

Dubbo Local Environmental Plan 2011 Amendment No. 4

General requirements for classification and reclassification of land through local environmental plans and planning proposals

1. Reason for the Planning Proposal

The Planning Proposal incorporates the first round of general amendments to the Dubbo Local Environmental Plan 2011 to correct anomalies, refine local clauses and to introduce the amendments arising from the Administrative Review of the Plan.

The Planning Proposal intends to rectify anomalies in the Land Use Table, include provisions for additional permitted uses in Schedule 1, make amendments to Schedule 5, rectify mapping errors, rezone various parcels of land, reclassify public land and refine local clauses.

The Planning Proposal intends to amend Schedule 4 of the Dubbo Local Environmental Plan 2011 – Classification and reclassification of public land to reclassify land at Lot 100 DP 261729 as Operational Land. The land is currently classified as Community Land and is held in Council ownership. This Planning Proposal intends to reclassify the land as Operational Land to provide flexibility to Council in respect of management of the land.

2. Current and Proposed Classification of the land

The land is currently classified as Community Land under the provisions of the Local Government Act, 1993. This Planning Proposal intends to reclassify the land as Operational Land.

3. Reasons for the reclassification

Council intends to reclassify the land from Community Land to Operation Land to provide flexibility in future management of the land. Further, the Planning Proposal intends to rezone the land from RE1 Public Recreation to R2 Low Density Residential to provide for a wider range of permissible land uses and asset management options. The Planning Proposal intends to impose a Minimum Lot Size provision of 600 square metres, in keeping with the surrounding land.

It is anticipated that in the future there may be a change in the physical and operational management of the land resulting from the reclassification. Once classified as Operational Land, Council may enter in a management agreement to offset Council's costs allocated to managing the asset. There are currently no management agreements in place. Management agreements in respect of the land are subject to further discussion and consideration by Council.

4. Ownership of the land

The land has been held in Council ownership since the 1981.

5. Nature of Council's interests in the land

Dubbo City Council is the owner of the land.

6. Acquisition of Interest in the land

The land was dedicated to Council in 1981 by the owner of the land, Mr Samuel Shaw, as a condition of consent for the subdivision of Lot 70 DP 261382 (Subdivision Application 81/9) for the purpose of public park and recreation under Section 333 of the Local Government Act 1919.

7. Agreements over the land

There are no agreements over the land.

8. Financial implications

It is considered that there are no significant financial implications arising from the reclassification of the land as Council's interests in the land are not proposed to change.

9. Asset management

It is intended that the reclassification will provide greater flexibility in the management options available to Council in respect of the land. Once classified as Operational Land, Council may enter in a management agreement to offset Council's costs associated with asset management.

10. Agreements regarding sale or lease of the land

Council does not hold any agreements regarding the sale or lease of the land.

11. Relevant matters required in plan making under the EP&A Act

Section 117 Direction 6.2 Reserving Land for Public Purposes applies to the Planning Proposal as the proposal intends to reclassify the allotment at Lot 100 DP 261729 as Operation Land. The Planning Proposal is inconsistent with this Direction as approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) has not been obtained at this time. It is considered that the matter is of minor significance.

The location of the allotment is such that it is not suitable for public purposes. The adjacent land to the east is managed by Dubbo City Council, as Wiradjuri Park. Other adjacent land to the east and north is occupied for use as a place of public worship and is zoned R2 Low Density Residential. Council's adopted Strategic Open Space Master Plan and the Dubbo Section 94 Contributions Plan Open Space and Recreation Facilities does not list this land as being required for open space and recreation purposes.

It is considered appropriate for the subject land to be zoned R2 Low Density Residential and to be reclassified to Operational Land to provide a range of appropriate land uses to be carried out on the land.

12. Department of Planning Practise Note PN 09-003

Please find attached a copy of the Department of Planning Practise Note PN 09-003.