

Forbes LEP 2013 – Planning Proposal to reclassify four public reserves from Community Land to Operational Land and extinguish interests.

Proposal Title :	Forbes LEP 2013 – Planning Proposal to reclassify four public reserves from Community Land to Operational Land and extinguish interests.		
Proposal Summary :	To amend the Forbes LEP 2013 to reclassify Clematis Street Park, Sister Gardenia Park, Carrington Gardens and Reymond Street Park from Community Land to Operational Land and extinguish Council's interest in the land with the intention to sell the subject lots.		
PP Number :	PP_2017_FORBE_002_00	Dop File No :	17/08934

Proposal Details

Date Planning Proposal Received :	19-Jul-2017	LGA covered :	Forbes
Region :	Western	RPA :	Forbes Shire Council
State Electorate :	DUBBO	Section of the Act :	55 - Planning Proposal
LEP Type :	Reclassification		

Location Details

Street :	Patterson Street		
Suburb :	City :	Forbes	Postcode : 2871
Land Parcel :	Lot 13 DP 35998		
Street :	Weelong Place		
Suburb :	City :	Forbes	Postcode : 2871
Land Parcel :	Lot 11 DP 702906		
Street :	College Road		
Suburb :	City :	Forbes	Postcode : 2871
Land Parcel :	Lot 12 DP 841467		
Street :	6 Clematis Street		
Suburb :	City :	Forbes	Postcode : 2871
Land Parcel :	Lot 42 DP 284880 and Lot 29 DP 247738		

DoP Planning Officer Contact Details

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RPA Contact Details

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Land Release Data

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

Supporting notes

Internal Supporting Notes : The proposal intends to reclassify Clematis Street Park, Sister Gardenia Park, Carrington Gardens and Reymond Street Park from Community Land to Operational Land and extinguish Council's interest in the land with the intention to sell the subject lots.

This proposal would result in a net loss of 1.4 hectares of recreational land. Council undertook community consultation between May and December 2015 with respect to this proposal. The intention of the reclassification is to dispose of the parks that have been identified as surplus requirements by Council and deploy parks and garden resources more effectively. The parks proposed to be reclassified have been chosen based on the park proximity to other parks/open space, current infrastructure located in each park and

development potential.

Each lot is currently zoned as follows:

Sister Gardenia Park – Total area of 740m² zoned R1 General Residential and is identified in the Forbes Strategy as Public Use. The proposal does not intend to change the MLS of 550m² or zoning of the subject land. The amendment may potentially result in 1 residential lot.

Carrington Gardens – Total area of 1892m² that is zoned R1 General Residential and identified in the Forbes local strategy as urban. The proposal does not intend to change the MLS of 550m² or zoning of the subject land. The amendment may potentially result in 3 residential lots.

Reymond Street Park – Total area of 9273m² that is zoned R5 Large Lot Residential and identified as rural residential in the Forbes local strategy. The proposal does not intend to change the MLS of 550m² or zoning of the subject land. The amendment may potentially result in 6 residential in an area identified as flood prone.

~Clematis Street Park ~ Total area of 2574m² that is zoned R1 General Residential and identified as public use in the Forbes local strategy. The proposal does not intend to change the MLS of 550m² or zoning of the subject land. The amendment may potentially result in 4 residential lots.

It is considered inappropriate that Council be issued delegation to exercise plan making functions for this proposal as Council have an interest in the land and the Governors approval to extinguish interests as required.

The Director Regions, Western is able to utilise delegations to determine this planning proposal as Council has demonstrated that need for the land as open space is not required.

External Supporting
Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment : The Planning Proposal identifies that the objective of this Planning Proposal is to:

- Reclassify four parcels of land from Community to Operational Land and extinguish Council's interest in the land.
- Council is not proposing to change the zoning or MLS of subject lots.

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

Is an explanation of provisions provided? Yes

Comment : The proposed provisions in the Planning Proposal will achieve the intended outcomes by:

- List the subject land in Schedule 4 Classification and reclassification of public land Part 2 Land classified, or reclassified, as operational land – interests changed.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? No

b) S.117 directions identified by RPA :

3.1 Residential Zones

* May need the Director General's agreement

4.3 Flood Prone Land

6.2 Reserving Land for Public Purposes

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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 :

3.1 Residential Zones

This Section 117 Direction applies to the subject lots currently zoned for residential use. The proposal to reclassify the land is anticipated to increase the development potential of the subject lots. This proposal is consistent with this direction.

4.3 Flood Prone Land

This Section 117 Direction applies to the proposal as the Raymond Street Park is identified as flood liable land in the Forbes LEP 2013. The lot is currently zoned R5 Large Lot Residential, any future development would require compliance with the flooding controls in the Forbes DCP. The objective of the proposal is to relinquish Council's interests in the land with the intention to sell the lot for residential development. The size of this lot may allow for 6 additional lots on flood prone land. The proposal is not proposing to change the flooding provisions. The planning proposal is consistent with this Direction as it does not remove or alter a provisions that affects flood prone land.

5.10 Implementation of Regional Plans

The proposal has not considered the final Central West and Orana Regional Plan. Council is to address the Regional Plan Prior to community consultation.

6.2 Reserving Land for Public Purposes

This Section 117 Direction applies to the proposal as the objective is to reclassify the subject land from a public reserve to operational with the intentions of selling the land for development purposes. The outcome of this proposal will reduce the availability of Reserved land for public purposes in Forbes. The planning proposal is inconsistent with this Direction and the Director Regions, Western can be satisfied that the inconsistency is of minor significance. Council has provided adequate information to demonstrate that the subject land is not required for open space and there is adequate open space available nearby. The Director Regions, Western can agree to the reduction in land for public recreation in this case.

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 : Adequate locality maps are included in the planning proposal to identify the subject land.

Community consultation - s55(2)(e)

Has community consultation been proposed? Yes

Comment : The planning proposal intends to exhibit the proposal for 28 days. It is noted that Council have already undertaken extensive consultation with the surrounding residents on four separate occasions.

It is recommended that the consultation includes:

- Written notification to landowners adjoining the subject land;
- Public notices to be published in local media, including the local newspaper and on Council's website
- The planning proposal will be made available at Council
- Electronic copies of the planning proposal will be available to the community via downloads from Council's website.

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A public hearing will also be required given the nature of the proposal.

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 : **August 2013**

Comments in relation to Principal LEP : **The Forbes LEP 2013 was notified on 9 August 2013.**

Assessment Criteria

Need for planning proposal : **Council's intention is to reclassify the subject land and relinquish interests in the land with the objective to sell the land. The objective of the proposal can only be achieved through an amendment to the Forbes Local Environmental Plan 2013 via a planning proposal and approval of the Governor.**

Consistency with strategic planning framework : **The subject land is identified within the Forbes Growth Management Plan 2009. Only 2 of the 4 subject sites are identified as a use other than public use:**

Sister Gardenia Park – identified in the Forbes Strategy as residential.

Carrington Gardens – identified in the Forbes local strategy as urban.

Reymond Street Park – identified as rural residential in the Forbes local strategy.

Clematis Street Park - identified as public use in the Forbes local strategy.

The reclassification of Clematis Street Park is inconsistent with the Forbes Growth Management Plan 2009, moreover Council has provided adequate justification to demonstrate the land is not required for public recreation.

The final Central West and Orana Regional Plan is applicable, the proposal supports the Direction in the Central West and Orana Regional Plan to increase housing choice in the region. The intention of the proposal is to sell the land to allow for additional residential development on the 4 subject sites.

Environmental social economic impacts : **As noted in the Planning Proposal the reclassification of the subject land will not have a negative environmental impact. Council has proved the subject lots do not contain critical habitats or threatened species, populations or ecological communities.**

The reclassification will increase housing development in the Forbes area which is a positive economic impact for the community. The social cost of this development is that the reclassification will also limit the availability of public reserves and open space. Council has considered and justified the reduction of the public open space in the context of developed open space in Forbes. Reymond Street Park is identified as being flood prone and the flood planning controls will be applicable for future development.

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Assessment Process

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

Timeframe to make LEP : **12 months** Delegation : **RPA**

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

Is Public Hearing by the PAC required? **Yes**

(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
Additional Information.pdf	Proposal	Yes
Cover Letter for Reclassification of Parks PP.pdf	Proposal Covering Letter	Yes
Reclassification of parks planning proposal v2.pdf	Proposal	Yes
attachment 4 evaluation criteria for the delegation of plan making functions reclassification of parks.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
4.3 Flood Prone Land
6.2 Reserving Land for Public Purposes**

Additional Information : **It is recommended the Minister's delegate determines and supports the planning proposal, subject to the following conditions:**

1. Amend the Planning Proposal to include additional information provided and amend Part 2 Explanation of Provisions, to note that the proposal will amend the Forbes Local Environmental Plan 2013 by including the subject lots as operational land in Schedule 4

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Classification and reclassification of public land Part 2 Land classified, or reclassified, as operational land – interests changed, prior to community consultation.

2. Prior to community consultation the planning proposal is to be amended to address Section 117 Direction 5.10 - Implementation of Regional Plans. This work is to address the final Central West and Orana Regional Plan.

3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 as follows:

(a) The planning proposal is required to be made publicly available on exhibition for 28 days as described in A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).

(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.

4. Forbes Shire Council it to conduct a public hearing in accordance with the requirements of Section 57 of the Environmental Planning and Assessment Act 1979, and Section 29 of the Local Government Act 1993, as the planning proposal involves reclassification of land from Community Land to Operational Land.

6. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons : The proposal is a result of ongoing community consultation. Council have resolved that the subject lots are in excess of what is utilised by the community. The proposal will not rezone land or change the MLS.

Signature:

Amanda Carnegie

Printed Name:

Amanda Carnegie

Date:

26.7.17

Endorsed

W Hammy 26/7/2017

TLWR

