



IRF23/1687

Gateway determination report – PP-2023-1920

Reclassification of 232 Central Darling Shire Council owned sites from 'Community' to 'Operational'

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Acknowledgment of Country

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

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Planning proposal, dated May 2023
Appendix 2 – Site Assessments
Council report and resolution from the business paper dated 24 May 2023

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Central Darling
PPA	Central Darling Shire
NAME	Reclassification of 232 Central Darling Shire Council owned sites from 'Community' to 'Operational'.
NUMBER	PP-2023-1920
LEP TO BE AMENDED	Central Darling Local Environmental Plan (LEP) 2012
ADDRESS & DESCRIPTION	232 sites
RECEIVED	1/09/2023
FILE NO.	IRF23/1687
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

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- Reclassify 232 Council owned sites from Community land to Operational land.

The objective of this planning proposal is clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Central Darling LEP 2012 as per the changes below:

Table 3 Current and proposed controls

Control	Current	Proposed
Reclassification- Schedule 4, Part 1	Community	Operational

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

1.4 Background

Central Darling LEP 2012 was made in 2012 with several of Council's owned sites incorrectly classified. For example, the council depot, council building, community centres etc. Additionally, over time, Council has acquired properties due to unpaid rates, which were automatically classified as community land as Council did not resolve to classify them within 3 months of their acquisition.

Council has obligations under the LG Act when land is classified as community land, including preparing plans of management and restrictions on the lease, sale or transfer of such land. All of the sites proposed to be reclassified do not meet the LG Act criteria for community land.

The planning proposal confirms that Council is not proposing to discharge any interests that may apply to the land titles and therefore, the reclassification will not require the Governor's approval.

For the purpose of assessing the planning proposal, the 232 properties have been separated into 6 categories. They are:

- administrative use - properties with buildings that are used by Council, an agency or organisation. There are 7 properties under this category.
- Infrastructure - properties containing facilities such as a depot, stormwater drainage, water supply, solar and waste treatment plant. There are 29 properties under this category.
- community use - properties that are used by the general public, such as community centre, cultural centre, caravan park, swimming pool. There are 12 properties under this category.
- residential use - properties that are being used for residential purposes. There are 20 properties under this category.
- roads and access - road reserves that are no longer needed. There are 10 properties under this category.
- vacant land - There are 154 properties under this category.

A complete list is provided in Attachment 1 -Department assessment of the planning proposal.

1.5 Site description and surrounding area

The subject lands are located in the towns of Wilcannia, Ivanhoe, Menindee and White Cliffs in Central Darling LGA.

Appendix 2 of the planning proposal provides a detailed site assessment of each property including land title, address, current zoning, access to infrastructure, date transferred to Council, summary of council's interests and why the site should be reclassified.

1.6 Mapping

The planning proposal does not include any changes to development controls, therefore, there are no changes to the LEP maps.

2 Need for the planning proposal

The proposal will add the 232 properties to Part 1 of Schedule 4 of the Central Darling LEP 2012. There is no other planning mechanism to reclassify community land to operational land under the LG Act, as such the planning proposal is required to achieve the intended outcomes.

3 Strategic assessment

3.1 Regional Plan

The Far West Regional Plan 2036 is the current applicable regional plan. However, a draft Far West Regional Plan 2041 has been exhibited and awaits finalisation. Assessment against both regional plans has been carried out by the planning proposal and are considered adequate.

The planning proposal identifies the proposal is consistent with the Far West Regional Plan 2036 as follows-

- Direction 22: Collaborate and partner with Aboriginal communities – by making lands available to be developed for Aboriginal housing.
- Direction 23: Improve access to local health services, aged care and seniors' housing – by making lands available which can be developed for aged care and seniors housing.
- Direction 24: Enhance access to education and training- by making public buildings available for leasing and to be used for multiple services.
- Direction 28: Deliver greater opportunities for affordable housing - by making lands available which can be developed for affordable housing.
- By supporting growth of local centres (Wilcannia, Menindee and Ivanhoe) which support main industries of the region through housing and health services for the workers, and ancillary services to the industry.

The proposal is consistent with the draft Far West Regional Plan 2041. The relevant objective are:

- Objective 6: Plan for housing supply, diversity, affordability and resilience- by making land available which can be developed for housing
- Objective 9: Facilitate accommodation options for seasonal, temporary and key workers- by making land available which can be developed for workers
- Objective 16: Ensure government and community service provision- by appropriately classifying building which are intended to be used for community services by agencies and organisations.

3.2 Local

The proposal states that it is consistent with the following local plan.

Table 6 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement (LSPS)	The proposal will give effect to priority 9.2 Housing in the LSPS by making land available which can be developed for housing for local and transient populations in Central Darling.

3.3 Section 9.1 Ministerial Directions

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

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.2 Implementation of Regional Plans	Consistent	See Section 3.1 of this report. Both the existing and draft regional plan have been adequately considered.
3.2 Heritage Conservation	Consistent	There are 13 sites proposed to be reclassified that are heritage listed. However, the proposal does not alter the provisions that protect these items or areas.
4.3 Planning for Bushfire Protection	Consistent	Some of the sites proposed to be reclassified are categorised as bushfire prone, however the proposal does not alter the development controls that apply to these sites.
4.4 Remediation of Contaminated Land	Consistent	There is potential for some of the sites proposed to be reclassified to be contaminated, however the proposal does not alter the development controls that apply to these sites.
5.2 Reserving Land for Public Purposes	Consistent	<p>The planning proposal seeks to reclassify council-owned land from 'Community' to 'Operational'. The direction requires that a <i>planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Planning Secretary.</i></p> <p>Given none of the sites are reserved for a public purpose, the planning proposal is consistent with the 9.1 direction and no Secretary's approval is required.</p>

3.4 State environmental planning policies (SEPPs)

No SEPPs are relevant to the planning proposal outcomes.

4 Site-specific assessment

4.1 Environmental

The planning proposal does not change any development controls and will therefore have no impact on the environment.

4.2 Social, economic and infrastructure

The planning proposal will enable a broad range of potential uses for the lands that were previously restricted under the community classification.

5 Consultation

5.1 Community

The planning proposal is categorised as a standard proposal under the LEP Making Guidelines (August 2023) which recommends a 20-day consultation period and forms part of the recommended conditions to the Gateway determination.

5.2 Agencies

It is recommended the following agencies be consulted on the planning proposal and given 20 working days to comment:

- Crown Lands
- Office of Local Government

6 Timeframe

Council proposes a 6 month time frame to complete the LEP.

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

The Department recommends an LEP completion date of 4 August 2024 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council has not sought to exercise its functions as a Local Plan-Making authority.

The Department recommends that Council not be authorised to be the local plan-making authority for this proposal due to its limited resources to complete the process.

8 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with Section 9.1 Direction 5.2 Reserving Land for Public Purposes is minor

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

The following conditions are recommended to be included on the Gateway determination:

1. Prior to community consultation, consultation is required with the following public authorities:
 - Crown Lands
 - Office of Local Government
2. The planning proposal should be made available for community consultation for a minimum of 20 working days
3. Given Council's resources, Council should not be authorised to be the local plan-making authority.

4. It is recommended that an LEP completion date of 4 August 2024 be included on the Gateway.



22/9/2023

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