

Reclassification of land at 6 Gidley Street and 10 William Street, Molong from 'community' to 'operational'

Proposal Title :	Reclassification of land at 6 Gidley Street and 10 William Street, Molong from 'community' to 'operational'		
Proposal Summary :	To reclassify two lots in Molong, both owned by council, from community to operational land - no interests changed.		
PP Number :	PP_2014_CABON_001_00	Dop File No :	14/09376

Proposal Details

Date Planning Proposal Received :	21-May-2014	LGA covered :	Cabonne
Region :	Western	RPA :	Cabonne Shire Council
State Electorate :	ORANGE	Section of the Act :	55 - Planning Proposal
LEP Type :	Reclassification		

Location Details

Street :	6 Gidley Street			
Suburb :	City :	Molong	Postcode :	2866
Land Parcel :	Lot 1 DP730639			
Street :	10 William Street			
Suburb :	City :	Molong	Postcode :	2866
Land Parcel :	Lot 5 DP 1076034			

DoP Planning Officer Contact Details

Contact Name : Ryan Thomas
 Contact Number : 0268412180
 Contact Email : ryan.thomas@planning.nsw.gov.au

RPA Contact Details

Contact Name : Heather Nicholls
 Contact Number : 0263923247
 Contact Email : Heather.Nicholls@cabonne.nsw.gov.au

DoP Project Manager Contact Details

Contact Name : Wayne Garnsey
 Contact Number : 0268412180
 Contact Email : wayne.garnsey@planning.nsw.gov.au

Reclassification of land at 6 Gidley Street and 10 William Street, Molong from 'community' to 'operational'

Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :		Consistent with Strategy :	
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0
The NSW Government Lobbyists Code of Conduct has been complied with : Yes			
If No, comment :			
Have there been meetings or communications with registered lobbyists? : No			
If Yes, comment : No known communications			

Supporting notes

Internal Supporting Notes :	Council resolved on 12 November 2013 to reclassify land by amending the Cabonne LEP 2012. As part of this process, Council submitted a planning proposal to the Department of Planning and Environment (DP&E) for a Gateway Determination to allow for the reclassification of two lots in Molong that are owned by Council from community to operational land. In error, "Part 2 Explanation of the Provisions" in the Planning Proposal, requested that the interests be removed by inserting the land description into "Schedule 4 Classification and reclassification of public land; under "Part 2 Land classified, or reclassified, as operational land interest changed" with column three being "Any trusts etc not discharged" being nil. It was advised by Heather Nicholls, the Director of Planning at Cabonne Council, on 10 June 2014 that this was an error and that no interests are to be removed. Council wrote to the DP&E 16 June 2014 to note the correction that Council seeks to insert the subject land into Schedule 4, Part 1 Land classified, or reclassified, as operational land - no interests changed. The report to Council did not request for any interests to be removed. The Governors approval is not required where no interests are being changed.
External Supporting Notes :	In accordance with the requirements of the Local Government Act, a public hearing will need to be held into the reclassification post exhibition.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment :	Council state that reclassification would enable the sale of 6 Gidley Street, Molong and the investment of returns into construction of additional aged care housing. The reclassification would also allow the future sale of 10 William Street, Molong and such revenue allocated to community programs.
-----------	--

Reclassification of land at 6 Gidley Street and 10 William Street, Molong from 'community' to 'operational'

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The explanation of provisions is adequate.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)
SEPP (Housing for Seniors or People with a Disability) 2004**

e) List any other matters that need to be considered : **Reclassification of Land from 'Community' to 'Operational':
It is noted that the reclassification of the properties does not result in the discharge of any trusts, estates, interests, dedications, conditions, restrictions, or covenants.**

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **Maps are provided to indicate location of the subject lots. No LEP mapping is required as no rezoning is proposed.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The proposal involves reclassification of public land and it is considered appropriate to place the proposal on exhibition for a period of 28 days.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Cabonne LEP 2012 was made 5/12/2012**

Reclassification of land at 6 Gidley Street and 10 William Street, Molong from 'community' to 'operational'

Assessment Criteria

Need for planning proposal :	Both properties have residential use with a dwelling house located on each parcel. The lots are owned by Council and are considered as surplus to the requirements of Council as community land. Council is seeking to sell the properties but require the reclassification from 'community' land to 'operational' before this can occur. As the land was not classified within 3 months of purchase by the Council, the land was defaulted to community land classification under Section 31 (2A) of the Local Government Act 1993. Section 27 (1) of the Local Government Act 1993 provides a planning proposal as a method to reclassify the land.
Consistency with strategic planning framework :	The Planning Proposal is considered to be consistent with all relevant SEPPs, s117 Directions and the Cabonne Settlement Strategy 2012. This includes Section 117 direction 6.2, reserving land for public purposes, as the sites are deemed surplus to the community's needs. Overall the Planning Proposal aims to reclassify two individual parcels of land from Community to Operational. Neither will have interests discharged. No change in zoning or development standard is proposed or needed in association with the reclassification. The Planning Proposal has also been prepared in accordance with Practice Note PN09-003 Classification and reclassification of public land through a local environmental plan. The Planning Proposal indicates that: 1. it is not inconsistent with Council's strategic study; and 2. Council is the only landowner.
Environmental social economic impacts :	No significant adverse environmental, social or economic impact has been identified as resulting from the proposal.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) :

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons : **No consultation with any public authority is needed in relation to the proposed reclassification.**

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

Reclassification of land at 6 Gidley Street and 10 William Street, Molong from 'community' to 'operational'

If Other, provide reasons :

No additional studies are needed in relation to the proposed reclassification.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
16 June 2014 Dept P E additional info for molong PP.docx	Proposal	No
Attachment 4.pdf	Proposal	No
Request.pdf	Proposal Covering Letter	No
Gateway request.pdf	Proposal Covering Letter	No

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

Additional Information : **It is recommended that the Planning Proposal proceed subject to the following conditions:**

- 1. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:**

(a) The planning proposal must be made publicly available for a minimum of 28 days; and
(b) The relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specification for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Planning and Infrastructure 2013)
- 2. That consultation is not required with public authorities under section 56(2)(d) of the EP&A Act;**
- 3. Council is to ensure that the material and information specified in Attachment 2 of PN 09-003 'Classification and Reclassification of public land through a local environment plan', is provided during the exhibition of the planning proposal;**
- 4. That a public hearing on the reclassification of the subject land in accordance with section 29 of the Local Government Act 1993 and section 57 of the Environmental Planning and Assessment Act 1979 be held after completion of the public exhibition period;**
- 5. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway Determination;**
- 6. Given the minor nature of the proposal, and as it is indicated that no interests are to be discharged in respect of the proposed reclassifications, it is recommended that delegation be given to Council to exercise the Minister's plan making powers in this case.**

Supporting Reasons : **The proposal is not inconsistent with SEPPs, s117 directions or the Cabonne Settlement Strategy 2012.**

The properties are determined as surplus to community land requirements and are

Reclassification of land at 6 Gidley Street and 10 William Street, Molong from 'community' to 'operational'

currently used for operational purpose, being residential land use.

The Planning Proposal is needed as it is the only avenue available to Council to reclassify the land from community to operational status.

Signature:



Printed Name:

RYAN THOMAS

Date:

23/6/2014

Endorsed

W Gamsay

A T Leader

Western Region

23/6/14