

Reclassification of the Kolara Aged Care Hostel, Guyra

Proposal Title :	Reclassification of the Kolara Aged Care Hostel, Guyra		
Proposal Summary :	The proposal seeks to reclassify the Kolara Aged Care Facility, Lochaber Crescent, Guyra, from community to operational land. The purpose of the reclassification is to permit the sale of the site to help fund the construction of a new replacement aged care facility in Guyra.		
PP Number :	PP_2013_GUYRA_001_00	Dop File No :	13/09705

Proposal Details

Date Planning Proposal Received :	06-Jun-2013	LGA covered :	Guyra
Region :	Northern	RPA :	Guyra Shire Council
State Electorate :	NORTHERN TABLELANDS	Section of the Act :	55 - Planning Proposal
LEP Type :	Reclassification		

Location Details

Street :	11-27 Lochaber Crescent		
Suburb :	City :	Guyra	Postcode : 2365
Land Parcel :	Lots 13, 14, 15 & 16 DP 237379, Lot 1 DP 1157471 and Lot 131 DP 612522		

DoP Planning Officer Contact Details

Contact Name :	Craig Diss
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RPA Contact Details

Contact Name :	Bob Furze
Contact Number :	0267707109
Contact Email :	BFurze@guyra.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

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MDP Number :	0	Date of Release :	
Area of Release (Ha) :	0.00	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 :

If No, comment :

Have there been meetings or communications with registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting Notes : The subject land is currently zoned R1 General Residential under Guyra LEP 2012. No change in zoning or development standards is proposed or needed in association with the reclassification.

It is noted that the Planning Proposal incorrectly references part of the subject site as Lot 13 DP 612522. The correct property description is Lot 131 DP 612522. The Planning Proposal should be amended to correct this mis-description prior to public exhibition.

External Supporting Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment : The statement of objectives adequately describes the intention of the Planning Proposal to reclassify the land from community to operational status.

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

Is an explanation of provisions provided? Yes

Comment : The explanation of provisions adequately addresses the intended changes to reclassify the land by inclusion in Schedule 4, Part 1 (no interests changed) of Guyra LEP 2012.

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

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

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? **SEPP No 21—Caravan Parks
SEPP No 44—Koala Habitat Protection
SEPP No 55—Remediation of Land
SEPP (Infrastructure) 2007
SEPP (Major Projects) 2005
SEPP (Rural Lands) 2008**

e) List any other matters that need to be considered : **The New England North West Strategic Regional Land Use Plan applies to the Guyra LGA.**

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain : **The Planning Proposal is considered to be consistent with all relevant SEPPs, section 117 Directions and the New England North West Strategic Regional Land Use Plan.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **No changes to the Guyra LEP 2012 maps will be necessary to facilitate the proposal. A map identifying the site and an aerial photo have been included within the Planning Proposal and are considered adequate for exhibition purposes.**

Community consultation - s55(2)(e)

Has community consultation been proposed?

Comment : **As the Planning Proposal seeks to reclassify land from community to operational, a 28 day public exhibition period has been proposed by Council. Council has also confirmed that a public hearing for the reclassification will be conducted after the conclusion of the public exhibition period. The proposed community consultation is considered to be appropriate.**

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.

Council is not seeking an authorisation to exercise its plan making delegations in this instance. It is understood that Council does not wish to utilise its delegations to avoid any perception of a conflict of interest due to its ownership of the subject land and to help provide greater transparency to the process. While Council's issues are appreciated, as

- the Planning Proposal is dealing with only a minor reclassification of local

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significance,

- no associated rezoning will be required, and

- No interests are changed so the governor's approval is not required;

it is considered appropriate that an authorisation to exercise delegations be issued to Council.

The RPA has provided a project time line which estimates that the LEP will be ready for submission to the Department for finalisation in November 2013. The submitted project time line is considered as reasonable and a 6 month time frame for completion of the proposal is recommended. It is noted that a revised project time line (that addresses the additional steps to be completed by Council if an authorisation to exercise delegation is issued) will be needed prior to public exhibition.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : Guyra LEP 2012 was notified on 30 November 2012.

Assessment Criteria

Need for planning proposal :

The Planning Proposal is needed as it is the only avenue available to Council to reclassify the land from community to operational status.

Consistency with strategic planning framework :

Council's correspondence has identified four section 117 directions for consideration.

However the Planning Proposal is considered to be consistent with all relevant section 117 Directions, SEPPs, the New England North West Strategic Regional Land Use Plan and Council's local land use strategy (New England Development Strategy approved by the Director General in March 2010). The subject land is currently zoned R1 General Residential under Guyra LEP 2012. No change in zoning or development standards is proposed or needed in association with the reclassification.

In accordance with the requirements of 'A guide to preparing local environmental plans', the Planning Proposal confirms that:

1. it is not the result of any strategic study or report;
2. it is consistent with Council's community strategic plan and local planning strategy;
3. no interests in the land will be extinguished; and
4. Council is the only landowner.

The Planning Proposal has also been prepared in accordance with Practice Note PN09-003 Classification and reclassification of public land through a local environmental plan. Additional information has been provided in the Planning Proposal where necessary to address matters raised in the practice note.

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.

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Assessment Process

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

Timeframe to make LEP : **6 Month** Delegation : **DDG**

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 : **No consultation with any public authority is needed in relation to the proposed reclassification.**

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

No additional studies are needed in relation to the proposed reclassification.

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
Planning Proposal - Reclassification of Kolora Aged Care Hostel.pdf	Proposal	Yes
Planning Proposal - Reclassification of Kolora Aged Care Hostel - covering letter.pdf	Proposal Covering Letter	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
4.4 Planning for Bushfire Protection
6.2 Reserving Land for Public Purposes**

Additional Information : **1. The Planning Proposal be supported;
2. The Planning Proposal be exhibited for 28 days;
3. The Planning Proposal be completed within 6 months;
4. That references to Lot 13 DP 612522 in the Planning Proposal be amended to Lot 131 DP 612522 prior to public exhibition;
5. That no consultation with public authorities is necessary;
6. That a public hearing on the reclassification of the subject land in accordance with**

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section 29 of the Local Government Act 1993 and section 57 of the Environmental Planning and Assessment Act 1979 be held after completion of the public exhibition period;

7. That an authorisation to exercise delegation be issued to Council; and

8. That a revised project time line (that addresses the additional steps to be completed by Council due to an authorisation to exercise delegation being issued) be included in the Planning Proposal prior to public exhibition.

Supporting Reasons :

The proposal seeks to reclassify the Kolora Aged Care Facility, Lochaber Crescent, Guyra, from community to operational land. The purpose of the reclassification is to permit the sale of the site to help fund the construction of a new replacement aged care facility in Guyra. The Planning Proposal is needed as it is the only avenue available to Council to reclassify the land from community to operational status. The subject land is currently zoned R1 General Residential under Guyra LEP 2012. No change in zoning or development standards is proposed or needed in association with the reclassification.

Signature:



Printed Name:

JIM CARR

Date:

12 June 2013