



IRF24/488

Gateway determination report – PP-2023-1839

Rezone RU1 Primary Production to RU5 Village at 1
McInnes Street, Lake Cargelligo

April 24

Published by NSW Department of Planning, Housing and Infrastructure

dpie.nsw.gov.au

Title: Gateway determination report – PP-2023-1839

Subtitle: Rezone RU1 Primary Production to RU5 Village at 1 McInnes Street, Lake Cargelligo

© State of New South Wales through Department of Planning, Housing and Infrastructure 2024. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning, Housing and Infrastructure as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (April 24) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning, Housing and Infrastructure), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

Contents

1	Planning proposal.....	1
1.1	Overview.....	1
1.2	Objectives of planning proposal	1
1.3	Explanation of provisions	1
1.4	Site description and surrounding area.....	2
1.5	Mapping.....	4
1.6	Background.....	6
2	Need for the planning proposal	7
3	Strategic assessment	7
3.1	Regional Plan	7
3.2	Local.....	8
3.3	Section 9.1 Ministerial Directions	8
3.4	State environmental planning policies (SEPPs)	11
4	Site-specific assessment	11
4.1	Environmental.....	11
4.2	Social and economic.....	12
4.3	Infrastructure.....	12
5	Consultation.....	12
5.1	Community.....	12
5.2	Agencies.....	13
6	Timeframe.....	13
7	Local plan-making authority	13
8	Recommendation.....	13

Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Aboriginal Due Diligence Assessment Report (OzArk Environment & Heritage, April 2022)
Concept plan (Currajong Planning, property + project management, Rev A, dated 01 February 2024)
Council report & resolution (Item 17.7, dated 26 July 2023)
Geotechnical Investigation Report (Barnson, Rev B, dated 19 September 2023)
Industrial and Rural Lands Strategy 2022-2042 (Elton Consulting, dated 25 May 2022)
Lachlan Shire Urban Settlement Strategy (Zenith Town Planning Pty Ltd, dated 6 September 2018)
Opportunities and Constraints Report (OzArk Environment & Heritage, April 2023)
Planning Proposal Report (March 2024)
Site Contamination Investigation (Barnson, dated 15 September 2023)
Site survey (phl surveyors, dated 31 January 2023)
Obstacle Limitation Surfaces Map (28 Feb 2021)

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Lachlan Shire
PPA	Lachlan Shire Council
NAME	Rezone RU1 Primary Production to RU5 Village and reduce MLS from 400 ha to 500m²
NUMBER	PP-2023-1839
LEP TO BE AMENDED	Lachlan Local Environmental Plan (LEP) 2013
ADDRESS	1 McInnes Street, Lake Cargelligo
DESCRIPTION	Lot 212 DP 1058505
RECEIVED	6/03/2024
FILE NO.	IRF24/ 488
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal
DWELLINGS/JOBS	Approximately 233/Unknown
PCO and/or Map Only	Map only

1.2 Objectives of planning proposal

The intended outcome of the planning proposal is to enable the land to be developed for residential purpose. A concept subdivision plan has been provided in the planning proposal at Figure 4 below showing a total of 234 lots including 233 residential lots and 1 biodiversity lot.

The objectives of this planning proposal are clear and align with the strategic intent specified in the Industrial and Rural Lands Strategy 2022 (IRLS).

1.3 Explanation of provisions

The planning proposal seeks to amend the Lachlan LEP 2013 per the changes below:

Table 3 Current and proposed controls

Control	Current	Proposed
----------------	----------------	-----------------

Zone	RU1 Primary Production (RU1)	RU5 Village (RU5)
Minimum lot size	400 hectares	500m ²
Number of dwellings	0	233 (approximately)

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

To achieve the above, the following amendments are required:

Amending the NSW Planning Portal Digital EPI at Lot 212 DP 1058505 for:

- a) Lachlan LEP 2013 Land Zoning Map from RU1 Primary Production to RU5 Village.
- b) Lachlan LEP 2013 Lot Size Map from 400 ha MLS to 500 m² MLS.

A 'map-only' amendment would not need to be drafted by the Parliamentary Counsel Office (PCO) prior to finalisation.

1.4 Site description and surrounding area

The subject site is located on the northern edge of the Lake Cargelligo township, approximately 75km south-west of Condobolin (see Figure 1 below – site is indicated by yellow broken line).



Figure 1 Subject site (source: planning proposal, p.10)

The subject land has an overall area of 44.41 hectare and is predominately comprised of open grassland with groups of vegetation clustered to the south and west of the site. The site falls from north and south-west to the middle, forming a natural drainage line running through the middle of the site.

The primary frontage is onto McInnes Street (east of the site), while the secondary frontage to Uabba Street is to the south. The subject land is bounded by the Lake Cargelligo Airport to the north, to the north-east and south by the existing township and residential land, and to the south-west land currently used for industrial purposes zoned RU1 (see Figure 2 below for site context).

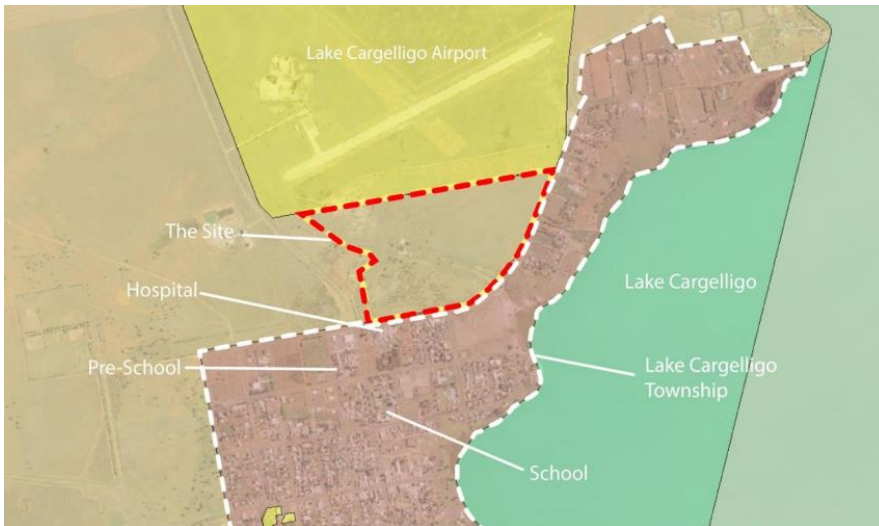


Figure 2 Site context (source: planning proposal, p.11)

There is a portion of the land to the west of the site, being Lots 211 & 213 DP 1058505, which has been identified in the Industrial and Rural Land Strategy 2022-2042 as being potential land for future subdivision (see red circled land in Figure 3 below). It is considered that the land could be included in the proposal, however, Council has provided further comments confirming that these sites are not relevant to the current proposal and can be considered at a later stage.



Figure 3 Site analysis (source: Currajong Planning, Property + Project Management, 1 February 2024)

The land is currently owned by Council and classified as operational land.



Figure 4 Concept subdivision plan (source: Currajong Planning, Property + Project Management, 1 February 2024)

1.5 Mapping

The planning proposal includes maps showing the proposed land zoning and minimum lot size maps. However, the current zoning and minimum lot size maps have not been included correctly in the planning proposal (page 14 of the planning proposal document).

Prior to community consultation, the planning proposal is to be updated to include appropriate mapping that shows the existing and proposed land use zones and minimum lot sizes.

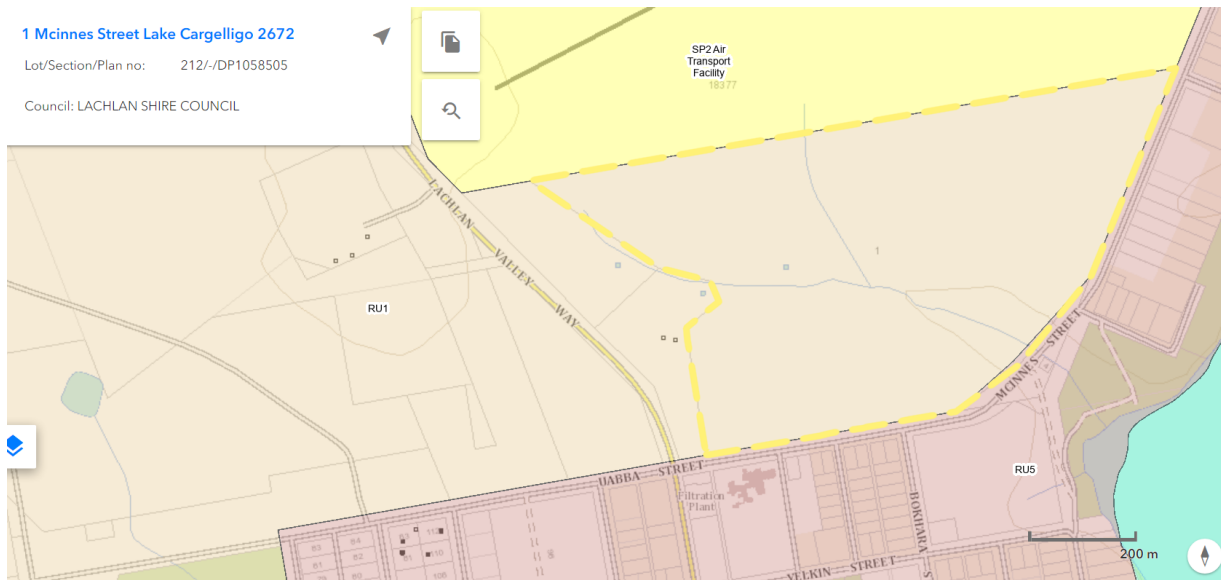


Figure 5 Current zoning map (source: Spatial Viewer)

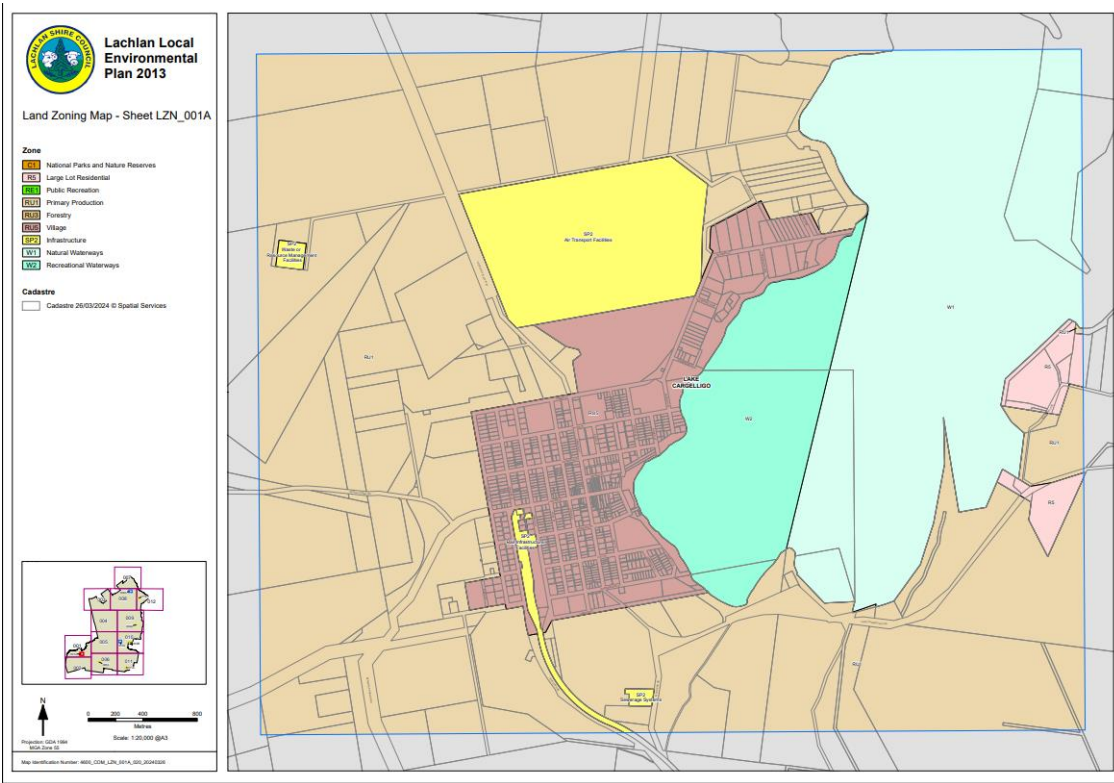


Figure 6 Proposed land zoning map (prepared by DPHI)

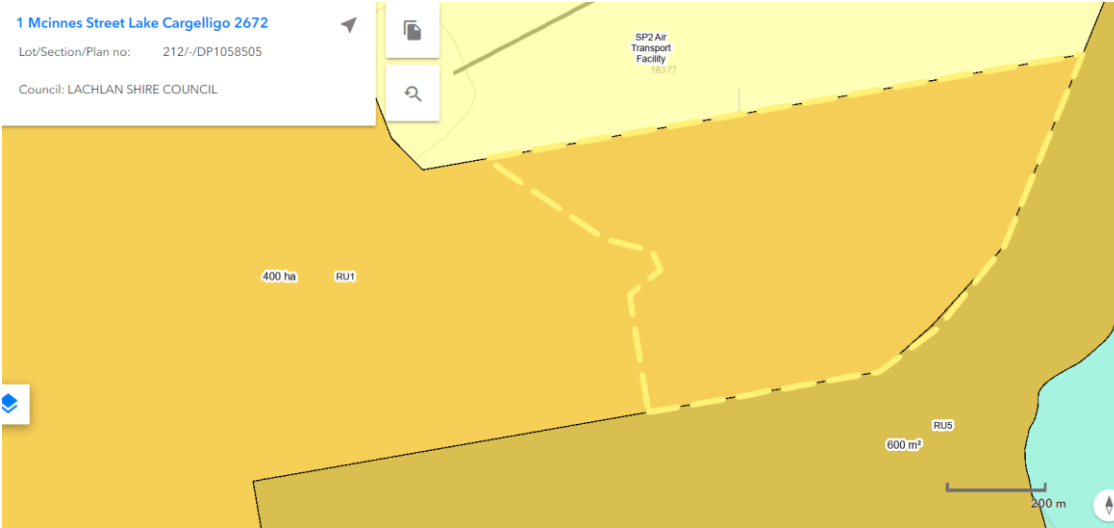


Figure 7 Current minimum lot size map (source: Spatial Viewer)

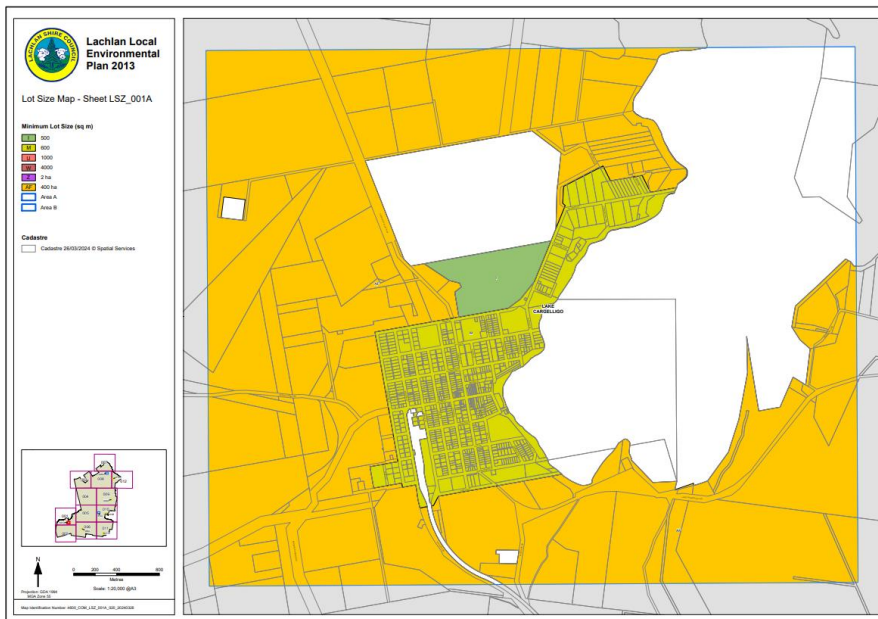


Figure 8 Proposed minimum lot size map (prepared by DPHI)

1.6 Background

The proposal is the outcome of Industrial and Rural Land Strategy 2022-2042 (IRLS, adopted 15 May 2022) which was informed by Lachlan Shire Urban Settlement Strategy, recommending that Council commence investigations to identify land that is suitable for future residential development at Lake Cargelligo (Action LC4, p.70, Zenith, 2018). The subject site has been identified as area 4 for future urban/residential expansion in the IRLS (2022). Furthermore, the Draft Local Housing Strategy (LHS) map earmarks the site for rezoning, as shown in the excerpt below (Figure 9). The proposal aims to provide for logical expansion of residential housing product consistent with the development immediately adjoining the subject site to the south and east.

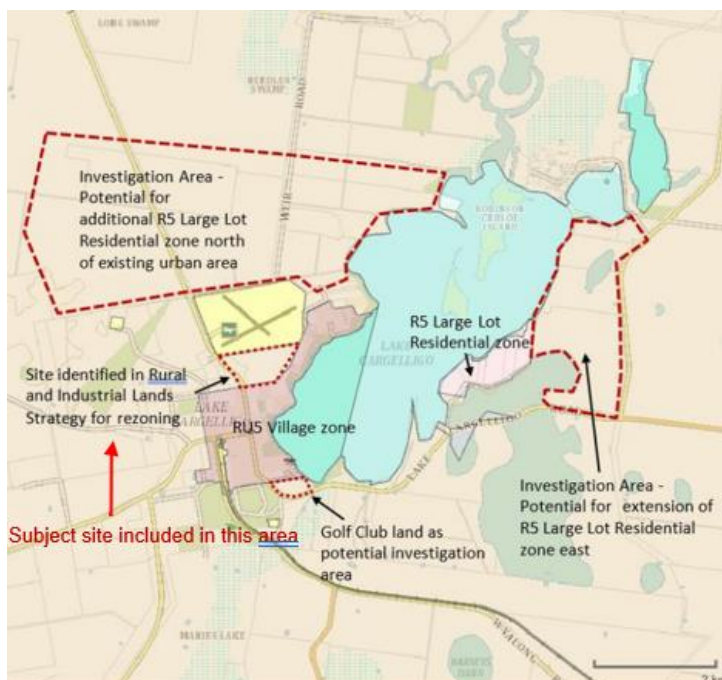


Figure 9 Lake Cargelligo Planning Controls map (Source: Draft Lachlan Local Housing Strategy, p.29)

2 Need for the planning proposal

The planning proposal is the result of the IRLS and Draft LHS adopted by Lachlan Shire Council. The planning proposal cites the following actions which are contained in the Lachlan Local Strategic Planning Statement (LSPS) and states that the planning proposal is a direct response to the actions:

- Increase housing diversity and choice; and
- Manage rural residential development.

The proposal is also consistent with the recommendation of the IRLS which identifies the subject site as future residential expansion area, considering the surrounding characteristics and access to infrastructure. DPHI has reviewed the draft LHS, and provided in principle support for the strategy while noting that future planning proposals would need to investigate potential impacts this may have on existing infrastructure and servicing capacity to ensure impacts are addressed for reducing lot size and creating infill development.

The planning proposal states that there is an issue in relation to the “inadequacy and high cost of rental accommodation and housing for sale” in Lake Cargelligo. This planning proposal has demonstrated that it is needed to facilitate additional supply of residential land in Lake Cargelligo

The planning proposal is the most suitable means of achieving the intended outcomes to meet demand for desired housing product. This site is not constrained by flood risk, is proposed to be serviced by reticulated water and sewer subject to further investigation to the capacity. A concept stormwater management plan is being prepared to support the proposal. The planning proposal is accompanied by the necessary studies/investigations to support site suitability and presents a logical and economical expansion of existing rural residential housing product in Lake Cargelligo.

3 Strategic assessment

3.1 Regional Plan

The proposal is broadly consistent with the Central West and Orana Regional Plan 2041 (CWORP).

The following table provides an assessment of the planning proposal against relevant aspects of the regional plan.

Table 4 Regional Plan assessment – Central West and Orana Regional Plan 2041

Regional Plan Objectives	Justification
Objective 13 Provide well located housing options to meet demand	Consistent – the proposal will enable future residential development in a logical location where services are accessible to meet the demand for housing.
Objective 14 Plan for diverse, affordable, resilient and inclusive housing	Consistent – the planning proposal will enable a diverse range of housing types and lot sizes.
Objective 15	Consistent – the planning proposal aligns with the outcomes of Strategy 15.2 to produce well planned rural residential development that has been identified in a local strategy by council. Given the

Manage rural residential development	current settlement structure of Lake Cargelligo and the characteristics of the site, the proposal is appropriately located to provide a logical expansion of existing residential product.
Objective 16 Provide accommodation options for seasonal temporary and key workers	Consistent – the proposal will enable residential development which may accommodate the needs for seasonal, temporary and key workers.
Part 5 Lachlan Shire Council's priorities	Consistent – the proposal is consistent with Lachlan Shire Council's priority in providing residential needs in Lake Cargelligo that are under pressure from expanding industries and larger surrounding centres.

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 5 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement	The proposal is consistent with the desired future character set out for Lake Cargelligo, which seeks to respond to demand for residential growth by investigating opportunities for residential and rural residential land rezoning. It is a logical expansion of housing adjoining existing RU5 Village zoned land where infrastructure and services are available.
Lachlan Industrial and Rural Lands Strategy 2022-2042 (IRLS)	The IRLS identifies the subject site for future urban/residential expansion. The proposal aligns with the outcome of the IRLS.
Lachlan Draft Local Housing Strategy (LHS)	The draft LHS recognised the site being identified in the IRLS for rezoning for urban development. The proposal is consistent with the draft LHS.

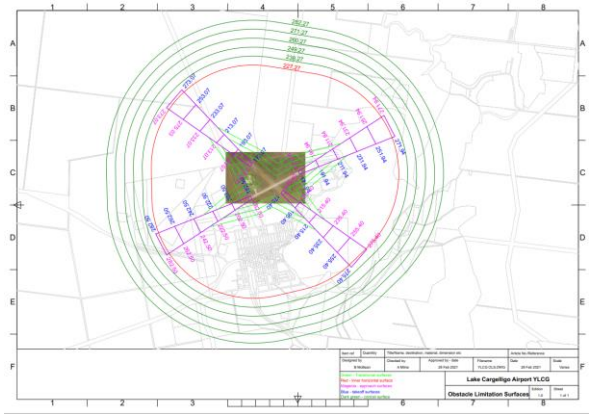
3.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 6 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Yes	Complies with Direction 1.1 (1) requiring planning proposals to be consistent with a Regional Plan released by the Minister for Planning – see section 3.1 above.

3.1 Conservation Zones	Yes, consultation required	<p>The proposal does not include provisions which seek to alter the protection and conservation of environmentally sensitive areas. The subject site does not include mapped biodiversity values. However, the proposal is likely to trigger entry into the NSW Biodiversity Offset Scheme (BOS) where proposed clearing exceeds the allowable limits.</p> <p>The proposal is supported by an Opportunities and Constraints Report (OzArk Environment & Heritage, 2023) where preliminary biodiversity assessment has been completed, covering the results of the ecological field survey and discussion of potential impacts and possible solutions.</p> <p>Department of Climate Change, Energy, the Environment and Water (DCCEEW) should be consulted in relation to the potential development within the site. A Gateway determination condition has been included to this effect.</p>
3.2 Heritage Conservation	No, consultation required	<p>An Aboriginal Due Diligence Assessment Report (OzArk Environment & Heritage, 2022) indicated that the proposal will have an impact on the ground surface and Aboriginal objects. As such, Heritage NSW should be consulted prior to undertaking public exhibition to determine if further work is required. A Gateway condition will be included to this effect.</p>
4.1 Flooding	No, consultation required	<p>The subject land is not identified as flood prone land. However, there are two water courses on the site and no information available to demonstrate how the land around the watercourse is affected by inundation.</p> <p>It is recommended that the 9.1 direction remains unresolved and consultation with DCCEEW is required prior to public exhibition. A Gateway condition will be included to this effect.</p>
4.4 Remediation of Contaminated Land	Yes	<p>The applicant has provided a preliminary contaminated site investigation to assess contamination levels and risk which conclude that the site is suitable for the proposed intended future residential development. However, there is asbestos containing material (ACM) identified at the subject site. It is recommended that a Construction Environmental Management Plan (CEMP) be prepared prior to any demolition or construction work. This can be managed as part of subsequent development application process.</p>

5.1 Integrating Land Use and Transport	Yes	The proposal is located in a position adjacent to the existing urban area and is likely to facilitate good connection to pedestrian/cycle and public transport networks.
5.2 Reserving Land for Public Purposes	Yes	<p>The proposal does not seek to create, alter or reduce existing zonings or reservations of land for public purposes.</p> <p>There is a proposed Biodiversity lot identified on the proposed subdivision layout. Subject to the consultation with DCCEE, there may be changes required to update the zoning of this lot to RE1 Public Reserve to protect the biodiversity value of the area.</p>
5.3 Development Near Regulated Airports and Defence Airfields	No	<p>The site is located adjacent to Lake Cargelligo airport to the north and falls within the inner horizontal surface on the Obstacle Limitation Surfaces Map (Figure 10 below).</p>  <p>Figure 10 Lake Cargelligo Obstacle Limitation Surfaces map</p> <p>It is recommended consultation with the Civil Aviation and Safety Authority (CASA) be undertaken in consideration of the proximity of the site to the Lake Cargelligo Airport.</p> <p>Gateway condition will be included to this effect.</p>
6.1 Residential Zones	Yes	The proposal is consistent with the objectives of the Direction as it proposes rezoning of the subject land for residential development, which will provide a variety and choice of housing types to meet the demand.
6.2 Caravan Parks and Manufactured Home Estates	Yes	The proposal does not seek to affect or alter provisions affecting caravan parks or manufactured home estates. Caravan parks will be permitted with consent under the proposed Zone RU5 land use table.

9.1 Rural Zones	No but justified	The proposal is inconsistent with Direction 9.1(1)(a) as it seeks to rezone land from a rural zone to a residential zone. However, as the IRLS considers the objectives of this Direction and specifically identifies this site the inconsistency is justified.
9.2 Rural Lands	No but justified	While the proposal is inconsistent with Direction 9.2(1)(e), (f), and (g), the proposal is consistent with the Central West and Orana Regional Plan 2041, and local strategic plans for Lachlan Shire Council. The proposal, the supporting reports, and the IRLS suitably address the majority of assessment criteria of Direction 9.2(1) and (2) and therefore the inconsistency is justified.

3.4 State environmental planning policies (SEPPs)

The planning proposal is not inconsistent with the aims of all SEPPs as they are either not triggered at planning proposal stage, or relate to specific application areas not applicable to the subject site, except for the following:

SEPP (Resilience and Hazards) 2021 – Chapter 4 Remediation of land, applies.

The proposal is consistent with the SEPP which aims:

- To provide for a State-wide planning approach to the remediation of contaminated land
- To promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment by specifying certain considerations that are relevant in rezoning land.

As discussed in Section 3.3 a preliminary contamination report has also been undertaken and identifies that the subject land is suitable for the proposed uses. Further consideration of this report and any additional investigation will be undertaken during development application stage.

SEPP (Biodiversity and Conservation) 2021

The proposal is not inconsistent with the SEPP, and the relevant clearing of the land or any specialist studies will be addressed at development application stage.

4 Site-specific assessment

4.1 Environmental

Biodiversity

As discussed in earlier sections of this report, the site is not mapped as containing significant sensitive biodiversity, however several species have been identified as being impacted during the preliminary ecological investigation. As outlined in Section 3.3, due to biodiversity values present on site, the Gateway determination requires consultation with DCCEEW.

Contamination

The proposal is accompanied by a preliminary site investigation which concluded low potential for significant contamination and concludes that it is suitable for the site to be rezoned for residential purposes. Further consideration and any additional investigation may be required during development assessment stage.

Heritage

It is identified in the Aboriginal Due Diligence Assessment that three potential historical items within and on an adjacent site which may be impacted by the proposed development. It is recommended that further consultation with Heritage NSW be undertaken.

4.2 Social and economic

Lake Cargelligo is the second largest settlement of Lachlan Shire, providing a strong local economy and a range of services to the LGA. The proposal will increase housing supply and choice and incoming population will in turn contribute to local spending and services within the local economy. Design and development of the subdivision is likely to generate employment associated civil design and construction.

4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

Table 7 Infrastructure assessment

Infrastructure	Assessment
Reticulated water supply	The site has an existing water supply pipeline running through (indicated as (A) Easement for water supply) on the detailed site survey plan. Reticulated water supply is available via extension of existing services.
Reticulated sewer	Existing pump station available to be connected subject to further investigation of its capacity.
Electricity supply	Available via extension of existing services.
Telecommunications	Available via extension of existing services.
Transport	The proposed development will be able to directly access via McInnes Street. Public transport would not be available in proximity to the site.

5 Consultation

5.1 Community

Council proposes a community consultation period of 20 working days.

The exhibition period proposed is considered appropriate and has been conditioned on the Gateway determination.

5.2 Agencies

The planning proposal nominates some public agencies to be consulted about the planning proposal. It is recommended that the following agencies be consulted on the planning proposal prior to public exhibition and given 30 working days to comment:

- Department of Climate Change, Energy, the Environment and Water
- Heritage NSW
- Civil Aviation and Safety Authority (CASA)

6 Timeframe

Council proposes a 7 month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard.

The Department recommends an LEP completion date of 6 February 2025 in line with its commitment to reducing processing times and regarding the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a local plan-making authority. The Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with Section 9.1 Directions 9.1 Rural Zones and 9.2 Rural Lands are justified as being of minor significance and
- 3.2 Heritage Conservation and 4.1 Flooding remain unresolved until public agencies consultation has been conducted and comments considered.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to:
 - Amend the mapping to include appropriate zoning and lot size maps.
 - Amend the project timeline to be consistent with the Gateway determination.
2. Consultation is required prior to public exhibition with the following public authorities:
 - Department of Climate Change, Energy, the Environment and Water
 - Heritage NSW
 - Civil Aviation and Safety Authority (CASA)
3. The planning proposal should be made available for community consultation for a minimum of 20 working days
4. Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that an LEP completion date of 6 February 2025 be included on the Gateway determination.



5/4/24

Tim Collins
Manager, Western Region



12/4/24

Garry Hopkins
Director, Western Region

Assessment officer

Shili Wang
Senior Planning, Western Region