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CABONNE COUNCIL

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THE GENERAL MANAGER
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Our Ref:
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16 May 2014

Mr Ashley Albury
Regional Director
Department of Planning and Infrastructure
PO Box 58
DUBBO NSW 2830

PDU000588

Dear Sir

PLANNING PROPOSAL
RECLASSIFICATION OF LAND AT MOLONG
COMMUNITY TO OPERATION LAND

Please find attached a Planning Proposal for the reclassification of two allotments of land located at Molong from Community to Operational land. Both lots contain existing dwellings and the sites are surplus to the requirements of Cabonne Council as Community land.

Enclosed with the proposal are copies of council's reports and resolutions in regard to the matter.Council seeks consideration of the Planning Proposal under the department's Gateway process.

Should you have any further enquiries please contact the undersigned at Council's Environmental Services Department on 6392 3247.

Yours faithfully,

HJ Nicholls
DIRECTOR ENVIRONMENTAL SERVICES

RECEIVED
DATE BY

CABONNE COUNCIL

PLANNING PROPOSAL

Amendment to Cabonne Local Environmental Plan 2012
Reclassification of land from Community to Operational

- 6 Gidley Street, Molong, being Lot 1 DP 730639, and
- 10 William Street, Molong, being Lot 5 DP 1076034

Prepared by Environmental Services Department
Cabonne Council
March 2014

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BACKGROUND

6 Gidley Street, Molong

The property at 6 Gidley Street, Molong contains a single storey residence. The site was purchased in 2003 by the Acacia Lodge Committee, (a council s355 committee), through a loan supported by council. The property has been leased as a residence to offset the loan. Council is the registered owner of the land. Due to an oversight at the time of council's consideration of the loan / land purchase a resolution was not made to have the land classified as operational, thus it defaulted to community land classification.

The Acacia Lodge Committee initially proposed to lease the dwelling and to construct units at the rear of the site. The location of an existing sewer main and the location of the allotment within a flood area limited further residential development potential of the land. The committee has since negotiated the purchase of a vacant block of land in Edward Street, Molong, and proposes to construct aged care units upon that land. The sale of the Gidley Street property would assist with the funding of the Edward Street development for provision of aged care units.

The dwelling at 6 Gidley Street, Molong is surplus to the needs of the council as community land. The property may continue to be utilised as a dwelling or could be adapted for a range of commercial uses in accordance with the Cabonne Local Environmental Plan 2012, and thereby support economic and lifestyle opportunities within Molong.

10 William Street, Molong

The property at 10 William Street, Molong contains a new brick veneer dwelling. The allotment forms part of a 16 allotment residential subdivision developed by Cabonne Council. The subdivision was registered on 30 November 2004. Cabonne Council retains ownership of 10 William Street, and a dwelling constructed upon that lot has been leased as staff housing.

The allotment has no purpose as public land and may continue to be utilised for residential purposes.

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

To enable the reclassification of council owned land known as 6 Gidley Street, Molong, being Lot 1 DP 730639 and 10 William Street, Molong, being Lot 5 DP 1076034, from Community land to Operational land.

The reclassification would enable the land classification to be consistent with the current zoning. (Refer to Appendix A & B)

PART 2 – EXPLANATION OF THE PROVISIONS

The Planning Proposal for the site seeks to reclassify land owned by Cabonne Council from Community to Operational and discharge any trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land.

It is proposed to make the following changes to the Cabonne Local Environmental Plan 2012:

- Insert into *Schedule 4, Part 2 Land classified, or reclassified, as operation land interests changed* and reclassification the sites to be reclassified from community to operational.

Column 1	**Column 2**	**Column 3**
Locality	**Description**	**Any trusts etc not discharged**
Molong	6 Gidley Street known as Lot 1 DP 730639	Nil
Molong	10 William Street known as Lot 5 DP 1076034	Nil

PART 3 – JUSTIFICATION

Section A – Need for the planning proposal

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. Both allotments contain existing dwellings and contribute to the housing choice and availability within the town of Molong. The Cabonne Settlement Strategy 2012 and the Cabonne Local Environmental Plan 2012 support the ongoing residential use of both parcels of land.

The property at 10 William Street, Molong, forms part of a developing residential streetscape. The existing dwelling was constructed in 2006 and is one of nine new residences occupying the eastern side of William Street within this block. Single storey dwellings are the predominant land use on the western side of the street.

The property at 6 Gidley Street, Molong is a c1940s style home set upon a residential sized allotment set within a mixed business streetscape. Redevelopment of the property would be permissible within the existing B2 Local Centre zone, subject to consideration of site constraints including flood inundation risk. Funds from the sale of the property will directly assist a council and community project to provide additional aged care housing by way of a new development in Edward Street, Molong upon land not impacted by possible flood inundation.

The Cabonne Settlement Strategy adopted by council in August 2012 identified that the majority of businesses in Molong's former village zone are concentrated in the blocks of Bank Street between Watson and Gidley streets. It noted the presence of tourism related businesses including serviced apartments, a motel located in Gidley Street and a caravan park located of Hill Street.

The building at 6 Gidley Street could continue as a residential use, or support adaptive reuse for commercial purposes, or the site may be considered for redevelopment as part of the local business area.

The William Street property is situated within a newly developed residential streetscape. The Settlement Strategy recognised the area as low density residential housing. The current development is consistent with the settlement strategy.

The Cabonne Local Environmental Plan 2012 has already zoned the William Street land as R1 General Residential and the Gidley Street land as B2 Local Centre to reflect current and future land use.

A due diligence review of council's operational and community land has indicated that both allotments are classified as community land. Accordingly reclassification of the sites is seen to be entirely consistent with the intent of the existing LEP.

2. **Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

Yes. A planning proposal is the best means of achieving the intended outcome and contributes to the provision of housing choices in Molong. The sites are currently classified as Community land and therefore council is not able to sell, exchange or dispose of the land under the Local Government Act 1979.

As both allotments were acquired by council more than three months ago, accordingly an LEP amendment is the only means of reclassifying the land.

3. **Is there a net community benefit?**

Yes. The Planning Proposal would result in a net community benefit by

- Provision of potential opportunities for redevelopment of the Gidley Street land consistent with the land use zoning;
- Proceeds from the sale of the Gidley Street property will be invested in the development of aged care accommodation which is of greater benefit to the public;
- Potential to sell the William Street site and reinvest the proceeds into Molong projects for greater benefit to the public.

Section B – Relationship to strategic planning framework

4. **Is the planning proposal consistent with the objectives and actions contained within the applicable regional and sub regional strategy?**

The Department of Planning and Infrastructure is yet to draft the proposed Western Region Strategy.

5. **Is the planning proposal consistent with the local council's Community Strategic Plan, or any other local strategic plan?**

Yes. The planning proposal is consistent with the Cabonne Community Strategic Plan 2025. The planning proposal is consistent with the following themes and outcomes:

- To build business and generate employment - the strategic objective being 'a strong and vibrant local business sector'.
- Health and aged care facilities meet local community needs. The delivery action being for council to facilitate provision of aged care facilities. The sale of the Gidley Street land will enable financial contribution to the development of aged care units upon land in Edward Street, Molong.

The proposal supports the action of providing a range of commercial and residential opportunities within the shire, and to facilitate provision of aged care accommodation.

6. **Is the planning proposal consistent with applicable state environmental planning policies?**

Yes. The planning proposal is consistent with the following relevant State Environmental Planning Policies (SEPPs) and deemed SEPPs identified within Table 1 – refer also to appendix C

Table 1 – Relevant State Environmental Planning Polices

SEPP title	Comment
State Environmental Planning Policy – Urban Consolidation (redevelopment of Urban Land)	The planning proposal is consistent with the SEPP
SEPP (Housing for seniors and people with a disability) 2004	The planning proposal is consistent with the SEPP

7. **Is the planning proposal consistent with applicable Ministerial Directions (s117 directions)**

The Planning Proposal is consistent with s117(2) Ministerial Directions as set out in appendix D.

Section C – Environmental, social and economic impact

8. **Is there any likelihood that critical habitat or threatened species, critical habitat, ecological communities or their habitat, will be adversely affected as a result of the proposal?**

The land is developed residential land and is not identified as containing critical habitat or threatened species, ecological communities or their habitat.

9. **Are there any other likely environmental effects as a result of the planning proposal and how are they to be managed?**

Both allotments are developed residential allotments and the reclassification will not result in any environmental impacts to the surrounding areas. Neither site is known to be contaminated, bush fire prone, subject to land slip or adversely affecting any adjacent heritage items.

The Gidley Street allotment is identified as being subject to flooding. The land is not situated within the floodway but is located within an inundation area.

It is noted that the Gidley Street land is adjacent to land that has been declared contaminated – being the former Molong gasworks site and a service station site. Any future redevelopment of the Gidley Street allotment would be required to address environmental impact matters through the development approval process.

10. Has the planning proposal adequately addressed any social and economic effects?

The planning proposal will not have an adverse social or economic impact upon adjoining land owners or the Molong community.

By reclassifying the subject lands from Community to Operational the planning proposal will provide council with the opportunity to dispose of any surplus land. As identified the proposal to sell the Gidley Street allotment will enable the proceeds to be reinvested in the development of additional aged care housing in Molong for public benefit of the community.

Section D – State and Commonwealth interests

11. Is there adequate public infrastructure for the planning process?

Yes. Both lots are connected to urban services.

12. What are the views of state and commonwealth public authorities consulted in accordance with the gateway determination?

No consultation has been carried out with state or commonwealth public authorities. Consultation will occur with relevant public authorities identified as part of the gateway determination.

PART 4 – MAPPING

The proposal does not seek a change in LEP mapping as it only relates to the reclassification of land from Community to Operational.

Notwithstanding the above, Appendix B of this report contains relevant site identification maps, zoning maps and aerial photographs for information purposes.

PART 5 – COMMUNITY CONSULTATION

It is proposed to publically exhibit the planning proposal for a period of twenty eight (28) days in accordance with the requirements of s57 of the Environmental Planning &Assessment Act 1979, s29 of the Local Government Act, the NSW Department of Planning's LEP Practice Note PN09-003 'Classification and reclassification of public land through a local environmental plan', and 'A guide to preparing local environmental plans' (July 2009.)

During the proposed minimum 28 day public exhibition of the planning proposal to reclassify community land, the following written notification will be undertaken:

- Notification in the Molong Express
- Notification on Cabonne Council's web site
- Notification in writing to adjoining landowners

The written advice will contain:

- A brief description of the objectives or intended outcomes of the planning proposal
- An indication of the and affected by the planning proposal
- Information on where and when the planning proposal can be inspected
- The contact details of the council for receipt of submissions
- The closing date for submissions

During the public exhibition period the following documents will be placed upon public exhibition:

- The planning proposal
- The Gateway Determination
- Relevant council reports
- The LEP Practice Note: Classification and reclassification of land through a Local Environmental Plan (PN09-003)

The above mentioned documents will be available at the following locations during the public exhibition period:

- Cabonne Council office – 101 Bank Street, Molong, and
- Cabonne Council office – Main Street, Cudal

A public hearing will be required to be held as the planning proposal is reclassifying public land from Community to Operational. In accordance with the Department of Planning Circular (PN09-003) the public hearing will be held after the close of the public exhibition period. Public notice of the hearing will be provided at least 21 days before the start of the hearing.

SECTION 6 – PROJECT TIMELINE

No	Task	Commencement	Completion
1	Gateway determination Obtain Gateway Determination	May 2014	May 2014
2	Public Exhibition Agency and community consultation to be undertaken as part of the formal public exhibition of the planning proposal in accordance with any conditions of the Gateway Determination	June2014	July 2014
3	Public Hearing Public Hearing to be conducted in accordance with the Local Government Act 1993 and/or any conditions of the Gateway Determination	August 2014	August 2014
4	Consider submissions and document finalisation Following the public exhibition and the public hearing council staff to consider, respond and report to council on any submissions received and issues raised, and make any relevant changes to the planning proposal. This process will determine amongst other things, the following: • Whether or not to endorse and/or support the planning proposal • Whether or not to endorse the planning proposal (as exhibited); or • Whether or not to endorse the planning proposal (as amended)	September 2014	September 2014
5	Submission to the Department and/or Parliamentary Counsel Council to forward the planning proposal to the department and/or Parliamentary Counsel following public exhibition (including and changes made).	September 2014	September 2014
6	Notification Notification of LEP amendment being made	October 2014	October 2014

APPENDIX A

Planning reports

ITEM 11 - COUNCIL PROPOSAL TO RECLASSIFY LAND BY REZONING

REPORT IN BRIEF

Reason For Report	To obtain approval to prepare Planning Proposal
Policy Implications	Amendment required to Cabonne Local Environmental Plan 2012
Budget Implications	A budget has been allocated to this program to address fees and costs to prepare a planning proposal, submission of a planning proposal /rezoning application and faciliate a public meeting in accordance with the legal requirements of the Act
IPR Linkage	4.1 - Develop and implement the Land Use Plan, Development Control Plan and other relevant plans.
Annexures	Nil
File Number	\OFFICIAL RECORDS LIBRARY\LAND USE AND PLANNING\ZONING\REZONING APPLICATIONS - 452898

RECOMMENDATION

THAT:

1. A Planning Proposal be prepared seeking to amend the Cabonne Local Environmental Plan 2012 to rezone property at 6 Gidley Street, Molong known as Lot 1 DP 730639 from classification as community land to operational land,
2. The Planning Proposal be submitted to the Department of Planning and Infrastructure for a Gateway Determination, and
3. Council seek delegation of the plan making functions in this matter.

DIRECTOR OF ENVIRONMENTAL SERVICES' REPORT

Council at its meeting of 17 December 2012 adopted the minutes of the Community Services Committee held on 3 December 2012. The resolution included the following:

> *'THAT Council take all necessary steps to have assessment No. A48248, Lot 1 DP 730639 (6 Gidley Street, Molong) declared operational.'*

The Community Services Manager's Report on this matter was as follows:

> *'Council has previously authorised the sale of Lot 1 DP 730639 (6 Gidley Street, Molong) to help finance the building of additional aged units for the Acacia Lodge Committee.*
>
> *The land is classified as community land and before the property can be sold it will need to first be rezoned operational.*
>
> *This will not be possible until after Council's LEP has been approved and then varied to change the status of the subject property.*

The granting of Council approval to take steps to have the land declared operational will assist in speeding up this process.'

The Local Government Act and the Environmental Planning and Assessment Act specify the procedures for classification of all council owned or managed land. Land is classified either as community or operational land. Community land is land that is held by council for the benefit and enjoyment of the community. Such land must be retained in council ownership and cannot be sold. A Plan of Management is required to be developed in consultation with the community with the plan acting as a guide for the maintenance and ongoing use of the land. Community land usually applies to sites such as parks and sports grounds. Operational land is land that council may retain or could sell (if the land is proved surplus to the needs of the community).

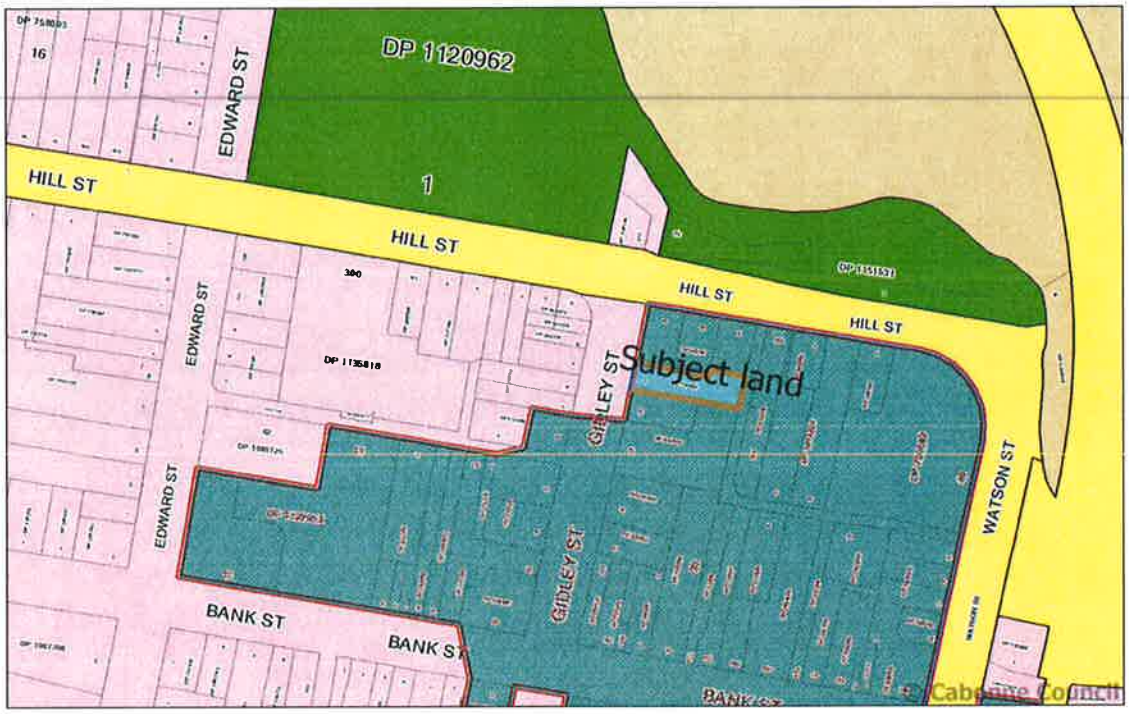
Legislation details the process for management of land within either classification. To facilitate Council's resolution to amend the classification of land at 6 Gidley Street, Molong, from Community to Operational, the land will need to be the subject of an LEP rezoning through the Department of Planning and Infrastructure's Gateway Process. This will require preparation of a Planning Proposal, submission of a rezoning application and payment of fees (Council's current fees and charges for lodgment of a rezoning application is $3000). The application, if supported by council, is then submitted to the Minister for Planning and Infrastructure determination under the Gateway process. Public exhibition of the draft amendment would then be carried out by council in accordance with any terms specified by the Minister and in accordance with the department's guidelines. A rezoning application to reclassify public land also triggers community consultation phases and requires a public hearing as part of the LEP process.

The proposal

The property is zoned B2 Local Business and contains a dwelling. The area is within a flood inundation zone, and is adjacent or adjoining two separate sites classified as contaminated land. The dwelling was purchased in 2003 by the Acacia Lodge Committee, (a council 355 committee), through a loan supported by council. The property has been leased to offset the loan. Council is the registered owner of the land.

The committee initially proposed to lease the dwelling and to construct units at the rear of the site. The location of an existing sewer main and the location within a flood area limited further development potential of the land. The committee has since negotiated the purchase of a vacant block of land in Edward Street, Molong, and proposes to construct aged care units upon that lot. The sale of the Gidley Street property would assist with the funding of the Edward Street development for aged care units.

The dwelling at 6 Gidley Street, Molong is surplus to the needs of the council as community land. The property may continue to be utilised as a dwelling or could be adapted for a range of commercial uses in accordance with the Cabonne Local Environmental Plan and thereby support economic and lifestyle opportunities.



The process

Council has provided a budget allocation for the rezoning of the land from community to operational classification. A Planning Proposal can be prepared by a council, a landowner or a developer or by a third party on behalf of the council or the landowner. The relevant planning authority, in this case council, is responsible for the content of the Planning Proposal and the quality of the information provided in support of the proposal. A Planning Proposal must demonstrate the strategic merit of the proposed amendment to the LEP. The level of information provided is proportionate to the complexity of the proposed amendment.

Preparing the Planning Proposal for the reclassification of land at 6 Gidley Street, Molong, could be carried out by council staff. Should additional information / studies be required by the Department of Planning and Infrastructure, it is likely that council would engage a planning consultant to carry out the investigation and preparation of the support documentation. A budget of $15,000 has been identified by council for the rezoning proposal.

It is suggested that council support the proposal to reclassify the subject land as operational land, and request preparation of a Planning Proposal as the initial step in amending the Cabonne Local Environmental Plan 2012. Council may also seek to use its delegation from the Minister for Planning for the process of carrying out the rezoning as proposed.

ITEM 12 - PROPOSAL FOR RECLASSIFICATION OF COUNCIL OWNED LAND AT WILLIAM STREET, MOLONG, FROM COMMUNITY TO OPERATIONAL LAND

REPORT IN BRIEF

Reason For Report	To seek council endorsement for the preparation fo a Planning Proposal to reclassify land at William Street, Molong, from community to operational land.
Policy Implications	Requires amendment to Cabonne Local Environmental Plan 2012
Budget Implications	No budget allocated for preparation of Planning Proposal. Could be integrated with Planning Proposal for reclassification of land at 6 Gidley Street, Molong
IPR Linkage	4.1 - Develop and implement the Land Use Plan, Development Control Plan and other relevant plans.
Annexures	Nil
File Number	\OFFICIAL RECORDS LIBRARY\LAND USE AND PLANNING\ZONING\REZONING APPLICATIONS - 507697

RECOMMENDATION

THAT:

1. Council seek to reclassify land known as 10 William Street, Molong and described as Lot 5 in DP 1076034 from community to operational land;
2. A Planning Proposal be prepared in accordance with item 1 above for submission to the Department of Planning and Infrastructure for a Gateway Determination, and
3. Council seek delegation of the plan making functions in this matter.

DIRECTOR OF ENVIRONMENTAL SERVICES' REPORT

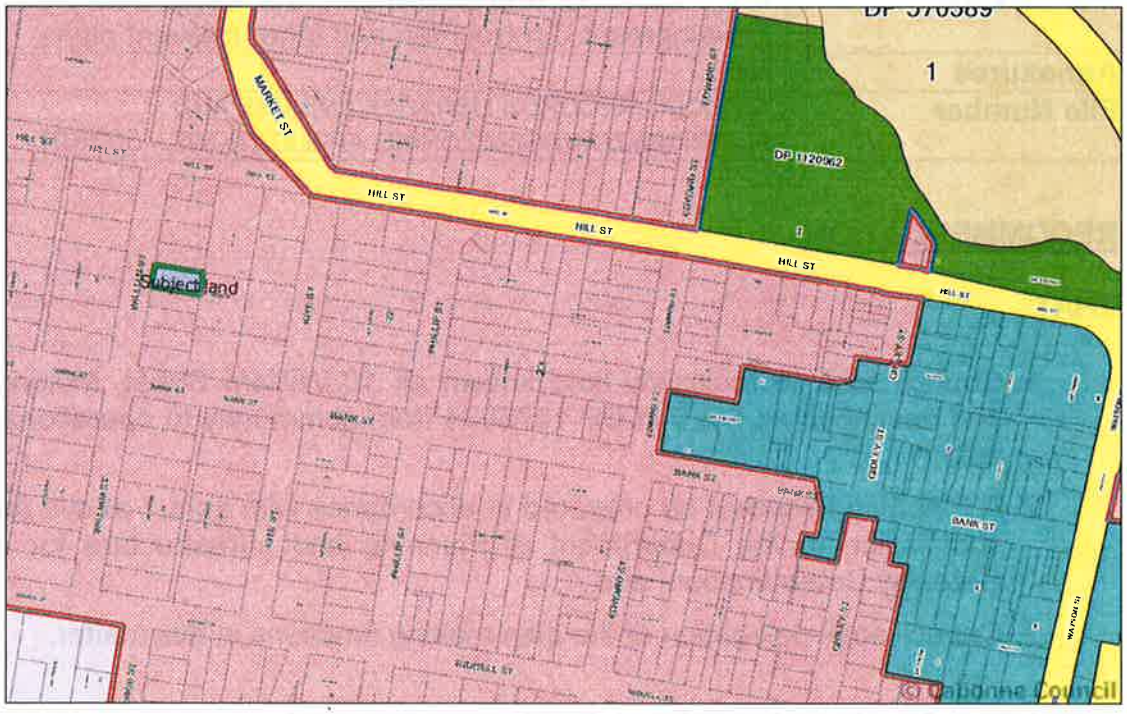
A review has been undertaken by staff of land within Cabonne Council that is either council owned or Crown land vested in council as trustee. The review has sought to identify those lands that are classified under the Local Government Act as 'community' or 'operational' land.

Community land is land that is held by council for the benefit and enjoyment of the community. Such land must be retained in council ownership and cannot be sold. A Plan of Management is required to be developed in consultation with the community with the plan acting as a guide for the maintenance and ongoing use of the land. Community land usually applies to sites such as parks and sports grounds. Operational land is land that council may retain or could sell (if the land is proved surplus to the needs of the community).

During the review of the council owned or managed land it was identified that Council owned land at 10 William Street, Molong, contains a dwelling currently leased to the Director of Engineering and Technical Services. The land is

classified as community land. The allotment is described as Lot 5 DP 1076034 and has an area of 1,150m2. It is part of a residential subdivision known as Molong Heights Estate and is adjacent to existing residential development.

It is suggested that the allotment should be reclassified as operational land. To facilitate the reclassification of land the amendment must be effected by way of a rezoning under the Cabonne Local Environmental Plan 2012. The process requires the preparation of a Planning Proposal for submission to the Minister of Planning and Infrastructure for determination under what is known as the Gateway Process. Once a Gateway determination is provided to enable the rezoning to proceed, the draft LEP is placed upon public exhibition. A public hearing must be facilitated as part of the process to reclassify community land to operational land.



Site plan

A Planning Proposal must demonstrate the strategic merit of the proposed amendment to the LEP and must be prepared in accordance with Departmental guidelines.

It is suggested that the preparation of a Planning Proposal to reclassify land known as 10 William Street, Molong be carried by council staff. The Planning Proposal could be prepared along with the proposed Planning Proposal to reclassify land at 6 Gidley Street, Molong, with the amending LEP including both allotments of land.

A budget has not been provided for this program, however funds have been identified for the preparation of the Gidley Street reclassification / rezoning. It is suggested that the preparation of the Planning Proposal for both reclassifications could be carried out by council staff within the existing budget. It is noted that should additional investigation / studies be required by

the Department of Planning and Infrastructure such cost has not been included in council's current budget.

As the reclassification of community land to operational land does not affect current or future land use, and the existing use of the land has no adverse impact upon community needs, it is unlikely that detailed studies would be required to support the reclassification of the land. Cost efficiencies would be afforded to council by facilitating the two land reclassifications under the one LEP amendment process, particularly as an independent public hearing is required as part of the process of the reclassification of land.

It is suggested that council support the proposal to reclassify land at 10 William Street, Molong, from community to operational land and that a Planning Proposal be prepared as the initial step in facilitating an amendment to the Cabonne Local Environmental Plan 2012.

ITEM - 9 DA 2014/0034 FOR EMERGENCY SERVICES FACILITY (RURAL FIRE SHED) ON LOT 100 DP 1172924, BORENORE ROAD, BORENORE

MOTION (MacSmith/Davison)

THAT Development Application 2014/0034 for Emergency Services Facility (Rural Fire Shed) on Lot 100 DP 1172924, Borenore Road, Borenore, be granted consent subject to the conditions attached.

ESS57/13 Carried

The Chair called for a Division of Council as required under Section 375A (3) of the Local Government Act which resulted in a vote for the motion (noting the absence of Clrs Treavors and Wilcox – apologies) as follows:

For: Clrs Durkin, Culverson, Davison and MacSmith.

Against: Nil.

ITEM - 10 MODIFICATION APPLICATION 2013/96/1 FOR SUBDIVISION OF LOT 1 DP 857131 LOWER LEWIS PONDS

MOTION (Culverson/Davison)

THAT:

1. Council support the SEPP 1 objection to the 100 Ha development standard for a dwelling on land having an area of 94.17 Ha in the RU1 Primary Production zone.
2. Modification Application 2013/96/1 be granted approval subject to the attached conditions of consent.

ESS58/13 Carried

The Chair called for a Division of Council as required under Section 375A (3) of the Local Government Act which resulted in a vote for the motion (noting the absence of Clrs Treavors and Wilcox – apologies) as follows:

For: Clrs Durkin, Culverson, Davison and MacSmith.

Against: Nil.

ITEM - 11 COUNCIL PROPOSAL TO RECLASSIFY LAND BY REZONING

RECOMMENDATION (Culverson/Davison)

THAT:

1. A Planning Proposal be prepared seeking to amend the Cabonne Local Environmental Plan 2012 to rezone property at 6 Gidley Street, Molong known as Lot 1 DP 730639 from classification as community land to operational land,

2. The Planning Proposal be submitted to the Department of Planning and Infrastructure for a Gateway Determination, and
3. Council seek delegation of the plan making functions in this matter.

ESS59/13 Carried

The Chair called for a Division of Council as required under Section 375A (3) of the Local Government Act which resulted in a vote for the motion (noting the absence of Clrs Treavors and Wilcox – apologies) as follows:

For: Clrs Durkin, Culverson, Davison and MacSmith.

Against: Nil.

ITEM - 12 PROPOSAL FOR RECLASSIFICATION OF COUNCIL OWNED LAND AT WILLIAM STREET, MOLONG, FROM COMMUNITY TO OPERATIONAL LAND

RECOMMENDATION (MacSmith/Culverson)

THAT:

1. Council seek to reclassify land known as 10 William Street, Molong and described as Lot 5 in DP 1076034 from community to operational land;
2. A Planning Proposal be prepared in accordance with item 1 above for submission to the Department of Planning and Infrastructure for a Gateway Determination, and
3. Council seek delegation of the plan making functions in this matter.

ESS60/13 Carried

The Chair called for a Division of Council as required under Section 375A (3) of the Local Government Act which resulted in a vote for the motion (noting the absence of Clrs Treavors and Wilcox – apologies) as follows:

For: Clrs Durkin, Culverson, Davison and MacSmith.

Against: Nil.

ITEM - 13 REQUEST FOR REZONING OF INDUSTRIAL LAND AT EUGOWRA TO VILLAGE

Proceedings in Brief

It was noted the Eugowra Progress and Promotion Association was granted special leave as a gesture of good will to again address Council on this matter.

Councillors considered various factors including the fact that 7 of 13 owners had not requested rezoning (the potential for individual applications remains), and expressed a belief that the community consultation process

ITEM - 34 ENVIRONMENTAL SERVICES & SUSTAINABILITY COMMITTEE MEETING

MOTION (Durkin/Culverson)

THAT the report and recommendations of the Environmental Services and Sustainability Committee Meeting of Cabonne Council held on 12 November 2013 be adopted and carried motions be noted.

13/11/37 Carried

The Chair called for a Division of Council as required under Section 375A (3) of the Local Government Act which resulted in a vote for the motion (noting the absence of Clr Wilcox - apology) as follows:

For: Clrs Gosper, Dean, Nash, MacSmith, Hayes, Smith, Durkin, Treavors, Walker, Davison and Culverson.

Against: Nil.

ITEM - 35 BUSINESS PAPER ITEMS FOR NOTING

Proceedings in Brief

It was noted Item 5 called by Clr Davison did not result in a Motion.

MOTION (Culverson/Dean)

THAT:

1. Councillors further consider Item 5 called by Clr Davison and Items 7 and 10 both called by Clrs Gosper and Dean.
2. The balance of the items be noted.

13/11/38 Carried

ITEMS FOR NOTATION

ITEM - 7 RDAF GRANTS ROUND FIVE

MOTION (Dean/Gosper)

THAT Council issue a media release relating to Round 5 of the Regional Development Australia Fund (RDAF) Grants being not likely to proceed.

13/11/39 Carried

It was noted the time being 3:23pm Clr Culverson declared an interest (identified as a pecuniary interest) in the following Item due to the contractor in the report being a client of her business and left the Chambers.

ITEM - 10 WORKS AS EXECUTED RESULTS FOR CUMNOCK SEWAGE TREATMENT PLANT EARTHWORKS

APPENDIX B

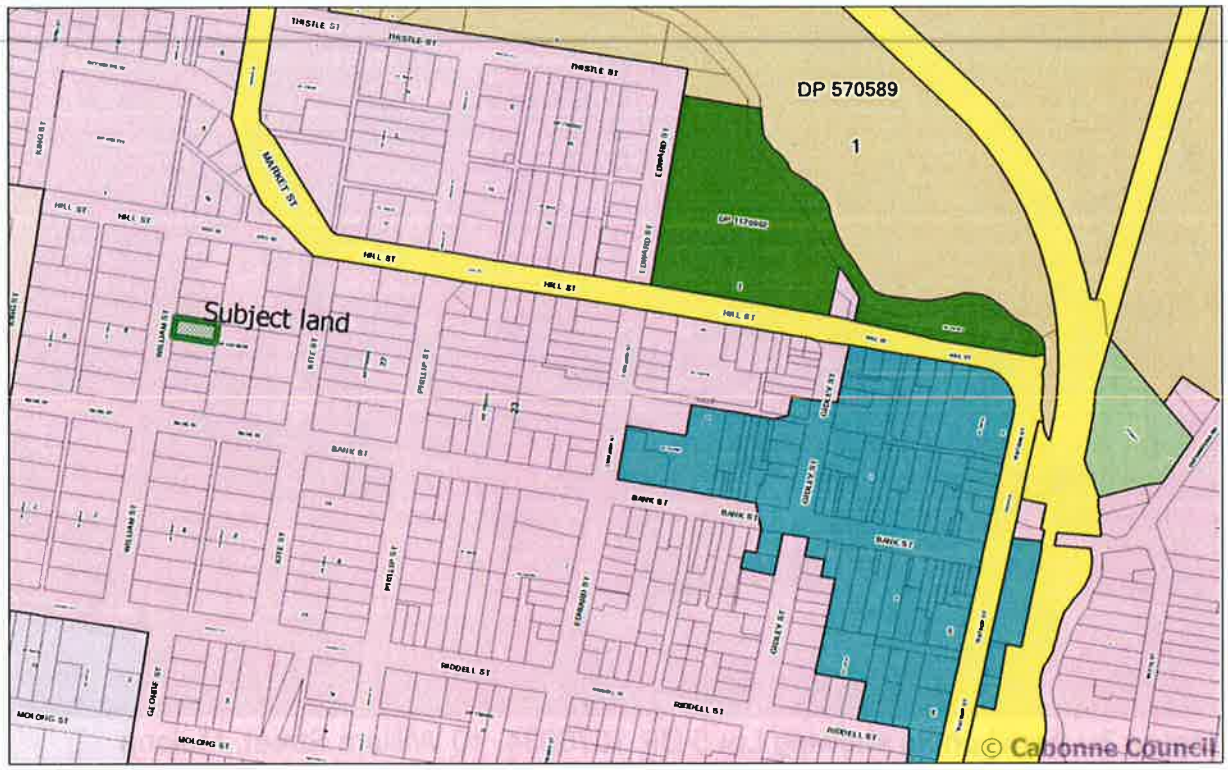


Figure 1 - Map of Molong showing Lot 5 DP 1076034, 10 William Street, Molong

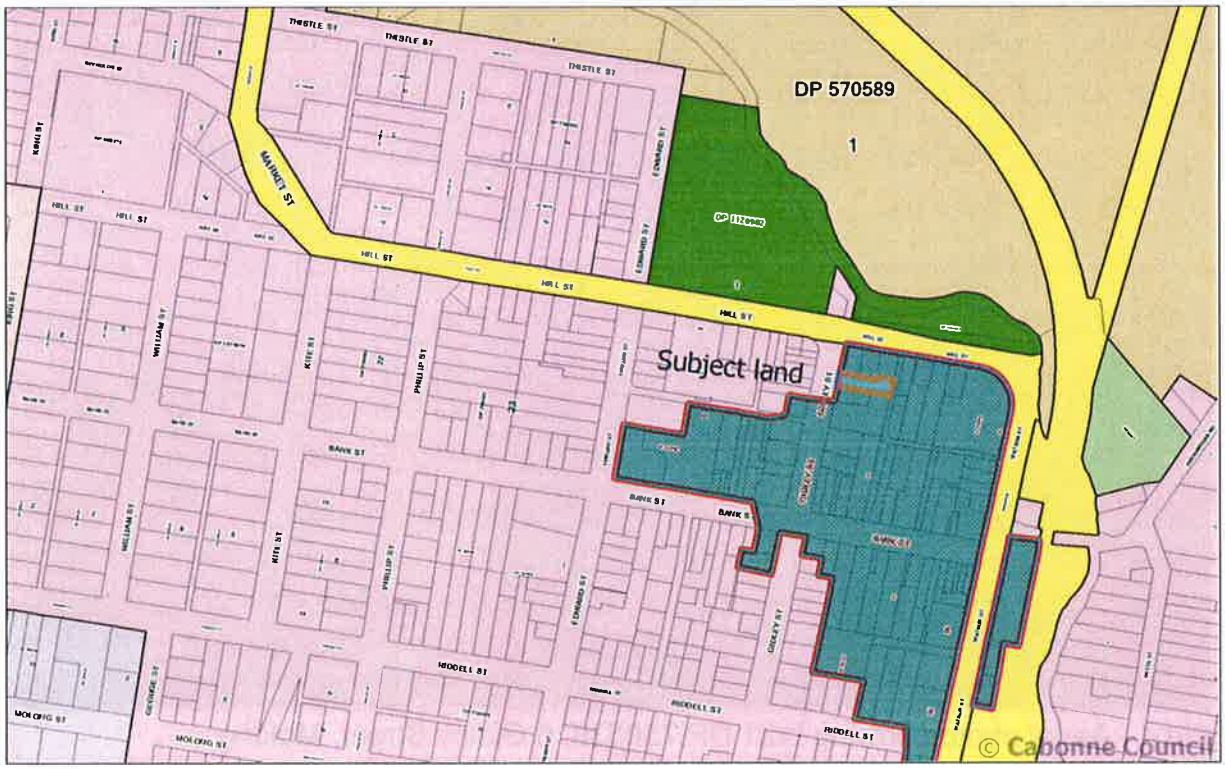


Figure 2 - Map of Molong showing Lot 1 DP 730639, 6 Gidley Street, Molong

Figure 3 - Aerial photo showing Lot 5 DP 1076034, 10 William Street, Molong

Fig 4 - Aerial photo showing Lot1 DP 730639, 6 Gidley Street, Molong

Figure 6 - Site photo – 10 William Street, Molong

Fig 7 – Dwelling at 10 William Street, Molong

Fig – 8 Site photo – 6 Gidley Street, Molong

Figure 9 Dwelling at 6 Gidley Street, Molong

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 1/730639

SEARCH DATE	TIME	EDITION NO	DATE
16/5/2014	2:55 PM	4	11/4/2003

LAND

LOT 1 IN DEPOSITED PLAN 730639
AT MOLONG
LOCAL GOVERNMENT AREA CABONNE
PARISH OF MOLONG COUNTY OF ASHBURNHAM
TITLE DIAGRAM DP730639

FIRST SCHEDULE

CABONNE COUNCIL (T 9529257)

SECOND SCHEDULE (2 NOTIFICATIONS)

1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
2 LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.

NOTATIONS

NOTE: THE CERTIFICATE OF TITLE FOR THIS FOLIO OF THE REGISTER DOES NOT INCLUDE SECURITY FEATURES INCLUDED ON COMPUTERISED CERTIFICATES OF TITLE ISSUED FROM 4TH JANUARY, 2004. IT IS RECOMMENDED THAT STRINGENT PROCESSES ARE ADOPTED IN VERIFYING THE IDENTITY OF THE PERSON(S) CLAIMING A RIGHT TO DEAL WITH THE LAND COMPRISED IN THIS FOLIO.
UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

LAND AND PROPERTY INFORMATION NSW

NOTICE OF SALE/TRANSFER REPORT FOR RATING AUTHORITY

DEALING NUMBER: 9529257 DEALING CODE: T

REGISTRATION DATE: 11/04/2003

NEW OWNER(S):
CABONNE COUNCIL

TENANCY
SOLE OWNER

PREVIOUS OWNER(S):
ERNEST WILLIAM GEORGE NEIL
DELLMA JOAN NEIL

ADDRESS FOR SERVICE OF NOTICES
CABONNE COUNCIL
PO BOX 17
MOLONG NSW 2866
AUSTRALIA

PROPERTY ADDRESS
6 GIDLEY ST
MOLONG NSW 2866

ADDRESS OF TRANSFEREE'S SOLICITOR/AGENT
COUNTRY LAW SERV
DX 3015
ORANGE 2800

TEL:02 63613388
REF:CABONNE5681TC

DETAILS OF LAND TRANSFERRED IN THIS DEALING/DEED

CONTRACT DATE: 19/03/2003
SETTLEMENT DATE: 02/04/2003
ACQUISITION DATE:
PURCHASE PRICE: $65000
INTEREST IN PROPERTY: 100%
NATURE OF PROPERTY: RESIDENCE
PROPERTY WAS ACQUIRED BY: SALE
TRANSFER INCLUDES LAND NOT IN THIS DEALING/DEED: NO
CONTRACT INCLUDED ITEMS OTHER THAN FIXED IMPROVEMENTS: NO
PROPERTY IS AFFECTED BY A PRIVATE LEASE: NO
PROPERTY WAS TRANSFERRED: WITH VACANT POSSESSION
TOTAL AREA OF PROPERTY TRANSFERRED: 1031 Square Metres

DESCRIPTION OF LAND

PROP ID	PLAN TYPE	LOT NUM	SEC NUM	PLAN NUM	SUFFIX	LOCALITY	COUNTY	PARISH	LGA
1218036	DP	1		730639		MOLONG	ASHBURNHAM	MOLONG	CABONNE

SUPPLEMENTARY ADDRESS DETAILS FOR LAND (FROM VALNET)

PROP ID	PROPERTY ADDRESS	HISTORIC VALUATION NO
1218036	6 GIDLEY ST, MOLONG NSW 2866,AUSTRALIA	1090417400000000

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 5/1076034

SEARCH DATE	TIME	EDITION NO	DATE
16/5/2014	2:57 PM	1	30/11/2004

LAND

LOT 5 IN DEPOSITED PLAN 1076034
AT MOLONG
LOCAL GOVERNMENT AREA CABONNE
PARISH OF MOLONG COUNTY OF ASHBURNHAM
TITLE DIAGRAM DP1076034

FIRST SCHEDULE

CABONNE SHIRE COUNCIL

SECOND SCHEDULE (5 NOTIFICATIONS)

1 I661462 LAND EXCLUDES MINERALS (S.171 CROWN LANDS ACT 1989)
2 DP1076034 EASEMENT TO DRAIN WATER 3 AND 8 METRE(S) WIDE AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
3 DP1076034 EASEMENT TO DRAIN WATER 3 METRE(S) WIDE AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
4 DP1076034 EASEMENT TO DRAIN SEWAGE 3 AND 8 METRE(S) WIDE AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
5 DP1076034 RESTRICTION(S) ON THE USE OF LAND

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

LAND AND PROPERTY INFORMATION NSW

NOTICE OF SALE/TRANSFER REPORT FOR RATING AUTHORITY

DEALING NUMBER: U954396 DEALING CODE: T

REGISTRATION DATE: 19/01/1995

NEW OWNER(S):
THE COUNCIL OF THE SHIRE OF CABONNE

TENANCY
SOLE OWNER

PREVIOUS OWNER(S):
THE STATE OF NEW SOUTH WALES

ADDRESS FOR SERVICE OF NOTICES
CABONNE COUNCIL
LOT 323 BANK STREET
MOLONG 2866

PROPERTY ADDRESS
LOT 323 BANK STREET
MOLONG 2866

ADDRESS OF TRANSFEREE'S SOLICITOR/AGENT
BALDOCK STACY & NIVEN
3010, ORANGE 2800
TEL: 063 622022
REF: JLS:CG 94.2426

DETAILS OF LAND TRANSFERRED IN THIS DEALING/DEED

CONTRACT DATE: 05/12/1994
SETTLEMENT DATE: 18/01/1995
ACQUISITION DATE:
PURCHASE PRICE: $15000
INTEREST IN PROPERTY: 100%
NATURE OF PROPERTY: VACANT LAND
PROPERTY WAS ACQUIRED BY: SALE
TRANSFER INCLUDES LAND NOT IN THIS DEALING/DEED: NO
CONTRACT INCLUDED ITEMS OTHER THAN FIXED IMPROVEMENTS: NO
PROPERTY IS AFFECTED BY A PRIVATE LEASE: NO
PROPERTY WAS TRANSFERRED: WITH VACANT POSSESSION
TOTAL AREA OF PROPERTY TRANSFERRED: 2.9 Hectares

DESCRIPTION OF LAND

PROP ID	PLAN TYPE	LOT NUM	SEC NUM	PLAN NUM	SUFFIX	LOCALITY	COUNTY	PARISH	LGA
	DP	323		823393		MOLONG	ASHBURNHAM	MOLONG	CABONNE

APPENDIX C
State Environmental Planning Policies (SEPP) checklist

No.	SEPP Title	Applicable to Planning Proposal	Consistency
1	Development Standards	No – does not apply to land in Cabonne Local Government Area (LGA) since implementation of Cabonne Local Environmental Plan (LEP) 2012	N/A
4	Development without consent – Miscellaneous exempt & complying development	No – does not apply to land in Cabonne Local Government Area (LGA) since implementation of Cabonne Local Environmental Plan (LEP) 2012	N/A
6	Number of storeys in a building	Not applicable	N/A
14	Coastal wetlands	Not applicable	N/A
15	Rural landsharing communities	Not applicable	N/A
19	Bushland in urban areas	Not applicable	N/A
21	Caravan Parks	Not applicable	N/A
22	Shops and commercial premises		N/A
26	Littoral rainforests	Not applicable	N/A
29	Western Sydney Recreation Area	Not applicable	N/A
30	Intensive agriculture	Not applicable	N/A
32	Urban Consolidation (Redevelopment of urban land)	Yes	The proposal is consistent with the SEPP
33	Hazardous and Offensive industry	Not applicable	N/A
36	Manufactured home estate	Not applicable	N/A
39	Split Island Bird Habitat	Not applicable	N/A
44	Koala Habitat Protection	Not applicable to the subject land	N/A
47	Moore Park Showground	Not applicable	N/A
50	Canal Estate Development	Not applicable	N/A
52	Farm dams and other works in land and waste management plan areas	Not applicable	N/A
55	Remediation of land	Not applicable	N/A
59	Central Western Sydney Regional Open Space and Residential	Not applicable	N/A
60	Exempt & Complying Development	No – does not apply to land in Cabonne Local Government Area (LGA) since implementation of Cabonne Local Environmental Plan (LEP) 2012	N/A
62	Sustainable aquiculture	Not applicable	N/A
64	Advertising and signage	Not applicable	N/A
65	Design Quality of residential flat development	Not applicable	N/A
70	Affordable housing	Not applicable	N/A
71	Coastal protection	Not applicable	N/A
	Affordable renting housing	Not applicable	N/A
	Building Sustainability Index:BASIX 2004	Not applicable	N/A
	Exempt and Complying Development Codes 2008	Not applicable	The planning proposal is not inconsistent

			with the aims and functions of the SEPP
	Housing for seniors and people with a disability 2004	Applicable	The planning proposal is not inconsistent with the SEPP
	Infrastructure 2007	Not Applicable	N/A
	Kosciuszko National Park Alpine Resorts 2007	Not Applicable	N/A
	Major Developments 2005	Not applicable	N/A
	Mining, Petroleum Production and Extractive Industries	Not Applicable	N/A
	Rural lands 2008	Not applicable	N/A
	State & regional development 2011	Not applicable	N/A
	Sydney Drinking Water Catchment 2011	Not applicable	N/A
	Sydney Region Growth Centres 2006	Not applicable	N/A
	Temporary Structures 2007	Not applicable	N/A
	Urban Renewal 2010		
	Western Sydney Employment Area 2009	Not applicable	N/A
	Western Sydney Parklands 2009	Not applicable	N/A

APPENDIX D – SCHEDULE OF SECTION 117 DIRECTIONS

No.	Direction Title	Compliance	Comment
1.	**Employment and Resources**		
1.1	Business & Industrial Zones	No applicable	N/A
1.2	Rural Zones	Not applicable	N/A
1.3	Mining, Petroleum Production & Extractive Industries	Not applicable	N/A
1.4	Oyster Aquaculture	Not applicable	N/A
1.5	Rural Lands	Not applicable	N/A
2.	**Environment and Heritage**		
2.1	Environmental Protection Zones	Not applicable	N/A
2.2	Coastal Protection	No, does not apply to Cabonne LGA	N/A
2.3	Heritage Conservation	Not applicable	N/A
2.4	Recreation Vehicle Areas	Not applicable	N/A
3.	**Housing, Infrastructure and Urban Development**		
3.1	Residential Zones	Yes, as the planning proposal will affect land within the R1 General Residential	Consistent
3.2	Caravan parks & Manufactured Home Estates	Not applicable	N/A
3.3	Home Occupations	Yes, as the planning proposal will affect land within the R1 General Residential Zone	Consistent
3.4	Integrating Land Use & Transport	Yes, as the planning proposal affects urban land zoned for residential purposes.	
3.5	Development near Licensed Aerodromes	Not applicable	N/A
3.6	Shooting Ranges	Not applicable	N/A
4.	**Hazard and Risk**		
4.1	Acid Sulphate Soils	No, does not apply to Cabonne LGA	N/A
4.2	Mine Subsidence & Unstable Land	No, does not apply to Cabonne LGA	N/A

4.3	Flood Prone Land	Not applicable	N/A
4.4	Planning for Bushfire Protection	Not applicable	N/A
5.	**Regional Planning**		
5.1	Implementation of Regional Strategies	No, there is no Regional Strategy applicable to the Cabonne LGA	N/A
5.2	Sydney Drinking water Catchment	No, does not apply to Cabonne LGA	N/A
5.3	Farmland of State & Regional Significance on the NSW Far North Coast	No, does not apply to Cabonne LGA	N/A
5.4	Commercial & Retail Development along the Pacific Highway, North Coast	No, does not apply to Cabonne LGA	N/A
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA revoked 18 June 2010)	No, does not apply to Cabonne LGA	N/A
5.6	Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	No, does not apply to Cabonne LGA	N/A
5.7	Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	No, does not apply to Cabonne LGA	N/A
5.8	Second Sydney Airport: Badgerys Creek	No, does not apply to Cabonne LGA	N/A
6.	**Local Plan Making**		
6.1	Approval & Referral Requirements	Yes	Consistent – does not require referral to the Minister
6.2	Reserving Land for Public Purposes	Yes, as the planning proposal relates to public land	Consistent – sites are deemed surplus to the community's needs. Outcome will enable sale of one allotment immediately for investment of returns in provision of additional aged care facilities to service the town.
6.3	Site Specified Provisions	Not applicable	N/A
7.	**Metropolitan Planning**		
7.1	Implementation of Metropolitan Strategy	Not applicable	N/A

APPENDIX E – LEP PRACTICE NOTE PN 09-003 – WRITTEN STATEMENT

As part of the Planning Proposal council must provide a written statement which addresses specific requirements for the reclassification of public land. These requirements are contained within the Department of Planning and Infrastructures LEP Practice Note PN09-003 *Classification and reclassification of public land through a local environmental plan.*

Cabonne Council proposes to reclassify property known as 6 Gidley Street, Molong and 10 William Street, Molong from Community Land to Operational Land.

The changes resulting from the reclassification are addressed below:

Why is the Planning Proposal being prepared?

- This information is addressed in the council reports dated12 November 2013. It is proposed to reclassify each allotment as Operational Land to allow council the option of selling the land.

What is the current and proposed classification of the land?

- Both allotments are currently classified as Community Land. It is proposed that both lots be reclassified as Operational Land.

What are the strategic reasons for the reclassification?

- 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 allow at a later date the sale of 10 William Street, Molong and such revenue allocated to community programs.

Council's ownership of the land

- Both allotments are owned by council

Nature of council's interest in the land

- Both allotments are owned by the council

How and when council's interest in the land was acquired

- 6 Gidley Street, Molong was purchased by council in 2003 through its s355 Acacia Lodge Committee.
- 10 William Street, Molong was part of a former Crown Reserve acquired by council in 1995

Any agreements over the land

- There are no agreements over the land

Prospective change in land value

- There is no change proposed to either the use or the zoning of the land as part of this planning proposal. As such no change in land value is anticipated.

Asset Management objectives

- Council would like to have a wider range of management options available, including the option to sell the land. The sale of the Gidley Street land will then assist the financial strategy of the s355 committee to enable development of additional aged care housing in Molong.

Is there any agreement to sell or lease the land?

- The council report dated 12 November 2013 addresses this. The intent is to offer the property at 6 Gidley Street for sale. The dwelling at 10 William Street is currently leased as staff housing.

Other relevant matters

- Please refer to the planning proposal

Attach a copy of Practice Note PN 09-003

- See attached document