

Planning Proposal

Reclassification of Land from Community to Operational

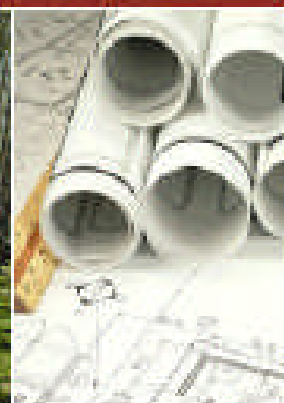
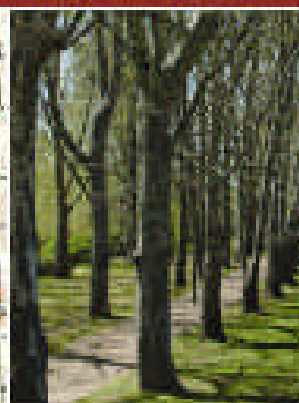
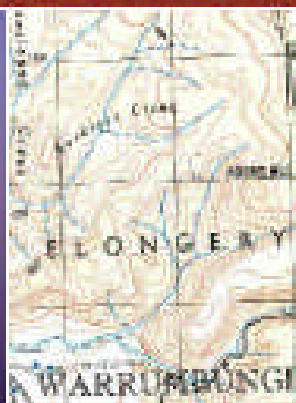
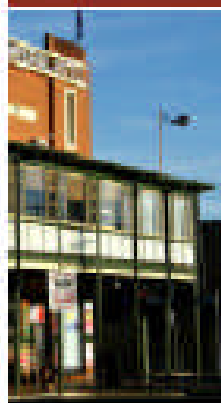


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Introduction

At its Ordinary Meeting of 17 March 2011 Council resolved as follows:

- Council resolve to seek the reclassification of twenty three (23)* allotments of public land as identified in Table 1 of this Report from 'Community' land to 'Operational' land;
- Council prepare a Planning Proposal pursuant to requirements of the Environmental Planning and Assessment Act, 1979 to amend the provisions of Coonabarabran Local Environmental Plan, 1990 and Coolah Local Environmental Plan, 2000;
- The Planning Proposal be forwarded to the NSW Department of Planning for Gateway determination.

The reclassification of the lands identified in Table 1 from 'community' to 'operational' will enable:

- The properties to continue to be used for the purpose for which they were acquired; or
- Council to lease or enter into commercial arrangements for existing or future development of the lands; or
- Boundary adjustments to occur followed by classification back to 'community' land; or
- Disposal of the land.

*Note: Following completion of Title Searches for the lands it was determined that two (2) of the previously identified allotments were not under the ownership of Warrumbungle Shire Council. Consequently, this land has been excluded from the Planning Proposal Report.

1. PROPOSAL OBJECTIVE & PLANNING CONTEXT

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

Land	Common Description	Real Property Description	Street Address	Land Area
1.	Baradine Works Depot	Lot 205 DP704113	Coonabarabran Road, Baradine	1630 m ²
2.	Vacant Land	Lot 12 DP600701	Liverpool Street, Baradine	8699 m ²
3.	Vacant Land (Next to Tennis Club)	Part Lot 2 DP1079791	Yarren Street, Binnaway	2683 m ²
4.	Mobile Phone Tower	Lot 1-3 DP1007189	Essex Street, Coonabarabran	89 m ²
5.	Cricket Field	Lot 443 DP753378	Ulan Street, Coonabarabran	3.56 ha
6.	Community Services Building	Lot 1 DP1103578	27-29 John Street, Coonabarabran	1340.5 m ²
7.	Connect 5 Family Day Care	Lot 11 Sect 3 DP758281	14 Robertson Street, Coonabarabran	1593.45 m ²
8.	Medical Centre	Lot 2 DP200690	61 Cassillis Street, Coonabarabran	9485 m ²
9.	Rescue Squad	Lot 2 Section 27 DP758281	8 Essex Street, Coonabarabran	1112.89 m ²
10.	Water Reservoir	Lot 2 DP712551	Newell Highway, Coonabarabran	2448 m ²
11.	Water Supply	Lot 6 Section 10 DP758281	Namoi Street, Coonabarabran	1.11ha
12.	Residence	Lot 3 DP 875499	139 Martin Street, Coolah	1140 m ²
13.	Residence	Lot 1 DP875499	143 Martin Street, Coolah	1584 m ²
14.	Residence	Lot 2 DP875499	1 Lew Close, Coolah	907 m ²
15.	Swanston Park	Lot 1 DP112026	43-67 Goddard Street, Coolah	8.217 ha
16.	Vacant Land	Lot 3-5 DP18607	Newell Highway, Coonabarabran	3645 m ²
17.	Vacant Land	Lot 266 DP753378	Dalgarno Street, Coonabarabran	6570 m ²
18.	Multi Purpose Building	Lot 3 Section 2 DP758364	38-40 Bolaro Street, Dunedoo	2023.43 m ²
19.	Sewerage Reuse Area	Lot 321a DP938173 and Lot 321c DP938174, Lot 2 DP234563	Wargundy Street, Dunedoo	8.438 ha
20.	Vacant Land	Lot 1 DP883570	Ivan Dougherty Drive, Leadville	1448.8 ha
21.	Water Supply	Lot 1 DP417380	Baradine Road, Bugaldie	663.9m ²

Table 1: List of Sites Proposed to be Reclassified

Regional Map: Coonabarabran and environs

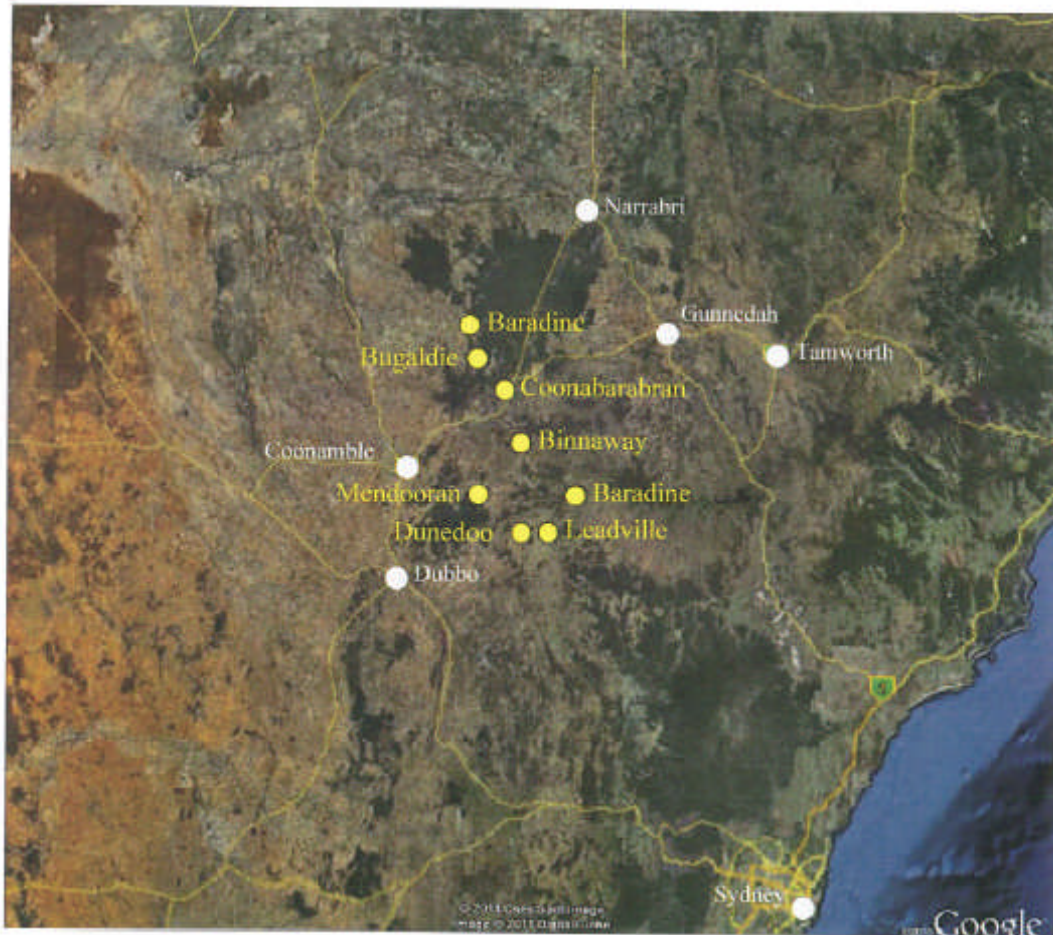


Figure 1: Warrumbungle Shire Council Population Centres

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

Aerial Photographs – Specific sites



Site No. 1 – Baradine Works Depot



Site No. 2 Vacant Land - Baradine



Site No. 3 Vacant Land (next to Tennis Club) - Binnaway



Site No. 4 Mobile Phone Tower - Coonabarabran



**Site No. 5 Former Cricket Field –
Coonabarabran**



**Site No. 6 Community Services Building -
Coonabarabran**



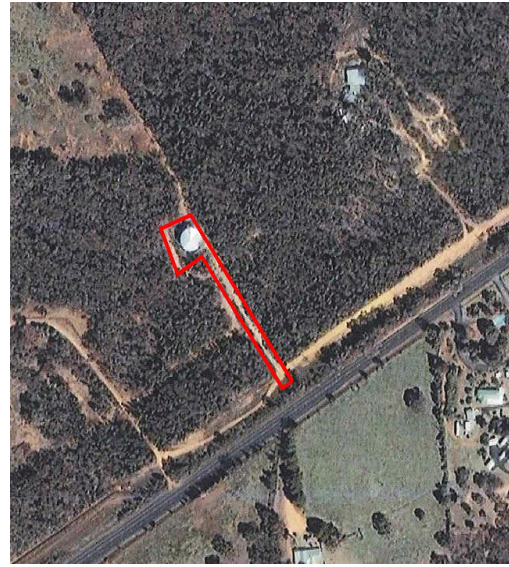
**Site No. 7 Connect 5 Family Day Care -
Coonabarabran**



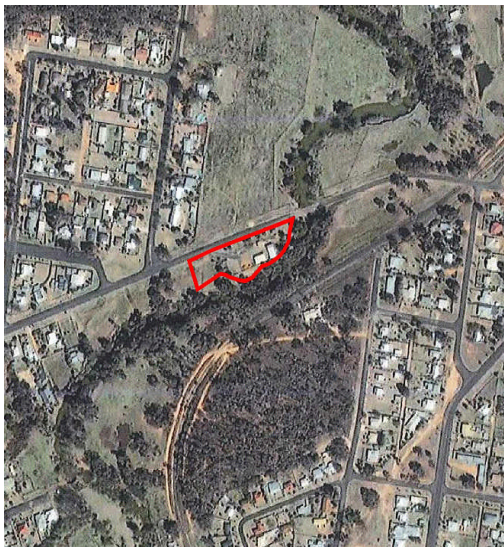
Site No. 8 Medical Centre - Coonabarabran



Site No. 9 Rescue Squad - Coonabarabran



Site No. 10 Water Reservoir - Coonabarabran



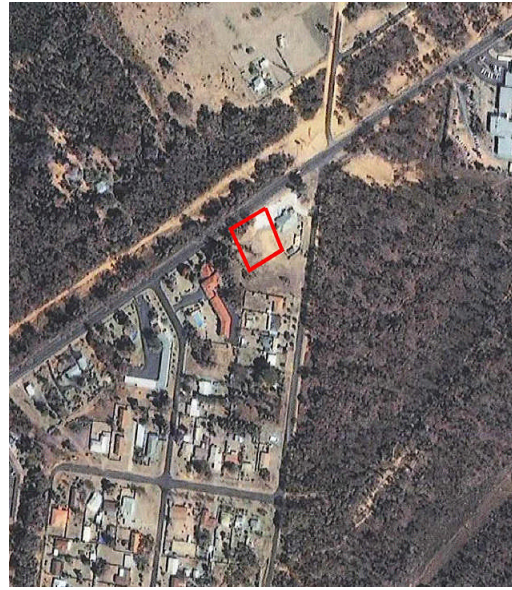
Site No. 11 Water Supply - Coonabarabran



Sites No. 12, 13 and 14 Residences - Coolah



Site No. 15 Swanston Park - Coolah



Site No. 16 Vacant Land - Coonabarabran



Site No. 17 Vacant Land - Coonabarabran



**Site No. 18 Multi Purpose Building -
Dunedoo**



**Site No. 19 Sewerage Reuse Area -
Dunedoo**



Site No. 20 Vacant Land - Leadville



Site No. 21 Water Supply - Bugaldie

Land Zoning

Details of the current zoning of the twenty one (21) sites are provided in Table 2 below:

Site	Common Description	Real Property Description	Zoning	LEP
1.	Baradine Works Depot	Lot 205 DP704113	Industrial 4	Coonabarabran LEP 1990
2.	Vacant Land	Lot 12 DP600701	Village 2(v)	Coonabarabran LEP 1990
3.	Vacant Land (Next to Tennis Club)	Part Lot 2 DP1079791	Village 2 (v)	Coonabarabran LEP 1990
4.	Mobile Phone Tower	Lot 1-3 DP1007189	Village 2 (v)	Coonabarabran LEP 1990
5.	Cricket Field	Lot 443 DP753378	Industrial 4	Coonabarabran LEP 1990
6.	Community Services Building	Lot 1 DP1103578	Village 2(v)	Coonabarabran LEP 1990
7.	Connect 5 Family Day Care	Lot 11 Sect 3 DP758281	Village 2(v)	Coonabarabran LEP 1990
8.	Medical Centre	Lot 2 DP200690	Village 2(v)	Coonabarabran LEP 1990
9.	Rescue Squad	Lot 2 Section 27 DP758281	Village 2(v)	Coonabarabran LEP 1990
10.	Water Reservoir	Lot 2 DP712551	Rural 1(c)	Coonabarabran LEP 1990
11.	Water Supply	Lot 6 Section 10 DP758281	Village 2(v)	Coonabarabran LEP 1990
12.	Residence	Lot 3 DP 875499	Village 2(v)	Coolah LEP 2000
13.	Residence	Lot 1 DP875499	Village 2(v)	Coolah LEP 2000
14.	Residence	Lot 2 DP875499	Village 2(v)	Coolah LEP 2000
15.	Swanston Park	Lot 1 DP112026	Rural 1(a)	Coolah LEP 2000
16.	Vacant Land	Lot 3-5 DP18607	Village 2(V)	Coonabarabran LEP 1990

Site	Common Description	Real Property Description	Zoning	LEP
17.	Vacant Land	Lot 266 DP753378	Village 2(v)	Coonabarabran LEP 1990
18.	Multi Purpose Building	Lot 3 Section 2 DP758364	Village 2(v)	Coolah LEP 2000
19.	Sewerage Reuse Area	Lot 321a DP938173, Lot 321c DP938174, Lot 2 DP234563	Rural 1(a)	Coolah LEP 2000
20.	Vacant Land	Lot 1 DP883570	Rural 1(a)	Coolah LEP 2000
21.	Water Supply	Lot 1 DP417380	Village 2(v)	Coonabarabran LEP 1990

Table 2: Zoning of Sites Proposed to be Reclassified

2. EXPLANATION OF PROVISIONS

Amending Coonabarabran Local Environmental Plan 1990 by reclassifying the lands identified in Table 1 from community to operational.

Amending the Coolah Local Environmental Plan 2000 by reclassifying the lands identified 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 classification 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, a parcel of land within the Village of Coolah has been identified as desirable for future residential purposes.

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 land within the Village of Coolah which will facilitate the sale and subsequent redevelopment of the land for residential purposes. The economic benefit arising from this future development will be considerable for the community of Coolah due to the current shortage of development land suitable for residential development within the village.

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:-

Draft Warrumbungle Shire Council Regional Strategy

The Draft Strategy outlines a regional vision, growth management philosophy, development principles, objectives, strategies and policy actions related to the strategic growth and development of the Warrumbungle Shire. The Strategy aims to assist in co-ordinating the future development of the region by providing for an orderly and efficient supply of lands to satisfy demand and encourage investment, in an environmentally acceptable way.

The proposed land reclassification is not considered to be inconsistent with the Draft Warrumbungle Shire Council Regional Strategy.

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)

The planning proposal has no implications in terms of the application of the provisions of SEPP44. There are no known koala habitats present within or in the immediate vicinity of the subject lands.

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

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

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.	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 not affect minimum allotment sizes and is not considered to be inconsistent with this S117(2) Direction. No additional controls or provisions are proposed to be incorporated as part of this planning proposal. The planning proposal 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.	Sites 13-15 are zoned 2(v) Village under the Coolah LEP 2000. These lands are currently utilised primarily for residential purposes. Further residential development is proposed for these sites. 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.	The Planning Proposal will not rezone any of the affected lands. There are no Caravan Parks either current or proposed, impacted by this Planning Proposal. The planning proposal is not considered to be inconsistent with this S117(2) Direction.
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Section 117 Directions – Cont.

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 relevant regional flood mapping studies was undertaken. A small number of sites have been identified as being subject to periodic flooding. The flood prone nature of these lands will not inhibit their current or proposed future use. 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.	A small number of sites have been identified as being marginally bushfire prone. The bushfire prone nature of these lands will not inhibit their current or proposed future use. 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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Section 117 Directions – Cont.

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 Land Acquisition (Just Terms Compensation) Act 1991 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. Lot 205 DP704113, Coonabarabran Road, Baradine (Baradine Works Depot)	
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 Warrumbungle Shire Council.
How and when the interest was acquired	9 th October 1984 – subdivision.
The reason Council acquired an interest in the land	Coonabarabran Shire Council purchased this land for the purpose of operating an operations and works depot.
Any agreements over the land	None registered on the title.
Any indication of any financial loss or gain from the reclassification of the land	There is no indication of financial gain arising from the reclassification of this land.
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 12 DP600701, Liverpool Street, Baradine (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 Warrumbungle Shire Council.
How and when the interest was acquired	21 March 1979.
The reason Council acquired an interest in the land	Council has no available property records indicating how it came into ownership of the land.
Any agreements over the land	None registered on the title.
Any indication of any financial loss or gain from the reclassification of the land	There may be an indication of financial gain as a result of the reclassification of this land.
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. Part Lot 2 DP1079791, Yarran Street, Binnaway (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 Warrumbungle Shire Council.
How and when the interest was acquired	20 March 2006.
The reason Council acquired an interest in the land	Council has no available property records indicating how it came into ownership of the land.
Any agreements over the land	Land excludes minerals and is subject to reservations and conditions in favour of the Crown.
Any indication of any financial loss or gain from the reclassification of the land	There may be an indication of financial gain as a result of the reclassification of this land.
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
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Land Description:	Response
4. Lot 1-3 DP 1007189, Essex Street, Coonabarabran (Mobile Phone Tower)	
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 Warrumbungle Shire Council.
How and when the interest was acquired	7 August 2008.
The reason Council acquired an interest in the land	Coonabarabran Shire Council acquired an interest in this land for the purpose of facilitating telecommunications to the region.
Any agreements over the land	LAND Lot 1 AE60165/AE60166/AE60167 Lot 2 7364361/7366036/7366037/7366038 Lot 3 NOTES Leased to Crown Castle Australia Commencing 1/4/2019 to 31/3/2034 Leased to Optus Mobile 31/3/2004 to 31/3/2009 None registered on the title.
Any indication of any financial loss or gain from the reclassification of the land	There is an indication of financial gain as a result of the reclassification of this land.
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 443 DP753378, Ulan Street, Coonabarabran (Cricket Field)	
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 Warrumbungle Shire Council.
How and when the interest was acquired	8 th September 1972 – public recreation.
The reason Council acquired an interest in the land	Council purchased this land for recreational purposes however it has not been utilised and has become redundant over an extended period. The land is considered surplus to the community's needs.
Any agreements over the land	1. Qualified Title – Delivery of the Title and/or registration of any dealing will require lodgement of a statement of Title particulars supplying complete ownership details. 2. The land within is described as Public Reserve 3. Reservations and exceptions of minerals and rights to mine 4. Limited Title – The boundaries of the land comprised herein have not been investigated by the Registrar General.
Any indication of any financial loss or gain from the reclassification of the land	There is no indication of financial gain arising from the reclassification of this land.
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
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Land Description:	Response
6. Lot 1 DP1103578 27-29 John Street, Coonabarabran (Community Services Building)	
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 Warrumbungle Shire Council.
How and when the interest was acquired	No date given. 'Vol 8470 Fol 106 is the current Certificate of Title'
The reason Council acquired an interest in the land	Coonabarabran Shire Council purchased this land for the purpose of establishing a Community Services building in order to enhance and expand local services.
Any agreements over the land	Reservations and conditions in the Crown Grant(s)
Any indication of any financial loss or gain from the reclassification of the land	There is no indication of financial gain arising from the reclassification of this land.
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
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Land Description:	Response
7. Lot 11 Sect 3 DP758281, 14 Robertson St, Coonabarabran (Connect 5 Family Day Care)	
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 Warrumbungle Shire Council.
How and when the interest was acquired	No date
The reason Council acquired an interest in the land	Council purchased this land for the purpose of facilitating the building of a Family Day Care Centre.
Any agreements over the land	None registered on the title.
Any indication of any financial loss or gain from the reclassification of the land	There is no indication of financial gain arising from the reclassification of this land.
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.
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
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Land Description:	Response
8. Lot 2 DP200690 61 Cassillis Street, Coonabarabran (Medical 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 Warrumbungle Shire Council.
How and when the interest was acquired	21 February 2003
The reason Council acquired an interest in the land	Coonabarabran Shire Council purchased this land for the purpose of facilitating the building of a Medical Centre.
Any agreements over the land	Leased to Pathology Services Pty Ltd, expires 31/12/2003. Option of renewal: 1 year with 1 further period of 1 year.
Any indication of any financial loss or gain from the reclassification of the land	There may be an indication of financial gain as a result of the reclassification of this land.
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.
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
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Land Description:	Response
9. Lot 2 Section 27 DP758281, 8 Essex Street, Coonabarabran (Rescue Squad)	
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 Warrumbungle Shire Council.
How and when the interest was acquired	26 May 2006
The reason Council acquired an interest in the land	Warrumbungle Shire Council purchased this land for the purpose of building a facility to house the regional Rescue Squad.
Any agreements over the land	1. Reservations and conditions in the Crown Grant(s) 2. Qualified title. Caution pursuant to section 28J of the Real Property Act, 1900. 3. Limited Title. Limitation pursuant to section 28T (4) of the Real Property Act, 1900. The Boundaries of the land have not been investigated by the Registrar General.
Any indication of any financial loss or gain from the reclassification of the land	There is no indication of financial gain arising from the reclassification of this land.
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.
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
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Land Description:	Response
10. Lot 2 DP712551, Newell Highway, Coonabarabran (Water Reservoir)	
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 Warrumbungle Shire Council.
How and when the interest was acquired	No date available.
The reason Council acquired an interest in the land	Warrumbungle Shire Council purchased this land for the purpose of establishing a water reservoir.
Any agreements over the land	Land excludes minerals and is subject to reservations and conditions in favour of the Crown. X497020 Covenant.
Any indication of any financial loss or gain from the reclassification of the land	There is no indication of financial gain arising from the reclassification of this land.
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.
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
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Land Description:	Response
11. Lot 6 Section 10 DP758281, Namoi Street, Coonabarabran (Water Supply)	
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 Warrumbungle Shire Council.
How and when the interest was acquired	No date available.
The reason Council acquired an interest in the land	Coonabarabran Shire Council purchased this land for purpose of garnering a water supply source.
Any agreements over the land	Land excludes minerals (S. 141 Public Works Act 1912)
Any indication of any financial loss or gain from the reclassification of the land	There is no indication of financial gain arising from the reclassification of this land.
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.
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
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Land Description:	Response
12. Lot 3 DP 875499, 139 Martin Street, Coolah (Residence)	
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 Warrumbungle Shire Council.
How and when the interest was acquired	9 March 1998
The reason Council acquired an interest in the land	Coolah Shire Council purchased this property for the construction of a "staff housing residence" – Constructed 1998.
Any agreements over the land	Reservations and conditions in the Crown grant (s)
Any indication of any financial loss or gain from the reclassification of the land	There may be an indication of financial gain as a result of the reclassification of this land.
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.
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
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Land Description:	Response
13. Lot 1 DP875499, 143 Martin Street, Coolah (Residence)	
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 Warrumbungle Shire Council.
How and when the interest was acquired	9 March 1998
The reason Council acquired an interest in the land	Coolah Shire Council purchased this property for the purpose of a "staff housing residence" – Constructed 1996.
Any agreements over the land	Reservations and conditions in the Crown Grant (s)
Any indication of any financial loss or gain from the reclassification of the land	There may be an indication of financial gain as a result of the reclassification of this land.
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.
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
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Land Description:	Response
14. Lot 2 DP875499, 1 Lew Close, Coolah (Residence)	
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 Warrumbungle Shire Council.
How and when the interest was acquired	9 March 1998
The reason Council acquired an interest in the land	Coolah Shire Council purchased this property for purpose of a "doctor housing residence" – Constructed 2000.
Any agreements over the land	1.Reservations and conditions in the Crown Grant (s) 2. CAUTION. The land within described is held subject to any subsisting interest (as defined in Section 28A of the Real Property Act, 1900).
Any indication of any financial loss or gain from the reclassification of the land	There may be an indication of financial gain as a result of the reclassification of this land.
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.
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
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Land Description:	Response
15. Lot 1 DP112026, 43-67 Goddard Street, Coolah (Swanston Park)	
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 Warrumbungle Shire Council.
How and when the interest was acquired	3 November 1977
The reason Council acquired an interest in the land	The land was donated to Council by Doris Swanston (11/9/49). Coolah Shire Council created the recreational park, named "Swanston Park".
Any agreements over the land	1. Reservations and conditions in the Crown Grant (s) 2. The within described is held subject to any subsisting interest (as defined in Section 28A of the Real Property Act, 1900).
Any indication of any financial loss or gain from the reclassification of the land	There may be an indication of financial gain as a result of the reclassification of this land.
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.
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
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Land Description:	Response
16. Lot 3-5 DP18607, Newell Highway, Coonabarabran (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 Warrumbungle Shire Council.
How and when the interest was acquired	25 November 1998.
The reason Council acquired an interest in the land	Council has no available property records indicating how it came into ownership of the land.
Any agreements over the land	1. Land excludes minerals and is subject to reservations and conditions in favour of the crown – see Crown Grant (s) 2. C987475 Covenant
Any indication of any financial loss or gain from the reclassification of the land	There may be an indication of financial gain as a result of the reclassification of this land.
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.
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
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Land Description:	Response
17. Lot 266 DP753378, Dalgarno Street, Coonabarabran (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 Warrumbungle Shire Council.
How and when the interest was acquired	No date available.
The reason Council acquired an interest in the land	Council has no available property records indicating how it came into ownership of the land.
Any agreements over the land	1. Qualified Title. Delivery of the Title and/or Registration of any dealing will require lodgement of a Statement of Title and/or registration of any dealing will require lodgement of a Statement of Title. 2. The land within described is Public Reserve. 3. Reservations and exceptions of minerals and rights to mine. 4. Limited Title. The boundaries of the land comprised herein have not been investigated by the Registrar General.
Any indication of any financial loss or gain from the reclassification of the land	There may be an indication of financial gain as a result of the reclassification of this land.
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.
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
18. Lot 3 Section 2 DP758364, 38-40 Bolaro Street, Dunedoo (Multi Purpose Building)	
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 Warrumbungle Shire Council.
How and when the interest was acquired	2 March 2000 (Cert of Title) Building purchased 18 September 1997 (Land Register)
The reason Council acquired an interest in the land	Coolah Shire Council purchased this building in order to facilitate the provision of museum, library, radio station, business and other ancillary services to the Coolah community.
Any agreements over the land	Land excludes minerals and is subject to reservations and conditions in favour of the Crown.
Any indication of any financial loss or gain from the reclassification of the land	There is no indication of financial gain arising from the reclassification of this land.
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.
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
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Land Description:	Response
19. Lot 2 DP234563, Lot 321a DP938173 and Lot 321c DP938174, Wargundy Street, Dunedoo (Sewerage Reuse Area)	
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 Warrumbungle Shire Council.
How and when the interest was acquired	9 July 1996 (Cert of Title) Purchased 25 June 1996 (Land Register)
The reason Council acquired an interest in the land	Coolah Shire Council purchased this land for the purpose of building a sewerage reuse facility to service the Coolah community.
Any agreements over the land	1. Qualified Title. Caution pursuant to sections 28J of the Real Property Act, 1900. 2. Land excludes minerals. 3. 2289147 Covenant.
Any indication of any financial loss or gain from the reclassification of the land	There is no indication of financial gain arising from the reclassification of this land.
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.
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
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Land Description:	Response
20. Lot 1 DP883570, Ivan Dougherty Drive, Leadville (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 Warrumbungle Shire Council.
How and when the interest was acquired	14 May 1999 (Cert of Title) Registered 16 June 1999 (Land Register)
The reason Council acquired an interest in the land	Council originally purchased the land for the establishment of a central landfill facility which is no longer proposed.
Any agreements over the land	1. Reservations and Conditions in the Crown Grant(s). 2. Qualified Title. Caution pursuant to section 28J of the Real Property Act, 1900.
Any indication of any financial loss or gain from the reclassification of the land	There may be an indication of financial gain resulting from the reclassification of this land.
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.
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.

Land Description:	Response
21. Lot 1 DP417380, Baradine Road, Bugaldie (Water Supply)	
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 Warrumbungle Shire Council.
How and when the interest was acquired	No date available.
The reason Council acquired an interest in the land	Coonabarabran Shire Council purchased this land for purpose of garnering a water supply source for the Bugaldie region.
Any agreements over the land	Land excludes minerals and is subject to reservations and conditions in favour of the Crown.
Any indication of any financial loss or gain from the reclassification of the land	There is no indication of financial gain arising from the reclassification of this land.
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.
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
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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.

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. It is intended that extensive community consultation will be undertaken as part of the public exhibition process. It is considered that the proposal will have a positive economic benefit to the community as it will facilitate the financially robust management of Council's land portfolio.

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.

In accordance with the NSW Department of Planning's Guidelines to Preparing LEPs, upon Gateway Determination adjoining landholders and any affected community organisations will be formally notified of the proposal and invited to provide comment. A corresponding 'plain English' fact sheet has also been prepared which will be made available to interested citizens during the public exhibition period.

In accordance with the prevailing Departmental Guidelines and the provisions of the EP&A Act the Planning Proposal will also be publicly notified for the prescribed period via:

- Local Newspapers; and
- Council's website www.warrumbungle.nsw.gov.au ;

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 twenty one (21) 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 A

COPY OF COUNCIL RESOLUTION

Extract of Table from Council Report:

Table 1

Land	Common Description	Real Property Description	Street Address	Approx. Land Area
1.	Baradine Works Depot	Lot 205 DP704113	Coonabarabran Road, Baradine	1680 m ²
2.	Vacant Land	Lot 12 DP600701	Liverpool Street, Baradine	8699 m ²
3.	Vacant Land (Next to Tennis Club)	Part Lot 2 DP1079791	Yarren Street, Binnaway	2683 m ²
4.	Mobile Phone Tower	Lot 1-3 DP1007189	Essex Street, Coonabarabran	89 m ²
5.	Former Cricket Field	Lot 443 DP753378	Ulan Street, Coonabarabran	3.56 Ha
6.	Community Services Building	Lot 1 DP1103578	27-29 John Street, Coonabarabran	1340.5 m ²
7.	Connect 5 Family Day Care	Lot 11 Sect 3 DP758281	14 Robertson Street, Coonabarabran	1593.45 m ²
8.	Medical Centre	Lot 2 DP200690	61 Cassillis Street, Coonabarabran	9485 m ²
9.	RFS Control Centre	Lot 2 Section 37 DP414144	51 King Street, Coonabarabran	Unavailable
10.	Rescue Squad	Lot 2 Section 27 DP758281	8 Essex Street, Coonabarabran	1112.89 m ²
11.	Water Reservoir	Lot 2 DP712551	Newell Highway, Coonabarabran	2448 m ²
12.	Water Supply	Lot 6 Section 10 DP758281	Namoi Street, Coonabarabran	Unavailable
13.	Residence	Lot 3 DP 875499	139 Martin Street, Coolah	1140 m ²
14.	Residence	Lot 1 DP875499	143 Martin Street, Coolah	1584 m ²
15.	Residence	Lot 2 DP875499	1 Lew Close, Coolah	907 m ²
16.	Swanston Park	Lot 1 DP112026	43-67 Goddard Street, Coolah	8.217 Ha
17.	Vacant Land	Lot 3-5 DP18607	Newell Highway, Coonabarabran	3645 m ²
18.	Vacant Land	Lot 266 DP753378	Dalgarno Street, Coonabarabran	Unavailable
19.	Multi Purpose Building	Lot 3 Section 2 DP758364	38-40 Bolaro Street, Dunedoo	2023.428 m ²
20.	Sewerage Reuse Area	Lot 2 DP234563, Lot 321a DP938173 and Lot 321c DP938174	Wargundy Street, Dunedoo	Unavailable
21.	Vacant Land	Lot 1 DP883570	Ivan Dougherty Drive, Leadville	144.8 Ha
22.	Water Treatment Plant	Lot 1 DP1076077	Dalglish Street, Mendooran	1.609 Ha
23.	Water Supply	Lot 1 DP417380	Baradine Road, Bugaldie	Unavailable

Extract of Council Minutes:

4.3 Land Reclassification Local Environmental Plan

323 RESOLVED:

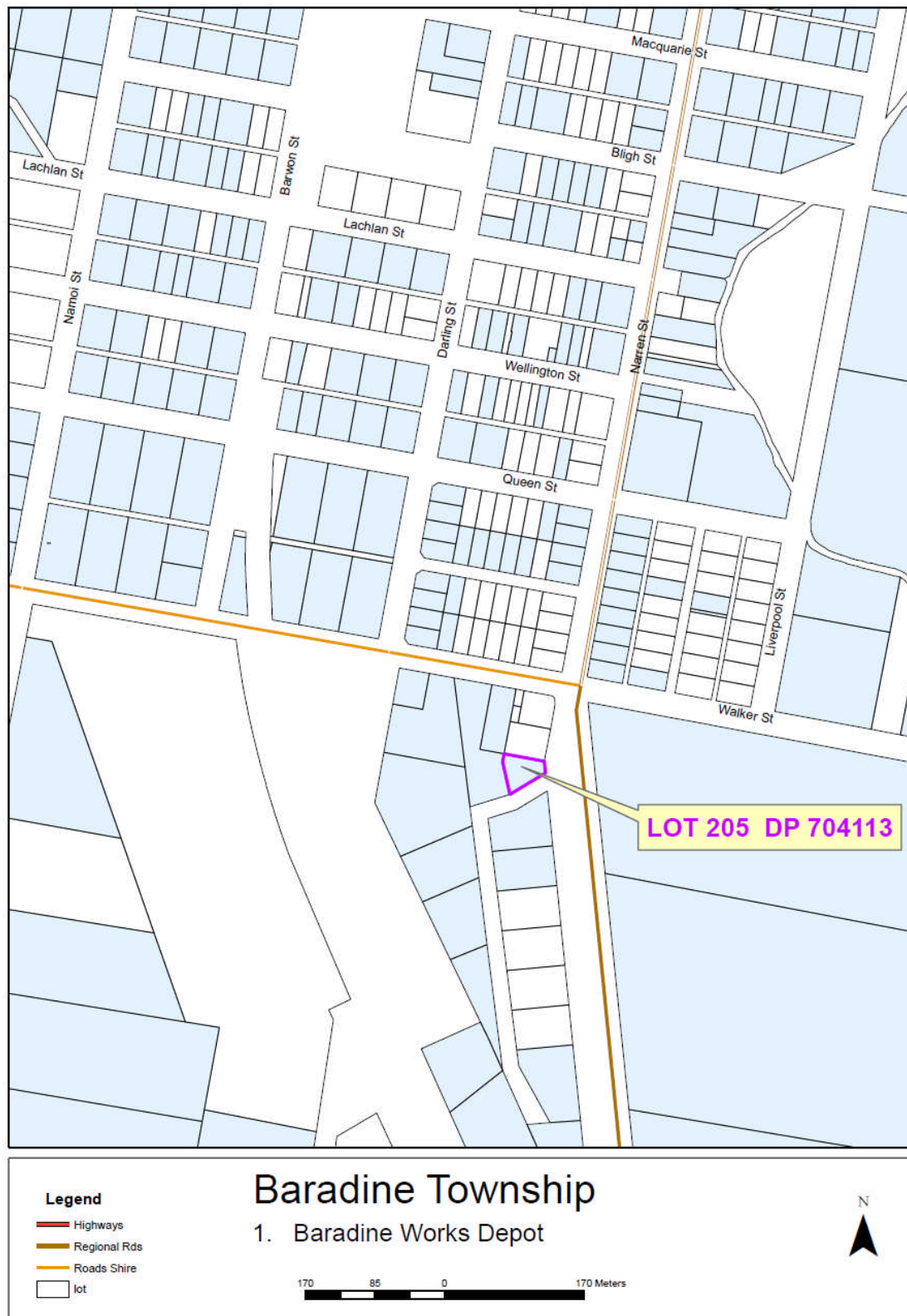
That:

- (a) Council resolve to seek the reclassification of twenty three (23) allotments of public land as identified in Table 1 of this Report from 'Community' land to 'Operational' land;
- (b) Council prepare a Planning Proposal pursuant to requirements of the Environmental Planning and Assessment Act, 1979 to amend the provisions of Coonabarabran Local Environmental Plan, 1990 and Coolah Local Environmental Plan, 2000;
- (c) The Planning Proposal be forwarded to the NSW Department of Planning for Gateway determination.

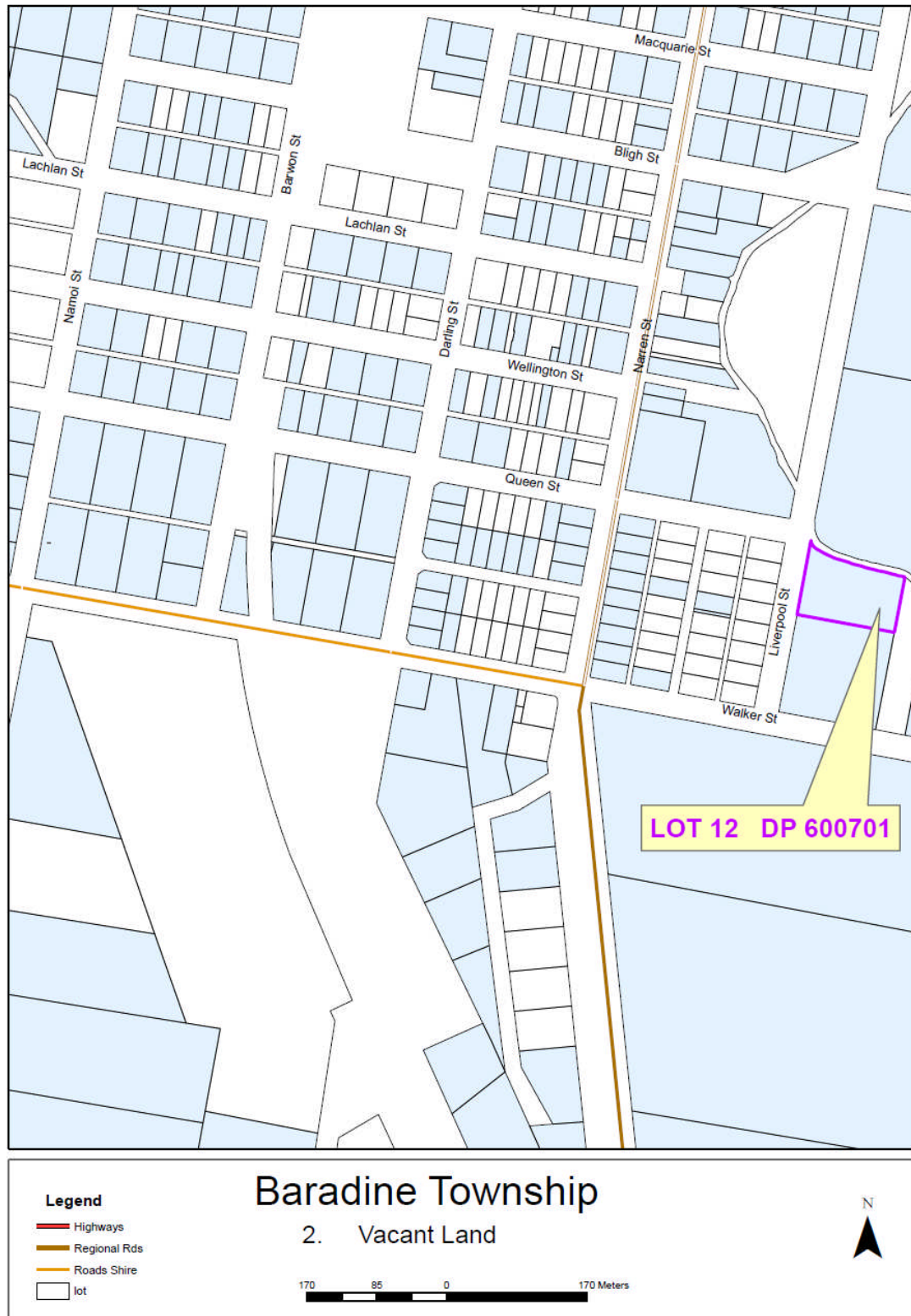
Coe/Schmidt
The motion was carried

MAPS

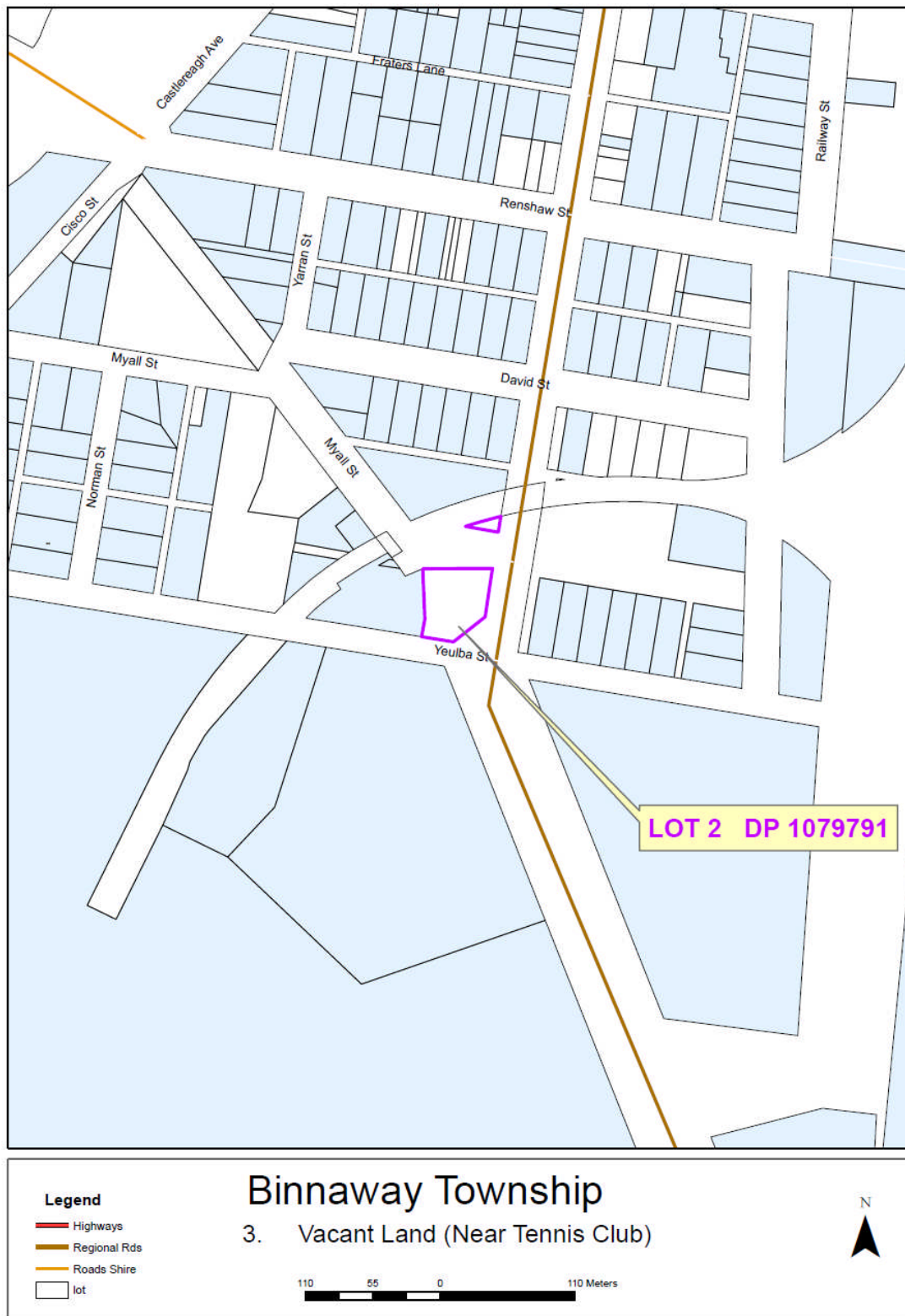
Site 1: Baradine Works Depot – Coonabarabran Road, Baradine.



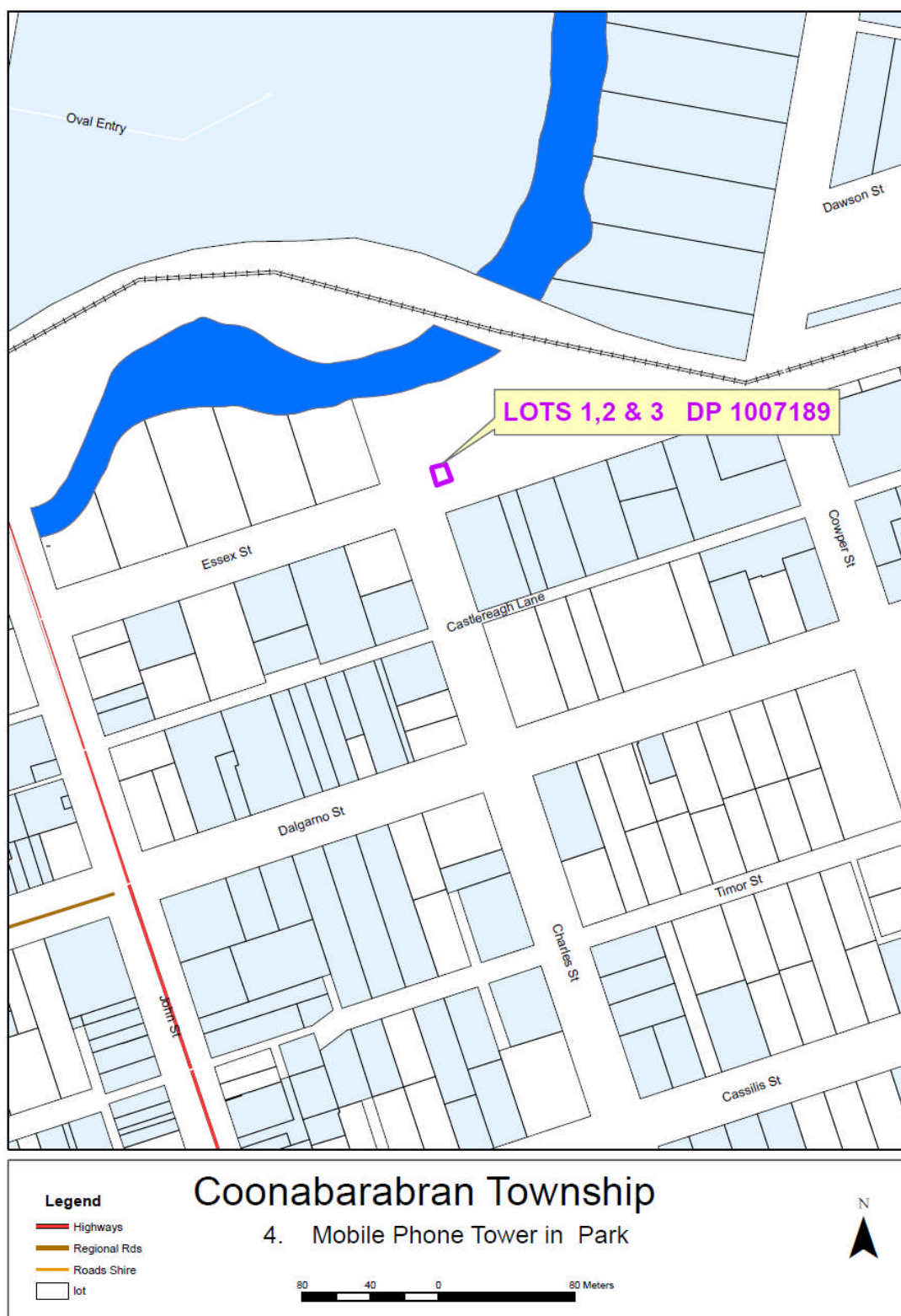
Site 2: Vacant Land – Liverpool Street, Baradine



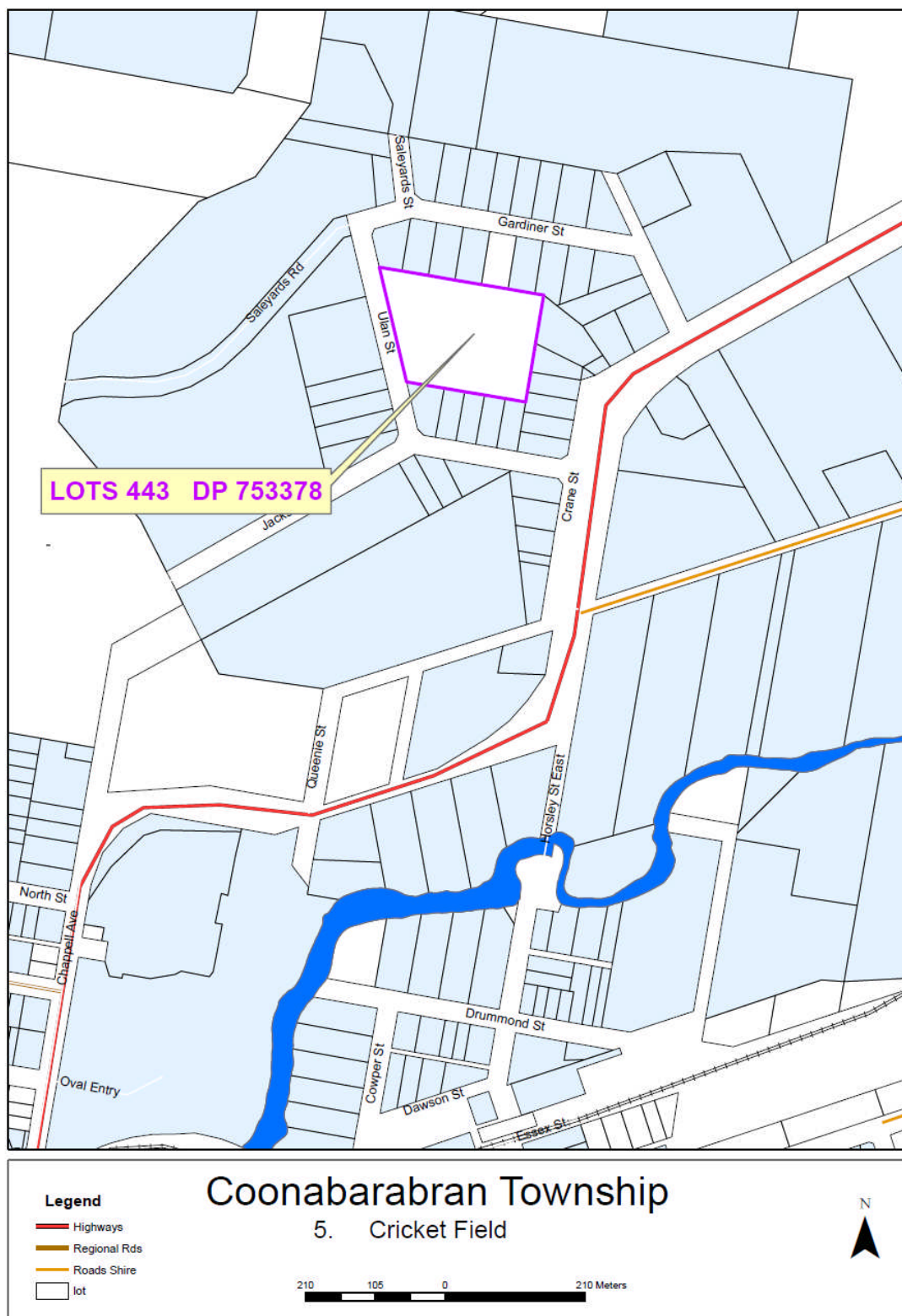
Site 3: Vacant Land – Yarren Street, Binnaway



Site 4: Mobile Phone Tower – Essex Street, Coonabarabran



Site 5: Former Cricket Field – Ulan Street, Coonabarabran



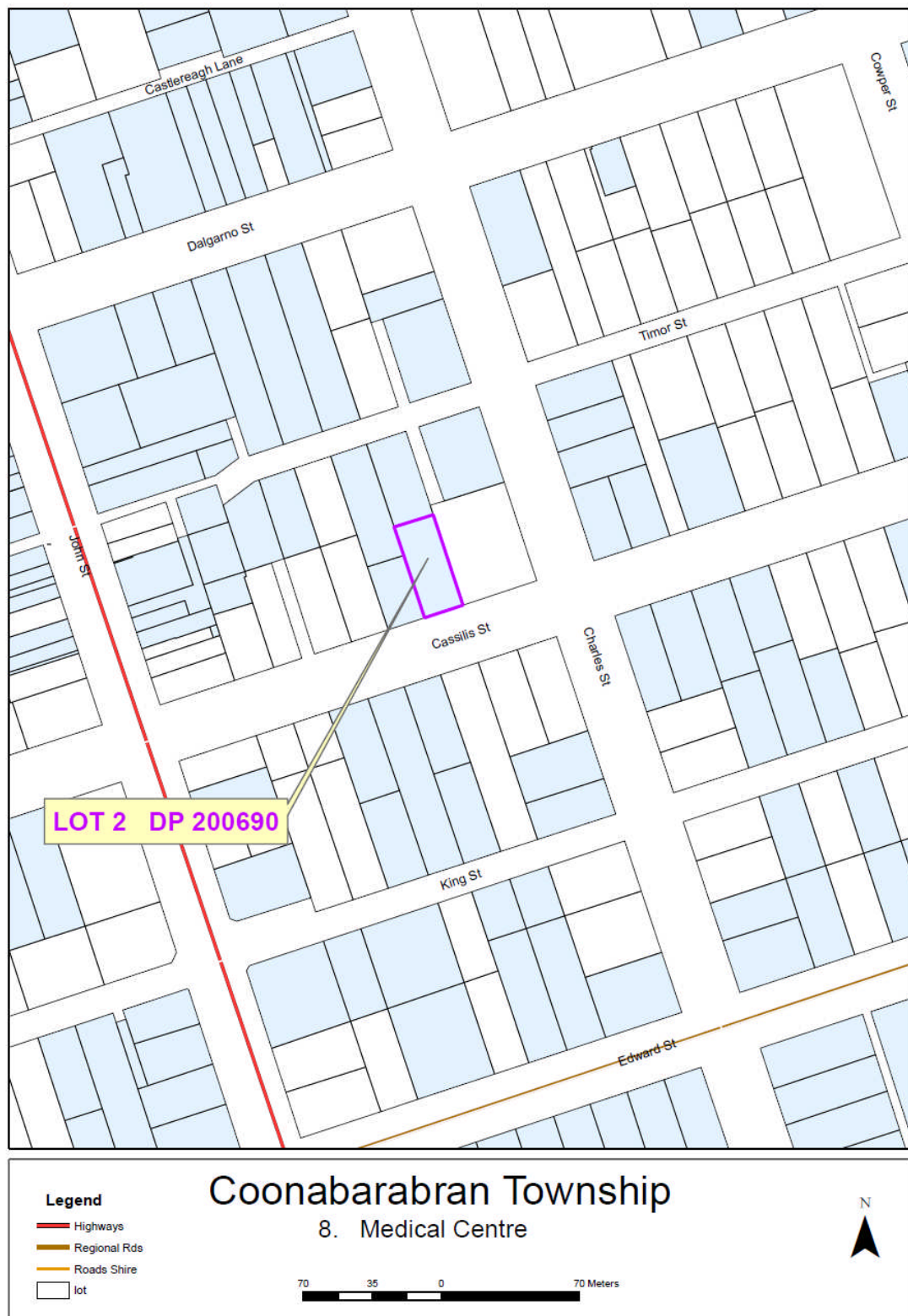
Site 6: Community Services Building – 27-29 John Street, Coonabarabran



Site 7: Connect 5 Family Day Care – 14 Robertson Street, Coonabarabran



Site 8: Medical Centre – 61 Cassillis Street, Coonabarabran



Site 9: VRA Shed – 8 Essex Street, Coonabarabran



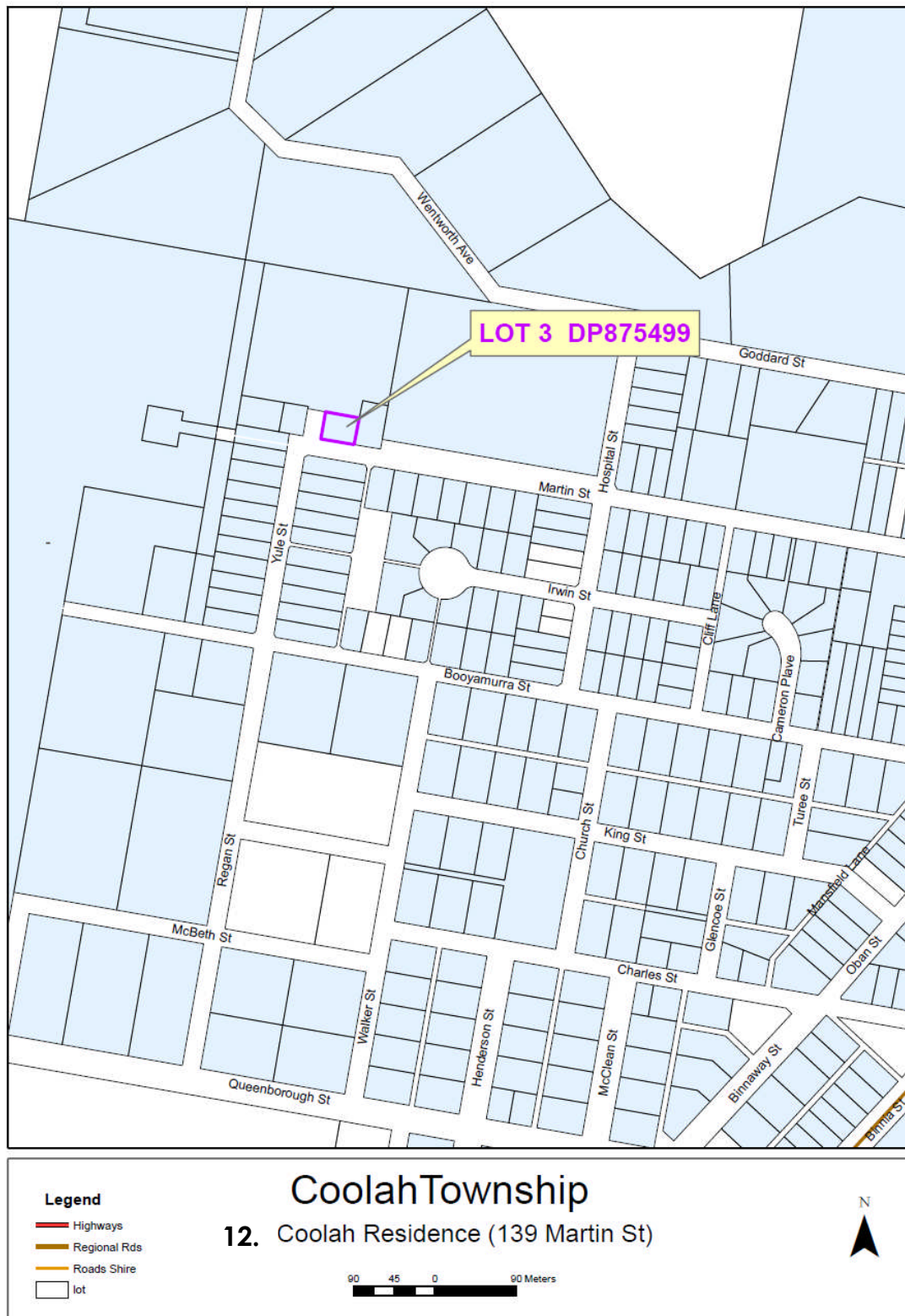
Site 10: Water Reservoir – Newell Highway, Coonabarabran



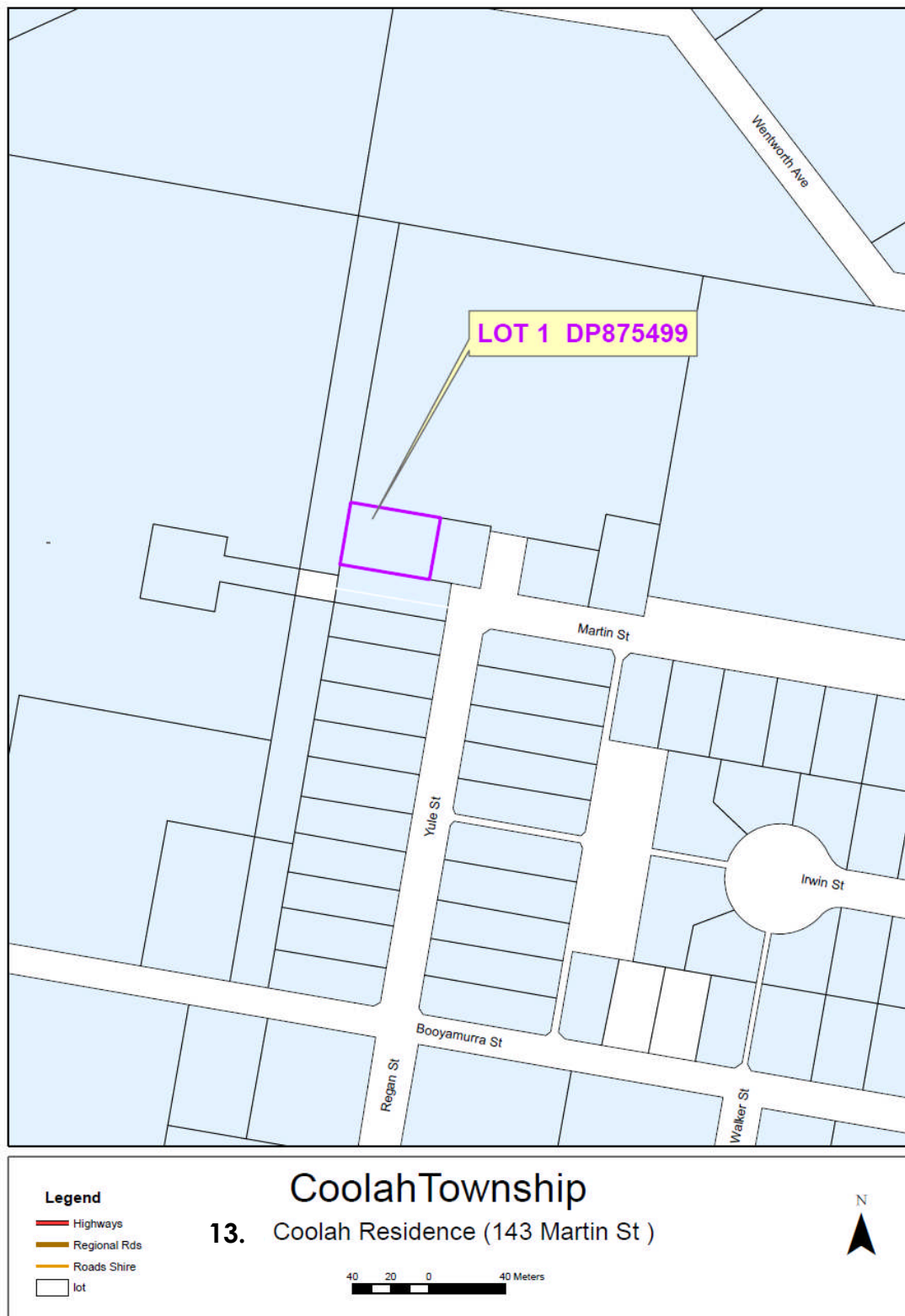
Site 11: Water Supply – Namoi St. Coonabarabran



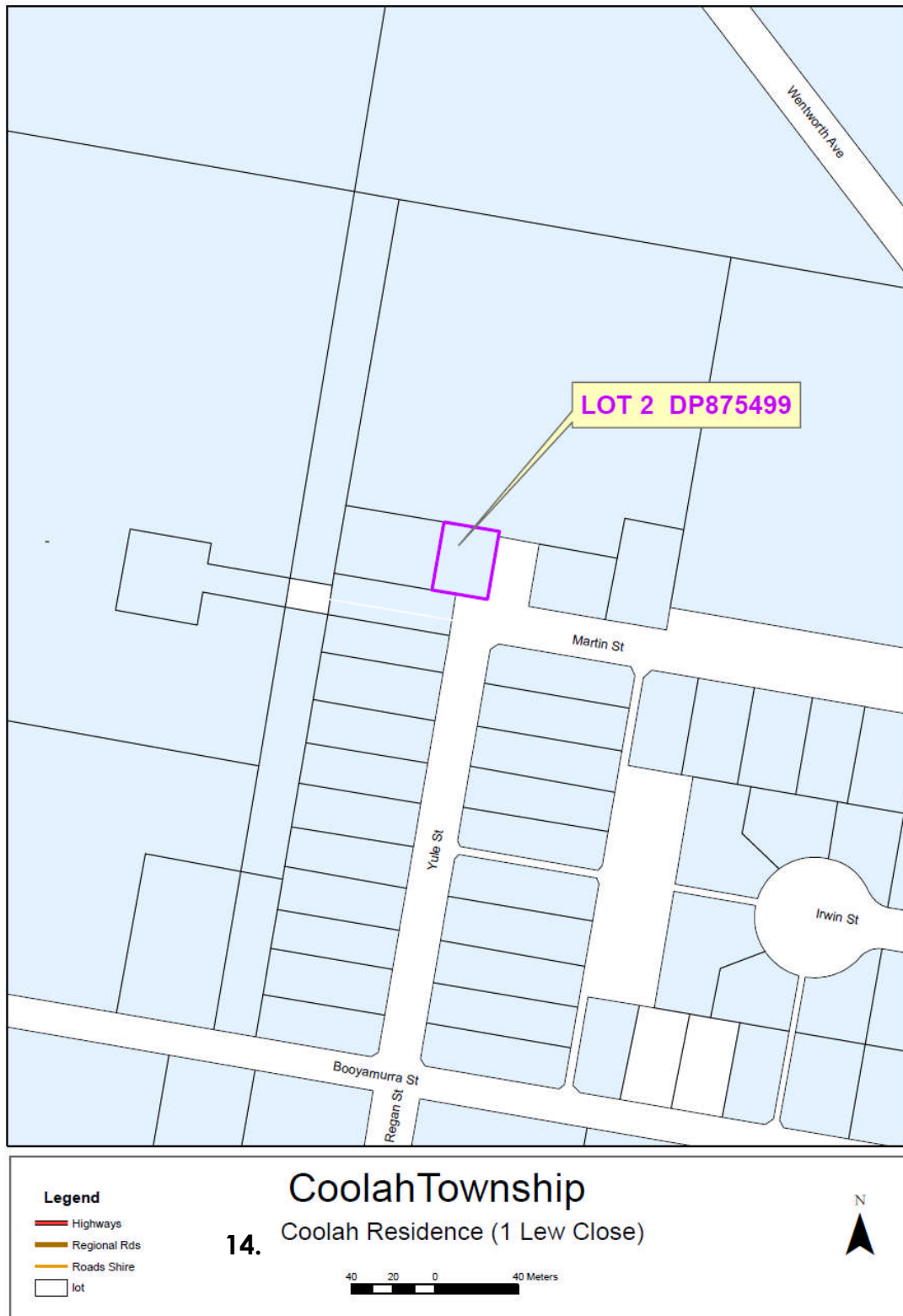
Site 12: Residence – 139 Martin Street, Coolah



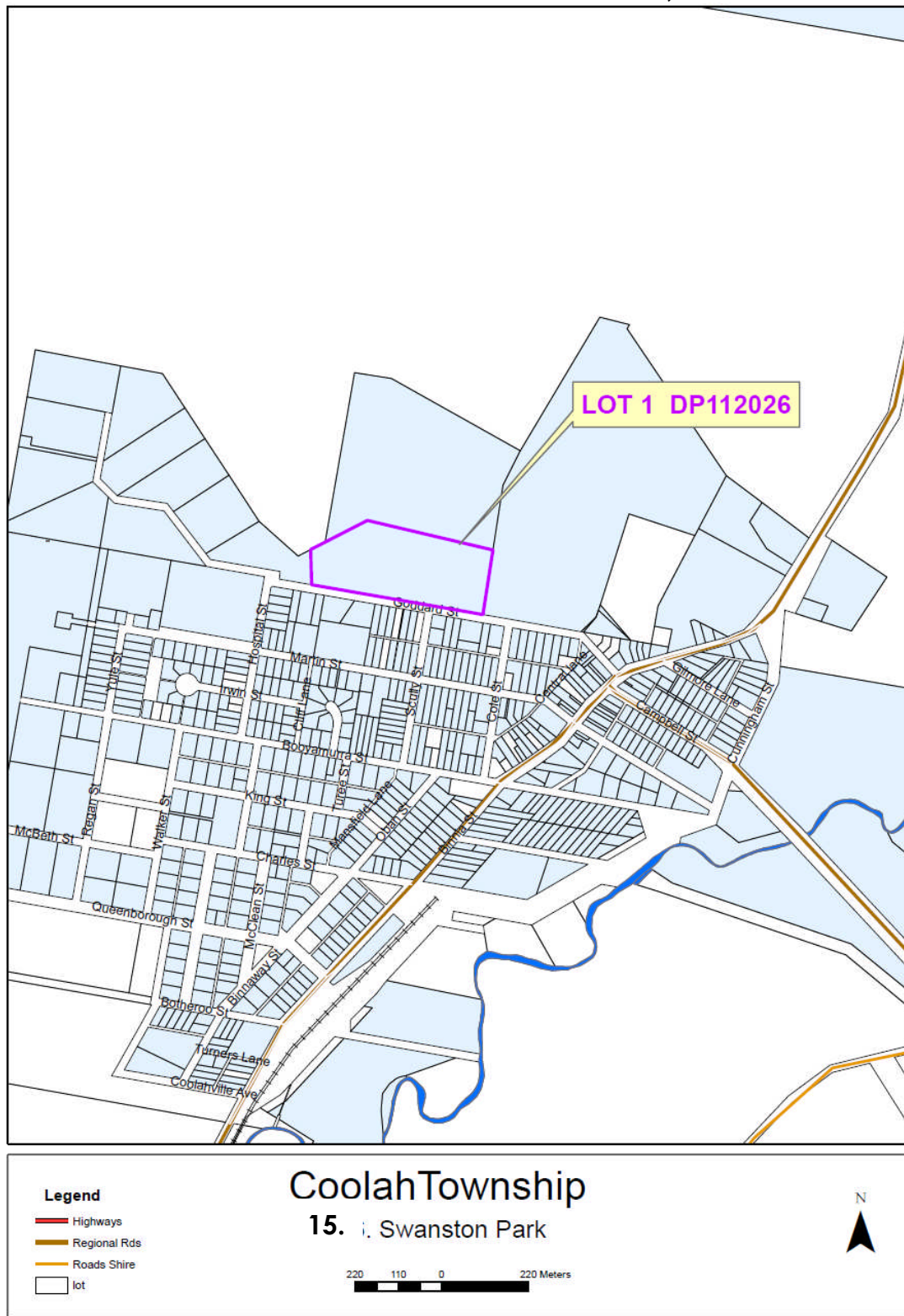
Site 13: Residence – 143 Martin Street, Coolah



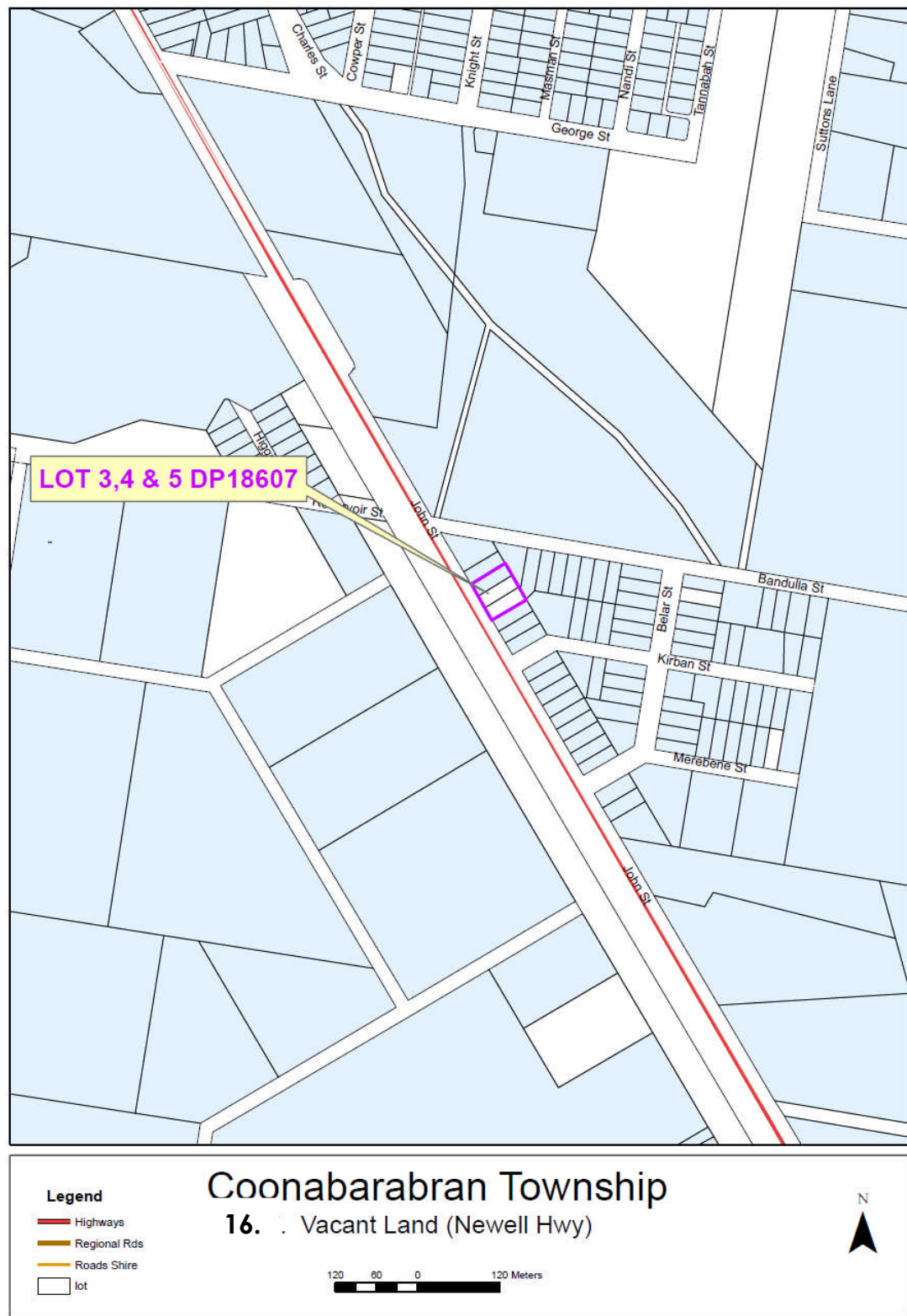
Site 14: Residence – 1 Lew Close, Coolah



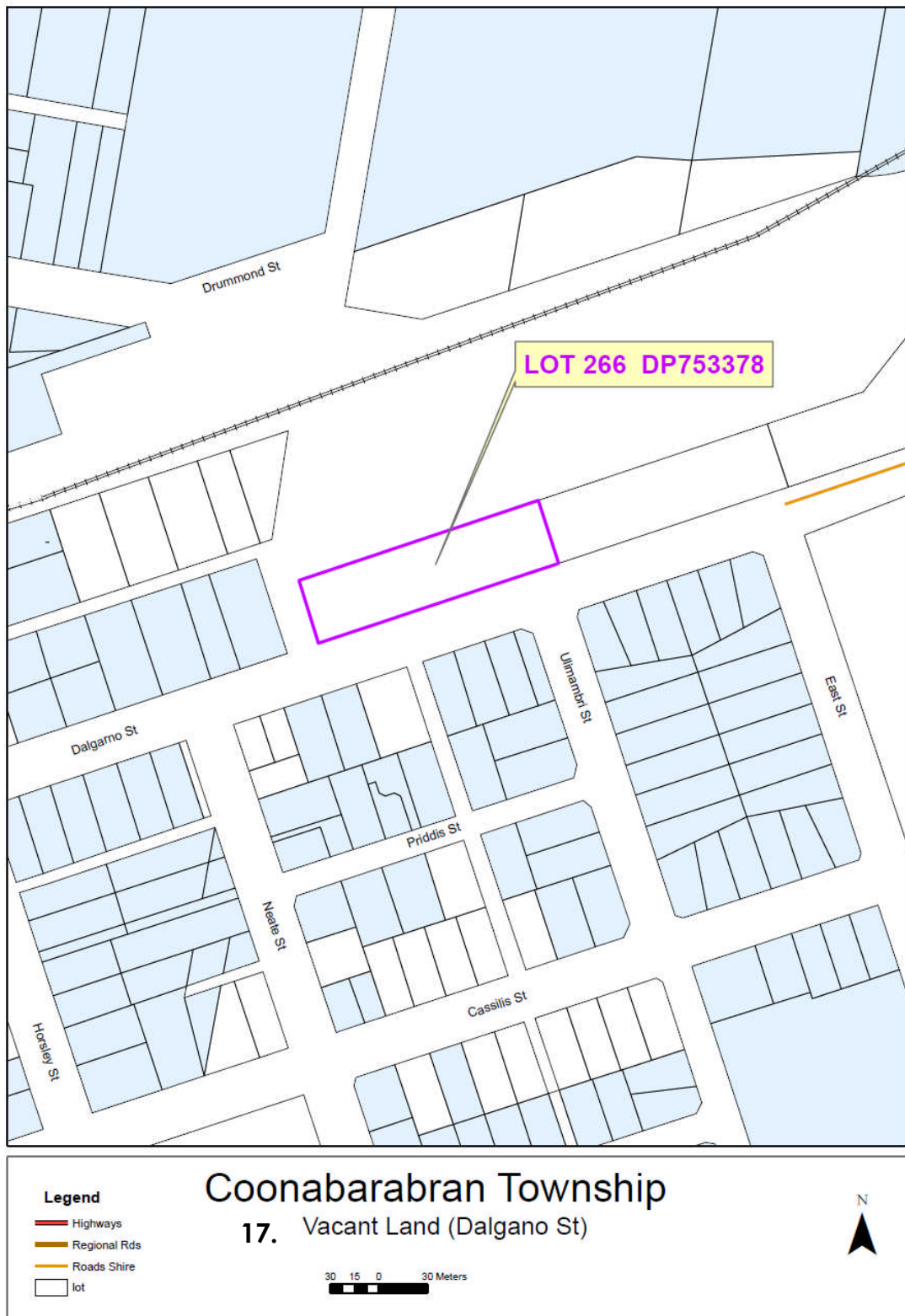
Site 15: Swanston Park – 43-67 Goddard Street, Coolah



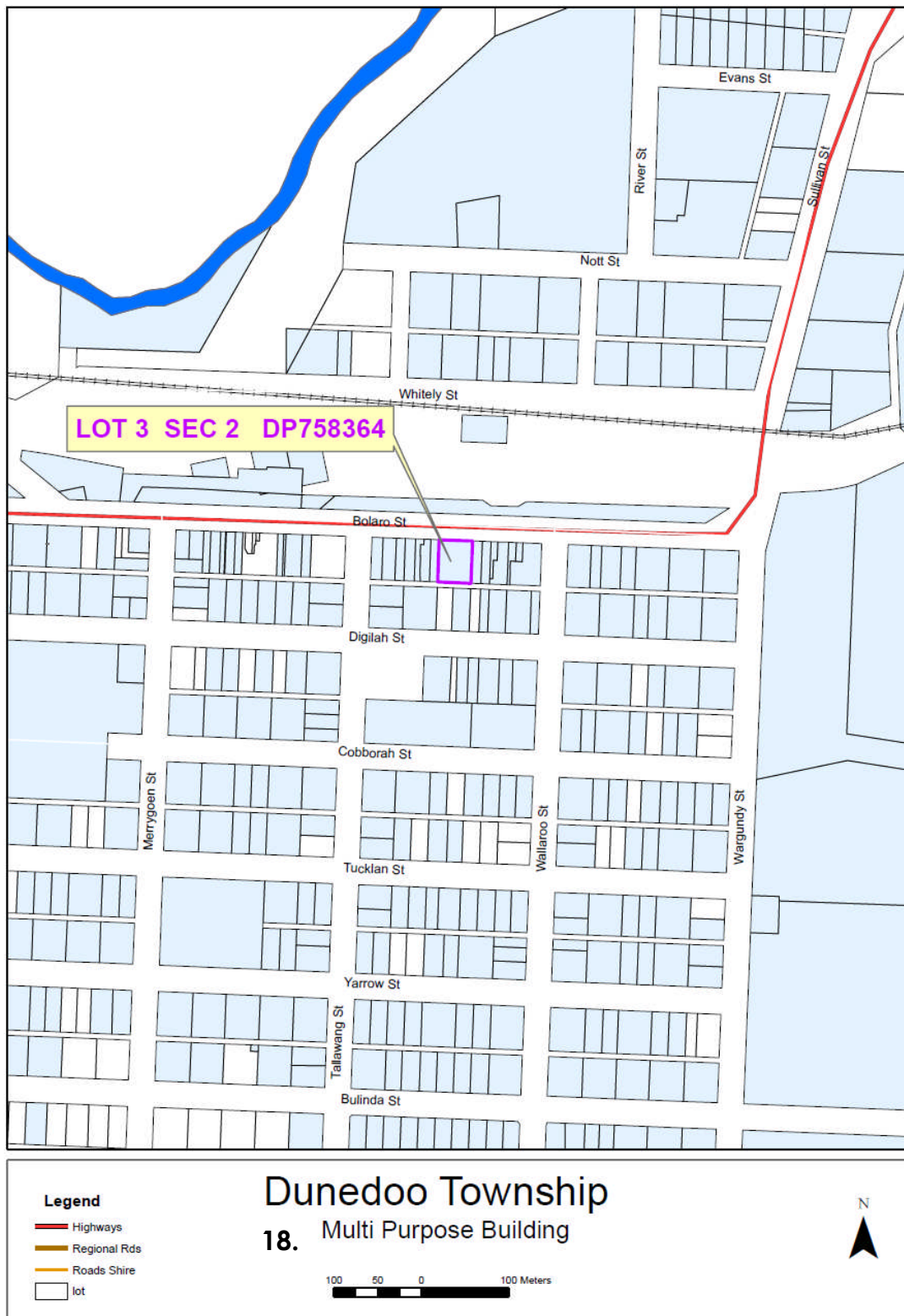
Site 16: Vacant Land – Newell Highway, Coonabarabran



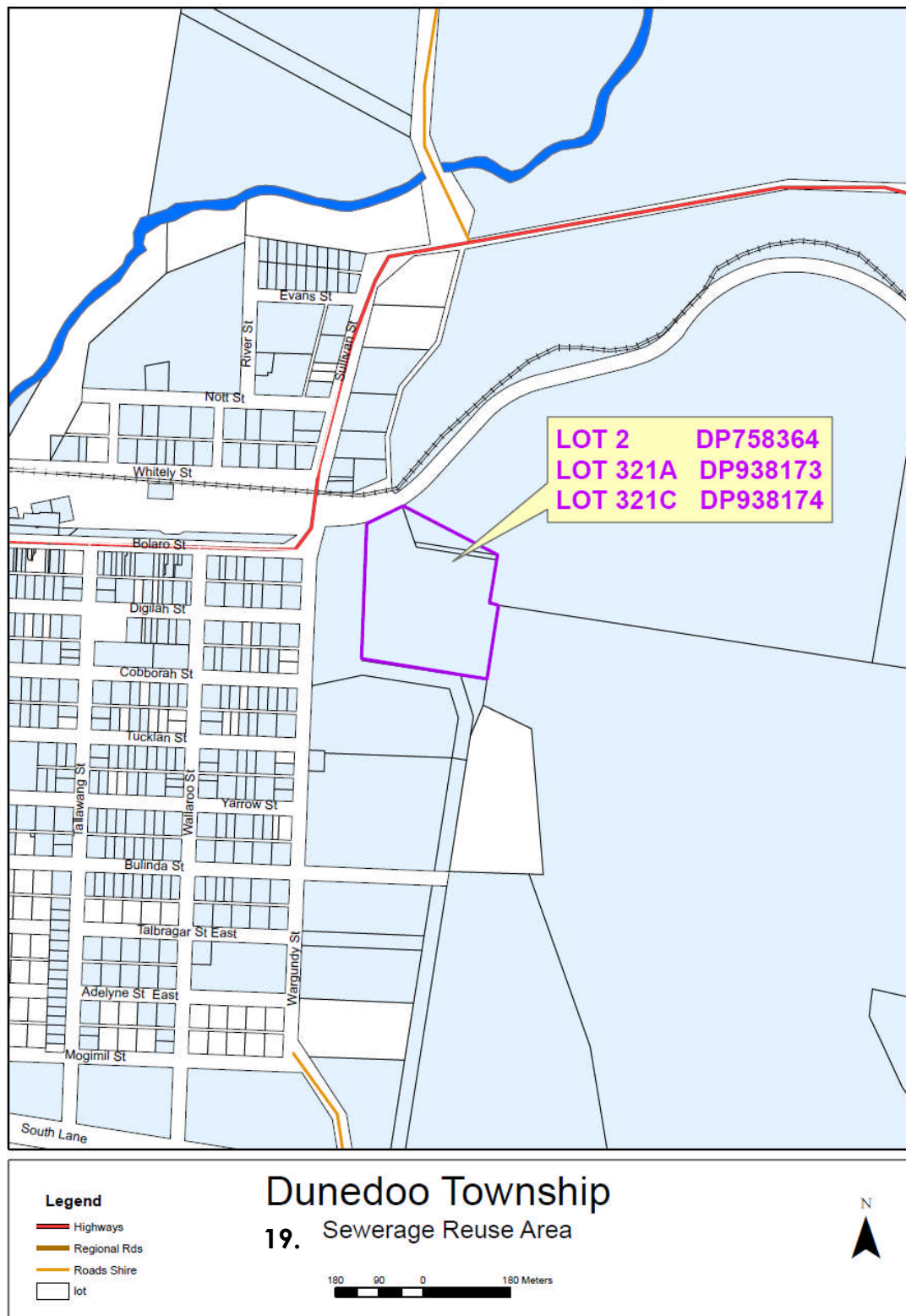
Site 17: Vacant Land – Dalgarno Street, Coonabarabran



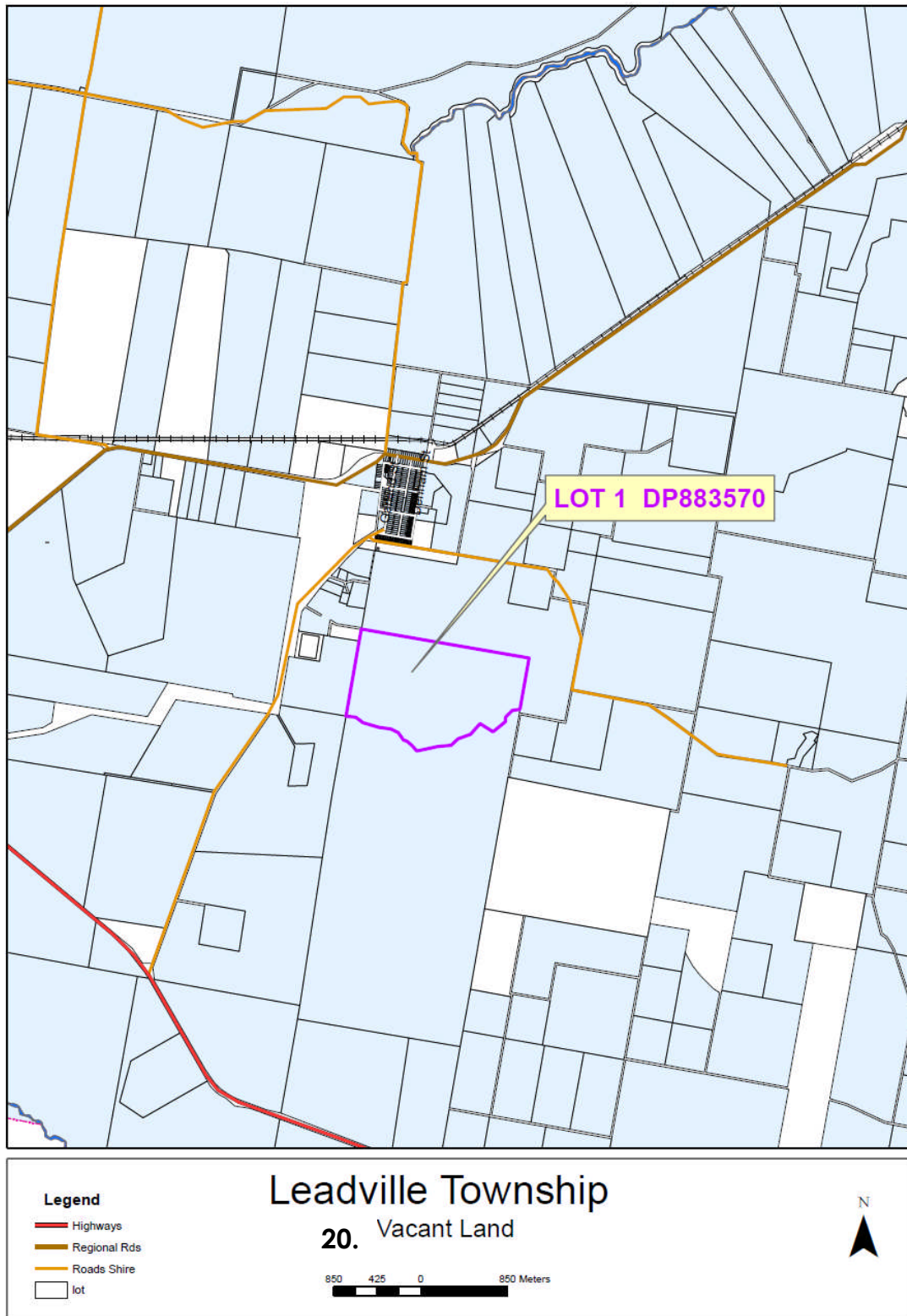
Site 18: Multi Purpose Building – 38-40 Bolaro Street, Dunedoo



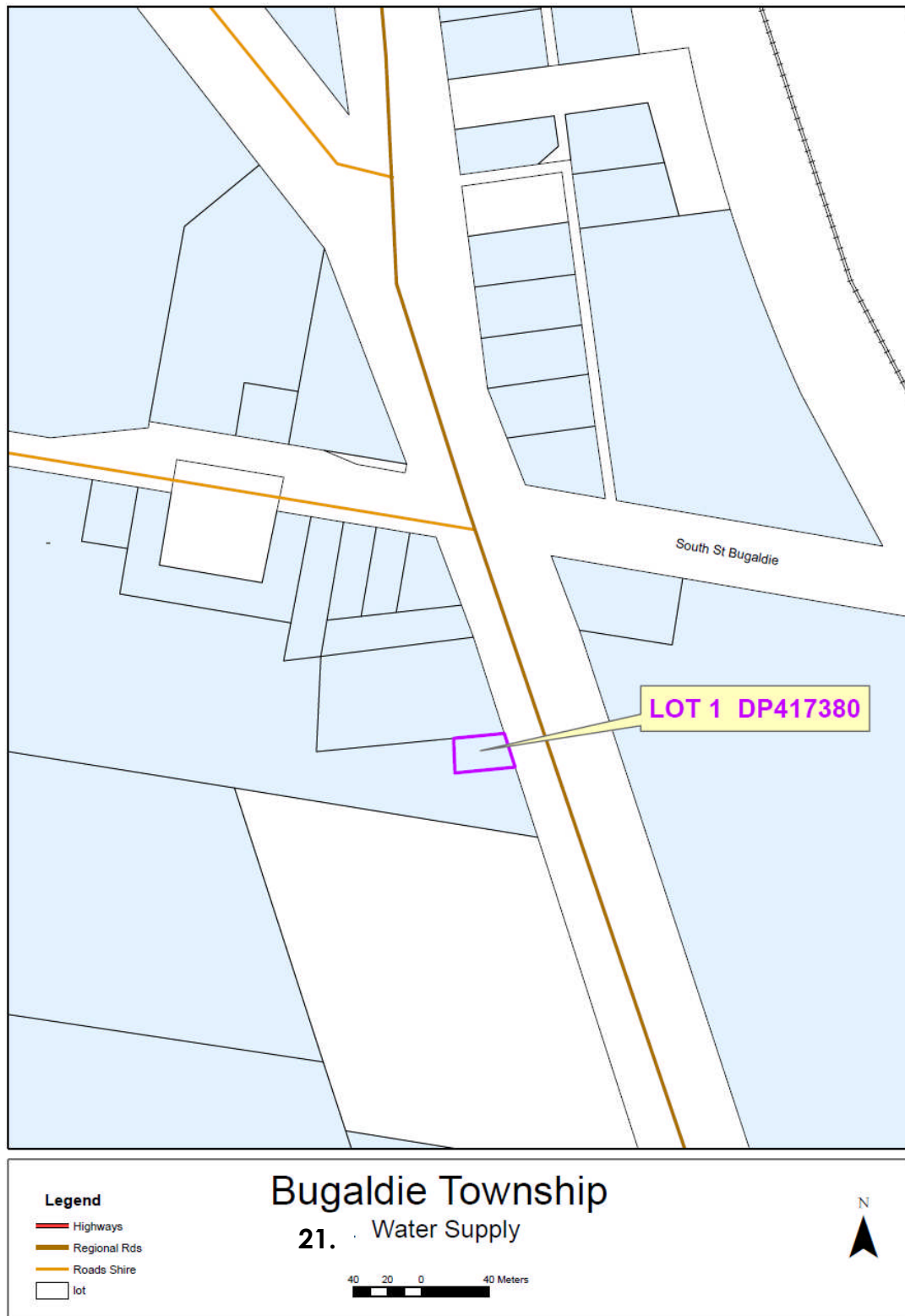
Site 19: Sewerage Reuse Area – Wargundy Street, Dunedoo



Site 20: Vacant Land – Ivan Dougherty Drive, Leadville



Site 21: Water Supply – Baradine Road, Bugaldie



LEP PRACTICE NOTES

LEP practice note

STANDARD INSTRUMENT FOR LEPs

Note	PN 00-003
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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