

Moree Plains LEP 2011 - Reclassification of land and extinguishment of certain interests

Proposal Title : **Moree Plains LEP 2011 - Reclassification of land and extinguishment of certain interests**

Proposal Summary : **This Planning Proposal seeks to reclassify land within the Moree Plains Local Government Area and to extinguish certain interests or encumbrances applying to the land.**

PP Number : **PP_2015_MOREE_001_00** Dop File No : **13/15013**

Proposal Details

Date Planning Proposal Received :	19-Mar-2015	LGA covered :	Moree Plains
Region :	Northern	RPA :	Moree Plains Shire Council
State Electorate :	BARWON	Section of the Act :	55 - Planning Proposal
LEP Type :	Reclassification		

Location Details

Street :	Alice Street		
Suburb :		City :	Moree
Land Parcel :	Lot 1, DP 807499		Postcode : 2400
Street :	Blueberry Road		
Suburb :		City :	Moree
Land Parcel :	Lot 11, DP 848790		Postcode : 2400
Street :	Boston Street		
Suburb :		City :	Moree
Land Parcel :	Lot 43, DP 253977		Postcode : 2400
Street :	Boland Drive		
Suburb :		City :	Moree
Land Parcel :	Lot 38, DP 261979		Postcode : 2400
Street :	Brigalow Drive		
Suburb :		City :	Moree
Land Parcel :	Lot 9, DP 848790		Postcode : 2400
Street :	Cummins Ave		
Suburb :		City :	Moree
Land Parcel :	Lot 13, DP 259878		Postcode : 2400
Street :	Downer Ave		
Suburb :		City :	Moree
Land Parcel :	Lot 51, DP 259367		Postcode : 2400

Moree Plains LEP 2011 - Reclassification of land and extinguishment of certain interests

Street :	Edward Street		
Suburb :		City : Moree	Postcode : 2400
Land Parcel :	Lot 30, DP 258378		
Street :	Elizabeth Street		
Suburb :		City : Moree	Postcode : 2400
Land Parcel :	Lot 36, DP 30028		
Street :	Jones Ave		
Suburb :		City : Moree	Postcode : 2400
Land Parcel :	Lot 58, DP 263789		
Street :	Lorna Rae Ave		
Suburb :		City : Moree	Postcode : 2400
Land Parcel :	Lot 81, 226321		
Street :	Sullivan Place		
Suburb :		City : Moree	Postcode : 2400
Land Parcel :	Lot 50, DP259367		
Street :	Wilga Place		
Suburb :		City : Moree	Postcode : 2400
Land Parcel :	Lot 159, DP 748657		
Street :	Greenbah Road		
Suburb :		City : Moree	Postcode : 2400
Land Parcel :	Lots 13 and 14, DP 2627		
Street :	Balarang Street		
Suburb :		City : Weemelah	Postcode : 2400
Land Parcel :	Lot 45, DP 750436		
Street :	Tawarri Raod		
Suburb :		City : Weemelah	Postcode : 2400
Land Parcel :	Lot 6, DP 750436		
Street :	Balarang Street		
Suburb :		City : Weemelah	Postcode : 2400
Land Parcel :	Lot 18, DP 750436		
Street :	Barton Plains Road		
Suburb :		City : Moree	Postcode : 2400
Land Parcel :	Lot 53, DP 751791		
Street :	Warilada Street		
Suburb :		City : Pallamallawa	Postcode : 2400
Land Parcel :	Lot 48, DP 751784		
Street :	Jones Ave		
Suburb :		City : Moree	Postcode : 2400
Land Parcel :	Lot 24, DP 853425		

Moree Plains LEP 2011 - Reclassification of land and extinguishment of certain interests

Street :	Medgun Street		
Suburb :		City : Ashley	Postcode : 2400
Land Parcel :	Lot 3, Section 17, DP 758037		
Street :	Merriwa Street		
Suburb :		City : Boggabilla	Postcode : 2400
Land Parcel :	Lot 7, section 17, DP 758127		
Street :	Duff Street		
Suburb :		City : Boomi	Postcode : 2400
Land Parcel :	Lot 76, DP 750476		
Street :	Chester Street		
Suburb :		City : Moree	Postcode : 2400
Land Parcel :	Lot 20, Section 18, DP 758706		
Street :	Allambie Street		
Suburb :		City : Moree	Postcode : 2400
Land Parcel :	Lot 22, Section 20, DP 758706		
Street :	Cross Street		
Suburb :		City : Moree	Postcode : 2400
Land Parcel :	Lot 1, Section 28, 758706		
Street :	Shaftesbury Ave		
Suburb :		City : Moree	Postcode : 2400
Land Parcel :	Lot 32, DP 260410		
Street :	Shaftesbury Ave		
Suburb :		City : Moree	Postcode : 2400
Land Parcel :	Lot 52, DP 261635		
Street :	Walker Street		
Suburb :		City : Mungindi	Postcode : 2400
Land Parcel :	Lot 2, Section 13, DP 758729		
Street :	Walker Street		
Suburb :		City : Mungindi	Postcode : 2400
Land Parcel :	Lot 3, Section 13, DP 758729		
Street :	St George Street		
Suburb :		City : Mungindi	Postcode : 2400
Land Parcel :	Lot 22, Section C, DP 11331		
Street :	St George Street		
Suburb :		City : Mungindi	Postcode : 2400
Land Parcel :	Lot 25, Section C, DP 11331		

DoP Planning Officer Contact Details

Contact Name : **Jon Stone**
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RPA Contact Details

Contact Name : **Murray Amos**
 Contact Number : **0267573252**
 Contact Email : **murray.amos@mpsc.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :
 Contact Number :
 Contact Email :

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	N/A	Consistent with Strategy :	N/A
MDP Number :		Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Yes
 Lobbyists Code of
 Conduct has been
 complied with :

If No, comment :

Have there been No
 meetings or
 communications with
 registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting
 Notes :

External Supporting Notes : **This Planning Proposal seeks to rectify an error made during the preparation of the Moree Plains LEP 2011. During the preparation of the Moree Plains LEP 2011, Council inadvertently included 17 sites within Part 1 of Schedule 4 Classification and reclassification of public land. The lots should have been identified in Part 2 of the Schedule in order to remove any trusts, reserve designations and other encumbrances on the land.**

This Planning Proposal will rectify this error and facilitate the appropriate and future use of

the land. Many of the sites fall within the area of land proposed for redevelopment by Housing NSW to reinvigorate South Moree by upgrading the quality of public housing. Other sites have reserve status that do not perform an 'open space function' and the extinguishment of the reserve status will facilitate further development opportunities for the land.

Council has also identified 3 additional lots not currently listed within Moree Plains LEP 2011 that are proposed to be reclassified. One site will be included in Part 1 of the schedule as no reservations need to be removed while two sites will be included in Part 2 of the Schedule in order to extinguish their existing public reserve status.

Twelve lots that are not Council owned land and cannot be classified, by were included by Council in error in the preparation of Moree Plains LEP 2011, will also be removed from Part 1 of the Schedule.

Adequacy Assessment

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

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

Comment : **The statement of objectives is considered to be adequate.**

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

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

Comment : **The explanation of provisions is considered to be 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

3.1 Residential Zones

3.2 Caravan Parks and Manufactured Home Estates

3.5 Development Near Licensed Aerodromes

4.3 Flood Prone Land

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

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 21—Caravan Parks

SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)

SEPP No 36—Manufactured Home Estates

SEPP (Housing for Seniors or People with a Disability) 2004

SEPP (Affordable Rental Housing) 2009

e) List any other matters that need to be considered :

The New England North West Strategic Regional Land Use Plan applies to the Moree Plains LGA.

The proposal does not create, alter or reduce existing zonings but does remove reservations of land for public purposes. The Secretary's approval under S117 Direction 6.2 Reservation of Land for Public Purposes is therefore required as the reservation of public land will be reduced.

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Location maps have been provided with this Planning Proposal and are considered adequate for the purpose of public exhibition. No formal LEP maps are required for this LEP Amendment.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : The Planning Proposal details an exhibition period of 14 days with a Public Hearing at least 14 days after the exhibition period closes. Notification of the hearing is proposed to occur simultaneously with the public exhibition period.

In accordance with the Department's plan making guidelines, this Planning Proposal is not considered to be a 'low impact' proposal type and a 14 day exhibition period is not supported. It is recommended that the exhibition period and public hearing process follow best practice and outlined in the guide 'A guide to preparing local environmental plans – April 2013'. This would entail a 28 day public exhibition period followed (not concurrent) by a 21 day notification of the Public Hearing.

Due to a procedural error by Council, the Planning Proposal has already been the subject to a public exhibition period (0 submissions) and public hearing (0 attendees) prior to a Gateway Determination being issued. Council, in its covering letter, has sought that this exhibition and hearing be determined to be sufficient and that no further exhibition or public hearing be required.

This is not considered appropriate due to the clear procedural requirements of the public hearing classification process under the Environment Planning and Assessment Act 1979 and the Local Government Act 1993, the need for transparency in the planning process, the sheer number lots involved and the extinguishment of interests applying to the land.

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 : The Planning Proposal and accompanying documentation are considered to satisfy the adequacy criteria by:

1. Providing appropriate objectives and intended outcomes;
2. Providing a suitable explanation of the provisions proposed by the LEP to achieve the outcomes;
3. Providing an adequate justification for the proposal;
4. Outlining a proposed community consultation program; and
5. Providing a project time line, although this will need revising.

Council is not seeking an authorisation to exercise its plan making delegations. Council has not yet accepted these delegations.

Due to the likely complicated legal drafting process associated with the proposal it is recommended that a 9 month time frame be granted to ensure an adequate period to complete the proposal.

The Planning Proposal includes an Project Timeline that is not current. It is recommended that prior to public exhibition the Project Timeline be updated to reflect

Proposal Assessment**Principal LEP:**

Due Date :

Comments in
relation to Principal
LEP :

The Moree Plains LEP 2011 is a Standard Instrument LEP. It was published on 9 December 2011.

Assessment CriteriaNeed for planning
proposal :

The Planning Proposal is needed as it is the only avenue available to Council to extinguish trusts, reserve designations and other encumbrances on the lands and to reclassify land as operational. It is not considered necessary to remove items from the Schedule that were inadvertently included in the previous classification process. However, for public clarity purposes it is considered appropriate to remove the subject land identified in the Planning Proposal from the Schedule to avoid any confusion.

It is noted that the 17 sites previously reclassified by Council in the Moree Plains LEP 2011 to operational without extinguishing the interests applying to them are in the process of being reclassified by Council to community status by resolution. This is required as the extinguishment of interests can only be achieved when land is being reclassified to operational status. As the land is already operational, Council has resolved to reclassify the land to community (via resolution) and then, as part of this Planning Proposal, reclassify it back to operational and extinguish the interests.

The classification process for the 17 sites (operational to community) commenced on 24 July 2014 with a Council resolution. A public notice was given on 25 September 2014 and a 28 day exhibition period was held. No submissions were received during this time. Council has not yet finalised the reclassification of the 17 sites from operation to community but are in the process of completing it. This process will need to be finished prior to the completion of this Planning Proposal.

Consistency with
strategic planning
framework :

The Planning Proposal is considered to be consistent with all relevant SEPPs, the New England North West Strategic Regional Land Use Plan and the Moree Plains Shire Growth Management Strategy 2009 that was prepared by Council and approved by the Deputy Director General in April 2009.

While Council has nominated a number of section 117 directions as relevant, the Planning Proposal advises there are no inconsistencies with the directions.

It is however considered that the Planning Proposal is inconsistent with S117 Direction 6.2 Reservation of Land for Public Purposes as it reduces existing reservations of land for public purposes without the approval of the relevant public authority and the Secretary of the Department of Planning and Environment. This inconsistency is considered to be justified as a matter of minor significance due to likely positive outcomes of the Housing NSW plan for reinvigorating the public housing sector in South Moree and Council's desire to facilitate the redevelopment of land that does not perform an open space function at the present time.

The subject lands currently have a variety of zonings but are predominately zoned RE1 Public Open Space. No change in zoning or development standard is proposed or needed in association with the extinguishing of the reserve designations.

Environmental social
economic impacts :

No adverse environmental, social or economic impacts have been identified as likely to occur as a result of the Planning Proposal.

It is considered that the proposal will facilitate:

- the appropriate use of land affected by reserves which do not perform an open space

- function;
- the supply of employment land for the development of existing economic activity in particular the proposed industrial subdivision of land within the B6 Zone south of Moree, and also land dealings associated with the Mihi River Van Park (which is proposed for upgrade);
 - the re-development of South Moree as part of Housing NSW proposals to reinvigorate the area and to upgrade the quality of housing;
 - the redistribution of open space land to create consolidated, safer and more usable open space areas;
 - additional housing allotments within Moree and other villages;
 - the improvement of the visual amenity in the underutilised and poorly maintained open space; and
 - the improvement of overall community safety by abolishing underutilised and poorly maintained blocks of land.

A public hearing will be held to address any community concern with the extinguishment of any reserve designations.

Assessment Process

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

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

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 :

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

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
2015-03-19 - Cover Letter.pdf	Proposal Covering Letter	Yes
2015-03-19 - PLANNING PROPOSAL - RECLASSIFICATION OF LAND - MOREE PLAINS SHIRE.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions: **3.1 Residential Zones**
 3.2 Caravan Parks and Manufactured Home Estates
 3.5 Development Near Licensed Aerodromes
 4.3 Flood Prone Land
 6.1 Approval and Referral Requirements
 6.2 Reserving Land for Public Purposes
 6.3 Site Specific Provisions

Additional Information : **It is recommended that the Planning Proposal be supported subject to:**
 1. That prior to public exhibition the Planning Proposal be amended to update the Project Timeline;
 2. That prior to the completion of this Planning Proposal, Council finalise the classification process of the 17 sites listed in Schedule 1, Part 4 of the Moree Plains LEP 2011 from operational to community;
 3. The Planning Proposal be exhibited for 28 days;
 4. The Planning Proposal be completed within 9 months;
 5. That no consultation with public authorities is necessary;
 6. That a public hearing on the extinguishment of reserve designations of the subject lands in accordance with section 57 of the Environmental Planning and Assessment Act 1979 be held 21 days after completion of the public exhibition period; and
 7. The Secretary's delegate agree that the inconsistency with s117 Direction 6.2 Reservation of Land for Public Purposes is of minor significance.

Supporting Reasons : **The Planning Proposal seeks to rectify errors that were made by Council during the preparation of the Moree Plains LEP 2011. Council inadvertently reclassified much of the subject land from community to operational without extinguishing the reserve designation to facilitate the development of the land or included land not owned by Council.**

Many of the sites fall within the area of land proposed for redevelopment by Housing NSW to reinvigorate South Moree and to upgrade the quality of public housing. Other sites have reserve status that do not perform an 'open space function' and the extinguishment of the reserve status would facilitate further development opportunities of the land.

Signature: _____



Printed Name: _____

Craig Diss

Date: _____

25/3/15