

Lot 134 DP 753764 Morgans Road &
581 DP 606508 Commercial Street

Walla Walla

PLANNING PROPOSAL

Greater Hume Shire Council

MARCH 2011



Town Planning &
Environmental Assessment

Suite 1, 622 Macauley Street
ALBURY NSW 2640

T 02 6021 0662 F 02 6021 0663
E habitat@habitatplanning.com.au

www.habitatplanning.com.au

This report has been prepared for

Greater Hume Shire Council
Culcairn Office
40 Balfour St
CULCAIRN NSW 2666

This report has been prepared by



Town Planning &
Environmental Assessment

Suite 1 / 622 Macauley Street
ALBURY NSW 2640

Phone: 02 6021 0662

Fax: 02 6021 0663

habitat@habitatplanning.com.au

www.habitatplanning.com.au



Member – NSW Consulting Planners



Document Control

Version	Date		Author	Reviewed	Approved
A	16/11/10	Draft	TOB	WH	WH
B	11/01/11	Final draft	TOB	WH	WH
C	14/02/11	FINAL	TOB	WH	WH
D	14/03/11	REVISED FINAL	TOB	WH	WH

© 2011Habitat Planning

The information contained in this document produced by Habitat Planning is solely for the use of the person or organisation for which it has been prepared and Habitat Planning undertakes no duty to or accepts any responsibility to any third party who may rely upon this document.

All rights reserved. No section or element of this document may be removed from this document, reproduced, electronically stored or transmitted in any form without the written permission of Habitat Planning.

CONTENTS

1.	INTRODUCTION	1
1.1	BACKGROUND	3
2.	INTENDED OUTCOMES.....	4
3.	EXPLANATION OF THE PROVISIONS	4
4.	JUSTIFICATION	4
4.1	NEED FOR THE PLANNING PROPOSAL	4
5.	COMMUNITY CONSULTATION	7
6.	CONCLUSION	7

APPENDICES

- A. Subject land Maps
- B. Council Report and Resolution
- C. Draft LEP Maps

1. INTRODUCTION

This is a Planning Proposal relating to two parcels of land in Walla Walla (see Figure 1). The subject lands are described as Lot 134 DP 753764 Morgans Road and Lot 581 in DP 606508, Commercial Street, Walla Walla. The subject lands are currently underutilised as recreation areas, with minimal buildings and improvements (see Figure 2 & Figure 3).

The Planning Proposal seeks to change the classification of the subject lands from *Community* to *Operational* to allow Council to subdivide the Commercial Street subject land and sell a portion of the subject land and to sell the whole of the Morgans Road subject land.

The Planning Proposal has been prepared in accordance with the Department of Planning's *A Guide to Preparing Planning Proposals* ("the Guide") and other information specified in Council's consultant brief.

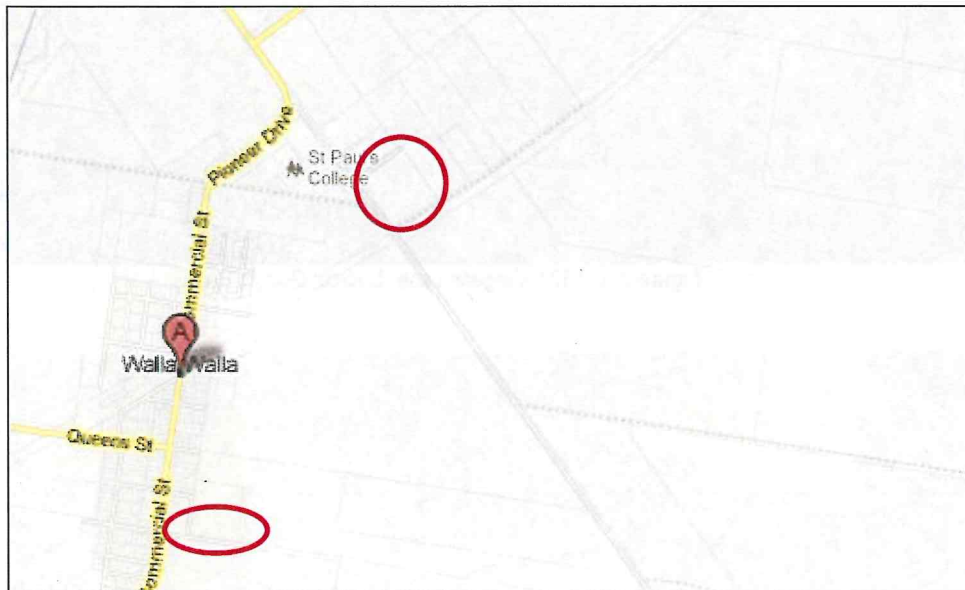


Figure 1: Location of subject lands within the context of Walla Walla (Source: Google Maps 2010).



Figure 2: Lot 134 Morgans Lane (Source: Google Earth)



Figure 3: Lot 581 Commercial Street Walla Walla (Source: Six Viewer)

1.1 BACKGROUND

Greater Hume Shire was created in 2004 as a result of an amalgamation of most of the former Hume, Holbrook and Culcairn Local Government Areas. It is located in the Riverina Region of southern New South Wales with an area of 5,929km² and an estimated resident population of 10,273 in 2008. The major settlements within the Shire are Holbrook, Culcairn, Jindera, Henty and Walla Walla with smaller settlements in Burrumbuttock, Woomargama, Gerogery (including Gerogery West), Walbundrie, Morven and Brocklesby.

Greater Hume Shire is in the process of finalising a new Local Environmental Plan ("the draft LEP") in accordance with the NSW Standard Instrument. Following consultation and consideration of the draft LEP by Council prior to seeking a certificate for its exhibition, Council considered the future of these two parcels of land and determined that as they were surplus to the recreational needs of the Walla Walla community, that they would seek a reclassification of the subject lands. Council resolved to include them in the draft LEP schedules to affect this change in classification.

Advice from the Department of Planning (DoP) regional office indicated that given the advanced stage of the LEP, it was more appropriate to seek the reclassification of these parcels via a Planning Proposal to amend the provisions of the *Culcairn Local Environmental Plan 1998* ("the Culcairn LEP").

Council subsequently resolved on 20th October 2010 to prepare a Planning Proposal for the reclassification of the subject lands (see Appendix B).

Lot 134 Morgans Road was previously part used by the North Walla Walla Tennis Club up until 2005 and were in very poor condition. The club relocated to new courts within the St Pauls School campus and since then have amalgamated with the Walla Walla Tennis Club. Consequently, the Morgans Road courts have become redundant to the needs of the Walla Walla community. The tennis courts occupy a small portion of the subject land (see Figure 2) and the balance of the land has never been improved for active recreation.

The Morgans Road subject land has an area of 5.3 hectares and is currently zoned 1(c) Rural Small Holdings under the Culcairn LEP. It is proposed to sell the entire parcel to enable for it to be used as a rural small holding in accordance with the provisions of the 1(c) zone. It is noted that the subject land does not have subdivision potential under the existing zoning, nor under the zoning proposed under the draft LEP. The parcel is serviced by reticulated water, but is not served by reticulated sewer. Electricity and telephone services are available to the subject land.

Lot 581 Commercial Street is located across the southern boundary of the Walla Walla Sportsground (see Figure 3). The subject land is undeveloped other than parts of tennis courts (un-used) and netball courts. The adjoining land owner to the north of the subject land at the western end has expressed an interest in purchasing the front portion of the subject land to amalgamate with his property. Following reclassification, it is proposed to subdivide the subject land and to sell the front portion to the neighbour and retain the balance as part of the Walla Walla Recreation Reserve.

The Commercial Street subject land is zoned 2(v) Village under the Culcairn LEP. It has a total area of 1.4 hectares of which approximately 4,000m² at the Commercial Street end is proposed to be excised and sold to the adjoining land owner. The

subject land is serviced with reticulated water, sewer, electricity and telephone services.

2. INTENDED OUTCOMES

The intended outcome of this planning proposal is the reclassification of the two parcels of land to 'operational' so they can be sold by Council. Draft LEP Maps showing the extent of the reclassifications are attached to this Planning Proposal.

In the case of the Commercial Street subject land following reclassification, the proposal is to subdivide approximately 4,000m² at the western end for sale to adjoining land owner for commercial development. The balance of the land is to remain as part of the existing Recreation Reserve.

3. EXPLANATION OF THE PROVISIONS

The subject lands are proposed to be reclassified from 'community' to 'operational' under the Culcairn LEP. The reclassifications will be achieved by listing the land descriptions of the subject parcels in **Schedule 6 Part 2** of the Culcairn LEP 1998. No rezoning is proposed for either of the parcels.

The subject parcels were part of the land assets of the former Culcairn Shire. Despite extensive research, no information can be found on how the properties came to be owned by Council. This is not an unusual situation following an amalgamation such as the one that created Greater Hume Shire in 2004. The Titles to the properties are attached to this Planning proposal. They document that the parcels are owned by Culcairn Shire Council. As Culcairn Shire became part of the amalgamated Greater Hume Shire, the ownership of the lands is now vested in Greater Hume Shire. There are no restrictions or other notations indicated on the Titles.

In reclassifying the subject lands, Council intends to discharge all trusts, restrictions or interests on the parcels. Council is aware that approval of the Governor will be required prior to this change taking effect.

4. JUSTIFICATION

This section of the Planning Proposal sets out the justification for the intended outcomes and provisions, and the process for their implementation. The questions to which responses have been provided are taken from the *Guide to Preparing Local Environmental Plans* ("the Guide") issued by the DoP in July 2009. It is noted that as the proposal is **solely** for the purpose of reclassifying land, that the matters considered below are those included at Section 4.10 of the Guide.

4.1 NEED FOR THE PLANNING PROPOSAL

Is the Planning Proposal a result of any strategic study or report?

There is no study or report that specifically addresses the future use of the subject lands within the context of the Planning Proposal.

However the *Greater Hume Shire Strategic Land Use Plan* ("the SLUP") was adopted by Council in November 2007 by which time the tennis courts on the Morgan Road site had already been abandoned. The SLUP for Walla Walla shows this subject land as retained for rural living in accordance with the current zoning.

The SLUP shows both the Commercial Street subject land and the Recreation Reserve to the north as being for open space. Further investigation reveals that the small area on the eastern side of Commercial Street directly opposite Edward Street should in fact be shown in the SLUP as 'commercial' rather than 'open space' because it is already developed for commercial purposes (see Figure 3) and is not in public ownership. Whilst the SLUP shows the part of the subject land immediately to the south of this in Commercial Street as 'open space', it does not represent a functional adjunct to the Recreation Reserve and is not required for access purposes.

Is the planning proposal consistent with the local council's community plan, or other local strategic plan?

The Planning Proposal is the result of further consideration by Council of the future needs of the Walla Walla community.

It is noted that the SLUP identifies the Morgan Road subject land as an existing small holdings area, rather than as a recreational facility. In this regard, the proposal is consistent with the SLUP.

The Commercial Street subject land is shown in the Strategic Land Use Plan as land to be further embellished in conjunction with privately owned land to the north. It was never Council's intention to embellish this privately owned parcel for open space. The adjacent subject land has been developed as an industrial use. The area of Lot 581 that adjoins the privately owned parcel is unimproved and is unlikely to be improved for any recreational purpose. The Walla Walla Sportsground (including an oval and tennis and netball courts) is located to the east of the parcel intended to be created and sold and it is at that location that any further embellishment of open space facilities would occur. Whilst technically inconsistent with the SLUP, the Planning Proposal is a more rational outcome than was envisaged at the time of preparing the SLUP.

If the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished.

As outlined above, the subject parcels were part of the land assets of the former Culcairn Shire. As Culcairn Shire became part of the amalgamated Greater Hume Shire, the ownership of the lands is now vested in Greater Hume Shire. There are no restrictions or other notations indicated on the Titles.

In reclassifying the subject lands, Council intends to discharge all trusts, restrictions or interests on the parcels. Council is aware that approval of the Governor will be required prior to this change taking effect.

The objective of selling surplus assets cannot be achieved under the current classifications of the subject lands. The parcels are underutilised and are surplus to the open space needs of the Walla Walla community.

Council's interests in the land need to be discharged to ensure they can be sold without encumbrances. It would be inappropriate for Council to retain any interests in the subject lands given that the intention is to sell them to private individuals for redevelopment.

The zoning of the Morgans Road subject land is consistent with the zoning and character of development in the vicinity. Sale of this parcel for rural smallholdings is the most appropriate course of action for an unused parcel of public land.

The current classification of the Commercial Street property does not enable the sale of part of the allotment. Given the underutilised nature of the subject land and that it is not intended to be further improved for recreational uses, it is appropriate to reclassify the subject land and dispose of this asset. The current zoning of the subject land enables the use of the subject land in conjunction with the adjacent industrial development.

The concurrence of the landowner, where the land is not owned by the relevant planning

Greater Hume Shire Council is the owner of the subject lands. Concurrence is given via Council's resolution.

Ministerial Direction 6.2 – Reserving Land for Public Purposes

This Direction was issued on 1 July 2009 and applies to all Planning proposals which apply to land reserved for public purposes. The parts of the Direction which are relevant to this Planning Proposal are outlined below:

- (1) The objectives of this direction are:*
 - (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and*
 - (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.*
- (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).*
- (8) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that:*
 - (c) ..., or*
 - (d) the provisions of the planning proposal that are inconsistent with the terms of this direction are of minor significance.*

The reclassification and sale of these lands will technically reduce the amount of land in Greater Hume Shire "reserved" for a public purpose. Neither of these parcels are currently used for a public purpose and neither are zoned as public open space. The lands are surplus to Council's needs and are a maintenance burden upon the Council.

The lands are small parcels in the township of Walla Walla, which has other recreational facilities and assets which are used by the community. The inconsistency of the Planning Proposal with this Direction is technical in nature, and is insignificant as it relates to lands not currently needed or used by the community and which would be better utilised by private owners in a manner which is appropriate under their zonings.

5. COMMUNITY CONSULTATION

Following approval via the Gateway process, the Planning Proposal will be exhibited for a period of 28 days, in accordance with the requirements of the *Environmental Planning & Assessment Act* (EP&A Act) and the *Environmental Planning & Assessment Regulations* ("the Regulation").

Further, as the Planning Proposal relates to the reclassification on land, the *Local Government Act* (LG Act) requires that a Public Hearing must be held in accordance with Clause 57 of the EP&A Act.

These processes will allow for the community and any relevant state agencies to have input into the proposal to reclassify the two parcels of land.

6. CONCLUSION

Council has resolved to support a Planning Proposal for the reclassification of two parcels of land in Walla Walla. The purpose of the reclassification is to enable their sale as they are surplus to the recreational needs of the Walla Walla community.

The current zoning of the subject land is not proposed to be altered by the Planning Proposal. The current zoning will permit development of the subject lands in keeping with the developed character of surrounding lands (rural living and commercial respectively). The proposed zoning under the draft LEP is similar to that existing on the subject lands and will not restrict the redevelopment of the subject lands by private owners.

The Planning Proposal enables Council to dispose of land that is not used, and is unlikely to be used, to fulfil the recreational needs of the Walla Walla community. The retention of the subject lands would create an unnecessary cost burden on the ratepayers of the Shire, whereas the sale would enable generation of income that will be used for the benefit of the community.

In conclusion, the Planning Proposal is worthy of support and will deliver a net positive social and economic outcome for the residents of Greater Hume Shire by reducing the cost burden of Council to maintain subject lands for public use that are surplus to needs.

