

WARRUMBUNGLE SHIRE COUNCIL

Ordinary Meeting – 19 May 2022

Item 24 Planning Proposals – LEP Review and Reclassification of Land

Division:	Environment and Development Services
Management Area:	Planning and Regulatory
Author:	Leeanne Ryan – Director Environment and Development Services
CSP Key Focus Area:	Local Economy
Priority:	RU1.1 Council conducts periodic reviews of its planning instruments to ensure that land use planning supports the long term sustainability of our local communities and our economy

Reason for Report

The reason for this report is threefold:

1. Provide Council with an update on the progress of the Planning Proposal to review the current LEP;
2. To resolve to add Heritage Items and to prepare a separate Planning Proposal to Reclassify a number of parcels of Council owned land.
3. Seek approval to place the Planning Proposal on public exhibition as per the gateway determination requirements.

Background

Council is in the process of preparing a Review to the LEP and it is to have three components:

1. Review of Zones and minimum lot sizes
2. Addition of Heritage Items
3. Reclassification of a number of Council owned land from Community to Operational

This will be prepared as two separate Planning Proposals. One will include the review of zones and minimum lot sizes and heritage items and the second one will include the reclassification of land. This is necessary because of the different process for the reclassification of land.

Council has resolved to prepare the planning proposal for the LEP Review on 21 September 2017.

The process for preparing a Planning Proposal is as follows:

1. Council resolves to prepare a Planning Proposal under s3.33 of the Environmental Planning & Assessment Act 1979.
2. The Planning Proposal is prepared and submitted to the Department of Planning and Environment (DPE) for a Gateway Determination to proceed.

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3. Agency referrals are completed as required under the Gateway Determination. The Planning Proposal cannot proceed until any matters of concern raised by an agency are resolved.
4. Community consultation is undertaken in accordance with the Gateway Determination - for a minimum period of 28 days.
5. A report is prepared for Council addressing submissions received during the public exhibition and issues raised at the public hearing.
6. Subject to Council Resolution, the Planning Proposal is forwarded to the Department for finalisation and amendment of Warrumbungle LEP 2013.

The reclassification of public land is done by an amendment to Schedule 4 (Classification and reclassification of public land) of Warrumbungle LEP 2013 and is subject to both the local plan-making process in the *Environmental Planning & Assessment Act 1979* and the public land management requirements of the *Local Government Act 1993*. This is done by the preparation of a Planning Proposal and has the same process outlined above but with an addition step after number 4 which includes Public Hearing is arranged as required under Environmental Planning & Assessment Act 1979 and the Local Government Act 1993 and held at least 21 days after completion of the public exhibition of the Planning Proposal. The Public Hearing is chaired by an independent facilitator who then submits a report to Council identifying issues raised.

Issues

The Planning Proposal to review the LEP is in progress, though has been delayed due to staff resourcing issues.

Council has resolved to adopt the Community Based Heritage Study on 16 May, 2019. The Study included a list of nominated Heritage Items and it made a recommendation to add these to the Schedule in the LEP to complement the existing items. There are 153 items in the list and these are outlined in Table 6 of the Heritage Study. The Heritage Study and associated documents are on Council's website, but also attached.

It is recommended that each of the property owners be written to as part of the exhibition and provided with a link to the Heritage Study and Listing Sheets which are on Council's website and invited to make a submission. If the property owner objects to the proposed listing a submission must be made to the exhibition and Council can consider deleting the item from the list. This should be done in consultation with the Heritage Advisor.

There are a number of parcels of Council owned land that are used for operational purposes but are classified as Community land. It is necessary to reclassify them as Operational land to enable Council to use them to their fullest extent. The process for doing this is via a Planning Proposal. The land to be reclassified is as follows:

- Baradine Aerodrome;
- Baradine Sewerage Treatment Plant;
- Dapper Bushfire Shed;
- Gowang Bushfire Shed;

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- Leadville Bushfire Shed;
- Ulamambri Bushfire Shed;
- Yaminbah Bushfire Shed;
- Coonabarabran Aerodrome;
- Sewerage Pump Station (Coonabarabran)
- Coonabarabran Works Depot and Sewerage Ponds;
- Former RFS Control Centre;
- Sanitary Depot (Coonabarabran);
- Sewerage Reuse Area - Dunedoo;
- Town Wells Road (Radio Repeater)
- Waste Depot - Coonabarabran
- Water Access from Castlereagh River
- Works Depot – Dunedoo
- WSC Connect Five

Community land is land used for a public purpose. Operational land is land which facilitates the functions or 'operations' of Council. As this land is used for operational purposes, there is a need to reclassify it to operational. The details of each of the lots to be reclassified is listed in Table 1 below:

Table 1: Community land – lot details

Facility Name	Street No	Street/Road	Locality	Lot	Sec	DP
Baradine Aerodrome		Aerodrome Road	Baradine	2		113998
				2		133154
				A		418899
				7		750246
				13		750246
				34		750246
				35		750319
Baradine Sewerage Treatment Plant	211	Barwon Street	Baradine	1		873702
				2		873702
Dapper Bushfire Shed	1006	Spring Ridge Road	Dunedoo	1		1038014
Gowang Bushfire Shed	48	Nashs Road	Coonabarabran	2		1052767
Leadville Bushfire Shed		Corner Cox and Plumb Street	Leadville	1	6	2649
Ulamambri Bushfire Shed		South Street	Ulamambri	7	5	759016
Yaminbah Bushfire Shed	17048	Oxley Highway	Dandry	821		1188971
Coonabarabran Aerodrome	380	David Knight Drive	Coonabarabran	1		219211
				103		753405
				105		753405
				106		753405
				9		793646
Sewerage Pump Station	24-26	Robertson Street	Coonabarabran	8	4	758281

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Coonabarabran Works Depot and Sewerage Ponds	2-6	Gardener Street	Coonabarabran	1		1006511
				2		1006511
Former RFS Control Centre	51	King Street	Coonabarabran	2		414144
Sanitary Depot	Off 35	Dandry Road	Coonabarabran	245		753378
Sewerage Reuse Area – Dunedoo		Wargundy Street	Dunedoo	2		234563
				321A		938173
				321C		938174
Town Wells Road		Town Wells Road	Coolah	1		653078
Waste Depot – Coonabarabran	4202	Baradine Road	Coonabarabran	2		1030763
				402		1077124
Water Access from Castlereagh River	944	Merryula Road	Coonabarabran	7		785902
Works Depot – Dunedoo	40	Sullivan Street	Dunedoo	B		403064
WSC Connect Five	14A	Robertson Street	Coonabarabran	1		248906

The Planning Proposal for Reclassification of Land has been prepared and discussed in detail with the Department of Planning and Environment; a copy of the draft document is attached.

Exhibition of the Planning Proposals

The planning proposals are required to be placed on public exhibition for a minimum period of 28 days.

In an effort to speed up the exhibition, it is recommended that Council give delegation to the General Manager, in consultation with the Mayor, to place the Planning Proposals on exhibition once the Gateway Determinations have been received from the Department. Otherwise, it will have to be reported to a Council meeting and this will hold up the exhibition process. It is also recommended Council give delegation for the General Manager to hold the public hearing for the reclassification of land planning proposal.

Further to the above it is also recommended that Council does not accept plan making delegations for these particular planning proposals and seeks assistance from DPE. This means DPE will be responsible for formulating the changes to our LEP maps and drafting updates for relevant clauses in the LEP (to encompass the changes triggered by the Planning Proposals). This will assist Council, with resourcing to undertake the tasks covered by DPE.

Options

To progress each planning proposal resolutions of Council are required to take the next steps.

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Financial Considerations

Council has an allocation in current budget to assist prepare the planning proposals. Whilst the funds have been carried over for the last 2 years due to resourcing issues, there is an amount of \$87,110 available to see the proposals completed.

Community Engagement

The level of community engagement is 'Inform' as per Council's *Community Engagement Strategy 2020-2024*.

Attachments

1. Community Based Heritage Study
2. Draft Planning Proposal - Reclassification of Land 2022

RECOMMENDATION

That:

1. The list of nominated Heritage Items listed in Table 6 of the *Warrumbungle Community Based Heritage Study* be added into the LEP Review Planning Proposal.
2. Council prepare a Planning Proposal to reclassify the Council owned land outlined in Table 1 from Community to Operational for the purposes outlined in Table 1.
3. The General Manager, in consultation with the Mayor is delegated, to place the Planning Proposals on public exhibition and to hold a public hearing for the reclassification of land Planning Proposal.
4. Council not accept plan making delegations for the LEP Review Planning Proposal and the Reclassification of Land Planning Proposal and seek this to be completed by Department of Planning and Environment.
5. A report be prepared on the submissions received to the exhibition of the Planning Proposals.