

Doc ID: 362414

13 July 2017

Amanda Carnegie
Department of Planning and Environment
PO Box 58
DUBBO NSW 2830

Email: westernregion@planning.nsw.gov.au

Subject: Response to additional information request for the Planning Proposal to reclassify parks (Amendment No.6)

Dear Amanda/Deniz

Council is in receipt of your correspondence dated 27/06/2017 requesting additional information to support the Planning Proposal to reclassify parks (Amendment No.6). The responses to the additional information that you have requested are provided below:

Further information on the land proposed to be reclassified, if available, including information on how Council acquired the land.

Attached to this letter is the further information in the form of titles searches, deposited plans and certificate of titles that could be found for the four parks.

All four parks are identified as public reserves in accordance with the definition for public reserve within the Local Government Act 1993 and all four parks are owned by Council. The title searches, deposited plans and certificate of titles provide some indication as to when Council obtained the parks.

There is minimal information as to how Council acquired the land.

Further strategic, site specific justification and evidence to support the reclassification of "Clematis Street Park" and "Sister Gardenia Park", as both sites are identified for Public Use in the current local landuse strategy.

Yes, Clematis Street Park and Sister Gardenia Park are identified as Public Use within the Forbes Growth Management Strategy 2009. However, these parks do not currently provide or facilitate any public use as these parks are devoid of hard and soft landscaping that would permit the use of these parks for a public purpose, as such are not being used for a public purpose. These two parks are within an existing residential area and both parks have a profile and shape that is consistent with the existing residential lot pattern and therefore would be more appropriate as residential land use. Public Use land makes up 9% of all land within Forbes Shire, as identified within the Growth Management Strategy 2009, which is the fourth largest

ABN 86 023 614 567

Administration Centre:
2 Court St Forbes NSW 2871

All mail to:
General Manager
PO Box 333
Forbes NSW 2871

General Enquiries:
T 02 68 502 300
F 02 68 502 399

**Mayor and
General Manager:**
T 02 68 502 304
F 02 68 502 399

Engineering Services:
137 Lachlan Street
Forbes NSW 2871
T 02 68 502 874
F 02 68 502 899

Environmental Services:
T 02 68 502 344
F 02 68 502 398

Email & Web:
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category of land use within Forbes. This represents a high ratio of parks to people. The vast amount of area dedicated as public use imposes substantial costs on Forbes Shire Council to maintain these parks.

The reclassification of these parks will not detrimentally impact the supply of public open space within Forbes and will allow the money made from disposing these parks to be invested into the maintenance and improvement of higher quality, functional, accessible and actively used parks and open space within the Forbes Shire. This is supported by a resolution by Council on 21 April 2016 that stated that Council would source from the sale of the surplus parks, funds for a Barbeque area at Nelson Park.

The maintenance and improvement of parks is identified within the Community Strategic Plan 2017-2027, the reclassification of these four parks is identified within the underpinning Delivery and Operation Plans.

A summary of Council's interests in the land and whether an interest in the land is proposed to be discharged (see attachment for specific requirements)

Sister Gardenia Park

Lot 13 DP 35998,

Council's interest- Forbes Shire Council is the owner of the land, and
Status of the land- The land has been registered as a Public Reserve.

Public reserve status is proposed to be removed and Council's interests are proposed to be discharged.

Reymond Park

Lot 12 DP 841467

Council's interest- Forbes Shire Council is the owner of the land,
Status of the land- The land has been registered as a Public Reserve,
Registrar- General has placed a caveat on the land known as K200000P the removal of the Registrar- General's caveat is required to be removed before any dealings with the land proceed.

Public reserve status is proposed to be removed and Council's interests are proposed to be discharged.

Carrington Gardens

Lot 11 DP 702906

Council's interest- Forbes Shire Council is the owner of the land, and
Status of the land- The land has been registered as a Public Reserve

Public reserve status is proposed to be removed and Council's interests are proposed to be discharged.

Clematis Street Park

Lot 29 in DP 248480

Council's interest- Forbes Shire Council is the owner of the land, and
Status of the land- The land has been registered as a Public Reserve
Registrar- General has placed a caveat on the land known as K200000P the removal of the Registrar-Generals caveat is required to be removed before any dealings with the land proceed.

Public reserve status is proposed to be removed and Council's interests are proposed to be discharged.

Lot 42 in DP 248480

Council's interest- Forbes Shire Council is the owner of the land, and Status of the land- The land has been registered as a Public Reserve Registrar-General has placed a caveat on the land known as K200000P the removal of the Registrar- General's caveat is required to be removed before any dealings with the land proceed.

S88B instrument- There is a restriction to user is registered on this title. This restriction relates to erection of fencing. This restriction will not be removed as a part of the reclassification of the park from Community to Operational Land.

Public reserve status is proposed to be removed and Council's interests are proposed to be discharged.

Should you have any enquiries, please contact the undersigned on **6850 2344**

Yours faithfully



Paul Bennett
Director
ENVIRONMENTAL SERVICES & PLANNING

Form: 11R
Release: 40

REQUEST

New South Wales
Real Property Act 1900



AH715659A

PRIVACY NOTE: Section 31B of the Real Property Act 1900 (RP Act) authorises the Registrar General to collect the information required by this form for the establishment and maintenance of the Real Property Act Register. Section 96B RP Act requires that the Register is made available to any person for search upon payment of a fee, if any.

(A) STAMP DUTY	If applicable. Office of State Revenue use only		
(B) TORRENS TITLE	Folio Identifier 11/702906		
(C) REGISTERED DEALING	Number		Torrens Title
(D) LODGED BY	Document Collection Box 416Q	Name, Address or DX, Telephone, and Customer Account Number if any Acc. No. 123287M NSW LAND & HOUSING CORPORATION DX 21226 ASHFIELD TEL: 8753 8999 Reference: MXR:20122703	CODE R
(E) APPLICANT	NEW SOUTH WALES LAND AND HOUSING CORPORATION ABN 24 960 729 253		
(F) NATURE OF REQUEST	Record the new Registered Proprietor pursuant to Dedication of Land as Public Reserve pursuant to Sections 34(3) and 34(4) Housing Act 2001		

(G) TEXT OF REQUEST

The Applicant requests the Registrar General to:

- Record in the Register that Forbes Shire Council is the Registered Proprietor of the land pursuant to the Notification in the Government Gazette dated 9th August 2002, a copy of which is annexed hereto and marked, 'A'; and
- Issue a Certificate of Title in the name of Forbes Shire Council.

DATE 2 MAY 2013

(H)

Certified correct for the purposes of the Real Property Act 1900 on behalf of the applicant by the person whose signature appears below.

Signature:

Signatory's name:
Signatory's capacity:

MARIA RED
~~Chris Delomatis~~
solicitor

(I) This section is to be completed where a notice of sale is required and the relevant data has been forwarded through eNOS.

The applicant certifies that the eNOS data relevant to this dealing has been submitted and stored under eNOS ID No. **420372** Full name: **Chris Delomatis** Signature:

* s117 RP Act requires that you must have known the signatory for more than 12 months or have sighted identifying documentation.
ALL HANDWRITING MUST BE IN BLOCK CAPITALS Page 1 of 2 1111

[illegible]

D.B. ST-558

NEW SOUTH WALES

CERTIFICATE OF TITLE

REAL PROPERTY ACT, 1900

TORRENS TITLE
Register

Crown Grant Vol. 3212 Fol. 124

Prior Title Vol. 12336 Fol. 206

Vol. 12540 Fol. 114

Edition issued 11-9-1974



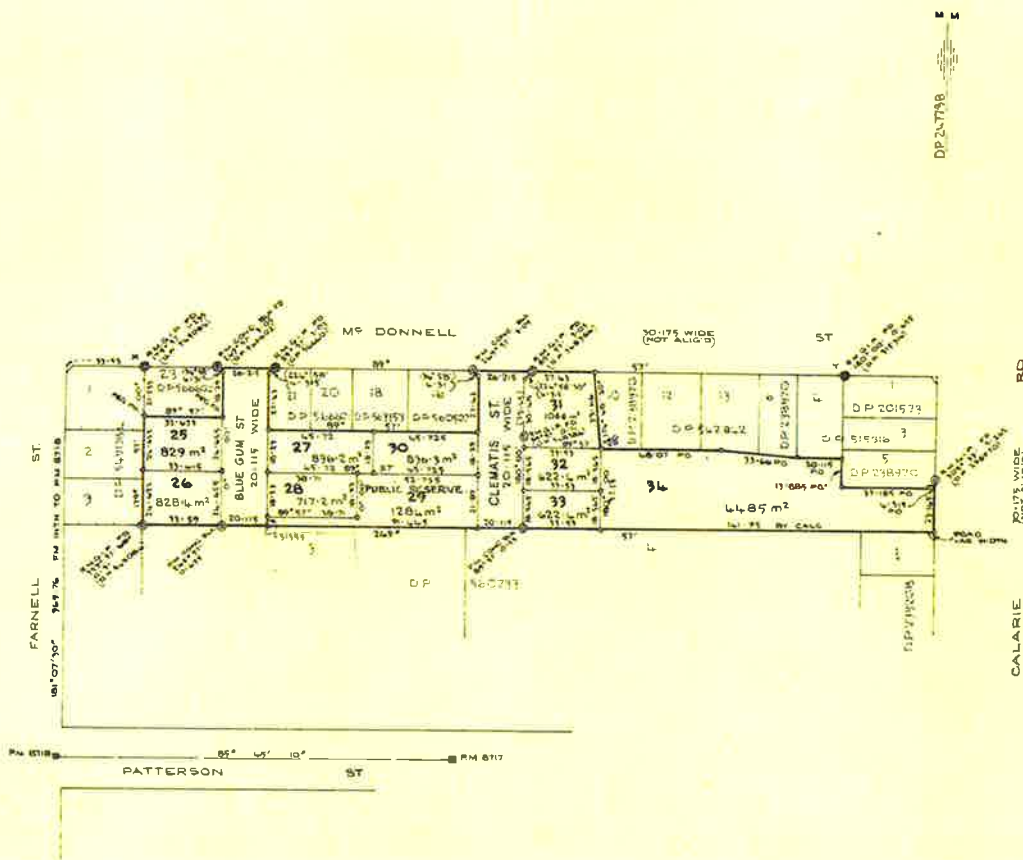
I certify that the person described in the First Schedule is the registered proprietor of the undermentioned estate in the land within described subject nevertheless to such exceptions encumbrances and interests as are shown in the Second Schedule.

Jaworski
Registrar General.



PLAN SHOWING LOCATION OF LAND

LENGTHS ARE IN METRES



ESTATE AND LAND REFERRED TO

Estate in Fee Simple in Lot 23 in Deposited Plan 247738 at Forbes in the Municipality of Forbes Parish of Forbes and County of Ashburnham. EXCEPTING THEREOUT the minerals reserved by the Crown Grant.

FIRST SCHEDULE

THE COUNCIL OF THE MUNICIPALITY OF FORBES.

ALEXANDER LANCE WOOD, of Forbes, Sharefarmer and MARGARET ROSE WOOD, his wife, as Joint Tenants.

SECOND SCHEDULE

- Reservations and conditions, if any, contained in the Crown Grant above referred to.
- No. K200000P Caveat by the Registrar General forbidding registration of instruments not authorised by the provisions of the Local Government Act, 1919, relating to public reserves.

1975 M 1640

Reg.

CERTIFICATE OF TITLE

NEW SOUTH WALES

REAL PROPERTY ACT, 1900

TORRENS TITLE
Register

Vol. **12677** Fol. **40**

Crown Grants Vol.3692 Fol.159 & 160

Prior Title Vol.12088 Fol.196
Vol.12183 Fol.9



Edition issued 30-12-1974.

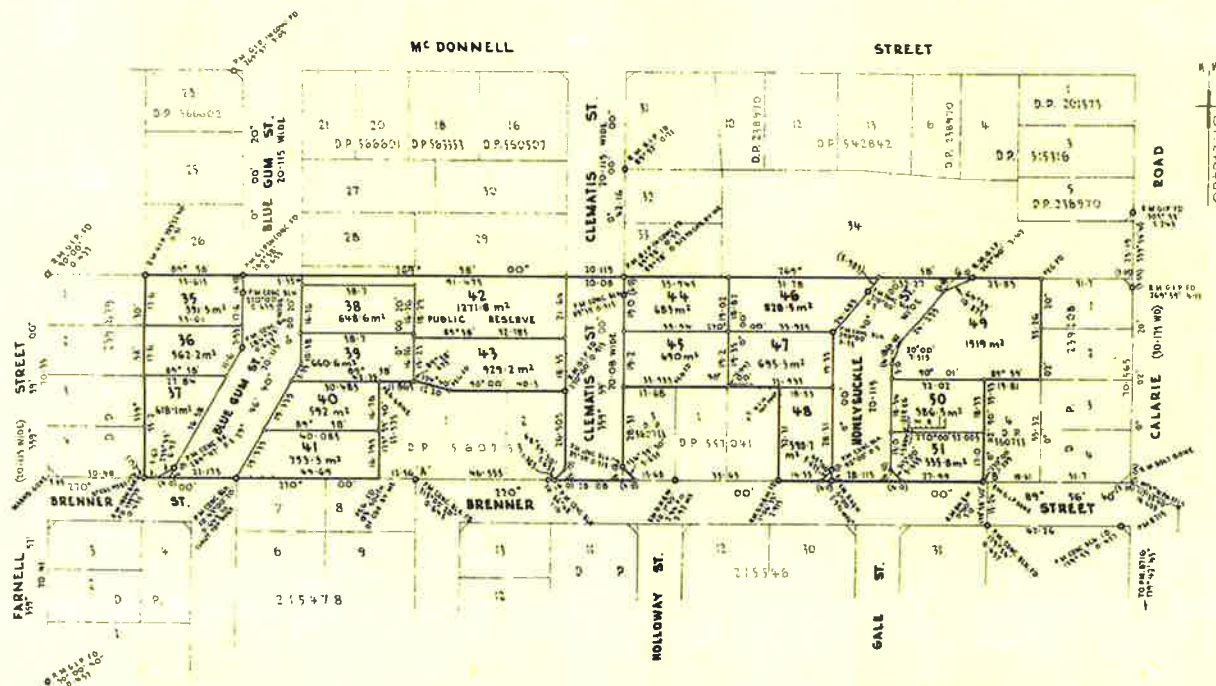
I certify that the person described in the First Schedule is the registered proprietor of the undermentioned estate in the land within described subject nevertheless to such exceptions encumbrances and interests as are shown in the Second Schedule.

Jackson
Registrar General.



PLAN SHOWING LOCATION OF LAND

LENGTHS ARE IN METRES



ESTATE AND LAND REFERRED TO

Estate in Fee Simple in Lot 42 in Deposited Plan 248480 in the Municipality of Forbes Parish of Forbes and County of Ashburnham. EXCEPTING THEREOUT the minerals reserved by the Crown Grant.

FIRST SCHEDULE

THE COUNCIL OF THE MUNICIPALITY OF FORBES.

SECOND SCHEDULE

1. Reservations and conditions, if any, contained in the Crown Grant above referred to.
2. No. K200000P Caveat by the Registrar General forbidding registration of instruments not authorised by the provisions of the Local Government Act, 1919 relating to Public Reserves.
3. Restriction as to user created by the registration of Deposited Plan 248480. See P56238.



IP056238

No fee
12088 F196
12183 F. 9

INSTRUMENT SETTING OUT TERMS OF EASEMENTS AND RESTRICTIONS AS TO USER
INTENDED TO BE CREATED PURSUANT TO SECTION 88B OF THE CONVEYANCING
ACT, 1919.

DP248480

PART 1

Plan: DP

Subdivision covered by Council Clerk's
Certificate No. 29 of 1974.

Full name and address
of proprietors of the#
land

Jack Barnard and Marjorie Thelma Barnard,
Brenner Street, Forbes.

Identity of easement or
restriction referred to
in the above-mentioned
plan

Restrictions as to user.

Lots burdened
Each lot

Schedule of lots affected

Lots benefited
Every other lot

PART 2

Terms of Restriction as to User referred to in the abovementioned
plan.

During the ownership of any adjoining land by the said Jack Barnard and Marjorie Thelma Barnard their respective executors administrators and assigns other than purchasers on sale no fence shall be erected on the lot to divide it from such adjoining land without the consent of the said Jack Barnard and Marjorie Thelma Barnard their respective executors administrators and assigns but such consent shall not be withheld if such fence is erected without expense to the said Jack Barnard and Marjorie Thelma Barnard their respective executors administrators and assigns and in favour of any person dealing with the registered proprietor of the lot from time to time such consent shall be deemed to have been given in respect of every such fence for the time being erected.

Name of persons empowered to release, vary or modify restriction
referred to in abovementioned plan.

Jack Barnard and Marjorie Thelma Barnard.

Signed in my presence by Jack
Barnard and Marjorie Thelma
Barnard who are personally
known to me

J.W. Boylson
Signature of Witness

J.W. BOYLSON
Name of Witness

SOLICITOR
Qualification of Witness

J. Barnard

Marjorie Barnard
Proprietors



IP056238

12088 F196
12183 F. 9

INSTRUMENT SETTING OUT TERMS OF EASEMENTS AND RESTRICTIONS AS TO USER
INTENDED TO BE CREATED PURSUANT TO SECTION 88B OF THE CONVEYANCING
ACT, 1919.

DP248480

PART 1

Plan: DP Subdivision covered by Council Clerk's
Certificate No. 29 of 1974.

Full name and address Jack Barnard and Marjorie Thelma Barnard,
of proprietors of the# Brenner Street, Forbes.
land

Identity of easement or Restrictions as to user.
restriction referred to
in the above-mentioned
plan

Lots burdened
Each lot

Schedule of lots affected

Lots benefited
Every other lot

PART 2

Terms of Restriction as to User referred to in the abovementioned
plan.

During the ownership of any adjoining land by the said Jack Barnard and Marjorie Thelma Barnard their respective executors administrators and assigns other than purchasers on sale no fence shall be erected on the lot to divide it from such adjoining land without the consent of the said Jack Barnard and Marjorie Thelma Barnard their respective executors administrators and assigns but such consent shall not be withheld if such fence is erected without expense to the said Jack Barnard and Marjorie Thelma Barnard their respective executors administrators and assigns and in favour of any person dealing with the registered proprietor of the lot from time to time such consent shall be deemed to have been given in respect of every such fence for the time being erected.

Name of persons empowered to release, vary or modify restriction
referred to in abovementioned plan.

Jack Barnard and Marjorie Thelma Barnard.

Signed in my presence by Jack
Barnard and Marjorie Thelma
Barnard who are personally
known to me

J.W. Boylson
Signature of Witness

J.W. BOYLSON
Name of Witness

SOLICITOR
Qualification of Witness

J. Barnard

Marjorie Barnard
Proprietors

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 29/247738

SEARCH DATE	TIME	EDITION NO	DATE
28/6/2017	10:42 AM		

VOL 12540 FOL 114 IS THE CURRENT CERTIFICATE OF TITLE

LAND

LOT 29 IN DEPOSITED PLAN 247738
AT FORBES
LOCAL GOVERNMENT AREA FORBES
PARISH OF FORBES COUNTY OF ASHBURNHAM
TITLE DIAGRAM DP247738

FIRST SCHEDULE

THE COUNCIL OF THE MUNICIPALITY OF FORBES

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
- 2 K200000P CAVEAT BY THE REGISTRAR GENERAL FORBIDDING REGISTRATION OF INSTRUMENTS NOT AUTHORISED BY THE PROVISIONS OF THE LOCAL GOVERNMENT ACT, 1919, RELATING TO PUBLIC RESERVES

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 42/248480

SEARCH DATE	TIME	EDITION NO	DATE
28/6/2017	10:44 AM	-	-

VOL 12677 FOL 40 IS THE CURRENT CERTIFICATE OF TITLE

LAND

LOT 42 IN DEPOSITED PLAN 248480
LOCAL GOVERNMENT AREA FORBES
PARISH OF FORBES COUNTY OF ASHBURNHAM
TITLE DIAGRAM DP248480

FIRST SCHEDULE

THE COUNCIL OF THE MUNICIPALITY OF FORBES

SECOND SCHEDULE (3 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
- 2 K200000P CAVEAT BY THE REGISTRAR GENERAL FORBIDDING REGISTRATION OF INSTRUMENTS NOT AUTHORISED BY THE PROVISIONS OF THE LOCAL GOVERNMENT ACT, 1919 RELATING TO PUBLIC RESERVES
- 3 DP248480 RESTRICTION(S) ON THE USE OF LAND

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 12/841467

SEARCH DATE	TIME	EDITION NO	DATE
28/6/2017	10:40 AM	1	5/8/1994

LAND

LOT 12 IN DEPOSITED PLAN 841467
AT FORBES
LOCAL GOVERNMENT AREA FORBES
PARISH OF FORBES COUNTY OF ASHBURNHAM
TITLE DIAGRAM DP841467

FIRST SCHEDULE

COUNCIL OF FORBES

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
- 2 K200000P CAVEAT BY THE REGISTRAR GENERAL FORBIDDING UNAUTHORISED DEALINGS WITH PUBLIC RESERVES

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 ***

town planning

PRINTED ON 28/6/2017

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 11/702906

SEARCH DATE	TIME	EDITION NO	DATE
28/6/2017	10:38 AM	2	9/7/2013

LAND

LOT 11 IN DEPOSITED PLAN 702906
AT FORBES
LOCAL GOVERNMENT AREA FORBES
PARISH OF FORBES COUNTY OF ASHBURNHAM
TITLE DIAGRAM DP702906

FIRST SCHEDULE

FORBES SHIRE COUNCIL

(R AH715659)

SECOND SCHEDULE (3 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
- 2 AH715658 THIS EDITION ISSUED PURSUANT TO S.111 REAL PROPERTY ACT, 1900
- 3 THE LAND WITHIN DESCRIBED IS PUBLIC RESERVE

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

town planning

PRINTED ON 28/6/2017

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 13/35998

SEARCH DATE	TIME	EDITION NO	DATE
28/6/2017	10:29 AM	1	12/11/2002

LAND

LOT 13 IN DEPOSITED PLAN 35998
AT FORBES
LOCAL GOVERNMENT AREA FORBES
PARISH OF FORBES COUNTY OF ASHBURNHAM
TITLE DIAGRAM DP35998

FIRST SCHEDULE

THE COUNCIL OF THE SHIRE OF FORBES

SECOND SCHEDULE (1 NOTIFICATION)

1 THE LAND WITHIN DESCRIBED IS PUBLIC RESERVE

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 ***