
2.4 RECLASSIFICATION OF 230 PHILLIP STREET

TRIM REFERENCE: 2015/1689

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EXECUTIVE SUMMARY

Council previously amended Orange Local Environmental Plan 2011 (the LEP) to reclassify two properties (154 Lone Pine Avenue and 230 Phillip Street) to operational land and to additionally rezone the Phillip Street property from RE1 Public Recreation to IN1 General Industrial.

While the exhibition materials clearly indicated an intention to sell the land and enable the subsequent development of each site in accordance with the zone, 230 Phillip Street was listed under Part 1 of Schedule 4 rather than Part 2. This had the effect of maintaining all “interests” in the land such as easements and covenants.

The Land Titles Office has advised that the interests also include the status of being a public reserve and therefore not able to be sold. A new amendment is required to correctly list the property under Part 2 of the Schedule so that the public reserve status can be removed and the property sold.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy “1.2 Our City - Information and advice provided for the decision-making process will be succinct, reasoned, accurate, timely and balanced”.

FINANCIAL IMPLICATIONS

Nil

POLICY AND GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATION

- 1 That Council submit a planning proposal to the Department of Planning and Environment seeking a Gateway Determination to amend Orange Local Environmental Plan 2011.**
- 2 That Council undertake such studies, agency consultations and other actions as may be required by the Gateway Determination prior to placing the amendment on public exhibition.**
- 3 That Council conduct a public hearing into the reclassification as may be required by the Gateway Determination.**
- 4 That a post exhibition and hearing report be presented to a future Sustainable Development Committee meeting for final consideration of the proposed amendment.**

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FURTHER CONSIDERATIONS

Consideration has been given to the recommendation's impact on Council's service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

SUPPORTING INFORMATION

Amendment 3 to the LEP sought to rezone and reclassify 230 Phillip Street to enable the sale and subsequent development of the land. However the property was inadvertently entered into Part 1 of Schedule 4 rather than Part 2.

The effect is that the interests in the land such as easements and covenants were unchanged. The Land Titles Office has advised that this extends to the public reserve status of the land on title. Therefore while the land has been zoned industrial under the LEP and is classified as Operational Land under the Local Government Act, it may not presently be sold into private ownership.

Advice from the Department of Planning and Environment is that the matter can only be resolved through a further amendment to the LEP. This would involve removing the listing from Part 1 of the Schedule and inserting an identical listing in Part 2 of the Schedule.

As Council will be aware 230 Phillip Street was identified as suitable for disposal due to being located within an industrial estate and separated from any residential land by the Northern Distributor Road. Consequently the land was deemed to have negligible recreation value and as there is no significant vegetation on the site the land is considered to provide no habitat or other ecological values that would warrant retention in public ownership.

Conversely enabling the site to be developed for industrial purposes would support employment generation and the growth of local businesses in the Narrambla estate.

During the exhibition Amendment 3 and the subsequent public hearing there were no submissions received and nobody attended the hearing.

The current situation requires that Council repeat the exhibition and hearing stages before being able to finalise the status of the land.

ATTACHMENTS

- 1 Draft Planning Proposal - OLEP 2011 Amendment 7 - Reclassification 230 Phillip Street, D15/20355