



**BELLINGEN SHIRE COUNCIL
PLANNING PROPOSAL 15
(Version 1 – February 2019)**

THE PLANNING PROPOSAL

Pursuant to Section 3.3 of the *Environmental Planning and Assessment Act 1979* (the Act), a planning proposal must be prepared before a draft Local Environmental Plan (LEP) amendment is made. The proposal must explain the intended effect of the draft LEP amendment and provide justification for the amendment.

The proposal must address those matters identified by Section 3.3(2) of the Act, which are detailed below.

- (a) a statement of the objectives or intended outcomes of the proposed instrument,*
- (b) an explanation of the provisions that are to be included in the proposed instrument,*
- (c) the justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will give effect to the local strategic planning statement of the council of the area and will comply with relevant directions under section 9.1),*
- (d) if maps are to be adopted by the proposed instrument, such as maps for proposed land use zones; heritage areas; flood prone land—a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument,*
- (e) details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.*

History

Council resolved to support the proposal at its meeting of the 12 December 2018. The relevant resolution is reprinted below and the report to Council is included as Attachment 1.

Item: 13.4

Subject: PLANNING PROPOSAL 15 - RECLASSIFY LAND AT LOOKOUT RD FROM COMMUNITY LAND TO OPERATIONAL LAND

File/Index: 2018/AF-00133

Presented by: Daniel Bennett, Senior Strategic Planner

001/18

Resolved (Cr Klipin/Cr Harrison)

That Council resolves to prepare a Planning Proposal to reclassify land at "Lookout Road", Bellinghen, from community land to operational land.

UNANIMOUS

Council is pursuing this planning proposal in order to be able to provide legal access to an adjoining private land parcel. Council had previously indicated to the present owner that legal access was available to this lot from the relevant land parcel, however this was not the case.

Specifically, because the relevant land parcel is classified as “community land” pursuant to the Local Government Act 1993 (the LG Act), Council is prevented from granting the necessary legal permission to use this land for access by virtue of the provisions of Section 46 of the LG Act.

It is a pre-requisite of Council’s Development Control Plan 2017 that land must have access to a dedicated Council road in order for a new dwelling to be approved on that land. In the circumstances, it is proposed that upon reclassification Council will declare the relevant section of land to be a “public road” pursuant to Section 10 of the Roads Act 1993, which will then permit the adjoining land owner to use this land for vehicular access to their property.

The parcel of land is currently zoned E3 (Environmental Management) under the provisions of Bellinghen Local Environmental Plan 2010 (BLEP 2010).

Section 3.3(2) (a) - A statement of the objectives or intended outcomes of the proposed instrument

The objectives of the proposed LEP amendment are as follows:

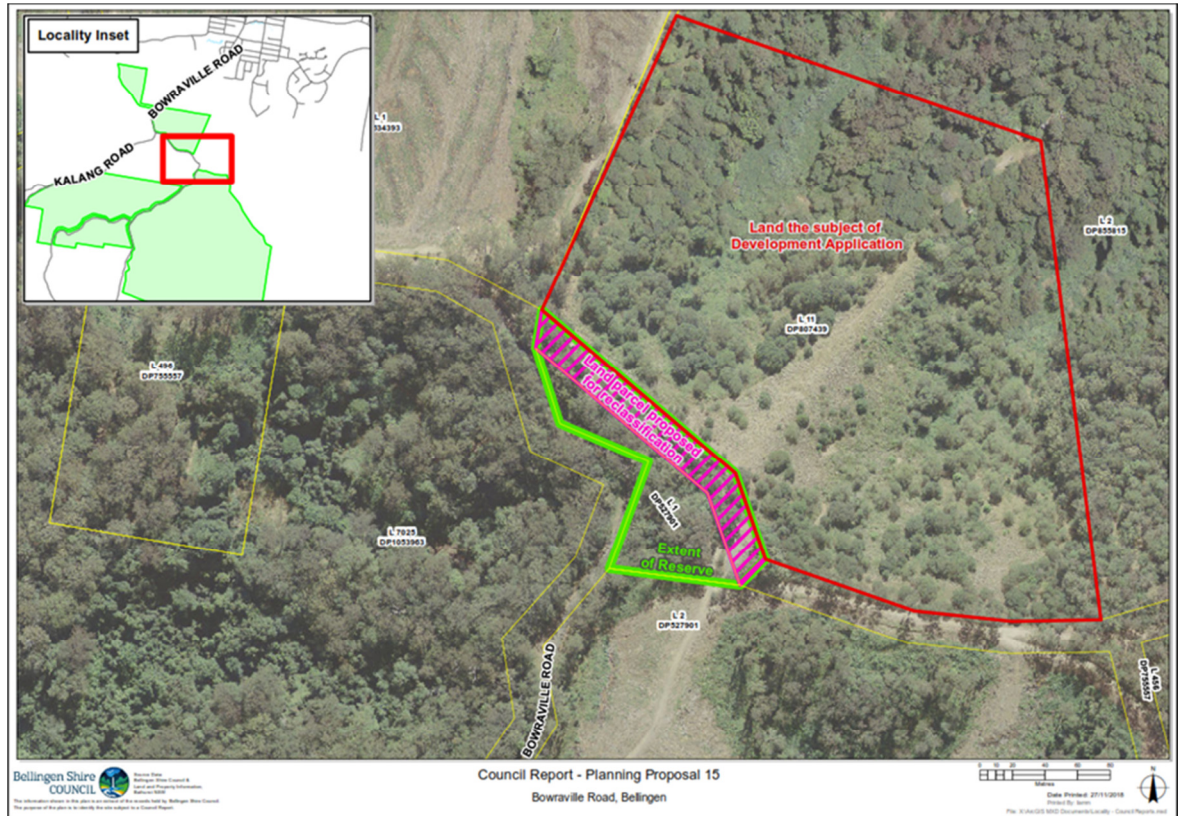
1. To reclassify Part of Reserve R87120 from “Community land” to “Operational Land”.

Section 3.3(2)(b) - an explanation of the provisions that are to be included in the proposed instrument

The provisions of the proposed LEP amendment will include:

1. Amend Part 2 of Schedule 4 of Bellinghen Local Environmental Plan 2010 (*Land classified, or reclassified, as operational land—interests changed*) to include Part of Reserve R87120.

It is noted that the relevant part of the Reserve is not capable of separate delineation with reference to a Lot & DP. To assist the understanding of the planning proposal, it is therefore shown on the map below..



A copy of a map conforming to the Department of Planning & Environment publication *“Standard Technical Requirements for Spatial Datasets and maps”* is included as Attachment 2 to this planning proposal.

An Information Checklist & Project Timeline Checklist are included as Attachments 3 & 4, in accordance with the Department of Planning & Environment publication *“A Guide to preparing planning proposals”*.

Section 3.3(2)(c) - the justification for those objectives, outcomes and provisions and the process for their implementation.

A. Need for Planning proposal

Is the planning proposal a result of any strategic study or report?

The planning proposal is not the direct result of any strategic study or report.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The only way in which the relevant land parcel can be reclassified as operational land is through the process of amending the BLEP 2010.

B. Relationship to strategic planning framework

Is the proposal consistent with the objectives and actions contained within the North Coast Regional Plan?

North Coast Regional Plan – Statement of applicability to Planning Proposal 15			
Goal	Direction	Relevant (Yes/No)	Comment
Goal 1 – The most stunning environment in NSW			
	Direction 1 – Deliver environmentally sustainable growth	Yes	Complies. Although the land is zoned E3 (Environmental Management) the land is heavily modified by virtue of its previous use for vehicular access and the planning proposal will not have any environmentally undesirable outcomes.
	Direction 2 – Enhance biodiversity, coastal and aquatic habitats, and water catchments	Yes	Although part of the land is affected by the NSW “Biodiversity Values Map”, the section that would most likely be utilised for vehicular access in accordance with the enabling provisions of this LEP is already cleared for the purposes of an access track.
	Direction 3 – Manage natural hazards and climate change	Yes	Complies
Goal 2 – A thriving, interconnected economy	Direction 4 – Promote renewable energy opportunities	No	
	Direction 5 – Strengthen	No	

Planning Proposal 15 – Reclassify land at Lookout Rd, Bellingen, from Community to Operational

North Coast Regional Plan – Statement of applicability to Planning Proposal 15			
Goal	Direction	Relevant (Yes/No)	Comment
	communities of interest and cross regional relationships		
	Direction 6 – Develop successful centres of employment	No	
	Direction 7 – Coordinate the growth of regional cities	No	
	Direction 8 – Promote the growth of tourism	No	
	Direction 9 – Strengthen regionally significant transport corridors	No	
	Direction 10 – Facilitate air, rail and public transport infrastructure	No	
	Direction 11 – Protect and enhance productive agricultural lands	Yes	The land is not considered to include productive agricultural land and it is not zoned for agricultural purposes.
	Direction 12 – Grow agribusiness across the region	No	
	Direction 13 – Sustainably manage natural resources	Yes	The proposed reclassification will allow for long term legal access to the relevant land parcel without having to travel through adjoining Forestry Corporation Estate. This will ensure that future forestry operations remain unburdened by any need to provide vehicular access to the adjoining residential use.
Goal 3 – Vibrant and engaged communities			
	Direction 14 – Provide great places to live and work	No	
	Direction 15 – Develop healthy, safe, socially engaged and well connected communities	No	
	Direction 16 – Collaborate and partner with Aboriginal communities	Yes	It is proposed to consult with the Coffs Harbour & District Local Aboriginal Land Council in respect of the matter.
	Direction 17 – Increase the economic self-determination of Aboriginal communities	No	
	Direction 18 – Respect and protect the North Coast's	Yes	No record of an aboriginal site in this locality was

North Coast Regional Plan – Statement of applicability to Planning Proposal 15			
Goal	Direction	Relevant (Yes/No)	Comment
	Aboriginal heritage		identified in a search of the AHIMS register.
	Direction 19 – Protect historic heritage	Yes	No identified heritage items on the subject site.
	Direction 20 – Maintain the regions distinctive built character	No	
	Direction 21 – Coordinate local infrastructure delivery	No	
Goal 4 – Great housing choices and lifestyle options		Yes	The planning proposal will allow for the ultimate approval of a dwelling on the adjoining land parcel that is relatively close to town.
	Direction 22 – Deliver greater housing supply		
	Direction 23 – Increase housing diversity and choice		
	Direction 24 – Deliver well planned rural residential housing areas		
	Direction 25 – Deliver more opportunities for affordable housing		

Is the proposal consistent with Council's strategic plans?

Growth Management Strategy:

The subject land was not specifically identified in the existing Bellingen Shire Growth Management Strategy 2007. Notwithstanding this, it is within an environmental protection zone and the GMS included the following commentary regarding the application of environmental protection zones.

“Environmental Conservation, Management and Living

This zone would cover those areas where environmental features of the landscape should be conserved and/or managed but provide a limited range of development that does not impact upon those features. Such a zone would include 7(s) Special Emphasis.”

The relevant land parcel was formerly zoned 7(s) under the provisions of BLEP 2003 and this was most likely on the basis of the lands slope and visibility as a ridgeline above Bellingen. The proposed reclassification of the land is not inconsistent with the Growth Management Strategy.

Is the proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies – Statement of applicability to Planning Proposal 15		
SEPP	Relevant (Yes/No)	Comment
1 – Development Standards	No	
21 - Caravan Parks	No	
30 – Intensive Agriculture	No	
33 – Hazardous & Offensive Development	No	

Planning Proposal 15 – Reclassify land at Lookout Rd, Bellingen, from Community to Operational

State Environmental Planning Policies – Statement of applicability to Planning Proposal 15		
SEPP	Relevant (Yes/No)	Comment
36 – Manufactured Home Estates	No	
44 – Koala Habitat Protection	No	The relevant section of land is less than 1ha
50 – Canal Estate Development	No	
55 – Remediation of Land	No	The land is not proposed to be rezoned.
62 – Sustainable Aquaculture	No	The land is not within the Priority Oyster Aquaculture Area.
64 – Advertising & Signage	No	
65 – Design Quality of Residential Apartment Development	No	
70 – Affordable Housing (Revised Schemes)	No	
Affordable Rental Housing (2009)	No	
Building Sustainability Index: BASIX (2004)	No	
Coastal Management (2018)	No	The land is not within the coastal zone for the purposes of this SEPP.
Concurrences (2018)	No	
Educational Establishments & Child Care Facilities (2017)	No	
Exempt & Complying Development Codes (2008)	No	
Housing for Seniors or People with a Disability (2004)	No	
Infrastructure (2007)	No	
Integration & Repeals (2016)	No	
Mining, Petroleum Production & Extractive Industries (2007)	No	
Miscellaneous Consent Provisions (2007)	No	
Rural Lands (2008)	No	
State & Regional Development (2011)	No	
State Significant Precincts (2005)	No	
Vegetation in Non-Rural Areas (2017)	Yes	The planning proposal does not propose the clearing of any vegetation regulated by the SEPP.

Is the proposal consistent with applicable Section 117 directions?

Section 117 Directions – Statement of applicability to Planning Proposal 15			
117 Category	117 Direction	Relevant (Yes/No)	Comment
Employment & Resources			
	1.1 – Business & Industrial Zones	No	
	1.2 – Rural Zones	No	
	1.3 – Mining, petroleum & Extractive Industries	No	
	1.4 – Oyster Aquaculture	No	
	1.5 – Rural Lands	No	

Planning Proposal 15 – Reclassify land at Lookout Rd, Bellingen, from Community to Operational

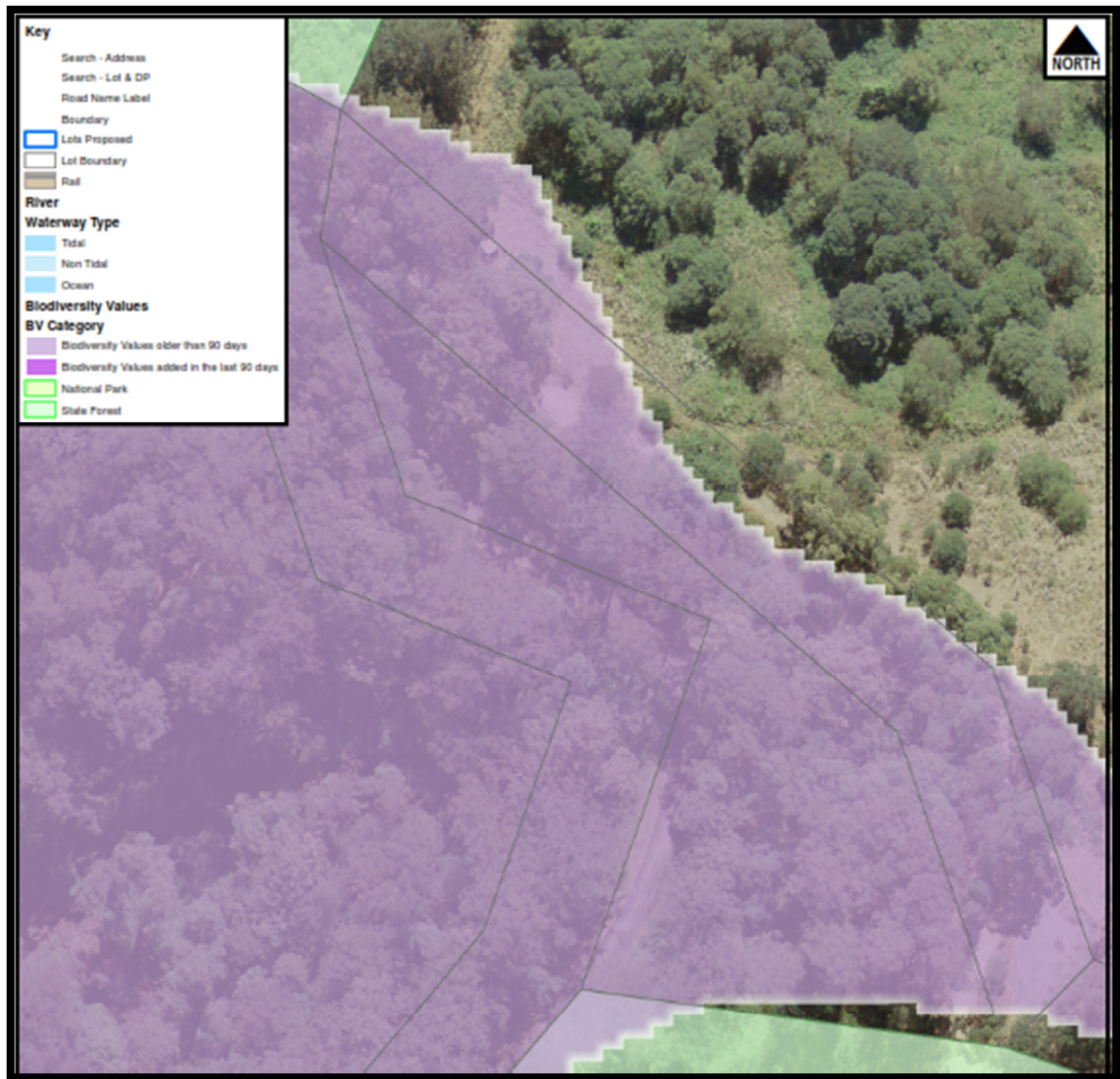
Section 117 Directions – Statement of applicability to Planning Proposal 15			
117 Category	117 Direction	Relevant (Yes/No)	Comment
Environment & Heritage			
	2.1 – Environment Protection Zones	Yes	Complies. The planning proposal will not reduce the environmental protection standards that apply to the land and will not modify any development standards that apply to the land.
	2.2 – Coastal Protection	No	
	2.3 – Heritage Conservation	Yes	Complies. No changes to existing heritage protections are proposed.
	2.4 – Recreation Vehicle Areas	Yes	Complies
Housing, Infrastructure & Urban Development			
	3.1 – Residential Zones	No	
	3.2 – Caravan Parks & Manufactured Home Estates	Yes	Complies
	3.3 – Home Occupations	Yes	Complies. No change proposed.
	3.4 – Integrating Land Use & Transport	No	
	3.5 – Development Near Licensed Aerodromes	No	
	3.6 – Shooting Ranges	No	
Hazard & Risk			
	4.1 – Acid Sulfate Soils	No	
	4.2 – Mine Subsidence & Unstable Land	No	
	4.3 – Flood Prone Land	No	
	4.4 – Planning for Bushfire Protection	Yes	Complies. The planning proposal does not introduce controls that will place an inappropriate development in a hazardous area. The classification of the land as Operational Land to facilitate vehicular access on this section of land is likely to improve the trafficability of the land, its accessibility for fire fighting vehicles, and its usefulness as a link to fire trail networks in the locality. It is noted that consultation will be required with the Commissioner of the Rural Fire Service regarding this

Section 117 Directions – Statement of applicability to Planning Proposal 15			
117 Category	117 Direction	Relevant (Yes/No)	Comment
			matter.
Regional Planning			
	5.1 – Implementation of Regional Strategies	No	
	5.4 – Commercial & Retail Development along the Pacific Highway, North Coast	No	
	5.10 – Implementation of Regional Plans	Yes	Complies. See table documenting compliance in earlier section of this report.
Local Plan Making			
	6.1 – Approval & referral Requirements	Yes	Complies
	6.2 – Reserving Land for Public Purposes	Yes	Complies
	6.3 – Site Specific Provisions	No	

C. Environmental, social and economic impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The relevant land parcel is shown on the NSW Biodiversity Values Map. An extract of this is shown below.



Notwithstanding this, the planning proposal will not directly result in any development that is likely to impact upon threatened species, populations or ecological communities, or their habitats. It simply proposes to reclassify an existing parcel of land from “community” to “operational” land.

The relevant land parcel was historically created as a section of road reserve, continues to serve an access function in the locality and will ultimately be dedicated as a public road upon reclassification.

The lower section of the access track is shown in the following image. This portion of the track would be utilised to obtain access to the adjoining private land parcel, through the gate which is visible to the right of the photo.



The upper section of the track that leads up to the lookout area is heavily eroded and is shown in the following image.



It is most likely that any access function that will be served by the reclassified land will not necessitate the clearing of any additional vegetation, however should this be required then an appropriate assessment of impact can be made at that point in time when the precise nature of any clearing can be documented as assessed, rather than at this stage of the planning process,

Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are no other likely environmental effects likely to accrue from the reclassification process.

Any subsequent proposal to utilise the land for vehicular access purposes will require an examination of the suitability of the access for its intended purpose, and consideration as to whether any additional drainage measures may be warranted to prevent erosion.

How has the planning proposal adequately addressed any social and economic effects?

The planning proposal will not result in any significant economic or social impacts. Any subsequent permission to utilise the relevant section of land for access to the adjoining private land parcel will not impart exclusivity of use and ongoing access to the former lookout area will continue to be available for the general public.

The planning proposal will have no adverse impact on any identified items of European Cultural Heritage, and further consultation is proposed with the Coffs Harbour & District Local Aboriginal Land Council to ensure that the planning proposal will not impact on any items of aboriginal cultural heritage.

State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

The planning proposal will not necessarily create any significant burden upon Council resources to maintain the relevant section of land.

Council can, as part of any process of permitting legal access to be obtained for the land, require the beneficiary of that access to perform any necessary upgrade works as a condition of granting the relevant permission.

Should Council wish to allocate future budgets towards the upgrading or maintenance of the road then this will be made easier by virtue of the reclassification of the land as operational and its gazettal as a public road.

Views of State and Commonwealth authorities

Council has consulted with the NSW Government Department of Industry in respect of the relevant section of land who have confirmed that the relevant land parcel;

- Was formerly a Crown road, which was closed by gazettal on 19 September 1971, and
- Was added to the adjoining Crown Reserve 87120 for Public Recreation by gazettal on 18 August 1971 & 4 November 1971,

- At that point in time, included a public picnic area that was established at the lookout in the road reserve,
- Was vested in Bellingen Shire Council as a public reserve by gazettal on 17 June 1977.

The NSW Government Department of Industry have further confirmed that *“access through the Council reserve is entirely a matter for Council in accordance with the provisions of the Local Government Act 1993.”* In this regard, it is not proposed to undertake any further consultation with the NSW Government Department of Industry.

It is proposed to consult with the following state government agencies as part of the preparation of the planning proposal.

- NSW Rural Fire Service (pursuant to Section 117 Direction 4.4)

Further consultation with additional state authorities will occur as relevant and where specified as part of the Gateway Determination.

Section 3.3(2) (d) - if maps are to be adopted by the proposed instrument, such as maps for proposed land use zones; heritage areas; flood prone land—a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument,

A copy of the Reclassification Map, as required by the Department of Planning & Environment publication *“Standard Technical Requirements for Spatial Datasets and maps”*, is included as Attachment 2 to this planning proposal

Section 3.3(2) (e) - details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.

The NSW Government publication “A guide to preparing local environmental plans” categorises planning proposals into “low impact proposals” or “All other planning proposals” for the purpose of determining the level of community consultation that should be undertaken.

Because the planning proposal includes the reclassification of public land, a minimum public exhibition period of 28 days is specified.

It is proposed to undertake the following actions in respect of the public exhibition of the planning proposal.

- Advertise the Planning Proposal for a minimum period of 28 days in the Bellinger Courier Sun.
- Notify adjoining owners of the rezoning proposal of the proposed BLEP amendment.
- Place notice of the Planning Proposal on the Council website for the duration of the exhibition period.
- Display the planning proposal, and relevant documentation, at the following locations for the duration of the exhibition period.

Planning Proposal 15 – Reclassify land at Lookout Rd, Bellingen, from Community to Operational

- Bellinghen Council Administrative Centre
- Bellinghen Library

It is noted though that the gateway determination will ultimately specify the community consultation that must be undertaken on the planning proposal and Council will undertake consultation in accordance with the conditions of the Gateway Determination.

In addition to the public consultation required for the planning proposal, separate and additional consultation will be required in the form of a public hearing, pursuant to Section 29 of the Local Government Act 1993. This will take place at the completion of the exhibition of the planning proposal, and following the giving of 21 days prior public notice of the proposed hearing.

The public hearing is to be chaired by an independent person and a report is required to be prepared by that person that documents the outcomes of that meeting. This information will be relied upon, in addition to any submissions received by Council during the exhibition period, to determine whether Council proceeds with the Planning proposal.

Delegations to make plan

Because the subject land is a public reserve, and it is considered necessary for the planning proposal to remove the public reserve status in order for it to become operational land, the approval of the Governor will be required in this instance.

Council is not permitted to assume delegated authority for the making of the LEP amendment in these circumstances and the Department will therefore be requested to make the LEP should it proceed to this point in time.

Additional Matters prescribed in Attachment 1 – Information Checklist for Proposals to Classify or Reclassify Public Land through an LEP

LEP Practice Note PN-16-001- *Classification and reclassification of public land through a local environmental plan*, requires Councils to address the matters in Attachment 1 of the Practice Note in addition to normal matters prescribed for a planning proposal.

It is noted that *Section 5.5.4 – Classification and reclassification of public land*, of the Department of Planning & Environment publication ‘*A Guide to preparing local environmental plans*’ also prescribes matters that must be considered when the sole purpose of the proposed LEP is to reclassify public land, and these are reprinted below.

- a) Is the planning proposal the result of a strategic study or report?*
- b) Is the planning proposal consistent with the local council's community plan, or other local strategic plan?*
- c) If the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished should be provided.*
- d) The concurrence of the landowner, where the land is not owned by the planning proposal authority*

Planning Proposal 15 – Reclassify land at Lookout Rd, Bellinghen, from Community to Operational

As previously indicated with respect to question a), the planning proposal is not the result of a strategic study or report and, pursuant to question d), the Council is the owner of the land. Questions b) and c) are replicated in the Attachment 1 checklist and will be addressed within that checklist.

INFORMATION CHECKLIST FOR PROPOSALS TO CLASSIFY OR RECLASSIFY PUBLIC LAND THROUGH AN LEP

(Pursuant to Attachment 1 – LEP Practice Note PN-16-001)

The current and proposed classification of the land;

Comment:

The land is currently classified as “community land”. The proposed classification is “operational land”.

Whether the land is a ‘public reserve’ (defined in the LG Act);

Comment:

The land is a “public reserve” within the meaning of the LG Act.

The strategic and site specific merits of the reclassification and evidence to support this;

Comment:

The concepts of strategic and site specific merit are set out in the Department of Planning & Environment publication “A guide to preparing planning proposals”. These provisions are reprinted below.

Strategic merit

“Does the proposal have strategic merit? Will it:

- give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or*
- give effect to a relevant local strategic planning statement or strategy that has been endorsed by the Department or required as part of a regional or district plan or local strategic planning statement; or*
- responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing strategic plans.”*

The proposals compliance with the North Coast Regional Plan has been documented earlier in this planning proposal request. The planning proposal is not contrary to the Council’s existing Growth Management Strategy and is not the result of any change in circumstances or demographic trends.

Site specific merit

“Does the proposal have site-specific merit, having regard to the following?

- *the natural environment (including known significant environmental values, resources or hazards) and*
- *the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and*
- *the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.”*

The subject site has long been used for the purposes of vehicular access and continues to serve an access function. It is unlikely that any continued use of the land for access purposes will necessitate any further clearing of vegetation, however it is possible that any improved level of construction will help to minimise the erosion that is currently evident on the land.

The end result of the reclassification will be to dedicate the land as a public road. Council will then be able to strategically allocate appropriate financial resources to the maintenance or upgrade of the asset, when needed, as part of its overall program for rural road construction and maintenance.

Whether the planning proposal is the result of a strategic study or report;

Comment:

As previously documented, the planning proposal is not the result of a strategic study or report.

Whether the planning proposal is consistent with council's community plan or other local strategic plan;

Comment:

The Shire of Bellingden 2027 Community Vision details a selection of priorities for Council and the Community.

These include;

- Resilient economy
- Community wellbeing
- Places for people
- Our living environment
- Civic leadership

The proposal is not inconsistent with the Community Vision. It will not diminish the access function that is provided by virtue of the relevant land parcel and, if anything, will allow for the future allocation of road maintenance resources by virtue of it being recognised as a public road, rather than a public reserve. The proposed reclassification will not adversely impact upon the natural environment and will facilitate not only public use of, and access to, the subject land, but also the development of an adjoining land parcel.

A summary of council's interests in the land, including:

- *How and when the land was first acquired (e.g. was it dedicated, donated, provided as part of a subdivision for public open space or other purpose, or a developer contribution)*
- *If council does not own the land, the land owner's consent;*
- *The nature of any trusts, dedications etc.;*

Comment:

Council has consulted with the NSW Government Department of Industry in respect of the relevant section of land who have confirmed that the relevant land parcel;

- Was formerly a Crown road, which was closed by gazettal on 19 September 1971, and
- Was added to the adjoining Crown Reserve 87120 for Public Recreation by gazettal on 18 August 1971 & 4 November 1971,
- At that point in time, included a public picnic area that was established at the lookout in the road reserve,
- Was vested in Bellingen Shire Council as a public reserve by gazettal on 17 June 1977.

Besides being a "public reserve", there are no other identified interests over the land.

Whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why;

Comment:

The proposed reclassification will discharge any existing obligations to manage the land as "community land" or as a "Reserve for Public Recreation".

The land has historically been used more so for vehicular access functions, rather than "public recreation" purposes and the reclassification of the land to operational will ultimately allow for the land to be dedicated as a public road and better managed for access purposes.

The effect of the reclassification (including, the loss of public open space, the land ceases to be a public reserve or particular interests will be discharged);

Comment:

The subject land possesses no significant utility value for public recreation in its own right, owing to its historic and ongoing use to serve vehicular access functions in the locality. Notwithstanding this, any value that is currently served by the land parcel will continue to exist as the land will remain in Council ownership with no additional restrictions placed upon accessing or using the land parcel.

Evidence of public reserve status or relevant interests, or lack thereof applying to the land (e.g. electronic title searches, notice in a Government Gazette, trust documents);

Comment:

The NSW Government Department of Industry have provided Council with the relevant documents attesting to the public reserve status of the land, and its vesting in the ownership of Council. These are included as Attachment 5 to this planning proposal.

Current use(s) of the land, and whether uses are authorised or unauthorised;

Comment:

The land is currently used for vehicular access purposes to the adjoining privately owned land parcel, and potentially by members of the public to access the lookout area at the top. Given the lands public ownership status, these uses are not necessarily considered to be unauthorised however the permanent approval of a dwelling on the adjoining land requires legal access by virtue of a dedicated public road, rather than a public reserve whose gazetted purpose is for public recreation.

Current or proposed lease or agreements applying to the land, together with their duration, terms and controls;

Comment:

There are no current or proposed leases or agreements applying to the land.

Current or proposed business dealings (e.g. agreement for the sale or lease of the land, the basic details of any such agreement and if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time);

Comment:

Council does not intend to enter into any business dealings regarding the reclassified land besides gazetted it as a "public road" in accordance with Section 10 of the Roads Act 1993.

Any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy);

Comment:

It is not proposed to rezone the land.

How council may or will benefit financially, and how these funds will be used;

Comment:

Council will not benefit financially from the proposed reclassification. It is not proposed to sell the land.

How council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal;

Comment:

No funds will be generated from the reclassification of the land and there is no need to identify other comparable areas of public land for purchase in order to justify the proposal.

A Land Reclassification (part lots) Map, in accordance with any standard technical requirements for spatial datasets and maps, if land to be reclassified does not apply to the whole lot; and

Comment:

The relevant map has been produced and is included as Attachment 2 to this planning proposal.

Preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.

Comment:

The NSW Government Department of Industry have advised Council that “access through the Council reserve is entirely a matter for Council in accordance with the provisions of the Local Government Act 1993.”

In this regard, it is considered that there is no preliminary objection from the Crown to the proposed reclassification.

PLANNING PROPOSAL 15
VERSION 1 ATTACHMENTS INDEX
February 2019

- Attachment 1 Council Report 12 December 2018
- Attachment 2 Reclassification Map
- Attachment 3 Planning Proposal 15 – Information Checklist Template
- Attachment 4 Planning Proposal 15 – Project Timeline
- Attachment 5 Evidence of creation of public reserve and vesting in Council