

Draft Amendment 3
Orange Local Environmental Plan 2011
Proposed Reclassification Site 01

Unnamed Park
230 Phillip Street, Orange NSW

PROPERTY CHECKLIST: Lot 24 DP 1035913

	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

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

PROPERTY DETAIL	
Council property number	18284
Real property description	Lot 24 DP 1035913
Street Address	230 Phillip Street, Orange
Common name	Unnamed
Area (m ²)	7,582
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	Plan of Management for Local and Neighbourhood Parks within the City of Orange (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?	Presumed dedicated as public reserve at time of subdivision 24 July 2002
Size of the land?	7,582m ²
Shape of the land?	Irregular battle-axe
Topography of the land?	Moderate slope (1:8) falling both east and west from a crest in the handle

Location of the land?	South of industrial lots on Astill Drive – north of Phillip Street
Difficulty in providing access?	None anticipated

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	24 July 2002
Why Council acquired the interest	Public reserve during subdivision – potential for drainage
How Council acquired its interest (e.g. land purchased using s94 funds – dedicated in lieu of s94)	Unknown – dedication at time of 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)	For disposal to open market
How the draft plan will affect planning control?	The draft plan will rezone the site to IN1 General Industrial, allowing the land to be incorporated with adjoining industrial lots
What prompted the preparation of the draft plan? (e.g. Council's intention to sell land, request from affected land owner)	Engineering works associated with northern distributor road completed, demonstrating surplus to requirement.

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)	Probable development for industrial purposes
Is the draft LEP being prepared to be permit a particular development (and is the proposal currently on exhibition)	No.

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	Modest beneficial return to ratepayers
Describe in general detail any terms of agreement for lease or sale of land	None at this time. Interest expressed from adjoining owners.

PROPOSED CLASSIFICATION AND ZONE	
Classification Local Government Act 1993	Operational
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*.

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)	No
b	Land conveyed or transferred to Council under s340A of the <i>Local Government Act 1919</i>	No
c	Land dedicated or taken to be dedicated as a public	No

	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)	Taken to be dedicated under Section 49
e	Any land vested in Council and declared to be a public reserve under s37AAA of the <i>Crown Lands Consolidation Act 1989</i>	No
f	Any land vested in Council and declared to be a public reserve under s76 of the <i>Crown Lands Act 1989</i>	No
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	No
h	Land declared to be a public reserve and placed under the control of Council under s52 of the State Roads Act 1986	No
i	Land declared to be a public reserve and placed under the control of Council under s159 of the State Roads Act 1993	No

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



Attachment No 2

Current Zoning Map (Orange LEP 2011)



Orange Local Environmental Plan 2011

Land Zoning Map - Sheet LZN_007D

Land Zoning

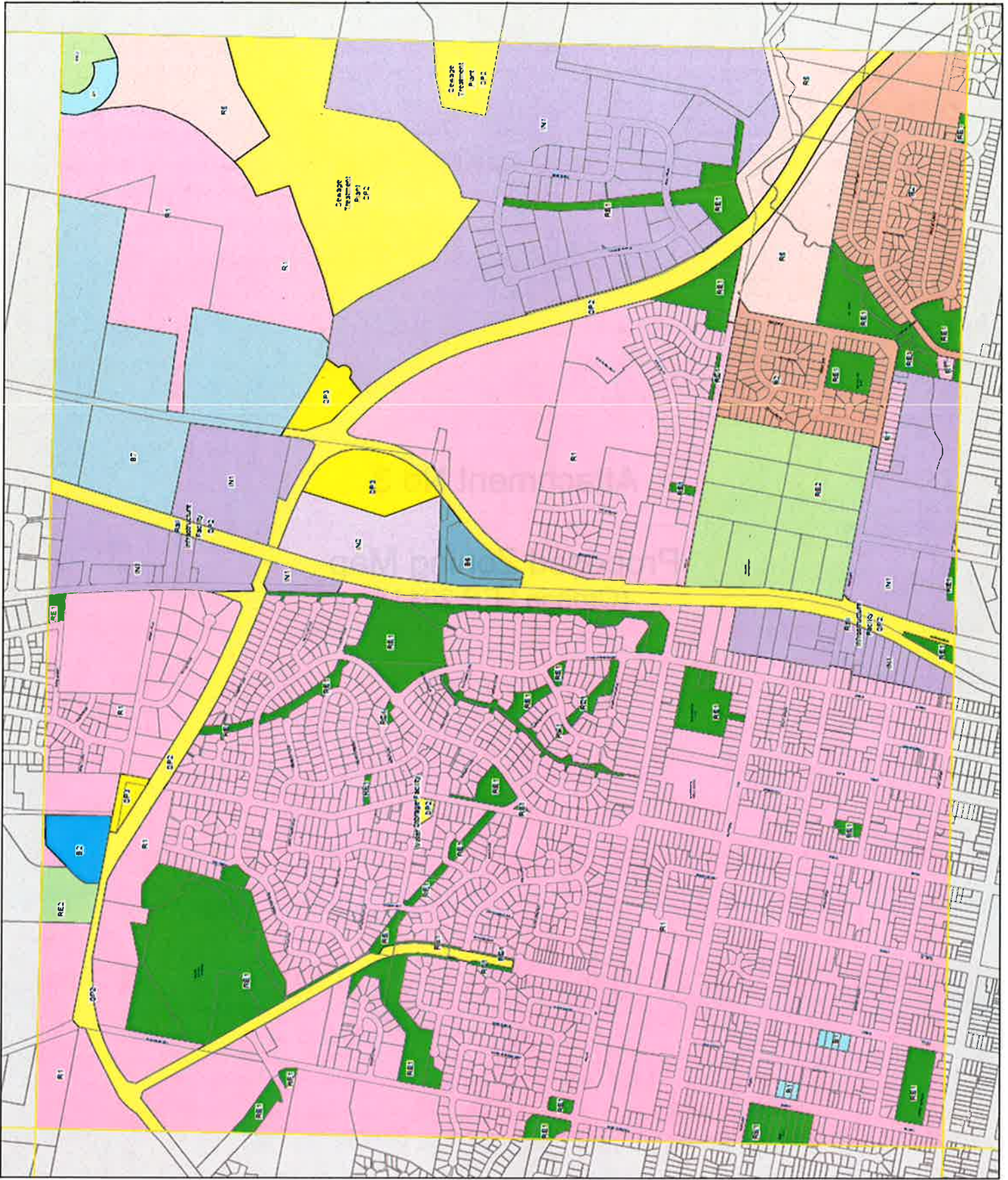
B1	Neighbourhood Centre	IN1	General Industrial	RE1	General Residential	RU1	Primary Production
B2	Local Centre	IN2	Light Industrial	R2	Low Density Residential	RU2	Village
B3	Commercial Core	R1	General Residential	R3	Medium Density Residential	SP1	Intensive Agriculture
B4	Mixed Use	R2	Low Density Residential	R4	Large Lot Residential	SP2	Intensive Agriculture
B5	Business Development	R3	Medium Density Residential	R5	Public Recreation	SP3	Tourism
B6	Enterprise Corridor	R4	Large Lot Residential	R6	Private Recreation		
B7	Business Park	R5	Public Recreation	R7	Primary Production		
C1	Environmental Conservation	R6	Private Recreation				
C2	Environmental Management	R7	Primary Production				
C3	Environmental Living						
C4	Environmental Living						
IN1	General Industrial						
IN2	Light Industrial						
R1	General Residential						
R2	Low Density Residential						
R3	Medium Density Residential						
R4	Large Lot Residential						
R5	Public Recreation						
R6	Private Recreation						
RU1	Primary Production						
RU2	Village						
SP1	Intensive Agriculture						
SP2	Intensive Agriculture						
SP3	Tourism						

Cadastre

Cadastre 3003.0010 © Land and Property Information (LPI)



Prepared by GDA 1994
2004
Map Information Number
9150 LZN_007D_2011_0010



Attachment No 3

Proposed Zoning Map (Orange LEP 2011)

Orange Local Environmental Plan 2011

Land Zoning Map -
Sheet LZN_007D

Land Zoning

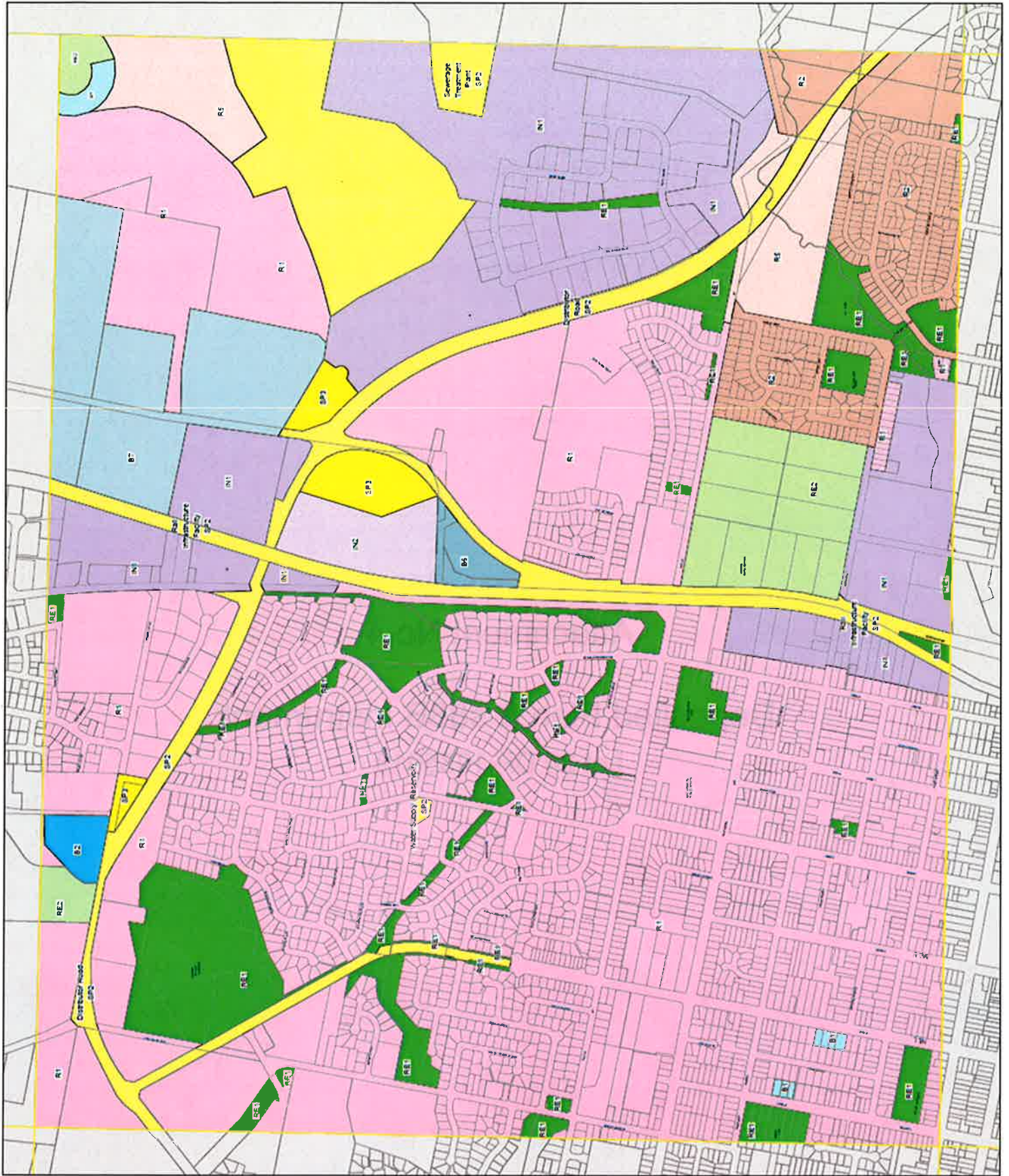
- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B5 Business Development
- B6 Enterprise Corridor
- B7 Business Park
- E2 Environmental Conservation
- E3 Environmental Management
- E4 Environmental Living
- IN1 General Industrial
- IN2 Light Industrial
- R1 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential
- R5 Large Lot Residential
- RE1 Public Recreation
- RE2 Private Recreation
- RU1 Primary Production
- RU5 Village
- SP2 Infrastructure
- SP3 Tourist

Cadastre 30/03/2010 © Land and Property Information (LPI)



Scale 1:10,000 E.A.
North arrow

Prepared by: LPI
Date: 30/03/2010
File: LZN_007D_20100330



Attachment No 4

Deposited Plan & s88B Instrument

Lot 24 DP 1035913

Registered: 24-7-02

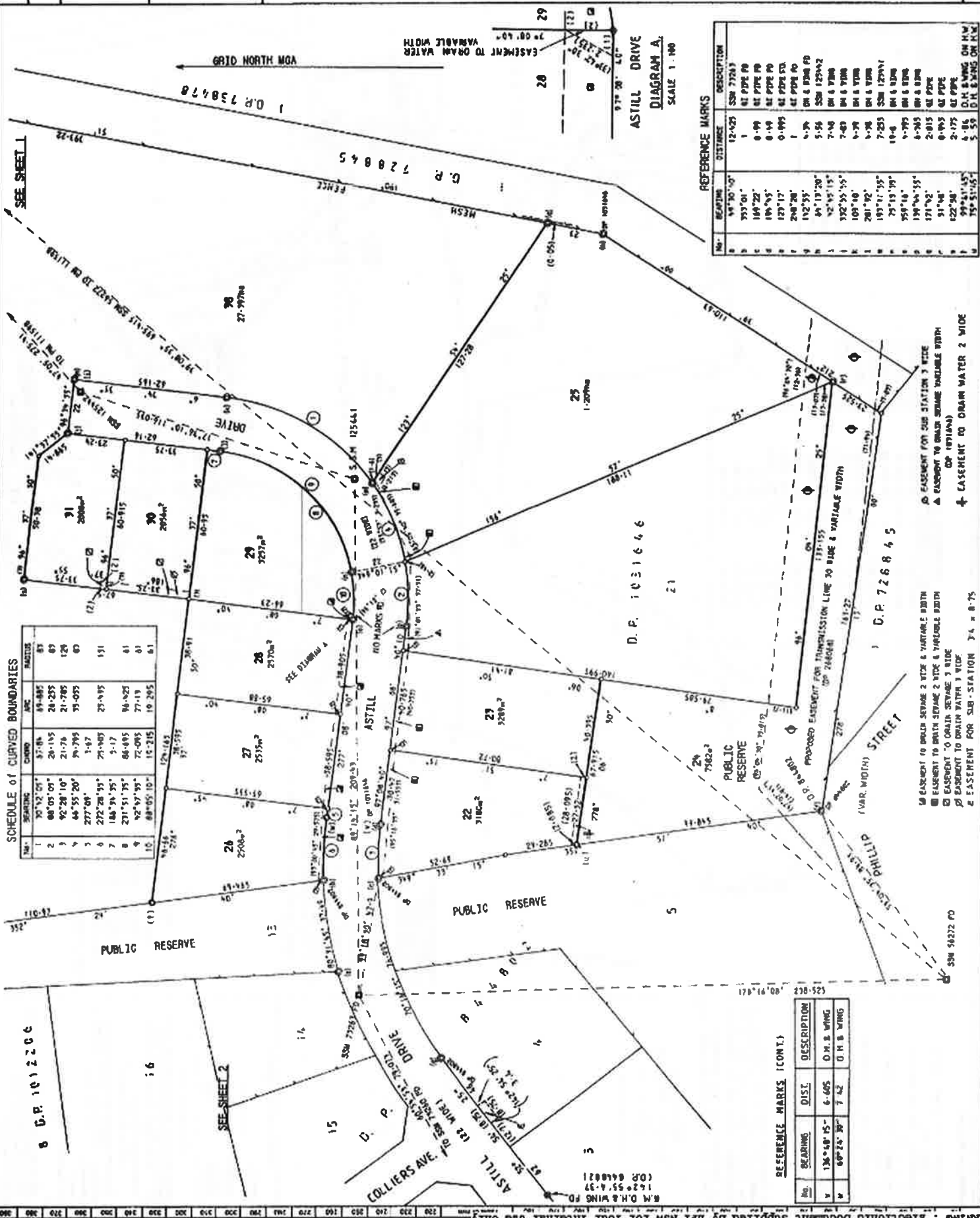
This is plan 3 of the plan as shown on 22ND AUGUST, 2001.

[Signature]
Director of Land and Survey, New South Wales

This is plan 3 of the plan as shown on 22ND AUGUST, 2001.

[Signature]
Director of Land and Survey, New South Wales

This plan was submitted in accordance with the provisions of the Land and Survey Act 1957.



**INSTRUMENT SETTING OUT TERMS OF EASEMENTS AND RESTRICTIONS
AS TO USER INTENDED TO BE CREATED PURSUANT TO SECTION 88B,
CONVEYANCING ACT, 1919**

Sheet 1 of 6 Sheets

Length are in metres

DP1035913

PART 1

Subdivision of Lot 22 in Deposited Plan 1031646
and Lot 12 Deposited Plan 844802 and easement
for sub-station in Lot 4 Deposited Plan 844802
covered by Council Clerk's Certificate Number
4127 of 2001.

Full name and address
of proprietor of Lot 22
DP 1031646 and Lot 12
DP 844802

THE COUNCIL OF THE CITY OF ORANGE
Council Chambers, Byng Street, Orange

Full name and address
proprietor of Lot 4 DP
844802

**PAUL ALEX LUXFORD AND JAMES
WILLIAM DICKSON**
10 Hawthorn Place, Leewood Estate, Orange
2800

1. Identity of
Easement firstly
referred to in
abovementioned
Plan

Easement to drain water variable width

Schedule of Lots etc affected

Lots burdened

Lots and Authority Benefited

28

29

2. Identity of
easement secondly
referred to in
abovementioned plan

Easement to drain water 3 wide

Schedule of Lots etc affected

Lots burdened

Name of Authority benefited

31



**INSTRUMENT SETTING OUT TERMS OF EASEMENTS AND RESTRICTIONS
AS TO USER INTENDED TO BE CREATED PURSUANT TO SECTION 88B,
CONVEYANCING ACT, 1919**

PART 1 continued

DP1035913

Sheet 2 of 6 Sheets

Length are in metres

- 3. Identity of easement thirdly referred to in abovementioned plan**

Easement to drain sewage 2 wide and variable width

Schedule of Lots etc affected

Lots burdened

26,27, 28 and 29

Lots benefited

Orange City Council

- 4. Identity of easement fourthly referred to in abovementioned plan**

Easement to drain sewage 2 wide and variable width

Schedule of Lots etc affected

Lots burdened

22, 23 & 25

Lots benefited

Orange City Council

- 5. Identity of easement fifthly referred to in abovementioned plan**

Easement to drain sewage 2 wide and variable width

Schedule of Lots etc affected

Lots burdened

32,33,34,35 & 36

Lots benefited

Orange City Council

2,33,34,35 & 36

[Handwritten signature]

Ernst R. Lange

DP1035913

**INSTRUMENT SETTING OUT TERMS OF EASEMENTS AND RESTRICTIONS
AS TO USER INTENDED TO BE CREATED PURSUANT TO SECTION 88B,
CONVEYANCING ACT, 1919**

PART 1 continued

Sheet 3 of 6 Sheets

Length are in metres

**6. Identity of
easement sixthly
referred to in
abovementioned plan**

Easement to drain sewage 3 wide

Schedule of Lots etc affected

Lots burdened

Lots benefited

30 and 31

Orange City Council

**7. Identity of
easement seventy
referred to in
abovementioned plan**

Easement for sub-station 5 x 3

Schedule of Lots etc affected

Lots burdened

Lots benefited

36

Country Energy

**8. Identity of
easement eighthly
referred to in
abovementioned plan**

Easement for sub-station 3 wide

Schedule of Lots etc affected

Lots burdened

Lots benefited

Country Energy

25




DP1035913

INSTRUMENT SETTING OUT TERMS OF EASEMENTS AND RESTRICTIONS AS TO USER INTENDED TO BE CREATED PURSUANT TO SECTION 88B CONVEYANCING ACT, 1919

PART 1 continued
Sheet 4 of 6 Sheets

Length are in metres

9. Identity of
easement ninthly
referred to in
abovementioned plan

Easement for sub-station 3.4 x 8.75

Schedule of Lots etc affected

Lots burdened

Lots benefited

4 DP 844802

Country Energy

10. Identity of
easement ninthly
referred to in
abovementioned plan

Easement to drain water 2 wide

Schedule of Lots etc affected

Lots burdened

Lots benefited

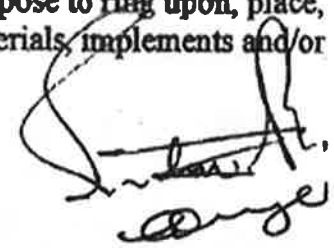
22

23

PART 2

Terms of easement seventhly referred to in the abovementioned plan:

Full, free and uninterrupted right and liberty at all times and from time to time to install all necessary equipment (including transformers, mains, cables and substation structure) both above and below the surface of the lot burdened and to cause to pass, transmit, increase, decrease or modify electricity, back and forth, in and through such equipment in any quantities together with the right to every person authorised by the authority benefited to enter upon the lot burdened and to remain there for any reasonable time for the purpose of laying, inspecting, cleaning, maintaining, repairing, replacing, any such equipment and for such purpose to ring upon, place, leave and/or remove therefrom all the necessary tools, materials, implements and/or



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INSTRUMENT SETTING OUT TERMS OF EASEMENTS AND RESTRICTIONS AS TO USER INTENDED TO BE CREATED PURSUANT TO SECTION 88B CONVEYANCING ACT, 1919

PART 2 continued

Sheet 5 of 6 Sheets

Length are in metres

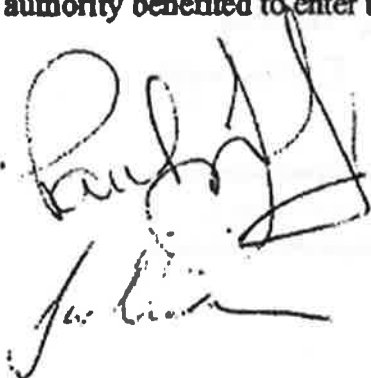
machinery PROVIDED HOWEVER that the authority benefited and all persons authorised by it will take all reasonable precautions to ensure as little disturbance as possible to the surface of the lot burdened and will restore the surface as nearly as practicable to its original condition.

Terms of easement eighthly referred to in abovementioned plan:

Full, free and uninterrupted right and liberty at all times and from time to time to install all necessary equipment (including transformers, mains, cables and substation structure) both above and below the surface of the lot burdened and to cause to pass, transmit, increase, decrease or modify electricity, back and forth, in and through such equipment in any quantities together with the right to every person authorised by the authority benefited to enter upon the lot burdened and to remain there for any reasonable time for the purpose of laying, inspecting, cleaning, maintaining, repairing, replacing, any such equipment and for such purpose to ring upon, place, leave and/or remove therefrom all the necessary tools, materials, implements and/or machinery PROVIDED HOWEVER that the authority benefited and all persons authorised by it will take all reasonable precautions to ensure as little disturbance as possible to the surface of the lot burdened and will restore the surface as nearly as practicable to its original condition.

Terms of easement ninthly referred to in the abovementioned plan:-

Full, free and uninterrupted right and liberty at all times and from time to time to install all necessary equipment (including transformers, mains, cables and substation structure) both above and below the surface of the lot burdened and to cause to pass, transmit, increase, decrease or modify electricity, back and forth, in and through such equipment in any quantities together with the right to every person authorised by the authority benefited to enter upon the lot burdened and to remain there for any



DP1035913

**INSTRUMENT SETTING OUT TERMS OF EASEMENTS AND RESTRICTIONS
AS TO USER INTENDED TO BE CREATED PURSUANT TO SECTION 88B,
CONVEYANCING ACT, 1919**

PART 2 continued

Sheet 6 of 6 Sheets

Length are in metres

reasonable time for the purpose of laying, inspecting, cleaning, maintaining, repairing, replacing, any such equipment and for such purpose to ring upon, place, leave and/or remove therefrom all the necessary tools, materials, implements and/or machinery PROVIDED HOWEVER that the authority benefited and all persons authorised by it will take all reasonable precautions to ensure as little disturbance as possible to the surface of the lot burdened and will restore the surface as nearly as practicable to its original condition.

The name of the person or authority with power to release vary or modify the restrictions or easements referred to in the abovementioned plan is Orange City Council.

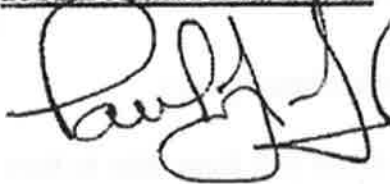
SIGNED on behalf of Council


GENERAL MANAGER
COUNCILLOR

**THE COMMON SEAL of THE COUNCIL OF
THE CITY OF ORANGE** was hereunto
affixed on the third day of January
2002 in pursuance of a resolution
of the Council passed on the
nineteenth day of April 2001.

SIGNED SEALED AND DELIVERED

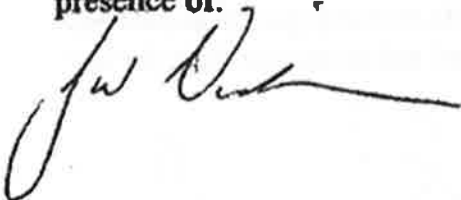
by **PAUL ALEX LUXFORD** in the presence
of:

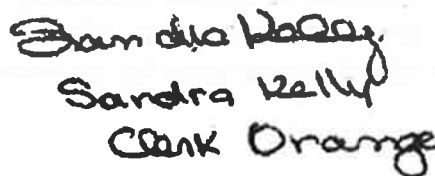



Sandra Kelly
Clerk Orange

SIGNED SEALED AND DELIVERED

by **JAMES WILLIAM DICKSON** in the
presence of:




Sandra Kelly
Clerk Orange

REGISTERED  P 24-7-2002

Attachment No 5

Certificate of Title

BOX 1W
(DP1035913)

NEW SOUTH WALES

CERTIFICATE OF TITLE

REAL PROPERTY ACT, 1900



TORRENS TITLE	
REFERENCE TO FOLIO OF THE REGISTER	
IDENTIFIER 24/1035913	
EDITION	DATE OF ISSUE
1	24/7/2002

I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries as appear in the Second Schedule and to any additional entries in the Folio of the Register.

David Mulesky
REGISTRAR GENERAL



LAND

LOT 24 IN DEPOSITED PLAN 1035913
AT BOWEN
LOCAL GOVERNMENT AREA: ORANGE
PARISH OF ORANGE COUNTY OF WELLINGTON
TITLE DIAGRAM: DP1035913

FIRST SCHEDULE

ORANGE CITY COUNCIL

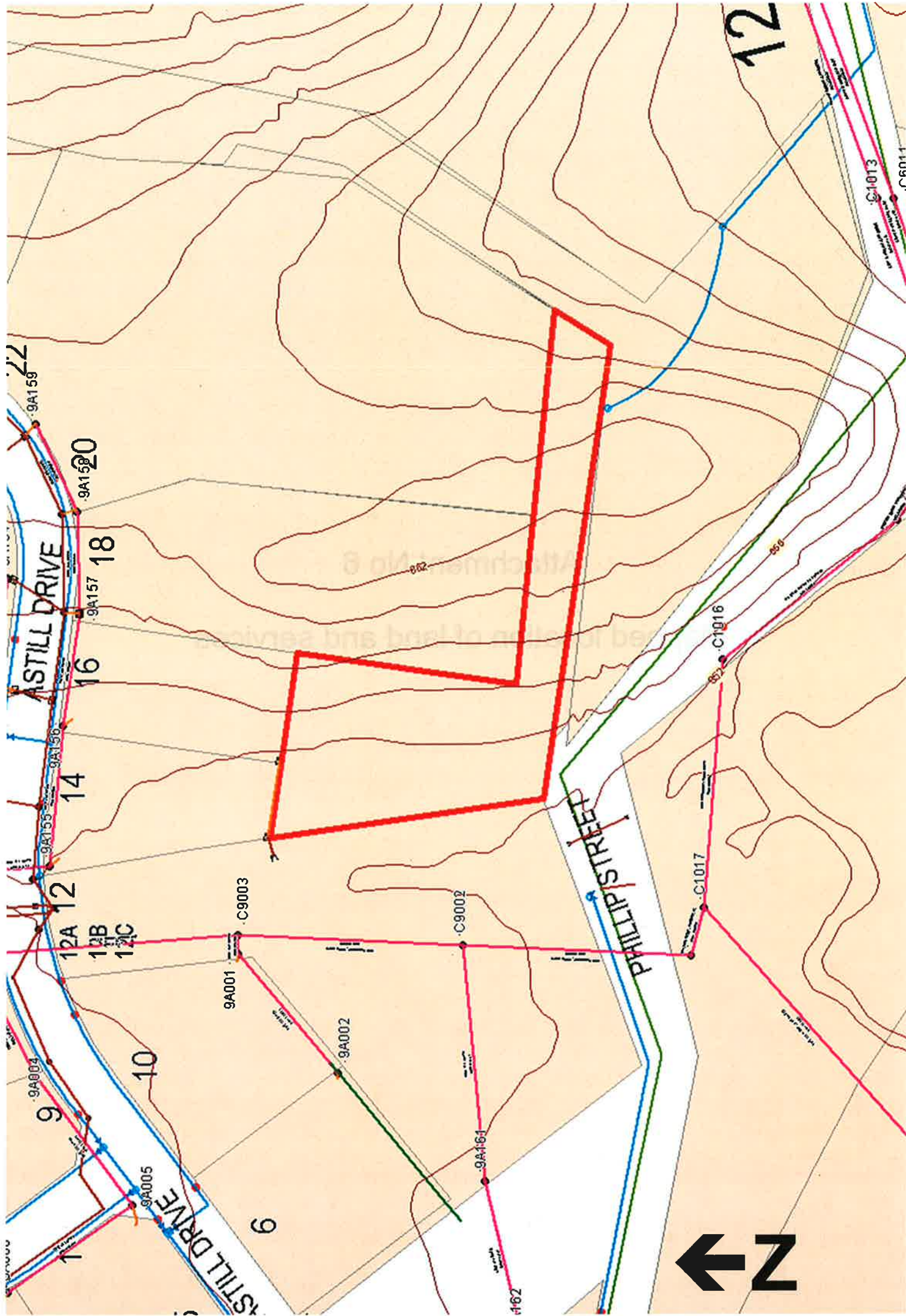
SECOND SCHEDULE

1. RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
2. THE LAND WITHIN DESCRIBED IS PUBLIC RESERVE
3. G217815 COVENANT
4. 8701516 EASEMENT FOR TRANSMISSION LINE 30 WIDE AND VARIABLE WIDTH AFFECTING THE PART SHOWN SO BURDENED IN THE TITLE DIAGRAM

PERSONS ARE CAUTIONED AGAINST ALTERING OR ADDING TO THIS CERTIFICATE OR ANY NOTIFICATION HEREON

Attachment No 6

Mapped location of land and services



Attachment No 7

Copy of any Leases

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

