



Planning Proposal

Reclassification of Land from Community to Operational

Seven (7) Sites in Werris Creek & Quirindi

March 2011

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Introduction

At its Ordinary Meeting of 24 February 2011 Council resolved as follows:

- (a) *Director Environmental Services Report No. DES 10/11 be received and noted.*
- (b) *Council resolve to seek the reclassification of eight (8)* allotments of public land as identified in Table 1 of this Report from 'Community' land to 'Operational' land;*
- (c) *Council prepare a Planning Proposal pursuant to requirements of the Environmental Planning and Assessment Act, 1979 to amend the provisions of Quirindi Local Environmental Plan, 1991 and Parry Local Environmental Plan, 1987;*
- (d) *The Planning Proposal be forwarded to the NSW Department of Planning for Gateway determination.*

**Note: Following the completion of Title Searches for the lands it was determined that one (1) of the previously identified allotments was not under the ownership of Liverpool Plains Shire Council. Subsequently, this land has been excluded from the Planning Proposal Report.*

1. PROPOSAL OBJECTIVE

To reclassify lands described in the Table below from Community Land to Operational Land.

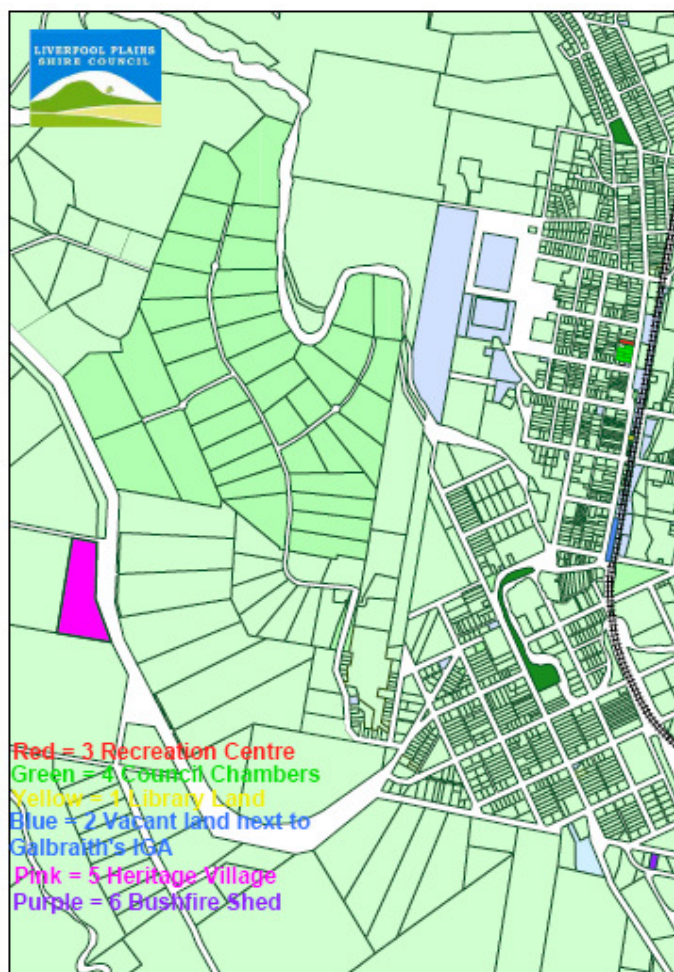
Land	Common Description	Real Property Description	Street Address	Land Area
1.	Quirindi Library Land	Lots A-C DP193093	George Street, Quirindi	607.2m ²
2.	Vacant land next to Galbraith's IGA	Lot 1 DP811945	George Street, Quirindi	3319m ²
3.	Quirindi Recreation Centre	Lot 1 DP1051498	62 Station Street, Quirindi	1385m ²
4.	Council Administration Centre	Pt Lots 2 Sec 53 DP758863, Lot 52 DP515269, Lot B DP430915, Lots C and D DP390378, Lots 1 and 2 DP1130649	60 Station Street, Quirindi	4881m ²
5.	Heritage Village	Lot 8796 DP877198	15 Borambil Road, Quirindi	7.49ha
6.	Braefield/Dury Bushfire Shed	Lot 5 DP804334	6 Industrial Drive Quirindi	2240m ²
7.	Werris Creek Sporting Complex	Lot 111 DP611306	Gap Road, Werris Creek	8.27ha

Table 1

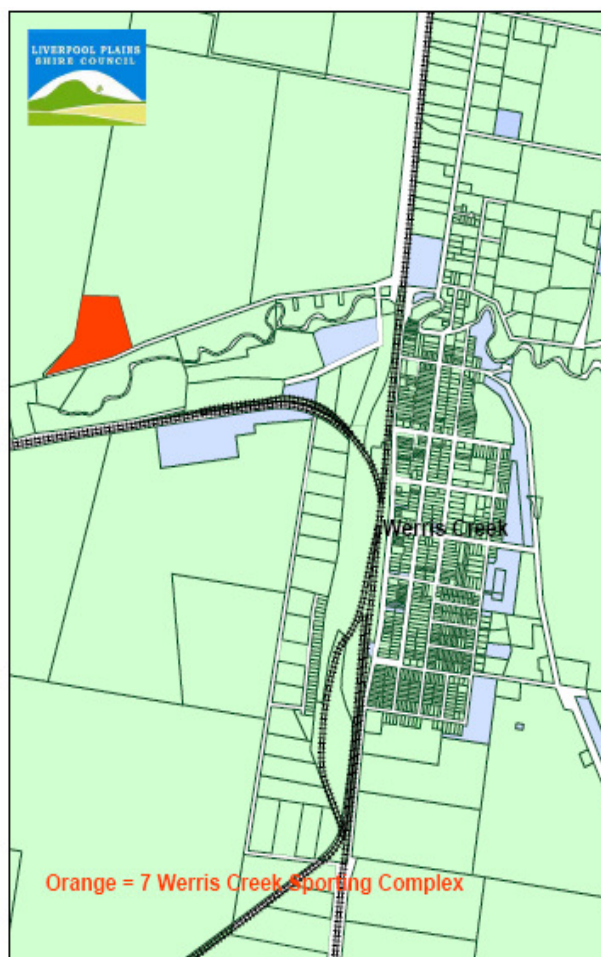
Aerial photographs of the subject lands and contextual maps have been provided overleaf. Cadastral map extracts are attached as Annexure A.



Regional Map: Quirindi & Werris Creek



Contextual Map: Sites 1-6 Quirindi



Contextual Map: Site 7 Werris Creek



Site 1: Quirindi Library



Site 2: Vacant land



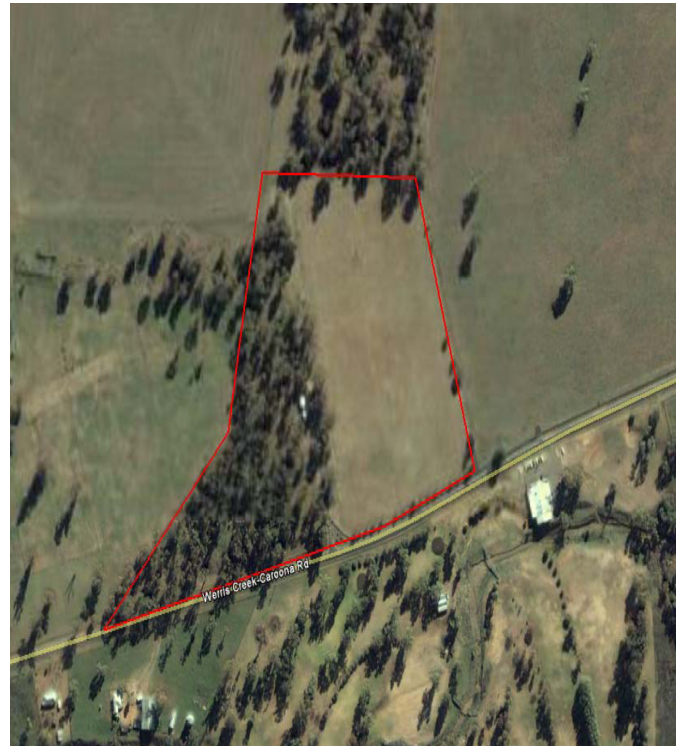
Sites 3 & 4: Council Administration Centre & Quirindi Recreation Centre



Site 5: Heritage Village



Site 6: Braefield/Dury Bushfire Shed



Site 7: Werris Creek Sporting Complex

Details of the current zoning of the seven (7) sites is provided in Table 2 below:

Land	Common Description	Real Property Description	Zoning	LEP
1.	Quirindi Library Land	Lots A-C DP193093	2(v) Village	Quirindi LEP 1991
2.	Vacant land next to Galbraith's IGA	Lot 1 DP811945	2(v) Village	Quirindi LEP 1991
3.	Quirindi Recreation Centre	Lot 1 DP1051498	2(v) Village	Quirindi LEP 1991
4.	Council Administration Centre	Pt Lots 2 Sec 53 DP758863, Lot 52 DP515269, Lot B DP430915, Lots C and D DP390378, Lots 1 and 2 DP1130649	2(v) Village	Quirindi LEP 1991
5.	Heritage Village	Lot 8796 DP877198	1(a) Rural 'A' Zone	Quirindi LEP 1991
6.	Braefield/Dury Bushfire Shed	Lot 5 DP804334	4(a) Industrial	Quirindi LEP 1991
7.	Werris Creek Sporting Complex	Lot 111 DP611306	1(b) General Agriculture	Parry LEP 1987

Table 2: Land Zoning

2. EXPLANATION OF PROVISIONS

Amending Quirindi Local Environmental Plan 1991 by reclassifying the lands identified in Table 1 from community to operational.

Amending Parry Local Environmental Plan 1987 by reclassifying the lands identified as number 7 in Table 1 from community to operational.

It is expected that any interests applying to the land would be extinguished and discharged via the amendment processes.

3. JUSTIFICATION

3.A. Need for Planning Proposal

3.A.1 Is the planning proposal a result of any strategic study or report?

The Planning Proposal is not a result of any strategic study or report and has been generated by Council's detailed review of the current Community Land Register. Upon this review it was determined that a number of parcels had been incorrectly classified as community land having regard to the *Department of Local Government's Practice Note 1 Public Land Management*. The current reclassification has inhibited Council's strategic management of the targeted lands and attainment of economic development and financial management objectives, for example, leasing and sub-leasing of facilities.

Additionally, with respect to site 7, the Werris Creek Sporting Complex, the land has been identified as being suitable to accommodate a major development of regional significance.

3.A.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Local Government Act 1993 and Environmental Planning and Assessment Act 1979 provide comprehensive statutory and procedural requirements for the reclassification of publicly owned lands. Following discussions with representatives of the NSW Department of Planning's Regional Office, it has been identified that the most appropriate way in which to pursue the matter is via separate LEP amendments to the current instruments given the advanced progress of the consolidating, comprehensive LEP. The preparation of documentation with the view of integration with the comprehensive LEP process was considered, however, it would activate the need for re-exhibition and thus have considerable impacts on the comprehensive LEP determination timetable. Consequently, it is preferable to run both LEP procedures separately.

3.A.3 Is there a net community benefit?

The reclassification of the lands will enable a range of community aspirations to be met, particularly in relation to the proposed reclassification of the Werris Creek Sporting Complex land (site 7) which will facilitate the sale and subsequent redevelopment of the land for a caravan park. The economic benefit arising from this future development will be considerable for the community of Werris Creek and surrounding communities including the Village of Currabubula and the Township of Quirindi.

A relocation strategy for current recreational users of the Werris Creek Sporting Complex land and corresponding Site Master Plan has been prepared which is attached at Annexure A. It is expected that existing recreational users will have a key role in the implementation of the Plan's recommendations.

The relocation strategy will facilitate the consolidation of recreational lands and enable a number of high priority actions to be achieved as detailed in the *Liverpool Plains Community Economic Development Plan*, as follows:-

- *Accommodation & Property Development* – Establish a Short Stay Caravan Park
- *Youth & Community Services* – establish a Skate Park

It is considered that there will be overall positive community benefit arising from the reclassification of the subject lands from community to operational.

3.B Relationship to Strategic Planning Framework

3.B.1 *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or subregional Strategy?*

There are no Regional or Sub-Regional Strategies of relevance to the subject lands.

3.B.2 *Is the planning proposal consistent with the local Council's Community Strategic Plan or other local strategic plan?*

It is considered that the proposal reclassification is consistent with the following strategic planning documents:-

Liverpool Plains Shire Council Growth Management Strategy (2009)

The Growth Management Strategy provides a vision, growth management philosophy, development principles, objectives, strategies and policy actions related to the strategic growth and development within Liverpool Plains Shire.

The proposed land reclassification is not considered to be inconsistent with the Growth Management Strategy.

Liverpool Plains Shire Council Community Strategic Plan (2010 - 2011)

The land reclassification is considered to be consistent with the following key strategic directions and actions under the LPSC Community Strategic Plan:-

11. Environmental Services - *Identify candidate operational land and ensure that these parcels are attractive propositions for further development (NSW State Plan Linkage - Objective P.2)*

19.. Community & Economic Development – *seek out new businesses and assist existing business enterprises to expand through advocacy ... (State Plan Linkage - Objective P1)*

Liverpool Plains Community Economic Development Plan (2005)

As detailed in the preceding section, the proposed development is considered to be consistent with the objectives of the Community Economic Development Plan.

3.B.3 Is the planning proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal is considered to be consistent with the relevant State Environmental Planning Policies (SEPPs) including the following:-

State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP 44)

Sites 1-7 are located primarily within the Quirindi urban area and do not contain core koala habitat. Site 7 partially consists of an isolated pocket of native vegetation which is unlikely to comprise core koala habitat.

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

The planning proposal has no implications in terms of the application of the provisions of SEPP 55. None of the lands identified are known to be contaminated.

State Environmental Planning Policy (Infrastructure) 2007

The planning proposal has no implications in terms of the application of the Infrastructure SEPP.

State Environmental Planning Policy (Major Development) 2005

As mentioned in a preceding section, the reclassification of the Werris Creek Sporting Complex land, being site 7, is pre-emptive of the pending lodgement of a Development Application (DA) for a large caravan park. It is likely that this development will be of such scale as to be captured by the Major Development SEPP pursuant to subclauses 13B(1)(a), 13B(2)(b) & (d) of the SEPP. The proponent, Mac Accommodation, has advised Council via email on 23 March 2011 that the capital investment value (CIV) of this proposed development will be in the order of \$35 – \$40 million and as such will be a Part 3A development.

State Environmental Planning Policy (Rural Lands) 2008

The planning proposal has no implications in terms of the application of the Rural Lands SEPP.

State Environmental Planning Policy No 21 - Caravan Parks

The planning proposal has no implications at this time in terms of the application of the Caravan Parks SEPP.

3.B.4 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The following provides a summary of the Section 117 Directions issued on 1 July 2009 in accordance with the *Environmental Planning & Assessment Act 1979*, as relevant to the planning proposal:

Direction No.	Provisions	Consideration
1.1 Business & Industrial Zones	When this Direction Applies This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary). What a relevant planning authority must do if this direction applies A planning proposal must: (a) give effect to the objectives of this direction, (b) retain the areas and locations of existing business and industrial zones, (c) not reduce the total potential floor space area for employment uses and related public services in business zones, (d) not reduce the total potential floor space area for industrial uses in industrial zones, and (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.	Sites 1-4 are located within the Quirindi CBD area however they are currently zoned 2(v) Village under Quirindi LEP 1991. These lands are proposed to be zoned B2 & SP2 respectively under the Comprehensive Regional LEP. Site 6 is currently zoned No. 4(a) Industrial under QLEP1991. The Planning Proposal does not entail the rezoning of any lands zoned for business or industrial purposes. The planning proposal is not considered to be inconsistent with this S117(2) Direction.
1.2 Rural Zones	What a relevant planning authority must do if this direction applies A planning proposal must: (a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. (b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).	The Planning Proposal will not rezone any of the affected lands. The planning proposal is not considered to be inconsistent with this S117(2) Direction.

Section 117 Directions – Cont.

1.5 Rural Lands	When this direction applies This direction applies when: (a) a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or (b) a relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone. What a relevant planning authority must do if this direction applies (4) A planning proposal to which clauses 3(a) or 3(b) apply must be consistent with the Rural Planning Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i>. (5) A planning proposal to which clause 3(b) applies must be consistent with the Rural Subdivision Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i>.	The Planning Proposal will affect one (1) allotment of rural zoned land being site 7, Werris Creek Sporting Complex. No additional controls or provisions are proposed to be incorporated as part of this Planning Proposal. The planning proposal will not affect minimum allotment sizes and is not considered to be inconsistent with this S117(2) Direction.
3.1 Residential Zones	When this direction applies (3) This direction applies when a relevant planning authority prepares a planning proposal that will affect land within: (a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary), (b) any other zone in which significant residential development is permitted or proposed to be permitted. What a relevant planning authority must do if this direction applies (4) A planning proposal must include provisions that encourage the provision of housing that will: (a) broaden the choice of building types and locations available in the housing market, and (b) make more efficient use of existing infrastructure and services, and (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and (d) be of good design. (5) A planning proposal must, in relation to land to which this direction applies: (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and (b) not contain provisions which will reduce the permissible residential density of land.	Site 1-4 are zoned 2(v) Village under QLEP1991. These lands are currently utilised primarily for commercial purposes. No residential development is proposed to be conducted on these lands. No lands are proposed to be rezoned under this Planning Proposal. The Planning Proposal is not considered to be inconsistent with this S117(2) Direction.

Section 117 Directions – Cont.

3.2 Caravan Parks & Manufactured Home Estates	When this direction applies (3) This direction applies when a relevant planning authority prepares a planning proposal. What a relevant planning authority must do if this direction applies (4) In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must: (a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and (b) retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan park. (5) In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must: (a) take into account the categories of land set out in Schedule 2 of SEPP 36 as to where MHEs should not be located, (b) take into account the principles listed in clause 9 of SEPP 36 (which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals), and (c) include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the <i>Community Land Development Act 1989</i> be permissible with consent.	Site 7 (Werris Creek Sporting Complex) is proposed to be partially incorporated into a future Caravan Park. A component of this Caravan Park will be the installation of a large number of moveable dwellings which are intended to house mine workers and contractors operating from various mining operations throughout the Region on a non-permanent and intermittent basis. Caravan Parks are permissible with consent under PLEP1987. The provisions of SEPP 21 – Caravan Parks have been reviewed in the context of the planning proposal. The planning proposal is not considered to be inconsistent with this S117(2) Direction.
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4.3 Flood Prone Land	When this direction applies (3) This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land. What a relevant planning authority must do if this direction applies (4) A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i> (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>). (5) A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone. (6) A planning proposal must not contain provisions that apply to the flood planning areas which: - permit development in floodway areas, - permit development that will result in significant flood impacts to other properties, - permit a significant increase in the development of that land, - are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or - permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development. (7) A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General). (8) For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the <i>Floodplain Development Manual 2005</i> (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).	A review of the Namoi Valley Flood Plain Atlas (1980) and the Quirindi Flood Study was conducted. None of the subject lands have been identified as being subject to periodic inundation by floodwater. The Planning Proposal does not entail the creation, removal or alteration of any zones affecting these flood prone land. No specific additional provisions relating to flood prone lands are proposed to be incorporated. The planning proposal is not considered to be inconsistent with this S117(2) Direction.
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Section 117 Directions – Cont.

4.4 Planning for Bushfire Protection	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land. What a relevant planning authority must do if this direction applies (4) In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made, (5) A planning proposal must: (a) have regard to <i>Planning for Bushfire Protection 2006</i>, (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and (c) ensure that bushfire hazard reduction is not prohibited within the APZ. (6) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate: (a) provide an Asset Protection Zone (APZ) incorporating at a minimum: (i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and (ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road, (b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the <i>Rural Fires Act 1997</i>), the APZ provisions must be complied with, (c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks, (d) contain provisions for adequate water supply for firefighting purposes, (e) minimise the perimeter of the area of land interfacing the hazard which may be developed, (f) introduce controls on the placement of combustible materials in the Inner Protection Area.	Site 7 (Werris Creek Sporting Complex) is located on land identified as being Bushfire Prone. It is intended to consult with the NSW Rural Fire Service once Gateway Determination is obtained. The planning proposal is not considered to be inconsistent with this S117(2) Direction.
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6.2 Reserving Land for Public Purposes	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal. What a relevant planning authority must do if this direction applies (4) A 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 Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General). (5) When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning proposal and the land would be required to be acquired under Division 3 of Part 2 of the <i>Land Acquisition (Just Terms Compensation) Act 1991</i>, the relevant planning authority must: (a) reserve the land in accordance with the request, and (b) include the land in a zone appropriate to its intended future use or a zone advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), and (c) identify the relevant acquiring authority for the land. (6) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must: (a) include the requested provisions, or (b) take such other action as advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) with respect to the use of the land before it is acquired. (7) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.	The Planning Proposal will not create, alter or reduce any existing zonings. No lands are proposed to be rezoned as part of the Planning Proposal. None of the lands identified in the Planning Proposal have been acquired under the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> nor have been identified by a public authority or the Minister as being required for future public purposes. The planning proposal is not considered to be inconsistent with this S117(2) Direction.
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In addition to the Section 117 Directions nominated above, the NSW Department of Planning issued a Practice Note (PN09-003) titled “*Classification and Reclassification of Public Land through a Local Environmental Plan*” on 12 June 2009.

The Practice Note contains general requirements for the classification or reclassification of land. In accordance with the Practice Note, a written statement is provided addressing a range of additional matters for consideration, as follows:

Land Description:	Response
1. Lots A-C DP193093, George Street Quirindi (Quirindi Library)	
Reason why the planning proposal is being prepared	The planning proposal is being prepared to enable the land to be reclassified from community to operational.
Current and proposed classification	The land is currently classified as Community and it is proposed that the land be classified as Operational Land.
Council's ownership of the land	The subject land is owned by Liverpool Plains Shire Council.
How and when the interest was acquired	October 1984 (Notice of Transfer 160)
The reason Council acquired an interest in the land	Land was purchased for commercial interests (development of offices and library)
Any agreements over the land	None registered on the title.
Any indication of any financial loss or gain from the reclassification of the land	A larger library may be required within the Quirindi Township and Council may wish to dispose of this asset at some time to finance the development of a future library complex.
The asset management objectives being pursued	The management of this asset is currently being conducted with Council's Asset Management Plan. The reclassification of the land will provide greater flexibility in the management of the land and attainment of Council's financial and community management objectives.
Whether there has been an agreement for the sale or lease of the land	There are no agreements for the lease or sale of the land.
Relevant matters required in plan making under the EP&A Act	The reclassification is proposed to be carried out in accordance with: • S.55 - Relevant Authority to prepare a planning proposal • S.56 – Gateway determination • S.57 – Community Consultation
A copy of the Practice Note	A copy of the Practice Note is ATTACHED as Annexure B.

Land Description:	Response
2. Lot 1 DP811945, George Street, Quirindi (Vacant Land)	
Reason why the planning proposal is being prepared	The planning proposal is being prepared to enable the land to be reclassified from community to operational.
Current and proposed classification	The land is currently classified as Community and it is proposed that the land be classified as Operational Land.
Council's ownership of the land	The subject land is owned by Liverpool Plains Shire Council.
How and when the interest was acquired	28 th September 1992
The reason Council acquired an interest in the land	Land acquired for purposes of car parking and stormwater drainage.
Any agreements over the land	None registered on the title.
Any indication of any financial loss or gain from the reclassification of the land	Future disposal of the land may result in financial gain.
The asset management objectives being pursued	The management of this asset is currently being conducted with Council's Asset Management Plan. The reclassification of the land will provide greater flexibility in the management of the land and attainment of Council's financial and community management objectives.
Whether there has been an agreement for the sale or lease of the land	There are no agreements for the lease or sale of the land.
Relevant matters required in plan making under the EP&A Act	The reclassification is proposed to be carried out in accordance with: • S.55 - Relevant Authority to prepare a planning proposal • S.56 – Gateway determination • S.57 – Community Consultation
A copy of the Practice Note	A copy of the Practice Note is ATTACHED as Annexure B.

Land Description:	Response
3. Lot 1 DP1051498, 62 Station Street, Quirindi (Quirindi Recreation Centre)	
Reason why the planning proposal is being prepared	The planning proposal is being prepared to enable the land to be reclassified from community to operational.
Current and proposed classification	The land is currently classified as Community and it is proposed that the land be classified as Operational Land.
Council's ownership of the land	The subject land is owned by Liverpool Plains Shire Council.
How and when the interest was acquired	28 th March 2003
The reason Council acquired an interest in the land	The land was purchased for the purposes of development of an indoor recreation facility.
Any agreements over the land	None registered on the title.
Any indication of any financial loss or gain from the reclassification of the land	Future demand for a multi-purpose sporting complex may necessitate the disposal of this asset and reinvestment of the proceeds into the development of a new sporting facility.
The asset management objectives being pursued	The management of this asset is currently being conducted with Council's Asset Management Plan. The reclassification of the land will provide greater flexibility in the management of the land and attainment of Council's financial and community management objectives.
Whether there has been an agreement for the sale or lease of the land	There are no agreements for the lease or sale of the land.
Relevant matters required in plan making under the EP&A Act	The reclassification is proposed to be carried out in accordance with: • S.55 - Relevant Authority to prepare a planning proposal • S.56 – Gateway determination • S.57 – Community Consultation
A copy of the Practice Note	A copy of the Practice Note is ATTACHED as Annexure B.

Land Description:	Response			
4. Pt Lots 2 Sec 53 DP758863, Lot 52 DP515269, Lot B DP430915, Lots C and D DP390378, Lots 1 and 2 DP1130649 60 Station Street, Quirindi (Council Administration Centre)				
Reason why the planning proposal is being prepared	The planning proposal is being prepared to enable the land to be reclassified from community to operational.			
Current and proposed classification	The land is currently classified as Community and it is proposed that the land be classified as Operational Land.			
Council's ownership of the land	The subject land is owned by Liverpool Plains Shire Council.			
How and when the interest was acquired	LAND Pt Lot 2 Sec 53 DP758863 Lot 52 DP515269 Lot B DP430915 Lot C DP390378 Lot D DP390378 Lots 1 & 2 DP1130649	DATE 8 Apr 1914 28 Sep 1965 17 Dec 1958 30 Sep 1963 8 Sep 1958 14 Apr 1959	HOW Crown Grant Purchase Purchase Purchase Purchase Purchase	NOTES Excl.road widening Excl.road widening
The reason Council acquired an interest in the land	For the purpose of construction of Council Chambers & Administration Centre.			
Any agreements over the land	LAND Pt Lot 2 Sec 53 DP758863 Remaining land parcels	NOTES Defined as a Reserve under Part 5 of the Crown Lands Act 1989. There are restrictions on its transfer and other dealings. None registered on the titles.		
Any indication of any financial loss or gain from the reclassification of the land	Growth of Council's operations in the future may necessitate the disposal of this asset and reinvestment of the proceeds into the development of a new Administration Centre.			
The asset management objectives being pursued	The management of this asset is currently being conducted with Council's Asset Management Plan. The reclassification of the land will provide greater flexibility in the management of the land and attainment of Council's financial and community management objectives.			
Whether there has been an agreement for the sale or lease of the land	There are no agreements for the lease or sale of the land.			
Relevant matters required in plan making under the EP&A Act	The reclassification is proposed to be carried out in accordance with: • S.55 - Relevant Authority to prepare a planning proposal • S.56 – Gateway determination • S.57 – Community Consultation			
A copy of the Practice Note	A copy of the Practice Note is ATTACHED as Annexure B.			

Land Description:	Response
5. Lot 8796 DP877198, 15 Borambil Road, Quirindi (Quirindi Heritage Village)	
Reason why the planning proposal is being prepared	The planning proposal is being prepared to enable the land to be reclassified from community to operational.
Current and proposed classification	The land is currently classified as Community and it is proposed that the land be classified as Operational Land.
Council's ownership of the land	The subject land is owned by Liverpool Plains Shire Council.
How and when the interest was acquired	3 March 2006
The reason Council acquired an interest in the land	The subject land was originally used as a gravel quarry for road construction and maintenance. The land was subsequently leased.
Any agreements over the land	Lease to Quirindi Rural Heritage Village Association Inc. expires on 30 September 2008 with option of renewal 5 years with 2 further options of 5 years each.
Any indication of any financial loss or gain from the reclassification of the land	Potential future loss of income to Council as the Heritage Village provides an income stream from the proceeds of leasing of the land. The reclassification of the land provides an opportunity for the land to be purchased by the current lessees.
The asset management objectives being pursued	The management of this asset is currently being conducted with Council's Asset Management Plan. The reclassification of the land will provide greater flexibility in the management of the land and attainment of Council's financial and community management objectives.
Whether there has been an agreement for the sale or lease of the land	The land is currently leased to the Quirindi Rural Heritage Village Association.
Relevant matters required in plan making under the EP&A Act	The reclassification is proposed to be carried out in accordance with: • S.55 - Relevant Authority to prepare a planning proposal • S.56 – Gateway determination • S.57 – Community Consultation
A copy of the Practice Note	A copy of the Practice Note is ATTACHED as Annexure B.

Land Description:	Response
6. Lot 5 DP804334, 6 Industrial Drive Quirindi (Braefield/Dury Bushfire Shed)	
Reason why the planning proposal is being prepared	The planning proposal is being prepared to enable the land to be reclassified from community to operational.
Current and proposed classification	The land is currently classified as Community and it is proposed that the land be classified as Operational Land.
Council's ownership of the land	The subject land is owned by Liverpool Plains Shire Council.
How and when the interest was acquired	17 October 1990
The reason Council acquired an interest in the land	The land was purchased for the purpose of construction of a Bushfire Shed.
Any agreements over the land	None registered on the title.
Any indication of any financial loss or gain from the reclassification of the land	A financial loss may occur in the future should Rural Fire Service operations be transferred to another facility. The reclassification of the land will provide greater flexibility in the management of the land and attainment of Council's financial and community management objectives.
The asset management objectives being pursued	The management of this asset is currently being conducted with Council's Asset Management Plan. The reclassification of the land will provide greater flexibility in the management of the land and attainment of Council's financial and community management objectives.
Whether there has been an agreement for the sale or lease of the land	There are no agreements for the lease or sale of the land.
Relevant matters required in plan making under the EP&A Act	The reclassification is proposed to be carried out in accordance with: • S.55 - Relevant Authority to prepare a planning proposal • S.56 – Gateway determination • S.57 – Community Consultation
A copy of the Practice Note	A copy of the Practice Note is ATTACHED as Annexure B.

Land Description:	Response
7. Lot 111 DP611306, Gap Road, Werris Creek (Werris Creek Sporting Complex)	
Reason why the planning proposal is being prepared	The planning proposal is being prepared to enable the land to be reclassified from community to operational.
Current and proposed classification	The land is currently classified as Community and it is proposed that the land be classified as Operational Land.
Council's ownership of the land	The subject land is owned by Liverpool Plains Shire Council.
How and when the interest was acquired	9 February 1981
The reason Council acquired an interest in the land	The former Parry Shire Council (part of which was amalgamated to form the Liverpool Plains Shire) previously obtained the land for the purposes of development of a sporting facility.
Any agreements over the land	None registered on the title.
Any indication of any financial loss or gain from the reclassification of the land	Council is seeking to dispose of this land to facilitate the development of an integrated sporting facility at David Taylor Park, centrally located adjacent to the Werris Creek residential area. This land is also proposed to be incorporated into a development plan for a future caravan park of significant size.
The asset management objectives being pursued	The management of this asset is currently being conducted with Council's Asset Management Plan. The reclassification of the land will provide greater flexibility in the future management of the land and attainment of Council's financial and community management objectives. The disposal of this land will also facilitate reinvestment of funds in the David Taylor Park sporting facility in line with the recommendations of the David Taylor Park Master Plan.
Whether there has been an agreement for the sale or lease of the land	Informal agreement has been reached for the sale of the land with the developer of the proposed caravan park being Mac Accommodation P/L. The land is proposed to continue to be utilised for recreational purposes by the new land owner.
Relevant matters required in plan making under the EP&A Act	The reclassification is proposed to be carried out in accordance with: • S.55 - Relevant Authority to prepare a planning proposal • S.56 – Gateway determination • S.57 – Community Consultation
A copy of the Practice Note	A copy of the Practice Note is ATTACHED as Annexure B.

3.C Environmental, Social & Economic Impacts

3.C.1 *Is there any likelihood that critical habitat or threatened species, populations or ecological communities or their habitats will be adversely affected as a result of the proposal?*

The proposal is unlikely to adversely affect critical habitat or threatened species, or ecological communities, or their habitats. The proposed future development application for the proposed Caravan Park which incorporates Site 7 (Werris Creek Sporting Complex Land) in its entirety in addition to adjoining parcel of land held in private ownership will have due regard to potential environmental impacts of the overall proposal. The proponent has indicated that existing vegetation on the site is proposed to be retained as part of the future development activities on the land.

3.C.2 *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

The proposed reclassification of the land is unlikely to result in adverse environmental effects.

3.C.3 *How has the planning proposal adequately addressed any social and economic impacts?*

The planning proposal is considered unlikely to result in adverse social or economic impacts. As detailed in a preceding section a Relocation Strategy and corresponding Master Plan has been developed for existing recreational users of the Werris Creek Sporting Complex. It is intended that extensive community engagement processes be undertaken to facilitate the relocation of the displaced user group and relocation to a centrally located and augmented integrated recreational facility.

3.D State and Commonwealth Interests

3.D.1 *Is there adequate public infrastructure for the planning proposal?*

Existing public infrastructure is already adequate for the affected lands.

3.D.2 *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

It is proposed that the issues raised by State and Commonwealth public authorities will be addressed during the LEP's public exhibition phase. It is intended that formal consultation will be undertaken with the NSW Rural Fire Service upon gateway determination.

4. COMMUNITY CONSULTATION

It is anticipated that the community consultation requirements of the Local Government Act 1993 in relation to the reclassification of community land to operational land, including the requirement to conduct a Public Hearing, will provide sufficient opportunity for consultation with the local community.

As mentioned in the preceding section, a relocation strategy and corresponding Master Plan has been developed to facilitate the relocation of existing user groups at the Werris Creek Sporting Complex facility to an existing, centrally located recreation complex. Further augmentation of this facility is proposed as part of this relocation strategy.

It is anticipated that the LEP will be finalised within a maximum period of six (6) months. It is intended that formal consultation will also be undertaken with the NSW Rural Fire Service upon gateway determination.

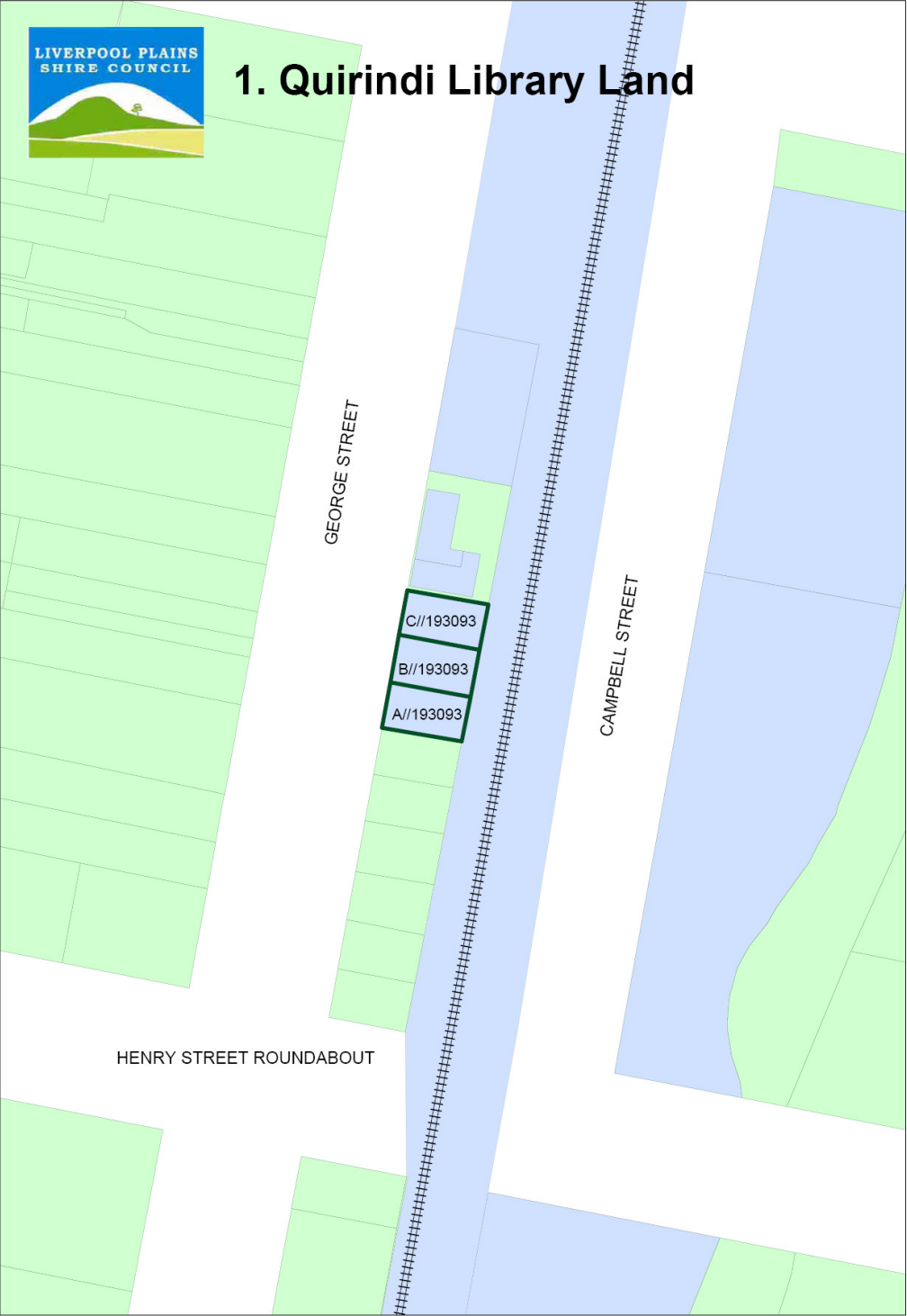
Conclusion

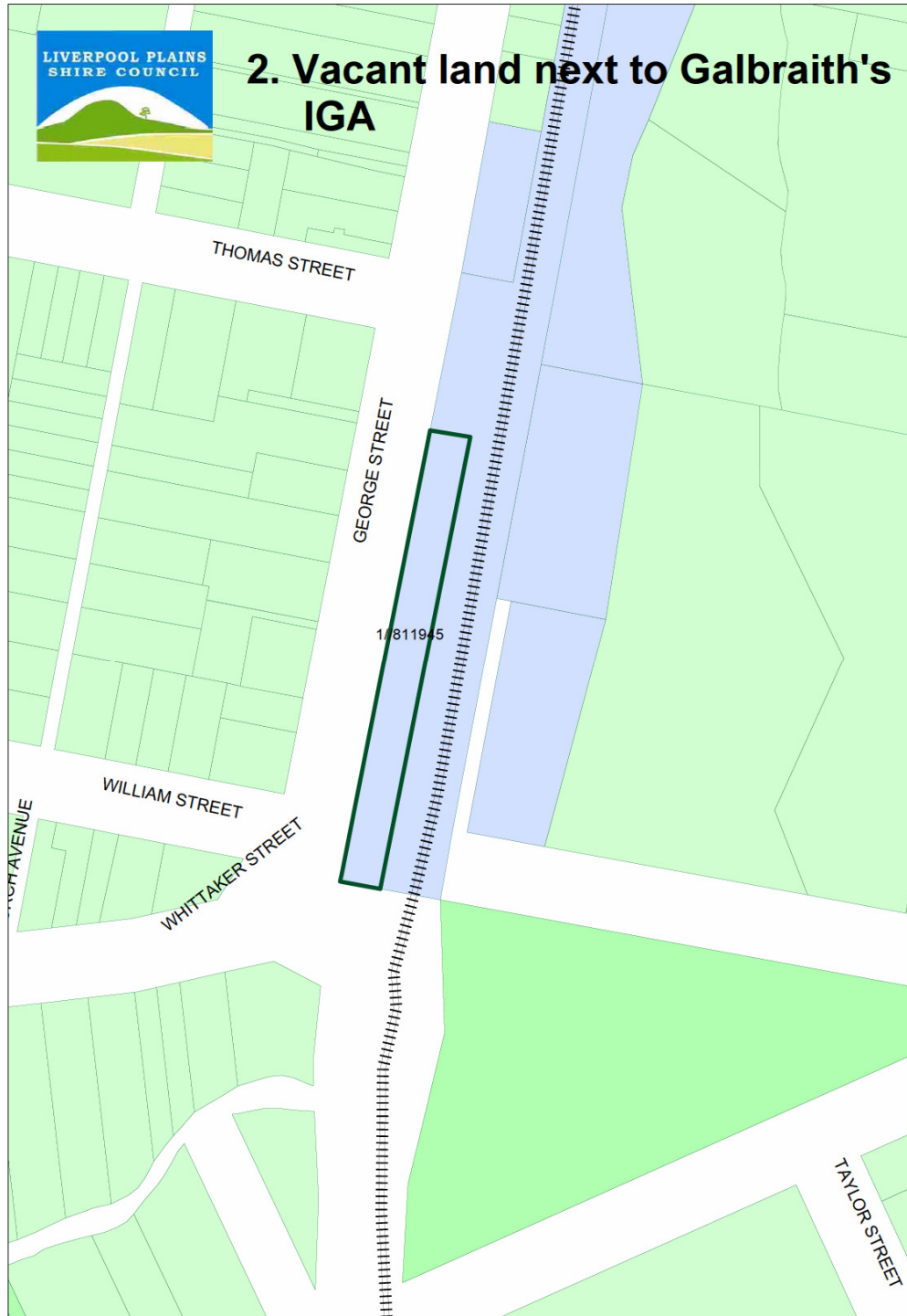
The proposed reclassification of the lands from community to operational is considered to be consistent with relevant statutory and policy provisions.

The reclassification of the seven (7) sites will facilitate the attainment of economic development objectives and enhance the strategic management of Council's land portfolio in accordance with applicable Best Practice Guidelines.

Appendix

MAPS









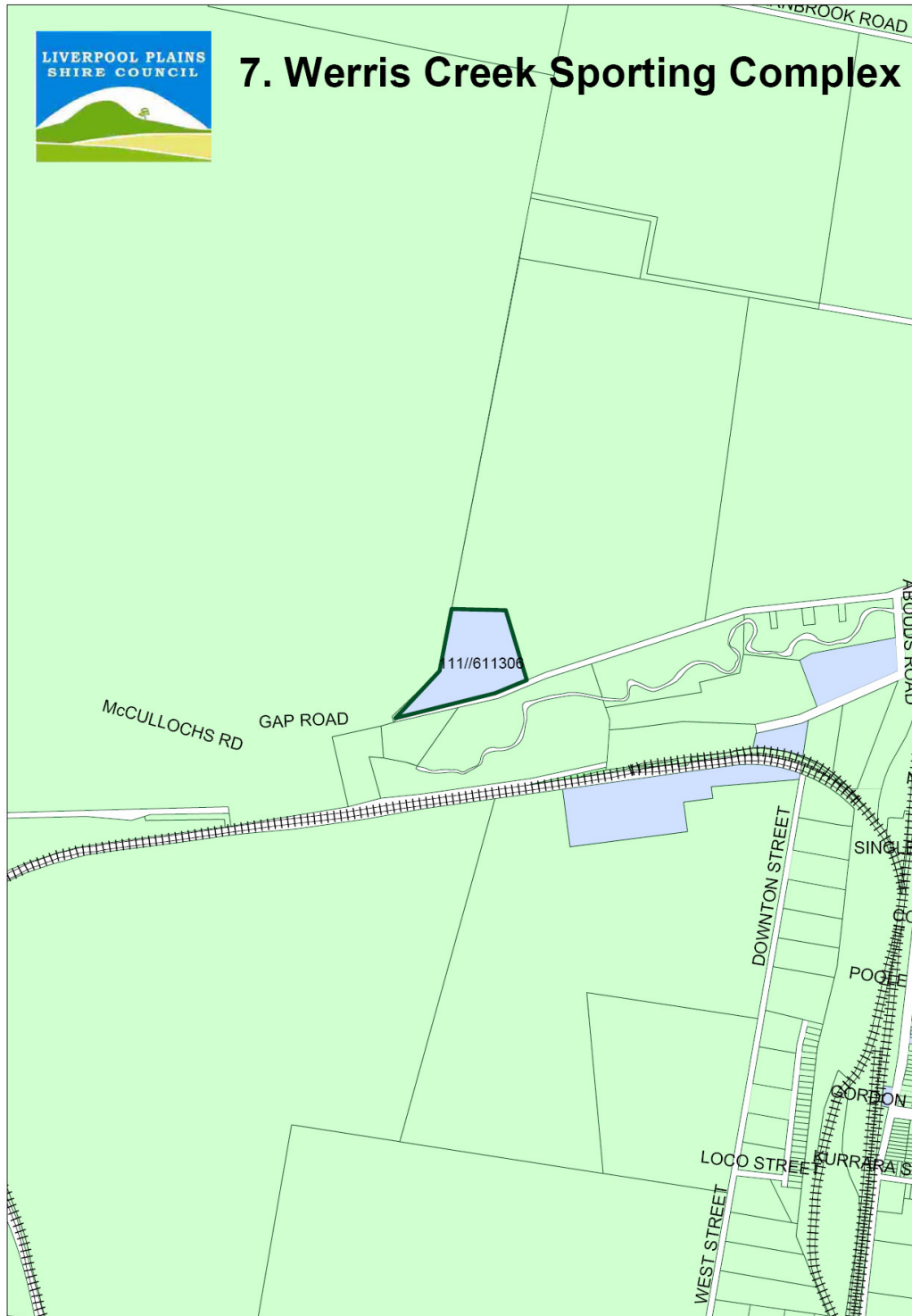


6. Braefield/Dury Bushfire Shed





7. Werris Creek Sporting Complex



LEP PRACTICE NOTES



LEP practice note

STANDARD INSTRUMENT FOR LEPS

Note	PN 09-003
Date	12 June 2009
Related	Supersedes (re)classification advice in Best Practice Guideline (1997)

Classification and reclassification of public land through a local environmental plan

The purpose of this practice note is to update (and supersede) previous guidance on the process to classify or reclassify public land through a local environmental plan including a principal plan in accordance with the Standard Instrument.

Introduction

'Public land' is any land (including a public reserve) vested in, or under the control of, council. Exceptions include roads, land to which the *Crown Lands Act 1989* applies, a common, or land to which the *Trustees of Schools of Arts Enabling Act 1902* applies.

'Community' land is generally open to the public, for example, parks, reserves or sports grounds.

'Operational' land may be used for other purposes, for example, as works depots or garages, or held by council as a temporary asset.

'Classification' of public land refers to the process when this land is first acquired and first classified as either 'operational' land or 'community' land.

'Reclassification' of public land refers to the process of changing the classification of 'operational' land to 'community' land or from 'community' land to 'operational' land.

How is public land classified or reclassified?

Depending on circumstances, this is undertaken by either:

- resolution of council under section 31, 32 or 33 of the *Local Government Act 1993* (LG Act) [through section 27(2)], or
- a local environmental plan (LEP) under the *Environmental Planning and Assessment Act 1979* (EP&A Act) [through section 27(1) of the LG Act].

In both cases, it is not possible for councils to delegate their decision to classify or reclassify public land [section 377(1) of the LG Act]. Councils are encouraged to classify or reclassify land through the LG Act wherever circumstances conform to sections 31, 32 or 33 of the LG Act.

The remaining parts of this practice note identify the key areas councils must consider when proposing to classify or reclassify public land by means of a local environmental plan (LEP) under the second option.

This practice note supersedes the sections relating to classification and reclassification in *LEPs and council land*, Best Practice Guideline (Department of Urban Affairs and Planning 1997).

Procedure under the EP&A Act

Where classification or reclassification is proposed through an LEP, council is advised to include the proposal as early as possible in the draft LEP or planning proposal. If the public land to be classified or reclassified is not owned by council, landowner's consent is required prior to either section 54 or section 56 of the EP&A Act (when the Part 3 amendment to the EP&A Act applies).¹

The proposal would then form part of the material presented through either section 54 or section 56 of the EP&A Act (when the Part 3 amendment to the EP&A Act applies).

¹ In relation to the Part 3 amendment, council should also check the changes to the EP&A Act and Regulation once these commence.

To assist councils, the steps in preparing material either as a draft LEP or planning proposal are summarised in Attachment 1. Column 1 of Attachment 1 sets out the requirements in accordance with the EP&A Act prior to the Part 3 amendment commencing. Column 2 of the attachment sets out the requirements **after** the Part 3 amendment commences. In relation to the Part 3 amendment, council should also check the savings and transitional arrangements under the EP&A Act, once these commence.

Where land is proposed to be reserved for a public purpose such as provision of public services and facilities, section 117 Direction 6.2—Reserving Land for Public Purposes applies. The Direction also sets out requirements when a reservation of public land for such purposes is no longer required.

A summary of relevant matters that need to be available at the time the planning proposal is first forwarded are listed in Attachment 2 under 'Exhibition'. Other matters for exhibition and later stages are listed separately in that attachment.

Provisions in the Standard Instrument

The following Standard Instrument provisions are relevant to the classification and reclassification of public land.

Clause 5.2—Classification and reclassification of public land

The purpose of this clause is to enable councils to classify or reclassify public land identified in Schedule 4 of the Standard Instrument. Only public land to be classified or reclassified by publication on the NSW legislation website of that principal LEP is to be identified in the schedule. Schedule 4 must not contain a reference to any land already classified or reclassified.

Part 1 Schedule 4—change to 'operational' land, no interest changes

Land is identified in Part 1 of Schedule 4 where the trusts, estates, interests, dedications, conditions, restrictions or covenants over the land are to remain after reclassification to 'operational land', i.e. where no interests will change.

Part 2 Schedule 4—change to 'operational' land and an interest will change

Land is identified in Part 2 of Schedule 4 where the land is to be classified or reclassified as 'operational land' and some of the trusts, estates, interests, dedications, conditions, restrictions, or covenants over the land remain. The interests to remain are identified in column 3 of this part of the schedule.

Part 3 Schedule 4—change to 'community' land
Land proposed to be classified or reclassified as 'community land' through the LEP is identified in Part 3 of the schedule.

Where there is no land to be classified or reclassified through the LEP, the clause remains with the schedule empty.

General requirements for exhibition

Public exhibition of the LEP occurs after certification of the LEP (in accordance with section 66 of the EP&A Act). Public exhibition of a planning proposal may occur in accordance with section 57(2) (when the Part 3 amendment to the EP&A Act commences). To assist the public in understanding an exhibited draft LEP or planning proposal to classify or reclassify land, requirements are summarised in Attachment 2.

A copy of council's response to these requirements together with a copy of this practice note is to be part of material displayed during public exhibition of an LEP or planning proposal to reclassify or classify public land.

Public hearing

A public hearing must be held when 'community land' is proposed to be reclassified as 'operational land'.

To ensure council and the community have sufficient time to consider relevant matters associated with the proposed change, the public hearing is held **after** the close of the exhibition period under section 68 of the EP&A Act (section 29 of the LG Act) for an LEP and in accordance with section 57(6) (when the Part 3 amendment to the EP&A Act commences).

Public hearing provisions are set out in the EP&A Regulation (clause 14) and public notice of a hearing must be sent or published at **least 21 days** before the start of the public hearing.

The independence of the person chairing the public hearing and requirements relating to the preparation and inspection of reports from the hearing are specified in section 47G of the LG Act.

Further information

A copy of this practice note, Standard Instrument, and other specific practice notes and planning circulars on using the Standard Instrument, can be accessed on the Department's website <http://www.planning.nsw.gov.au/lep/index.asp>

Authorised by:

Sam Haddad, Director-General

List of attachments:

1. Main steps (in sequence) for classifying and reclassifying public land under the *Environmental Planning and Assessment Act 1979*
2. General requirements for classification or reclassification of land through local environmental plans and planning proposals

Attachment 1. Main steps (in sequence) for classifying and reclassifying public land under the *Environmental Planning and Assessment Act 1979*

Requirements prior to commencement of the 2008 Part 3 amendment to the EP&A Act	Requirements after commencement of the 2008 Part 3 amendment to the EP&A Act when it applies to a proposal
Council notifies the Department of a decision to prepare a draft LEP including a proposal to classify or reclassify public land (section 54 of the EP&A Act). This notification is accompanied by an appropriate level of information including for the following: - a justification for the proposal - reasons why council acquired an interest - details that would also accompany a plan at exhibition stage (see Attachment 2) - any proposal to extinguish or retain other interests in the land through the reclassification - a justification /explanation as to why such interests are being extinguished - any rezoning associated with the classification/ reclassification - any preliminary comments by a relevant government agency, including agency's consent where land is vested or held by an agency other than council - consideration of any relevant directions e.g. section 117 Direction 6.2—Reserving Land for Public Purposes, where appropriate.	A planning proposal is forwarded by council to the Minister (new section 56 of the EP&A Act), including a proposal to classify or reclassify public land. This proposal contains an appropriate level of information including for the following: - a justification for the planning proposal - reasons why council acquired an interest - details that would also accompany a plan at exhibition stage (see Attachment 2) - any proposal to extinguish or retain other interests in the land through the reclassification - a justification /explanation as to why such interests are being extinguished - any rezoning associated with the classification/ reclassification - any preliminary comments by a relevant government agency, including an agency in which the land is vested or held - consideration of any relevant directions, e.g. section 117 Direction 6.2—Reserving Land for Public Purposes, where appropriate.
Consultation with relevant public agencies and other stakeholders (section 62 of the EP&A Act).	See below.
After consultation, council submits a draft LEP to the Department and, subject to the issue of a section 65 certificate, the draft LEP is exhibited for a minimum of 28 days and the public invited to provide written submissions to the exhibited LEP within the exhibition period.	Following review, at the gateway, if the planning proposal is to proceed, requirements for the various stages of the proposal, including consultation requirements, will be provided to council (new section 56(1), 56(2) of the EP&A Act).
Where a draft LEP includes reclassification of 'community' land to 'operational' land, council holds a public hearing into the proposal in accordance with section 68 of the EP&A Act (section 29 of the Local Government Act). *	Where a planning proposal includes reclassification of 'community' land to 'operational' land, council holds a public hearing into the proposal in accordance with new section 57(6) of the EP&A Act. *
Such a hearing follows the requirements of clause 14 of the EP&A Regulation including that a notice of the details for the hearing must be published in a local newspaper and sent to any person requesting a hearing a minimum of 21 days prior to the hearing.	Such a hearing follows the requirements of clause 14 of the EP&A Regulation including that a notice of the details for the hearing must be published in a local newspaper and sent to any person requesting a hearing a minimum of 21 days prior to the hearing.
Where it is considered appropriate, the draft LEP is submitted to the Director-General together with details of all submissions and the report of the public hearing, together with a statement of other matters set out in section 68 of the EP&A Act.	Consultation for a planning proposal under new section 57 of the EP&A Act is completed when council has considered any submissions made concerning the proposed instrument and the report of any public hearing. Where the planning proposal is to proceed, the Director-General makes arrangements for the drafting of the LEP to give effect to the final proposal (new section 59 of the EP&A Act).
The Director-General furnishes a report to the Minister if the Director-General is satisfied that the draft LEP has been prepared in accordance with any applicable standard instrument under section 33A (section 69 of the EP&A Act).	
The Minister determines whether to make the LEP under section 70 of the EP&A Act. **	The Minister (or Minister's delegate) determines whether to make the LEP under new section 59 of the EP&A Act. **

Notes:

* Where a proposal includes a classification of 'operational' land to 'community' land, a public hearing is not generally required.

** Where a reclassification proposes to extinguish other interests in the land, the approval of the Governor is required in accordance with section 30 of the LG Act.

Attachment 2. General requirements for classification or reclassification of land through local environmental plans and planning proposals

Exhibition

When exhibiting a planning proposal or draft LEP to classify or reclassify public land, council must provide a written statement including the following:

- the reasons why the draft LEP or planning proposal is being prepared including the planning merits of the proposal, e.g. the findings of a centres' strategy, council's intention to dispose of the land, provision of open space in a town centre
- the current and proposed classification of the land
- the reasons for the reclassification including how this relates to council's strategic framework, council's proposed future use of the land, proposed zones, site specific requirements, e.g. heritage controls, anticipated physical or operational changes resulting from the reclassification
- council's ownership of the land, if this applies
- the nature of council's interest in the land, e.g. council has a 50 year lease over the site
- how and when the interest was first acquired, e.g. the land was purchased in 20XX through section 94
- the reasons council acquired an interest in the land, e.g. for the extension of an existing park; council was given responsibility for the land by a State agency
- any agreements over the land together with their duration, terms, controls, agreement to dispose of the land, e.g. whether any aspect of the draft LEP or planning proposal formed part of the agreement to dispose of the land and any terms of any such agreement
- an indication, as a minimum, of the magnitude of any financial gain or loss from the reclassification and of the type(s) of benefit that could arise e.g. council could indicate the magnitude of value added to the land based on comparable sites such as the land is currently valued at \$1500 per square metre, nearby land zoned for business development is valued at between \$2000 and \$5000 per square metre
- the asset management objectives being pursued, the manner in which they will be achieved and the type of benefits the council wants, i.e. without necessarily providing details of any possible financial arrangements, how the council may or will benefit financially
- whether there has been an agreement for the sale or lease of the land; the basic details of any such agreement and, if relevant, when council intends to realise its asset, either

immediately after rezoning/reclassification or at a later time

- Relevant matters required in plan making under the EP&A Act
- A copy of this practice note must be included in the exhibition material to assist the community in identifying information requirements. Council staff may wish to identify the column in Attachment 1 that applies.

Post-exhibition

Once a decision has been made regarding whether the draft LEP or planning proposal proceeds, everyone who made a written submission must be notified in writing of the decision.

Written notification must occur within 14 days of the decision and needs to clearly identify the reasons for council's decision. An explanation must be included of how issues raised in submissions were addressed including the reasons for council's decision.

The final report after exhibition to either the Director-General or the Minister should include:

- a brief summary of council's interest in the land
- issues raised in any relevant submissions
- the dates of the exhibition and the hearing
- an explanation of how issues raised were addressed or resolved.

Additional matters to be addressed when the Governor's approval is required

The Governor's approval is required for the extinguishment of public reserve status and other interests in land which a council proposes to reclassify from 'community' to 'operational' status under the LG Act.

Council must provide sufficient information in accordance with this practice note to inform the Minister of any public reserve and/or other third party property interests (e.g. trust, covenant, easement) that are proposed to be extinguished upon the making of such a draft LEP or planning proposal.

Important note

This note does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this note.

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DOP 09_004

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DRAFT DAVID TAYLOR PARK MASTER PLAN



