

**Orange City Council - Amendment 7 - Reclassification and Change Interest Lot 24 DP
103541 No 230 Phillip Street, Orange**

Proposal Title :	Orange City Council - Amendment 7 - Reclassification and Change Interest Lot 24 DP 103541 No 230 Phillip Street, Orange		
Proposal Summary :	To seek approval to reclassify and remove the public reserve status from Lot 24 DP 1035913, No. 230 Phillip Street, Orange and place the subject land in Schedule 4 Part 2 of the Orange LEP 2011.		
PP Number :	PP_2015_ORANG_002_00	Dop File No :	15/11704

Proposal Details

Date Planning Proposal Received :	21-Oct-2015	LGA covered :	Orange
Region :	Western	RPA :	Orange City Council
State Electorate :	ORANGE	Section of the Act :	55 - Planning Proposal
LEP Type :	Reclassification		

Location Details

Street :	230 Phillip Street		
Suburb :	City :	Orange	Postcode : 2800
Land Parcel :	Lot 24 DP 1035913 is Council owned and zone IN1 General Industrial and is now classified as 'community' by Council resolution dated 20 October 2015		

DoP Planning Officer Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	N/A	Consistent with Strategy :	N/A

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MDP Number :

Date of Release :

Area of Release (Ha)

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

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 : **There have been no known meetings or communications with registered lobbyists.**

Supporting notes

Internal Supporting
Notes :

Lot 24 DP 1035913 230 Phillip Street Orange is Council owned land and surplus to Council needs. Council wishes to sell the land so it can be developed for industrial purposes.

The subject land was rezoned from zone RE1 Public recreation to zone IN1 - General industrial under Orange LEP 2011 (Amendment No. 1) which was notified on 14 March 2014.

The land was subsequently reclassified from 'community' to 'operational' and placed in Schedule 4 Part 1 with no interests changed under Orange LEP 2011 (Amendment No.3) which was notified 25 July 2014.

Council advise that the land has a 'public reserve' interest.

To remove the 'public reserve' status Council has resolved at a meeting on 20 October 2015 to reclassify the land back to 'community' and proceed through the reclassification process again and to seek the Governors approval to extinguish the 'public reserve' interest.

The subject planning proposal seeks to reclassify the land as 'operational' and seek Governors approval to extinguish the public reserve status of the land by placing the land in Schedule 4 Part 2 of the Orange LEP 2011.

The advice received from Office of Local Government and the Departments Legal Services Branch is that 'operational' land cannot have interests changed and that only 'community' land can be reclassified to 'operational' and then seek the Governors approval to change the public reserve interest.

This is consistent with the Local Government Act, 1993 (sections 30 & 33) process.

External Supporting
Notes :

Adequacy Assessment

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

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

Comment : **The proposal is to amend the Orange LEP 2011 by seeking approval to reclassify the land from 'community' to 'operational' and seek the Governors approval to place Lot 24 DP 1035913 No 230 Phillip Street, Orange in Schedule 4 Part 2 of the Orange LEP 2011 to extinguish the public reserve status on the land.**

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

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

Comment : **As per Clause 5.2 - Classification and reclassification of public land of Orange LEP 2011, it is proposed to remove Lot 24, DP 1035913 230 Phillip Street, Orange from Schedule 4 Part 1 and insert the land into Schedule 4 Part 2 and clearly identify that the public reserve status is being extinguished.**

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA : **6.2 Reserving Land for Public Purposes**

* May need the Director General's agreement

Is the Director General's agreement required? **No**

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

d) Which SEPPs have the RPA identified?

e) List any other matters that need to be considered : **The Governors approval is required for the reclassification of land and its inclusion in Part 2 Schedule 4 of Orange LEP 2011.**

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

If No, explain : **The proposal involves the reclassification of public land from 'community' to operational' and extinguishing of the public reserve interest from the land title.**

The subject land was rezoned from zone RE1 Public Recreation to zone IN1 General Industrial as part of Amendment 1 to the Orange LEP 2011. This amendment considered the need for this land to be recreational and public reserve land at that time. The applicable Section 117 Directions and SEPPs were also considered at that time. Therefore the inconsistency with section 117 Direction 6.2 - Reserving land for public purposes is considered minor and no further work is required in relation to this matter.

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **Indicative locality mapping has been provided in the submitted planning proposal.**

The amendment does not involve any amendments to the LEP maps.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **28 days community consultation has been proposed by Council. A public hearing under section 29 of Local Government Act, 1993 and section 57 of the EP& A Act, 1979 is required and will be recommended as a condition of the Gateway determination.**

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 : **February 2012**

Comments in relation to Principal LEP : **The Orange LEP 2011 was notified on 24 February 2012**

Assessment Criteria

Need for planning proposal : **Amending the Orange LEP 2011 to reclassify and extinguish the public reserve status on the land is the only means of achieving the objectives of the planning proposal.**

Consistency with strategic planning framework : **The Blayney Cabonne Orange Sub Regional Rural and Industrial Land Use Strategy (endorsed by the Director General 30 June 2011) identifies the subject land, located within the Narrambla Estate, as an important employment generating area for the local and regional community.**

The land is zone IN1 General industrial and is now classified as 'community' at Council meeting on 20 October 2015. The removal of the public reserve status will enable Council to sell the land to provide additional industrial & employment land in Orange.

Environmental social economic impacts : **There are no known environmental, social or economic impacts as a result of the reclassification of the subject land.**

Any subsequent development application for development on the site will consider these impacts in detail.

Assessment Process

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

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

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

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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
Council Letter.pdf	Proposal Covering Letter	Yes
Council Report 7 July 2015.pdf	Proposal	Yes
Planning Proposal.pdf	Proposal	Yes
Request for initial Gateway Determination.pdf	Proposal Covering Letter	Yes
Council Minutes.pdf	Proposal	Yes
cert of title.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions: **6.2 Reserving Land for Public Purposes**

Additional Information : **That the Planning Proposal should proceed and the General Manager Western Region as delegate of the Minister can issue the Gateway determination subject to:**

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 specifications 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 & Infrastructure 2013).

2. Orange City Council is to include and clearly explain in the community consultation package its intention to reclassify the land from 'community' to 'operational' and seek the Governors approval to extinguish the public reserve interest in the land. Council is also to advise the community that the reclassification process under the Local Government Act, 1993 and Environmental Planning and Assessment Act 1979 is being followed.

3. No consultation is required with public authorities under section 56(2)(d) of the

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Environmental Planning and Assessment Act 1979 .

4. Orange City Council is to conduct a public hearing in accordance with the requirements of section 29 of the Local Government Act, 1993 and section 57 of the Environmental Planning and Assessment Act 1979 .

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act.

6. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Supporting Reasons :

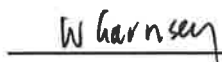
This proposal is to rectify an oversight as the land is zoned industrial and the intention is to sell the land.

Council cannot be authorised to exercise delegation as the Governors approval is required to remove the public reserve status from the land.

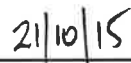
Signature:



Printed Name:



Date:



Endorsed



22-10-15

AKlbung
GMWR