
2.8 REZONING OF LOT 43 DP 255071 30 LEEWOOD DRIVE ORANGE

TRIM REFERENCE: 2015/462

AUTHOR: Kathy Woolley, Director Corporate and Commercial Services

EXECUTIVE SUMMARY

Council has been approached by a business to convert a small park to an area for car parking in the Leewood Estate. There is parking congestion in the area. If Council resolves to undertake the conversion, Orange Local Environmental Plan - Amendment 10 for a spot rezoning of Lot 43 DP 255071 from RE1 Public Recreation to IN1 General Industrial is required. The map below provides its location.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy "1.2 Our City - Information and advice provided for the decision-making process will be succinct, reasoned, accurate, timely and balanced".

FINANCIAL IMPLICATIONS

A financial arrangement to lease the site will provide an income stream. The works have been estimated at \$270,000.

POLICY AND GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATION

- 1 That Council prepare and submit to the NSW Department of Planning and Environment a formal planning proposal for a Gateway Determination to enable the rezoning of Lot 43 DP 255071 from RE1 Public Recreation to IN1 General Industrial and that the land be re-classified as Operational;**
- 2 That the necessary materials be prepared as determined by the Gateway Determination process and exhibition of materials be undertaken;**
- 3 That a public hearing be conducted in accordance with the legislative requirements.**

FURTHER CONSIDERATIONS

Consideration has been given to the recommendation's impact on Council's service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

SUPPORTING INFORMATION

An inquiry has been received seeking Council's consideration of converting the open space to a car park to alleviate on street parking congestion.

Conversion of the site (Catto Park) to a car park would enable the creation of off street car parking.

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The land is situated within the Leewood Industrial Estate and is surrounded by industrial developments. Due to its location, context and small size it is considered to have negligible recreational, ecological or social value.

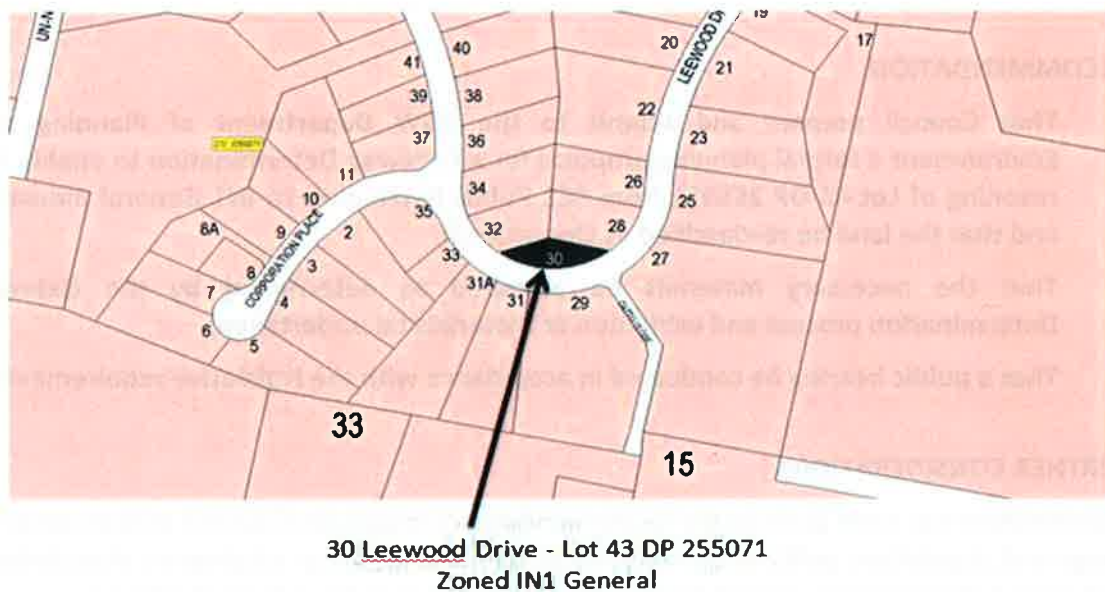
There are no State Environmental Planning Policies of direct relevance to the proposal. Section 117 Ministerial Directions under the Environmental Planning and Assessment Act 1979 includes Direction 1.1 Business and Industrial Zones. This direction has the following objectives, to:

- (a) encourage employment growth in suitable locations,
- (b) protect employment land in business and industrial zones, and
- (c) support the viability of identified strategic centres.

The direction requires that relevant planning proposals 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 proposal is considered to be entirely consistent with both the objectives and requirements of the Direction.



ATTACHMENTS

- 1 Proposed Reclassification Site - Lot 43 DP 255071 - 30 Leewood Drive Orange, D15/4930

Draft Amendment 10**Orange Local Environmental Plan 2011****Proposed Reclassification Site**

Catto Park
30 Leewood Drive

PROPERTY CHECKLIST: Lot 43 DP 255071

	Information	Check
1	Aerial Image	Attachment No. 1
2	Zoning Map (LEP 2011)	Attachment No. 2
3	Proposed Zoning Map	Attachment No. 3
4	Deposited Plan and s88B Instrument	Attachment No. 4
5	Certificate of Title	Attachment No. 5
6	Mapped Location of land & Services	Attachment No. 6
7	Copy of Any Leases	Attachment No. 7

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The following information describes the property and existing classification of the land under the *Local Government Act 1993*.

PROPERTY DETAIL	
Council property number	PR6648
Real property description	Lot 43 DP 255071
Street Address	30 Leewood Drive, Orange
Common name	Catto Park
Area (m ²)	1309
Copy of Deposited Plan and s88B Instrument	Attachment No. 4
Copy of Certificate of Title and ownership schedule and restrictive covenants	Attachment No. 5
Copy of map/s showing cadastral information for land and the locality	Attachments No. 1, 2 & 6
Copy of Council's Geographic Information System cadastral mapping information showing services etc	Attachment No. 6
Existing Zone (Orange LEP 2011)	RE1 Public Recreation

LAND REGISTER	
Plan of Management Name and Date adopted	Local Neighbourhood Parks Within The City of Orange City Council – Adopted 4 December 2003
Category (existing classification – operational / community)	Community Land
Type (e.g. park, sportsground, drainage reserve)	Park

SEARCH OF COUNCIL'S LEGAL DOCUMENTS	
Type of Public Land (e.g. public reserve, trust, vested land, dedicated land, reserved or zoned land, other)	Public Reserve

Local Government Act 1993 (S.32 Reclassification of land dedicated under s94 of the EP&A Act 1979 – land un/suitability considerations)	
Was the land dedicated under s94 of the EP&A Act 1979?	Not known
Size of the land?	1,309m ²
Shape of the land?	Triangular wedge
Topography of the land?	Flat
Location of the land?	Within the Leewood Industrial Estate
Difficulty in providing access?	None

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The following section provides the information required to be publicly provided by Council in the Department of Planning Practice Note PN 09-003 – *Classification and Reclassification of Public Land through a Local Environmental Plan* at the time a draft LEP that seeks to reclassify public lands is prepared and exhibited.

The Department of Planning Practice note “PN 09-003 – *Classification and Reclassification of Public Land through a Local Environmental Plan*” requires that certain written information be placed on public exhibition with the draft Orange LEP 2011 Amendment that either reclassifies and/or rezones the land. This is to include and describe or address, as appropriate, the following matters:

STATEMENT OF COUNCIL'S INTEREST (This section describes Council's interest in the land)	
Nature of interest (e.g. freehold ownership, land leased for x years)	Freehold ownership – Torrens Title
Date of issue of Title	2 August 1977
Why Council acquired the interest	Not known
How Council acquired its interest (e.g. land purchased using s94 funds – dedicated in lieu of s94)	Dedicated during subdivision
For land previously owned or controlled by Council, whether any aspect of the LEP formed part of the agreement to dispose of the land	No

PURPOSE OF THE DRAFT LOCAL ENVIRONMENTAL PLAN (This describes why Council is preparing the draft LEP amendment)	
Why the draft plan is being prepared? (e.g. to sell or allow a particular use)	To enable construction of a public car park.
How the draft plan will affect planning control?	The draft plan will enable consideration of a Development Application for a car park. Either stand-alone or leased to provide off-street parking for nearby industrial developments.
What prompted the preparation of the draft plan? (e.g. Council's intention to sell land, request from affected land owner)	Site identified as suitable for parking, which may reduce potential for conflict with heavy vehicle traffic serving the surrounding local industries.

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ANTICIPATED DEVELOPMENT (This describes the type of development that may result from the changing in planning controls and assist people to understand how they may be affected.)	
Likely physical or operational changes to the land (e.g. erection of dwelling)	The land is likely to be adapted for a car park.
Is the draft LEP being prepared to permit a particular development (and is the proposal currently on exhibition)	Yes, intended for a car park. To be the subject of a future Development Application (not currently on exhibition)

FINANCIAL IMPLICATIONS (Whilst protecting commercial confidence, this generally describes the financial implications of a change in planning controls.)	
Indicate the magnitude of value that will be added to the land by comparing current and future land value	Not known
Describe in general detail any terms of agreement for lease or sale of land	Lease

PROPOSED CLASSIFICATION AND ZONE	
Classification Local Government Act 1993	Operational land
Zoning Environmental Planning and Assessment Act 1979	IN1 General Industrial

OTHER IMPORTANT RELATED INFORMATION

1. Definition of Public Land and Public Reserve

Public Land means any land (including a public reserve) vested in or under the control of the council, but does not include:

- (a) a public road, or
- (b) land to which the *Crown Lands Act 1989* applies, or
- (c) a common, or
- (d) land subject to the *Trustees of Schools of Arts Enabling Act 1902*, or
- (e) a regional park under the *National Parks and Wildlife Act 1974*.

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Public Reserve means any one or more of the following:

Criteria for a public reserve		Applicable to this site?
a	A public park (park means an area of open space used for recreation, not being bushland)	Yes, known as Catto Park
b	Land conveyed or transferred to Council under s340A of the <i>Local Government Act 1919</i>	
c	Land dedicated or taken to be dedicated as a public reserve under s340C or s340D of the <i>Local Government Act 1919</i>	
d	Any land dedicated or taken to be dedicated under s49 or s50 (refer to s49 & s50 – public reserve and range reserves provided for in a subdivision – pre and post 15/6/1964)	
e	Any land vested in Council and declared to be a public reserve under s37AAA of the <i>Crown Lands Consolidation Act 1989</i>	
f	Any land vested in Council and declared to be a public reserve under s76 of the <i>Crown Lands Act 1989</i>	
g	A Crown Reserve that is dedicated or reserved: i. For public recreation or ii. For a purpose that is declared to be a purpose within the scope of this definition by means of an order published in the Gazette by the Minister administering the Crown Lands Act 1989, being a Crown Reserve in respect of which Council has been appointed as manager of a reserve trust of the reserve or for which no reserve trust has been established	
h	Land declared to be a public reserve and placed under the control of Council under s52 of the <i>State Roads Act 1986</i>	
i	Land declared to be a public reserve and placed under the control of Council under s159 of the <i>State Roads Act 1993</i>	

And includes a public reserve of which council has the control under s344 of the *Local Government Act 1993*, 1919 or s48, but does not include a common.

The land is a public reserve and comprises Public Land as defined under the *Local Government Act 1993*.

Attachment No 1

Aerial Image



2.8 Rezoning of Lot 43 DP 255071 30 Leewood Drive Orange

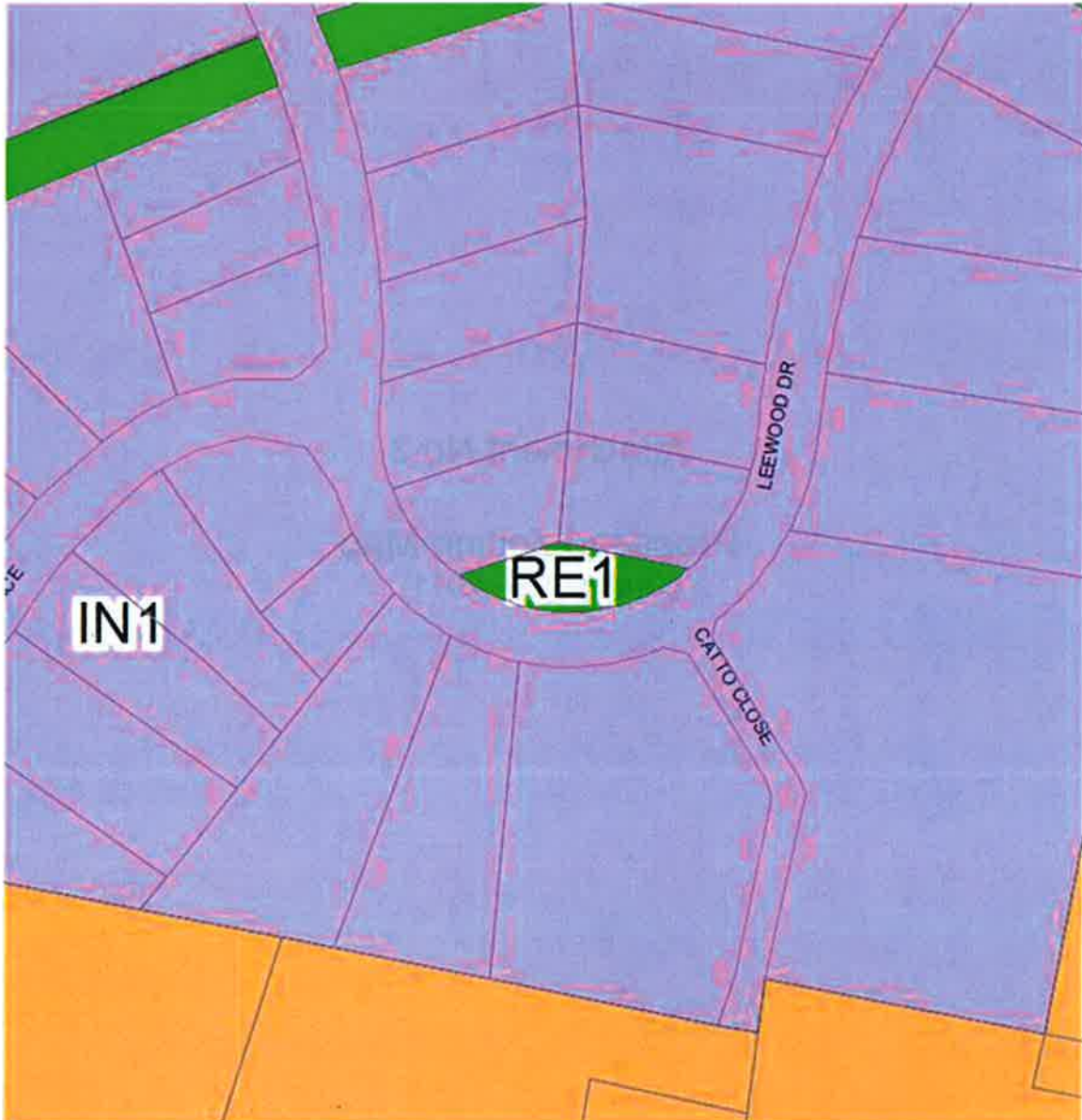
Attachment 1 Proposed Reclassification Site - Lot 43 DP 255071 - 30 Leewood Drive Orange

Attachment No 2

Current Zoning Map (Orange LEP 2011)

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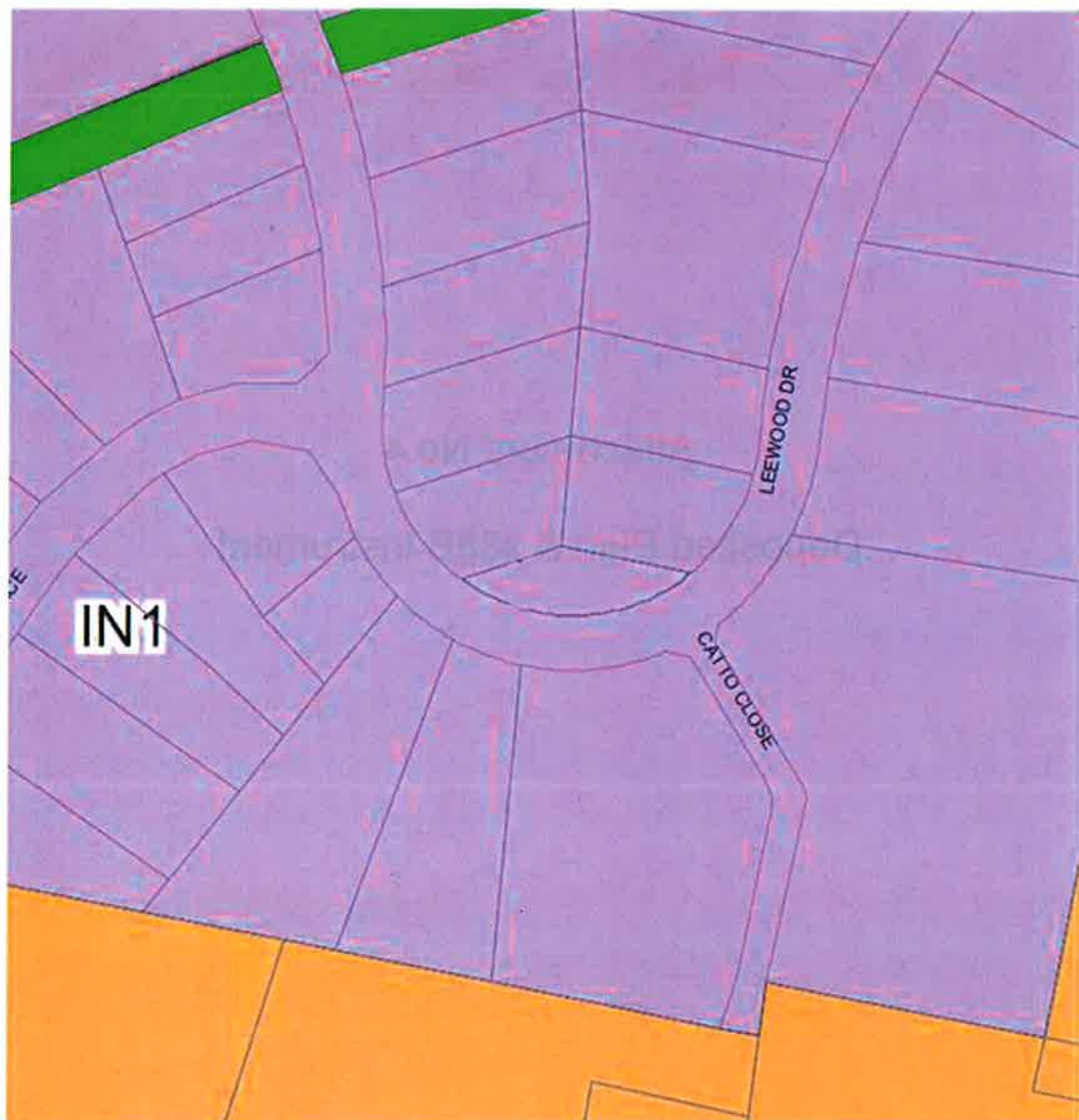
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Attachment No 3

Proposed Zoning Map (Orange LEP 2011)

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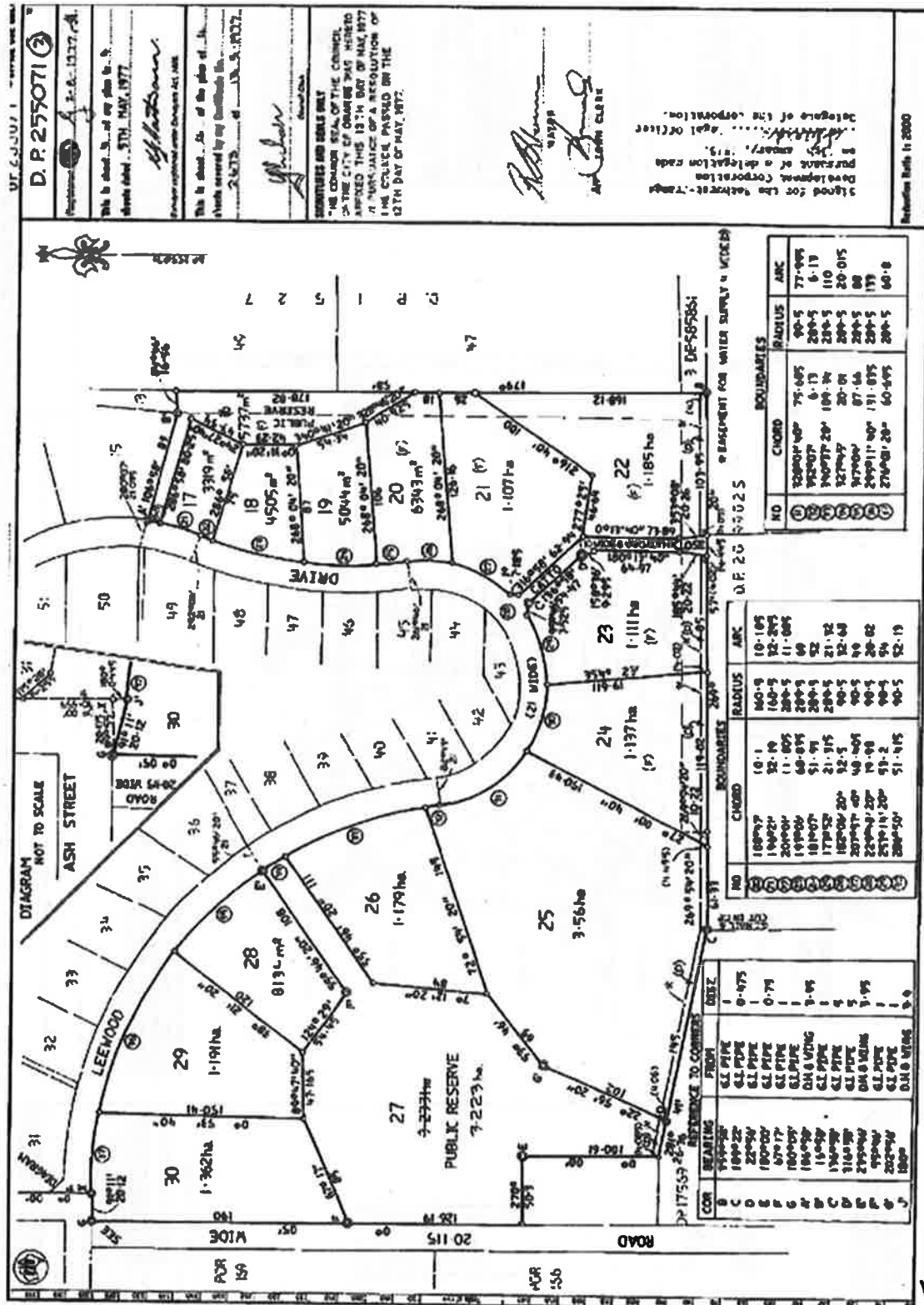
Attachment No 4

Deposited Plan & s88B Instrument

3 MARCH 2015

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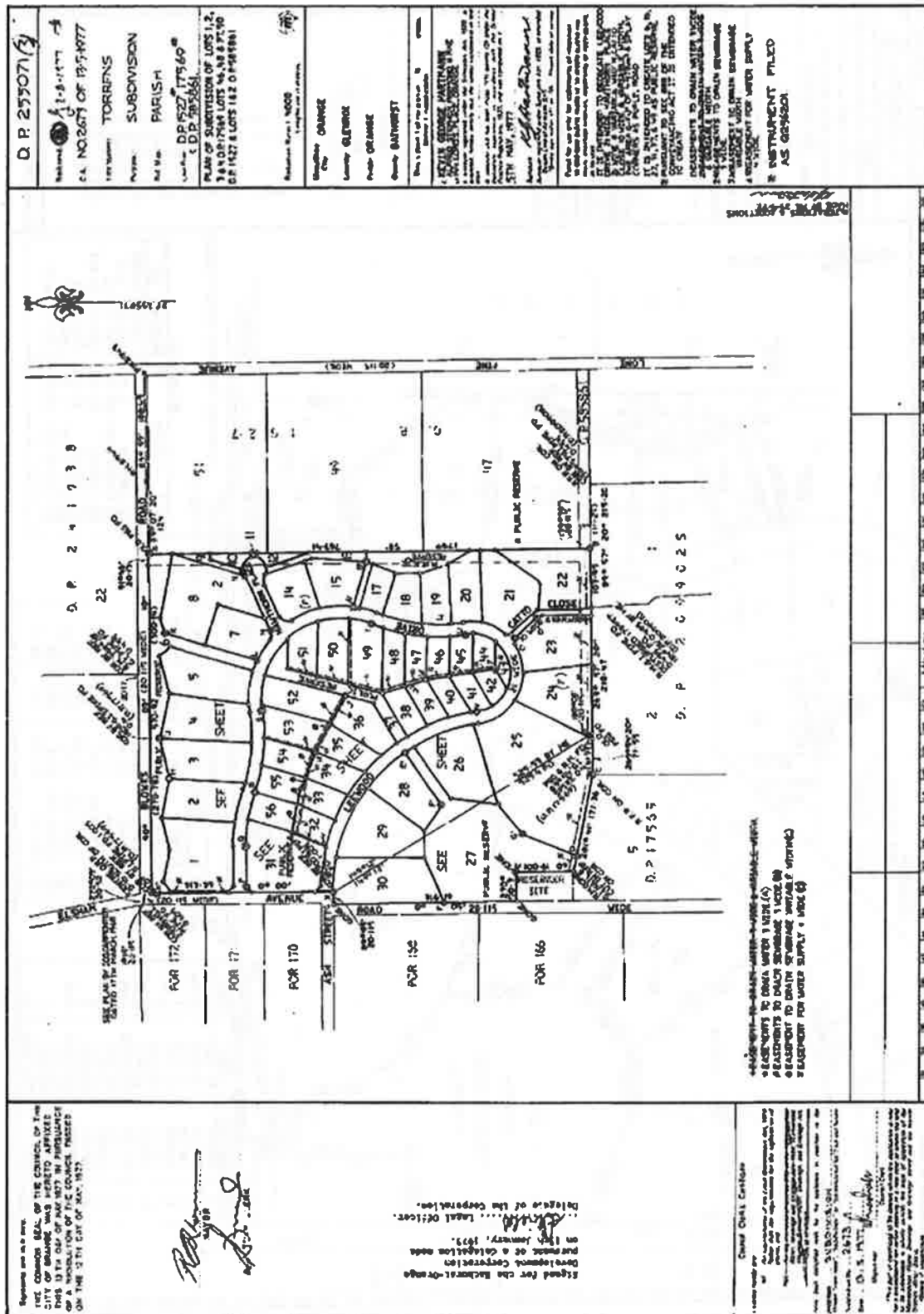
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3 MARCH 2015

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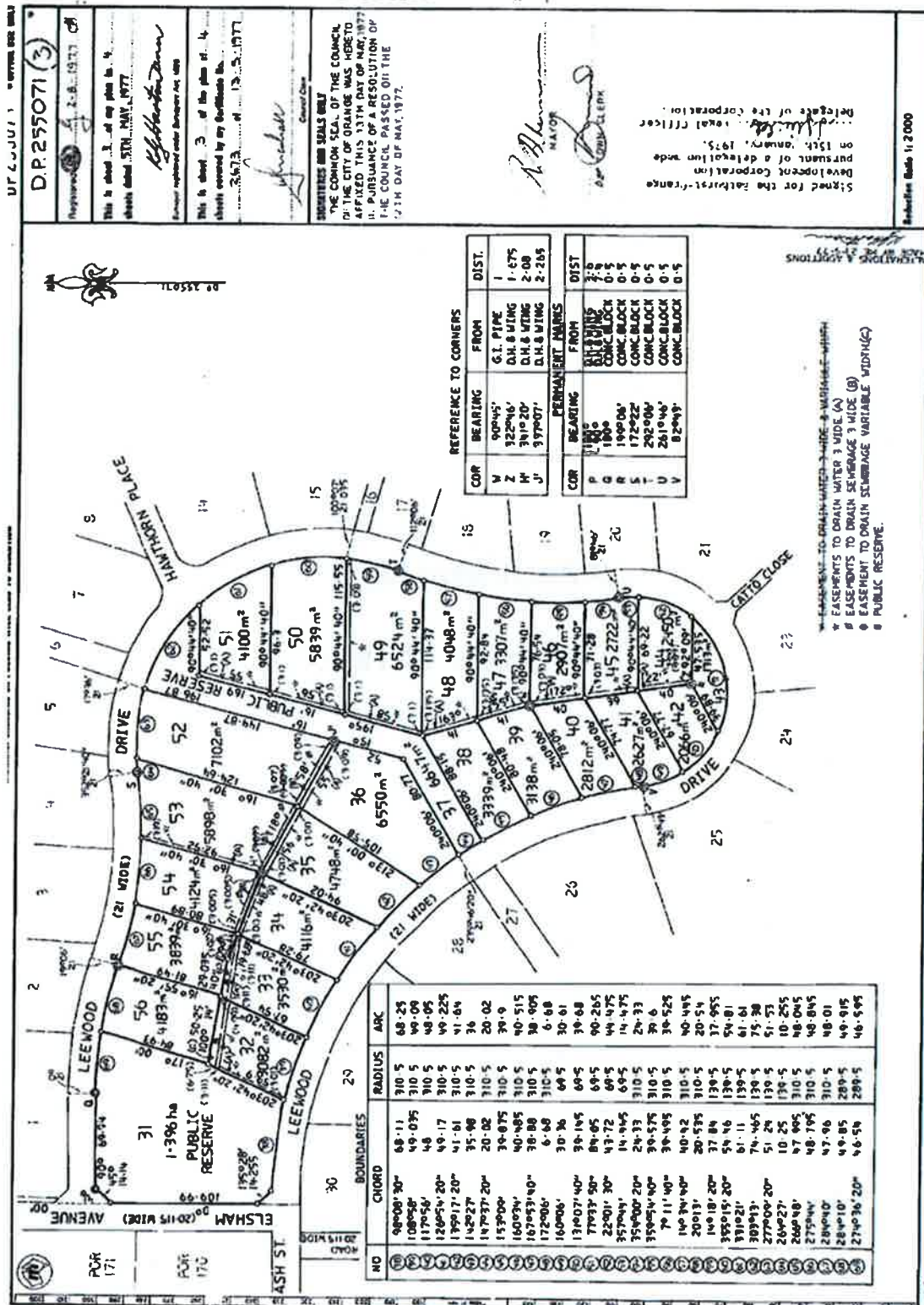
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Attachment No 5

Certificate of Title

CERTIFICATE OF TITLE

REAL PROPERTY ACT, 1900

TORRENS TITLE

Register

13456 191

Vol. _____ Fol. _____

EDITION ISSUED

18 10 1977



NEW SOUTH WALES

Crown Grant Vol. 3 Pol. 116

Prior Title Vol. 5112 Vol. 186

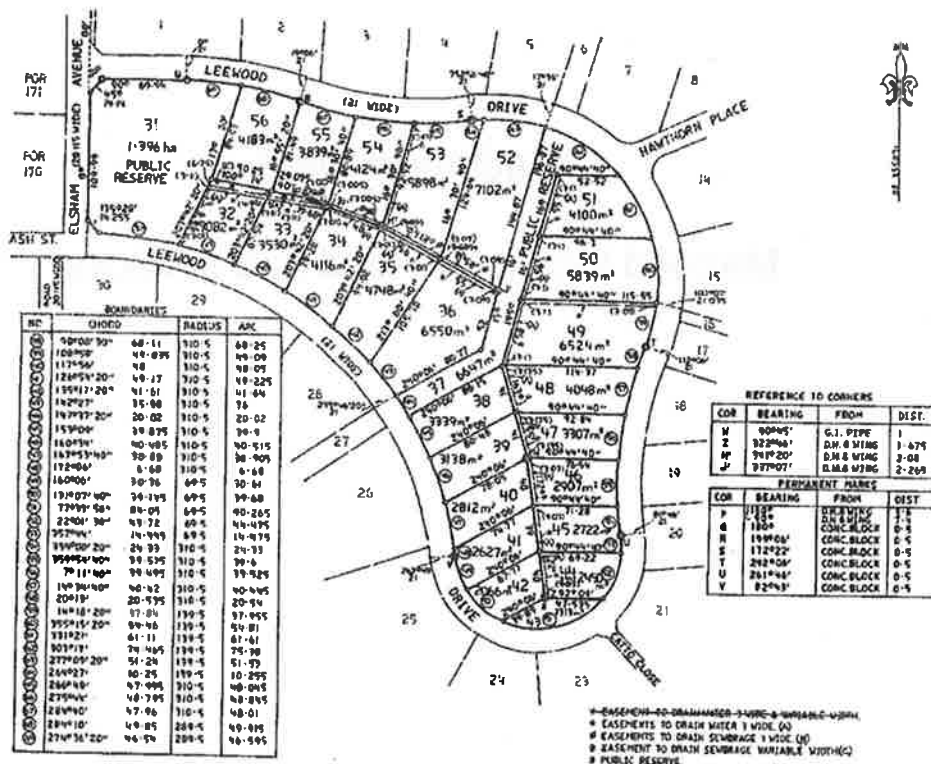
I certify that the person described in the First Schedule is the registered proprietor of the undermentioned estate in the land within described subject nevertheless to such exceptions encumbrances and interests as are shown in the Second Schedule.

Registrar General.



PLAN SHOWING LOCATION OF LAND

LENGTHS ARE IN METRES



ESTATE AND LAND REFERRED TO

Estate in Fee Simple in Lot 43 in Deposited Plan 255071 at Glenroi in the City of Orange
Parish of Orange and County of Bathurst.

FIRST SCHEDULE

THE COUNCIL OF THE CITY OF ORANGE.

SECOND SCHEDULE

1. Reservations and conditions, if any, contained in the Crown Grant above referred to.
2. K200000P Caveat by the Registrar General forbidding the registration of instruments not authorised by the provisions of the Local Government Act, 1919 relating to public reserves.

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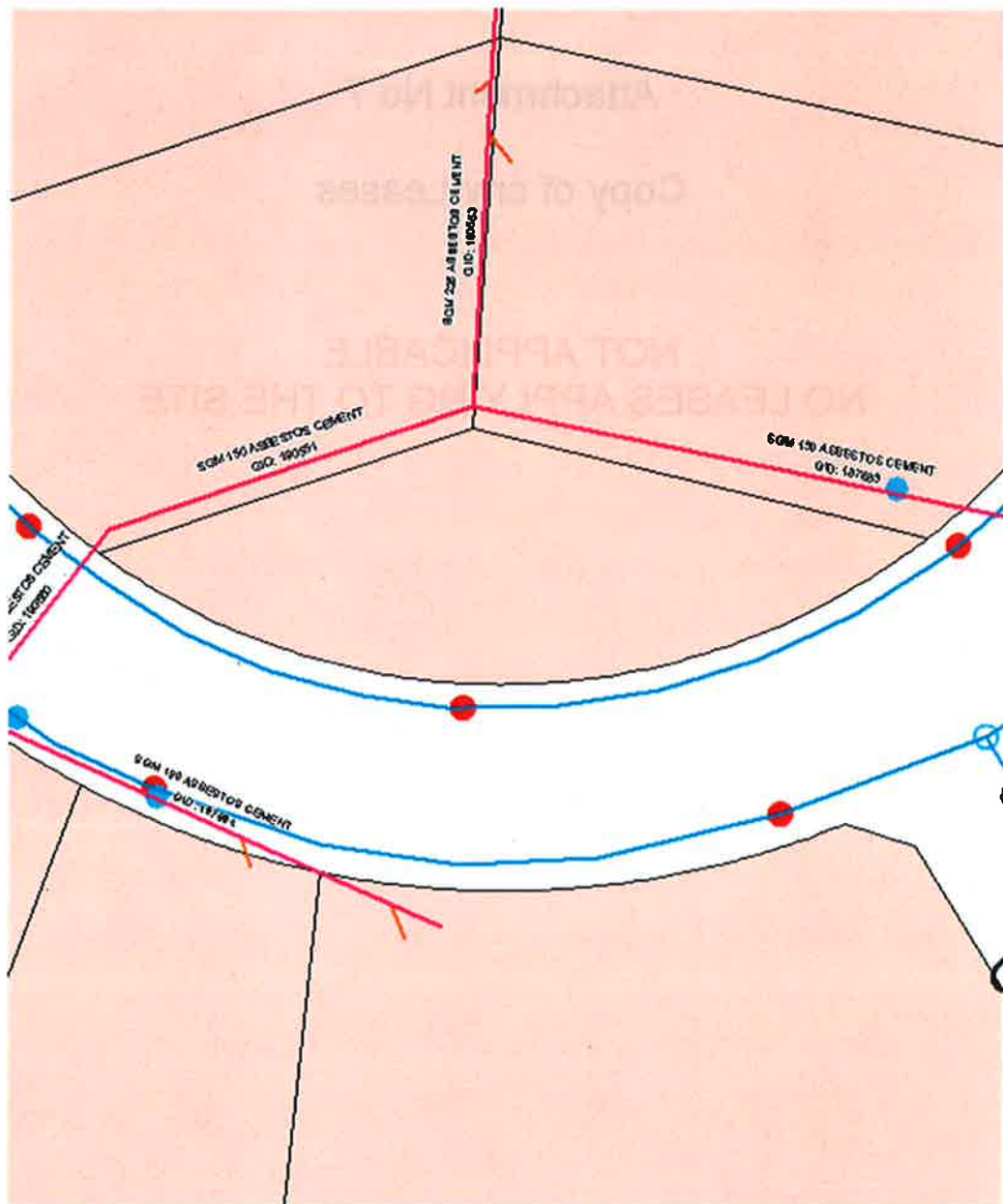
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Attachment No 6

Mapped location of land and services

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Attachment No 7

Copy of any Leases

**NOT APPLICABLE
NO LEASES APPLYING TO THE SITE**