW Department of Planning and Environment Guidelines to reclassify the following community land to operational land:
 - Lot 1 DP 758271, Condobolin District Retirement Village
 - Lot 1354 DP 1158730, Water Reservoir, Brady Street, Condobolin
 - Lot 6 DP 758595, Pool Manager's Residence, Bokhara Street, Lake Cargelligo
- b) Council forward the Planning Proposal to the NSW Department of Planning and Environment requesting a Gateway Determination; and
- c) Council accept any delegations from the Department of Planning and Environment in relation to this Planning Proposal.
- d) Council consider any submissions received following advertising of the Planning Proposal.

(Frankel/Brady)

For: Mayor Councillor John Medcalf, Councillors Manwaring (Deputy Mayor), Nelson, Frankel, Ridley, Hall, Scott, and Brady.

Against: Nil

PLANNING PROPOSAL TO AMEND LACHLAN LOCAL ENVIRONMENTAL PLAN 2013

To reclassify certain sites in Lachlan local government area from
community land to operational land

Prepared for and on behalf of Lachlan Shire Council by Zenith Town Planning,

13 July 2016

TABLE OF CONTENTS

Introduction	1
Part 1: Objectives or Intended Outcomes	5
Part 2: Explanation of Provisions	5
Part 3: Justification for Planning Proposal	6
Part 4: Mapping	11
Part 5: Community Consultation	11
Part 6: Project Timeline	12

INTRODUCTION

This planning proposal has been prepared in accordance with section 55(2) of the *Environmental Planning and Assessment Act 1979*.

The purpose of the planning proposal is to amend *Lachlan Local Environmental Plan (LEP) 2013* to reclassify certain land from community land to operational land. It is proposed to reclassify three properties described as:

- Lot 1 Section 5 DP 758271 at Condobolin, Parish of Condobolin,
- Lot 1354 DP 1158730 at Condobolin, Parish of Condobolin, and
- Lot 6 Section 13 DP 758595 at Lake Cargelligo, Parish of Gurangully.

The reclassification of the property from community to operational land must be carried out in accordance with *Part 2 Division 1* of the *Local Government Act 1993*. To effect the reclassifications, this planning proposal has been prepared to amend *Lachlan LEP 2013* in accordance with *Part 3 Division 4* of the *Environmental Planning and Assessment Act 1979* and entries made to *Schedule 4 Part 1 Land classified, or reclassified, as operational land - no interests changed of Lachlan LEP 2013*. A public hearing must be conducted to enable public input into the proposed reclassification following exhibition of the planning proposal.

The scope of this planning proposal is to describe relevant attributes of the subject land and to respond to matters for consideration outlined in *A guide to preparing planning proposals* issued by the Department of Planning & Infrastructure in October 2012.

Details of each of the three properties are given below.

a) Lot 1 Section 5 DP 758271 at Condobolin, Parish of Condobolin

The property is approximately 4.03 hectares in area and is occupied by the Condobolin District Retirement Village. It is located in the settlement of Condobolin north of the town centre and within a block bounded by McDonnell, Cunningham, Leifermann and Madline Streets.

An aerial image of the property is given in Figure 1 below shaded yellow.

Lot 1 Section 5 DP 758271 is zoned RU5 Village under *Lachlan LEP 2013* as shown in Figure 2. The use of the land for seniors housing is permitted in the zone and a wide range of residential, commercial, recreational and tourism uses are permitted with consent in the zone. The land is not affected by any environmental constraints, natural hazards or heritage.



Figure 1: SIX Maps image of Lot 1 Section 5 DP 758271

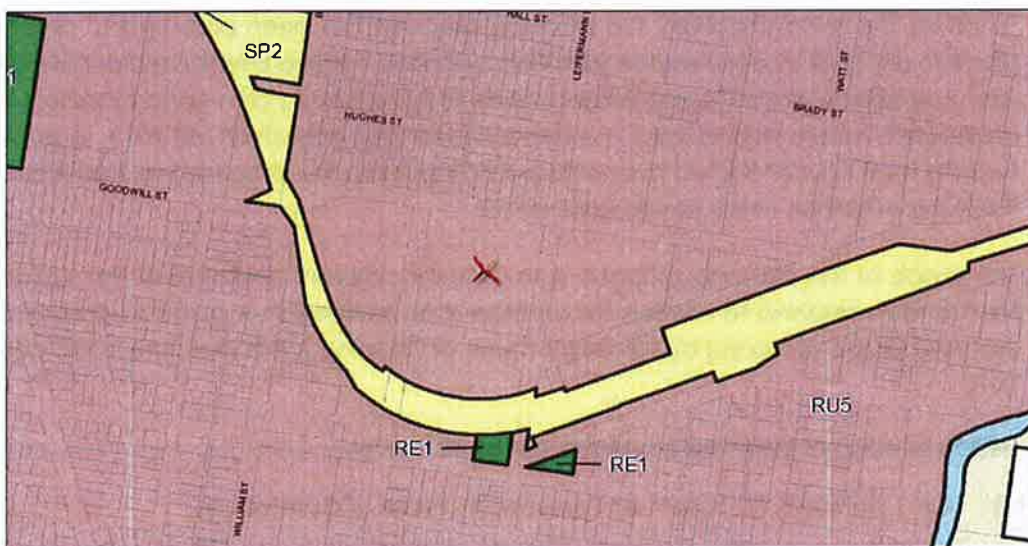


Figure 2: Extract from the Land Zoning Map of Lachlan LEP 2013 LZN_10A

b) Lot 1354 DP 1158730 at Condobolin, Parish of Condobolin

This property is 8,158 square metres in area and is occupied by a water reservoir. The property, along with adjoining Lots 96 and 97 DP 752080, is used to provide the essential service of reticulated water supply to the town of Condobolin. It is located on an elevated site in Brady Street to the north of the town centre of Condobolin. An aerial image of the property is given in Figure 3 below shaded yellow.

Lot 1354 DP 1158730 is zoned RU5 Village under *Lachlan LEP 2013* as shown in Figure 4. The use of the land is defined as a *water supply system* and is permitted with consent in the zone. The land is not affected by any environmental constraints, natural hazards or heritage.



Figure 3: SIX Maps image of Lot 1354 DP 1158730

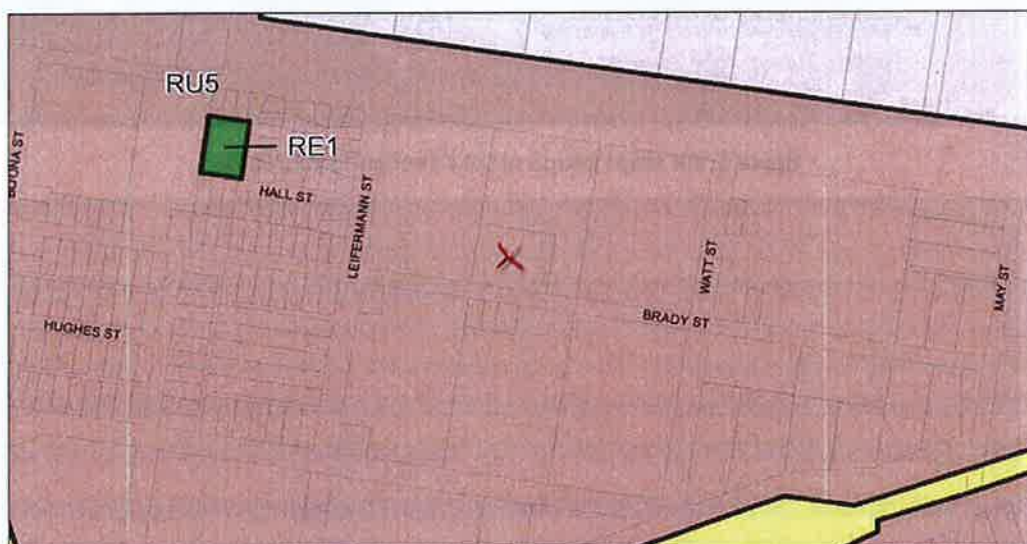


Figure 4: Extract from the Land Zoning Map of Lachlan LEP 2013 LZN_10A

c) Lot 6 Section 13 DP 758595 at Lake Cargelligo, Parish of Gurangully

This property is approximately 1,011 square metres and is located near the public swimming pool to the north-east of the town centre of Lake Cargelligo at the intersection of Bokhara and Conapaira Streets. It is occupied by a dwelling which is

used as the swimming pool manager's residence. An aerial image of the property is given in Figure 3 below shaded yellow. Lot 6 Section 13 DP 758595 is zoned RU5 Village under *Lachlan LEP 2013* as shown in Figure 6. The use of the land as a swimming pool is permitted with consent in the zone and a wide range of residential, commercial, recreational and tourism uses are permitted with consent in the zone. The land is not affected by any environmental constraints or natural hazards but is located diagonally opposite a heritage item listed as I20 in *Schedule 5 Environmental Heritage of Lachlan LEP 2013* which is the Bicentennial Park in Lake Street as shown in Figure 7 below.



Figure 5: SIX Maps image of Lot 6 Section 13 DP 758595

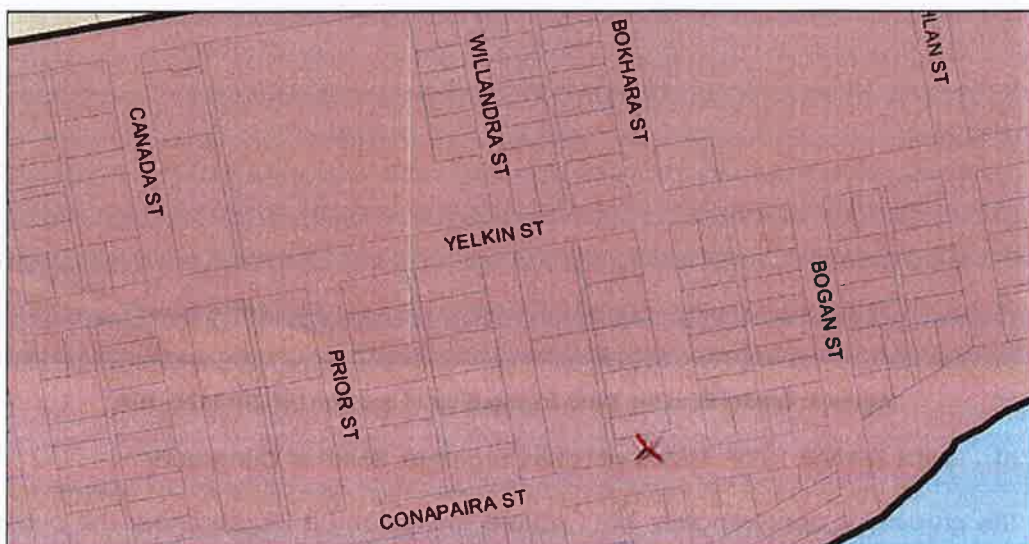


Figure 6: Extract from the Land Zoning Map of Lachlan LEP 2013 LZN_001A

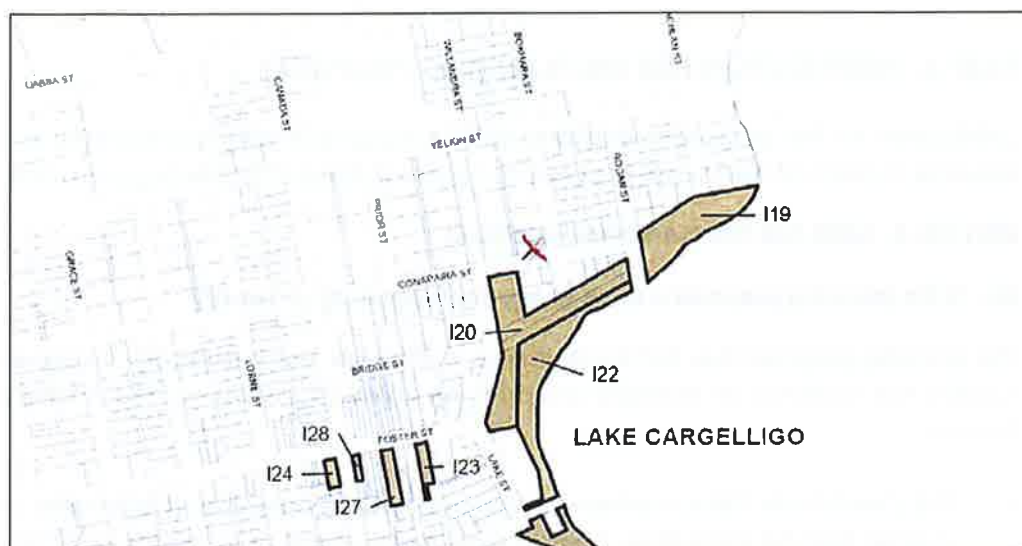


Figure 7: Extract from the Heritage Map of Lachlan LEP 2013 HER_001A

PART 1: OBJECTIVES OR INTENDED OUTCOMES

The objective of the planning proposal is to amend *Lachlan LEP 2013* to reclassify specific parcels of community land to operational land.

PART 2: EXPLANATION OF PROVISIONS

The proposed outcomes will be achieved by an amendment to *Lachlan Local Environmental Plan (LEP) 2013* to be carried out as follows:

a. Reclassification of community land to operational land

The proposed outcomes will be achieved by an amendment to *Lachlan LEP 2013* by reclassifying the three allotments from community land to operational land through an entry to *Schedule 4 Part 1 Land classified, or reclassified, as operational land – no interests changed of Lachlan LEP 2013* as follows:

Column 1	Column 2
Locality	Description
Condobolin	Lot 1 Section 5 DP 758271
Condobolin	Lot 1354 DP 1158730
Lake Cargelligo	Lot 6 Section 13 DP 758595

PART 3: JUSTIFICATION FOR THE PLANNING PROPOSAL

Justification for the proposed amendments to *Lachlan LEP 2013* is presented as a response to each of the questions posed in *A guide to preparing planning proposals*.

SECTION A- NEED FOR THE PLANNING PROPOSAL

Q1. Is the planning proposal a result of any strategic study or report?

The planning proposal has not resulted from a strategic study or report. However, Council has resolved to reclassify each of the three properties for the following reasons:

- The Condobolin District Retirement Village has been operated by specialists on a lease basis for some time. Council requires the option of selling the asset to a service provider on the basis that for it to be profitable for an operator it is best that they own the asset. The current classification of community land prohibits sale of the site.
- The Water Reservoir in Brady Street, Condobolin is a key asset in Council's water provision operations. It is appropriate that it be classified as Operational Land.
- The Lake Cargelligo Pool Manager's Residence has been rented out publicly for a number of years. The nature of the operation of the pool now means that a manager does not need to occupy this property. The property is now surplus to Council's needs. The current classification of community land precludes its potential sale.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

There is no alternative to this planning proposal. In the case of Lot 1 Section 5 DP 758271 and Lot 6 Section 13 DP 758595 a reclassification as operational land is required before Council can dispose of the Condobolin District Retirement Village and the Lake Cargelligo Pool Manager's Residence.

In the case of Lot 1354 DP 1158730 it is appropriate the water reservoir in Brady Street, Condobolin is classified as operational land commensurate with its use.

SECTION B- RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK**Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?**

The draft *Central West and Orana Regional Plan* was released by the Department of Planning and Environment in April 2016. This draft plan applies to Lachlan LGA and has been exhibited for public comment. There are no directions or actions that relate to or affect any of the three properties that are proposed to be reclassified.

Q4. Is the planning proposal consistent with council's local strategy or other local strategic plan?

The planning proposal is not inconsistent with the Lachlan Shire Urban Land Use Strategy which was adopted by Lachlan Shire Council on 11 December 2015. There are no other strategies, policies or plans of management that apply to any of the three properties.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPP)?

An assessment of the planning proposal against relevant SEPPs is provided below.

SEPP	Intent	Comment
SEPP No 55 – Remediation of Land	To provide consistent controls for the remediation of contaminated land	The sites occupied by the Condobolin District Retirement Village and the Lake Cargelligo Swimming Pool Manager's Residence are not known to be potentially contaminated and there have been no known historical uses that would cause these sites to be contaminated. It is considered that preliminary investigations are not necessary given the previous uses and current occupation of each site. No change or sale of the site occupied by the water reservoir in Condobolin is proposed.
SEPP (Infrastructure) 2008	To provide certainty and flexibility in the provision of public infrastructure	This policy enables development for a water supply system, such as the water reservoir in Condobolin,

		by a public authority to be carried out without consent.
--	--	--

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

An assessment of the planning proposal against relevant Ministerial Directions is provided below. The three properties to be reclassified are assessed and identified as a), b) or c) where the Ministerial Direction is of relevance to the reclassification.

Ministerial Direction	Objectives	Comment
2.3 Heritage Conservation	to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance	c) The Lake Cargelligo Swimming Pool Manager's Residence is in the vicinity of Bicentennial Park which is listed in Lachlan LEP 2013 as a heritage item. The heritage significance of this item is conserved by provisions of the principal planning instrument. There is no physical change proposed to the building on the land. Any potential impacts on the heritage significance of Bicentennial Park caused by future changes to the building or development of the land would be assessed at the time of assessment of a development application.
3.1 Residential Zones	(a) to encourage a variety and choice of housing types to provide for existing and future housing needs (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services (c) to minimise the impact of residential development on the environment and	a) The use of the Condobolin District Retirement Village is not expected to change upon reclassification and disposal of the site. It is not proposed to rezone the site. b) This direction is not relevant to the water reservoir as the site is currently used for infrastructure purposes and will continue to be used for that purpose. It is not proposed to rezone the site or to dispose of the

	resource lands	property. c) The Lake Cargelligo Swimming Pool Manager's Residence may continue to be used for residential purposes upon disposal as it is zoned RU5 Village. It may alternatively be used for a purpose that is permitted in the RU5 zone upon disposal. However, it is not proposed to alter the zoning of this site. The existing building on the property is connected to essential services.
5.1 Implementation of Regional Strategies	to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies	There are no directions or actions in the <i>draft Central West and Orana Regional Plan</i> that relate to any of the properties or the current uses of these properties
6.2 Reserving Land for Public Purposes	(a) to facilitate the provision of public services and facilities by reserving land for public purposes, and (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition	a) Council has resolved to reclassify the land occupied by the Condobolin District Retirement Village and offer the site for sale. It is surplus to Council's needs. Its ongoing management is beyond the expertise of Council staff. b) The water reservoir site is to remain in Council ownership. c) Council has resolved to reclassify the land occupied by the Lake Cargelligo Swimming Pool Manager's Residence and offer the site for sale. It is surplus to Council's needs.

SECTION C- ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities,

There is no likelihood of any adverse effect on any critical habitat or threatened species, populations or ecological communities, or their habitats, as a result of this proposal. Each site has been developed for urban uses and each is located within a built-up urban area.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are no likely environmental effects on the site as a result of this planning proposal.

Q9. Has the planning proposal adequately addressed any social and economic effects?

The effect of the planning proposal to dispose of the Condobolin District Retirement Village and the Lake Cargelligo Pool Manager's Residence would have positive social and economic effects. As these properties are surplus to Council's needs, disposal of each property would enable funds otherwise expended on building maintenance and insurance to be diverted to other infrastructure and/or community uses. This would bring social and economic benefits to the residents of Lachlan Shire through savings on expenses incurred maintaining and insuring both properties. Both facilities would continue to operate at no cost to Council on behalf of the community. The reclassification of the water reservoir in Brady Street, Condobolin would not have any social or economic effects and is being carried out to regularise the classification in accordance with its current use.

SECTION D- STATE AND COMMONWEALTH INTERESTS

Q10. Is there adequate public infrastructure for the planning proposal?

Each property is occupied and provided with essential services, including reticulated water and sewerage, adequate stormwater drainage management, access and parking. The level of provision of public infrastructure is adequate.

Q11. What are the views of state and commonwealth public authorities consulted in accordance with the Gateway determination?

Consultation with public authorities and other stakeholders will be carried out as specified in the Gateway determination.

PART 4: MAPPING

There are no amendments to *Lachlan LEP 2013* maps required to effect the reclassification of Lot 1 Section 5 DP 758271 at Condobolin, Parish of Condobolin, Lot 1354 DP 1158730 at Condobolin, Parish of Condobolin or Lot 6 Section 13 DP 758595 at Lake Cargelligo, Parish of Gurangully.

PART 5: COMMUNITY CONSULTATION

Consultation will be carried out in accordance with section 57 of the *Environmental Planning and Assessment Act 1979* and the Gateway determination.

Council intends to exhibit the planning proposal for a 28 day period following the issue of a Gateway determination and the following activities will be carried out:

- A notice is to be placed in local print media.
- Exhibition material and relevant documents are to be made available at public libraries and Council's Administration Building in Condobolin, and
- Exhibition material and relevant documents are to be displayed on Council's website.

Any further consultation tasks as specified in the gateway determination would be carried out by Council.

After exhibition, all submissions are to be considered and reported to Council for endorsement before proceeding to finalisation of the planning proposal.

In accordance with the Local Government Act 1993, a public hearing is also to be held to enable further community input into the proposed reclassification of public land from community land to operational land. The hearing will be held in Council's Administration Building in Condobolin.

PART 6: PROJECT TIMELINE

The following project timeline is proposed, noting that the period from the issue of a gateway determination to the date of notification is subject to matters raised in submissions received during the exhibition period and at the public hearing, and the subsequent decisions of Council regarding the content of the planning proposal.

Action	Indicative month & year
Anticipated gateway determination	September 2016
Agency consultation	October 2016
Community consultation exhibition period	October-November 2016
Consideration of submissions	December 2016
Council endorsement	December 2016
Provision to Department of Planning & Environment prepare instrument	December 2016
Date of notification	March 2017