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Upper Lachlan Shire Council

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Our Ref: F10/23-09

7 January 2019

Mr Luke Musgrave
Director Regions, Southern
Department of Planning and Environment
PO BOX 5475
WOLLONGONG NSW 2520

Dear Mr Musgrave

Planning Proposal – Rezoning of Lot 2 DP 1160080 Kialla Road Crookwell (Crookwell Hospital land) from SP2 Infrastructure (Health Services Facility) to E3 Environmental Management - Upper Lachlan Local Environmental Plan 2010

On 20 December 2018, Council resolved to support a planning proposal and draft amendments to Upper Lachlan Local Environmental Plan 2010 to rezone Lot 2 DP 1160080 Kialla Road Crookwell from SP2 Infrastructure (Health Services Facility) to E3 Environmental Management.

Please find enclosed a copy of the following information:

- The planning proposal prepared in accordance with Section 3.33 of the *Environmental Planning & Assessment (EP&A) Act 1979* and 'A guide to preparing planning proposals';
- Council report and resolution.
- 'Information checklist' from the Departments 'A guide to preparing planning proposals'.

It is requested that the Minister allow the General Manager of Upper Lachlan Shire Council delegation for the making of this amendment. A response to the 'Evaluation criteria for issuing of an Authorisation' is also attached to this letter.

In accordance with section 3.34 of the EP&A Act, Council seeks that the Minister issue a Gateway Determination in support of the attached planning proposal.

Should you require any further information or have any questions about this matter, please contact Council's Tina Dodson, Director Environment and Planning on 02 4830 1000.

Yours faithfully,

Tina Dodson

Acting General Manager

Encl.

Environment and Planning - 20 December 2018

ITEM 0.0 **Planning Proposal to rezone Lot 2 DP 1160080 Kialla Road, Crookwell (Crookwell Hospital Land)**

FILE REFERENCE **I18/637**

AUTHOR **Director of Environment and Planning**

ISSUE

To provide Council with an assessment and recommendation in respect of a Planning Proposal to rezone Lot 2 DP 1160080 from SP2 Infrastructure (Health Services Facility) to E3 Environmental Management under the Upper Lachlan Local Environmental Plan 2010.

RECOMMENDATION That –

1. Council support the Planning Proposal and draft amendments to Upper Lachlan Local Environmental Plan 2010 to rezone Lot 2 DP 1160080 Kialla Road Crookwell from SP2 Infrastructure (Health Services Facility) to E3 Environmental Management.
2. Council forward the Planning Proposal to the Department of Planning and Environment seeking a Gateway Determination under Section 3.34 of the Environmental Planning and Assessment Act 1979.
3. Council request the Department of Planning and Environment to authorise Council to exercise delegation of plan making functions in accordance with the Environmental Planning and Assessment Act 1979.
4. Council authorise the General Manager have delegation to authorise all required documentation to support the Planning Proposal and subsequent amendment to the Upper Lachlan Local Environmental Plan 2010.

BACKGROUND

The Planning Proposal has been prepared by Cardno (NSW/ACT) Pty Ltd on behalf of the Health Administration Corporation (HAC) to seek Council's support for the rezoning of a vacant parcel of land located to the rear of the Crookwell Hospital. This land has been declared as surplus land and is to be disposed.

REPORT

The Crookwell Hospital site comprises two (2) lots - Lots 1 and 2 DP 1160080. Lot 1 fronts Kialla Road and contains all of the Crookwell Hospital buildings, services and infrastructure. Lot 2 is the western portion of the hospital site fronting McDonald Street. Lot 2 has an area of 2.897ha, is vacant contains open grassland with clusters of native tree cover located within the central and eastern portions of the land. Lot 2 is impacted by drainage and sewerage easements and infrastructure and the western boundary of the land adjoins the Crookwell River.

Environment and Planning

PLANNING PROPOSAL TO REZONE LOT 2 DP 1160080 KIALLA ROAD, CROOKWELL (CROOKWELL HOSPITAL LAND) cont'd

The Planning Proposal seeks to rezone Lot 2 to E3 – Environmental Management under the Upper Lachlan Local Environmental Plan 2010 and provide a Minimum Lot Size of 2ha over the land. The proposed rezoning and change to the Minimum Lot Size will allow Council to consider the erection of a single dwelling on Lot 2 with conditions ensuring the ongoing protection of the ecological significance through restrictions on the title of the land under Section 88B of the Conveyancing Act 1919.

Previous Planning Proposals have been rejected by Council for subdivision and residential development of the land as it is substantially affected by an Endangered Ecological Community (EEC) and European and Indigenous heritage. The current proposal permits limited development and conservation of the significance of the land.

ASSESSMENT OF PLANNING PROPOSAL

The Planning Proposal is considered to be generally in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the statutory guidelines for preparing planning proposals.

These guidelines aim to ensure consistency with current strategic directions as well as evidence based environmental assessment of the proposal to identify the key issues arising from the proposal.

A copy of the Planning Proposal and supporting reports are attached.

Detailed environmental investigations have been completed in support of the current Planning Proposal. Consultation with Council and NSW Office Environment and Heritage has also been undertaken to support developing the current rezoning option. These investigations address previous concerns and limitations of the site and recommendations have been provided for the appropriate zoning, development potential and ongoing management of the land.

The impacts of the rezoning and the potential for the erection of a single dwelling house on the land have also been assessed. This includes consideration of the objectives of the E3 Environmental Management zone that will apply to the land, the position of the nominated building envelope, and existing infrastructure within the site, future servicing and construction of access from McDonald Street.

It is considered that the relevant requirements under Section 3.33 of the Environmental Planning & Assessment Act and the matters identified in the relevant guidelines to preparing a Planning Proposal are adequately addressed in the Planning Proposal and the environmental impacts of the Proposal are acceptable.

COMMUNITY CONSULTATION

Should Council support the Planning Proposal, it will proceed to the Gateway process to seek endorsement for the proposal to be placed on public exhibition. Public exhibition will be in accordance with the Department of Planning and Environment Gateway Determination requirements. This would involve appropriate consultation, notification and receipt of submissions from relevant state agencies and the general community.

Environment and Planning

PLANNING PROPOSAL TO REZONE LOT 2 DP 1160080 KIALLA ROAD, CROOKWELL (CROOKWELL HOSPITAL LAND) cont'd

PROJECT TIMELINE

The applicant has indicated that the timeline for the development to occur will be dependent upon the completion of the LEP amendments, the subsequent development application for the dwelling, along with the market for residential development. Based on these factors it is not anticipated that construction would commence prior to late 2019. Certain aspects regarding the timing of a Planning Proposal are not within Council control, i.e. Gateway Determinations and final processing by Parliamentary Counsel.

POLICY IMPACT

The Planning Proposal will result in an amendment to the Upper Lachlan Local Environmental Plan 2010.

OPTIONS

1. Council support the Planning Proposal.
2. Council not support the Planning Proposal.

FINANCIAL IMPACT OF RECOMMENDATIONS

Council has engaged external assistance in reviewing the Planning Proposal and reporting to Council. This cost will be partially recovered from the fees paid on lodgement of the Planning Proposal.

RECOMMENDATION That –

1. Council support the Planning Proposal and draft amendments to Upper Lachlan Local Environmental Plan 2010 to rezone Lot 2 DP 1160080 Kialla Road Crookwell from SP2 Infrastructure (Health Services Facility) to E3 Environmental Management.
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3. Council request the Department of Planning and Environment to authorise Council to exercise delegation of plan making functions in accordance with the Environmental Planning and Assessment Act 1979.
4. Council authorise the General Manager have delegation to authorise all required documentation to support the Planning Proposal and subsequent amendment to the Upper Lachlan Local Environmental Plan 2010.

ATTACHMENTS

1.	Planning Proposal	Attachment
2.	Biodiversity Management Plan	Attachment
3.	Historical Heritage Assessment and Statement of Heritage Impact	Attachment

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 20 DECEMBER 2018

REPORTS FROM STAFF AND STANDING COMMITTEES

SECTION 10: ENVIRONMENT AND PLANNING

**ITEM 10.1 PLANNING PROPOSAL TO REZONE LOT 2 DP 1160080
KIALLA ROAD, CROOKWELL (CROOKWELL HOSPITAL
LAND)**

357/18 **RESOLVED** by Clr Searl and Clr Kensit

1. Council support the Planning Proposal and draft amendments to Upper Lachlan Local Environmental Plan 2010 to rezone Lot 2 DP 1160080 Kialla Road Crookwell from SP2 Infrastructure (Health Services Facility) to E3 Environmental Management.
2. Council forward the Planning Proposal to the Department of Planning and Environment seeking a Gateway Determination under Section 3.34 of the Environmental Planning and Assessment Act 1979.
3. Council request the Department of Planning and Environment to authorise Council to exercise delegation of plan making functions in accordance with the Environmental Planning and Assessment Act 1979.
4. Council authorise the General Manager have delegation to authorise all required documentation to support the Planning Proposal and subsequent amendment to the Upper Lachlan Local Environmental Plan 2010.

Councillors who voted for:- Cllrs P Culhane, P Kensit,
B McCormack, R Opie, R
Cummins, J Searl, J
Stafford and J Wheelwright

Councillors who voted against:- Nil

- CARRIED

STEP 1: REQUIRED FOR ALL PROPOSALS

(under s3.33(2)(a-e) of the EP&A Act)

- Objectives and intended outcome
- Mapping (including current and proposed zones)
- Community consultation (agencies to be consulted)
- Explanation of provisions
- Justification and process for implementation (including compliance assessment against relevant section 9.1 direction/s)

STEP 2: MATTERS – CONSIDERED ON A CASE BY CASE BASIS

(Depending on complexity of planning proposal and nature of issues)

Planning Matters or Issues	to be considered		N/A		to be considered		N/A
	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Strategic Planning Context				Environmental Considerations			
Consistent with the relevant regional, district or corridor/precinct plans applying to the site, including any draft regional/district or corridor/precinct plans released or public comment; or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Flooding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Consistent with a relevant local council strategy that has been endorsed by the Department; or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Land/site contamination (SEPP55)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls; or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Seeking to update the current planning controls if they have not been amended in the last 5 years	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sea level rise	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Site Description / Context				Urban design Considerations			
Aerial photographs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Existing site plan (buildings, vegetation, roads, etc)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Site photos / photomontage	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Building mass/block diagram study (changes in building height and FSR)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Traffic and Transport Considerations				Economic Considerations			
Local traffic and transport	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Lighting impact	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
TMAP	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Development yield analysis (potential yield of lots, houses, employment generation)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public transport	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Economic Considerations			
Cycle and pedestrian movement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Economic impact assessment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Environmental Considerations				Social and Cultural Considerations			
Bushfire Hazard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Retail centres hierarchy	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Acid sulphate Soil	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Employment land	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Noise impact	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Social and Cultural Considerations			
Flora and/or fauna	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Heritage impact	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Soil stability, erosion, sediment, landslip assessment and subsidence	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Aboriginal archaeology	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Water quality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Open space management	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stormwater management	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	European archaeology	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				Infrastructure Considerations			
				Infrastructure servicing and potential funding arrangements	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
				Miscellaneous / Additional Considerations			
				List any additional studies that should be undertaken post Gateway determination	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Evaluation criteria for authorising Council to be the local plan-making authority

(NOTE – where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)	Council	Response	Department assessment
	Y/N	Not Relevant	Agree / Disagree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Y		
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y		
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y		
Does the planning proposal contain details related to proposed consultation?	Y		
Does the planning proposal give effect to an endorsed regional or sub-regional planning strategy or a local strategy including the LSPS endorsed by the Planning Secretary?		N/A	
Does the planning proposal adequately address any consistency with all relevant s. 9.1 Planning Directions?	Y		
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y		
Minor Mapping Error Amendments			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?		N/A	
Heritage LEPs			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?	N		
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		N/A	
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		N/A	

Reclassifications			
Is there an associated spot rezoning with the reclassification?		N/A	
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		N/A	
Is the planning proposal proposed to rectify an anomaly in a classification?		N/A	
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		N/A	
Has Council confirmed whether there are any trusts, estates, interests, dedications, conditions, restrictions or covenants on the public land and included a copy of the title with the planning proposal?		N/A	
Has council confirmed that there will be no change or extinguishment of interests and that the proposal does not require the Governor's approval?		N/A	
Has the council identified that it will exhibit the planning proposal in accordance with the Department's Practice Note regarding classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land?		N/A	
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		N/A	
Spot Rezonings			
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?	N		
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	N		
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?	N		
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		N/A	
Does the planning proposal create an exception to a mapped development standard?	N		

Section 3.22 matters

<p>Does the proposed instrument</p> <ul style="list-style-type: none"> a) correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?; b) address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or c) deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land? <p>(Note – the Minister (or Delegate) will need to form an Opinion under section 3.22(1)(c) of the Act in order for a matter in this category to proceed).</p>	<p>N</p>		
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Notes

- Where a council responds ‘yes’ or can demonstrate that the matter is ‘not relevant’, in most cases, the council will be authorised to make the plan, as a matter of local planning significance
- Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Planning Secretary of the Department.

Matters that will be routinely delegated to a Council under administration are confirmed on the Department’s website www.planning.nsw.gov.au/Plans-for-Your-Area/Local-Planning-and-Zoning/