



PLANNING PROPOSAL

- **Reclassification of part of Lot 2001 DP 1173531, 16 Dorsman Drive, Singleton Heights**

Version:	0.1.
Date:	01/09/2014
Council File Reference:	LA2/2013

TABLE OF CONTENTS

EXECUTIVE SUMMARY	2
SITE DESCRIPTION	3
PART 1 – OBJECTIVES OR INTENDED OUTCOMES	6
Reasons for the objectives of the Planning Proposal	6
PART 2 – EXPLANATION OF THE LOCAL ENVIRONMENTAL PLAN.....	7
PART 3 – JUSTIFICATION OF THE PLANNING PROPOSAL	8
Section A - Need for the Planning Proposal	8
Section B - Relationship to Strategic Planning Framework	9
Section C - Environmental, Social and Economic Impact.....	12
Section D - State and Commonwealth Interests	13
PART 4 –COMMUNITY CONSULTATION	13
PROJECT PLAN	14
CONCLUSION AND RECOMMENDATION.....	15
Attachment 1 – <i>Land Reclassification (Part Lots)</i>	16
Map – <i>Sheet RPL_ 014</i>	16
Attachment 2 – Correspondence from <i>Singleton Council- Community & Infrastructure Services Group</i>	18
Attachment 3 – Plan Showing Land to be Reclassified	21

EXECUTIVE SUMMARY

This Planning Proposal (PP) seeks to reclassify 4,109m² of Lot 2001 DP 1173531, Dorsman Drive Singleton Heights, from 'community' to 'operational' land pursuant to section 28 of the *Local Government Act 1993*, to facilitate the subdivision and sale of the portion of the site currently leased by the *Singleton Heights Community Preschool*.

Statutory Requirements

This PP describes the subject land and outlines the proposed zoning and planning control changes. It has been prepared in accordance with the Department of Planning & Environment's (DP&E) *Guide to Preparing Planning Proposals* (October 2012), and with reference to DP&E's *Guide to Preparing Local Environmental Plans* (October 2012). These guides outline the matters to be addressed in a planning proposal set out in Section 55(2) of the *Environmental Planning & Assessment Act 1979* (the Act).

SITE DESCRIPTION

Location and overview of site

The site subject of this planning proposal is identified in **Figure 1** and is presently zoned *RE1 Public Recreation Zone* and is not proposed to change as part of this PP. The current zoning pattern in the locality is shown in **Figure 2**. A copy of the *Draft Land Reclassification (Part Lots) Map* for the proposal is attached as **Appendix 1** to this PP.

Figure 1: Site Location

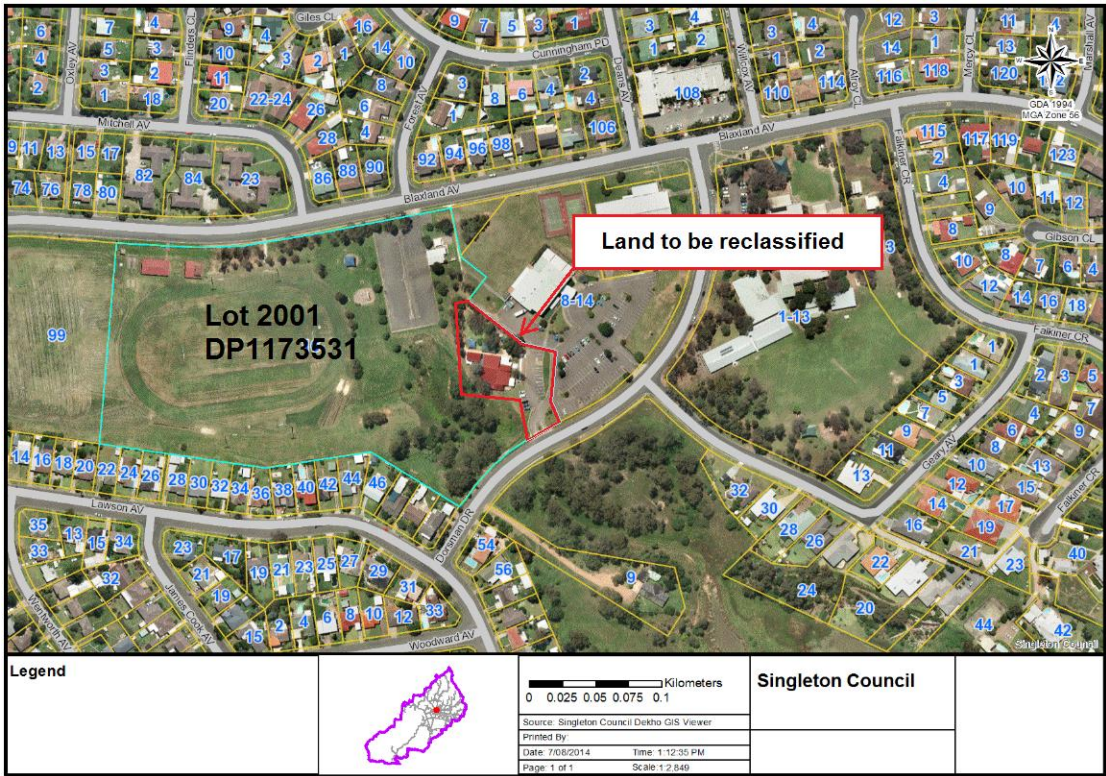
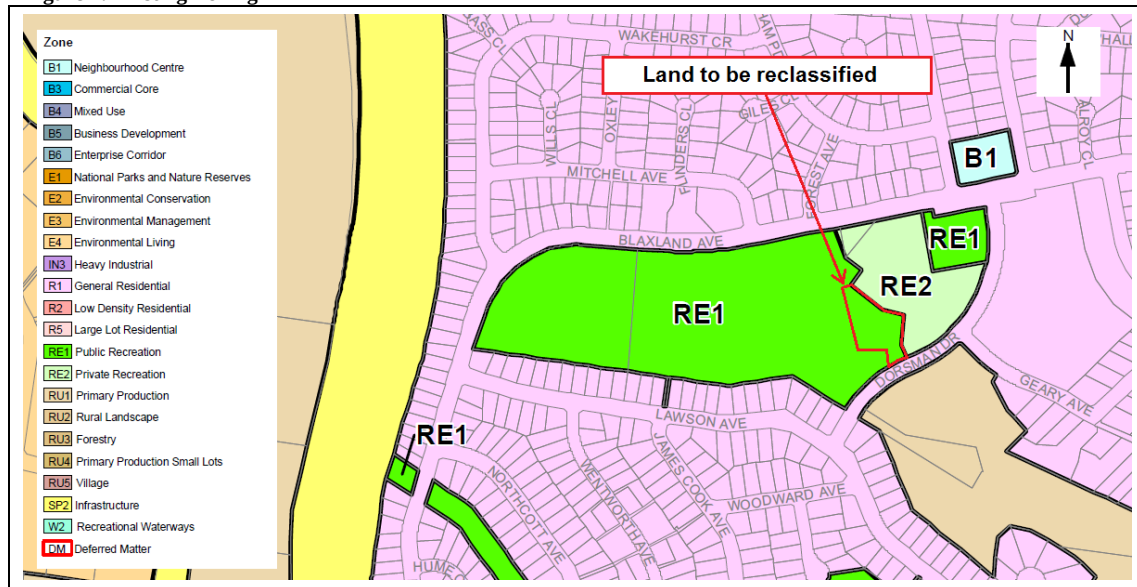


Figure 2: Existing Zoning



SOURCE: Extract from *Singleton Local Environmental Plan 2013*

Lot 2001 DP 1173531 has an area of 5.30 hectares with frontage to Dorsman Drive and Blaxland Avenue in Singleton Heights. The land subject of this planning proposal is approximately 4,109m² (or around 7.75%) of Lot 2001, and is located approximately 600 metres from the New England Highway.

The site contains the *Singleton Heights Community Preschool* and its carpark.

The site adjoins the *Alroy Reserve* sports ground, *Singleton Heights Sports Complex*, tennis courts and open space; with residential land and a drainage area opposite in Dorsman Drive. Lot 2001 is surrounded by existing residential dwellings and the *Singleton Heights Primary School*.

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

This planning proposal (Council file reference: LA2/2013) seeks to reclassify part of Lot 2001 DP1173531 from 'community land' to 'operational land' to facilitate the subdivision and sale of the portion of the site currently leased by the *Singleton Heights Community Preschool*.

Reasons for the objectives of the Planning Proposal

Public land is classified under the *Local Government Act 1993*. Land must be classified as either community or operational. Different rules apply to the use and management of community land as compared to operational land. This is outlined in Part 2 of the *Local Government Act 1993*.

The land was originally purchased by Council in 1972 to allow for the extension of the '*Alroy Estate*' residential subdivision. The remaining land was later classified as community land when the subdivision was completed.

The reclassification to 'operational' land would allow Council to sell a portion of the site to the existing Singleton Heights Community Preschool who currently lease 4,109m² of the site. Singleton Heights Preschool is a community based non-profit organisation that has been leasing the site from Council since 1985. The preschool owns the building and pays all costs associated with operations and maintenance. It is a priority for the preschool to gain independence from Council and to have full control of their asset into the future. The preschool currently has a 21 year lease on the land expiring on the 30th November 2033.

A development application to subdivide the preschool portion of the site from the rest of Lot 2001, DP1173531 would be expected to be lodged following the reclassification.

The proposed excision of the preschool land would not affect access or functionality of the residual lot (comprising Alroy Reserve and car park), currently accessed off Blaxland Avenue.

A preschool is a permissible use in the RE1 zone under the definition of a *child care centre*. The site presently has no minimum lot size requirement under the *Singleton Local Environmental Plan 2013* that would apply to subdivision of the land.

PART 2 – EXPLANATION OF THE LOCAL ENVIRONMENTAL PLAN

The objectives in Part 1 of this planning proposal will be achieved by amending *Singleton Local Environmental Plan 2013*, which is the LGA-wide standard instrument local environmental plan.

The changes are described below.

Amendment to Part 1 of Schedule 4 to include the subject site, as follows:

Schedule 4 Classification and reclassification of public land (Clause 5.2)

Part 1 Land classified, or reclassified, as operational land—no interests changed

Column 1	Column 2
Locality	Description
16 Dorsman Drive, Singleton Heights	Part of Lot 2001 DP 1173531 as shown on the <i>Land Reclassification (Part Lots) Map – Sheet RPL_ 014</i>

The land contains two easements as shown on the deposited plan in **Appendix 2**. Both the carriageway and footway easement will be retained with the reclassification and are not proposed to be affected by the future excision of the preschool land.

It is expected that the existing lease with *Singleton Heights Pre-school* would be terminated if the land were sold to the *Singleton Heights Pre-school*.

No changes to zoning, lot size, height or floor space ratio are proposed.

PART 3 – JUSTIFICATION OF THE PLANNING PROPOSAL

Section A - Need for the Planning Proposal

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

The *Singleton Open Space and Recreation Needs Study* (November 2013) identified Alroy Oval as a District level Sportsground. The study projects a surplus provision of 21.35ha of district level sportsgrounds for the expected population at 2031. Therefore, the proposed loss of 0.41ha from this sportsground is not considered significant. The subject portion has not functioned as part of the sports field since 1985 when the preschool was established and hence there will not be a noticeable change to the existing sportsground operations or functionality as a result of the reclassification.

The planning proposal was initiated by the preschool, to facilitate land acquisition in lieu of continued lease negotiations with Council. The proposed reclassification will assist Council to improve service provision by consolidating resources and redistributing proceeds from the sale.

The current lease arrangement is worth \$2,075 per annum to Council, whilst the sale of the land would be expected to return \$61,635 (see Council correspondence in Appendix 2).

These funds will likely be used to upgrade other public open space and recreation facilities identified in the *Singleton Open Space and Recreation Needs Study* (November 2013). Extensive discussions with Council indicate the likely support of the sale, however no formal Council resolution has yet been made in this regard.

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

Subdivision and sale of the preschool land is only possible with operational reclassification of the land.

Section 27 of the *Local Government Act 1993* specifies the land subject to this proposal can only be reclassified through a local environmental plan (LEP). The process of amending an LEP requires preparation of a planning proposal pursuant to Section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Accordingly, this PP is considered the most appropriate way to achieve the objectives stated in Part 1 of this PP.

Section B - Relationship to Strategic Planning Framework

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

There is no applicable regional strategy that applies to the future use of public open space in the Singleton local government area.

The *Upper Hunter Strategic Regional Land Use Plan* (UHSRLUP) identifies the need for social infrastructure including preschools to grow in response to population growth. The proposal to reclassify the subject land will facilitate the sale of the Singleton Heights Community Preschool, creating more opportunities for long-term service planning for the preschool.

4. Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?

Our Place: A Blueprint 2022 – Singleton Community Strategic Plan (March 2012) describes the prolonged period of steady population growth and growth in business and industry resulting in a predominantly young, employed labour force. This growth is expected to continue.

The strategy identifies accessibility to a range of educational facilities as a key component of the vibrant community, along with generous sporting amenities, many shopping options and modern public amenities.

The site is not specifically addressed in the Singleton Land Use Strategy (2008) however, the ongoing provision of social infrastructure is identified as an increasing need.

Reclassification and sale of the preschool land would provide financial security to the preschool to allow ongoing operations and long-term planning, being consistent with strategic plans for social infrastructure.

5. Is the planning proposal consistent with applicable state environmental planning policies?

No State Environmental Planning Policies (SEPPs) apply or are relevant to this Planning Proposal.

6. Is the proposal consistent with applicable Ministerial Directions (s.117 directions)?

Section 117 of the Act enables the Minister to issue directions regarding the content of LEPs, by outlining objectives and policies that must be taken into consideration and achieved. The Directions relevant to this Proposal are addressed in **Table 1** below.

Table 1: Assessment of the proposal against relevant s.117 Directions

Compliance with Section 117 Directions			
Ministerial Direction		Relevance (Yes/No)	Consistency and Implications
No.	Title		
1.1	Business and Industrial Zones	No	Not applicable
1.2	Rural Zones	No	Not applicable
1.3	Mining, Petroleum Production and Extractive Industries	No	Not applicable
1.4	Oyster Aquaculture	No	Not applicable
1.5	Rural Lands	No	Not applicable
2.1	Environment Protection Zones	No	Not applicable
2.2	Coastal Protection	No	Not applicable
2.3	Heritage Conservation	No	Not applicable
2.4	Recreation Vehicle Areas	No	Not applicable
3.1	Residential Zones	No	Not applicable
3.2	Caravan Parks and Manufactured Home Estates	No	Not applicable
3.3	Home Occupations	No	Not applicable
3.4	Integrating Land Use and Transport	No	Not applicable
3.5	Development Near Licensed Aerodromes	No	Not applicable
3.6	Shooting Ranges	No	Not applicable
4.1	Acid Sulfate Soils	No	Not applicable
4.2	Mine Subsidence and Unstable Land	No	Not applicable
4.3	Flood Prone Land	No	Not applicable
4.4	Planning for Bushfire Protection	No	Not applicable
5.1	Implementation of Regional Strategies	No	Not applicable
5.2	Sydney Drinking Water Catchments	No	Not applicable
5.3	Farmland of State and	No	Not applicable

	Regional Significance on the NSW Far North Coast		
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	No	Not applicable
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	No	Revoked 18 June 2010
5.6	Sydney to Canberra Corridor	No	Revoked 10 July 2008
5.7	Central Coast	No	Revoked 10 July 2008
5.8	Second Sydney Airport: Badgerys Creek	No	Not applicable
6.1	Approval and Referral Requirements	No	Not applicable
6.2	Reserving Land for Public Purposes	Yes	The <i>RE1 Public Recreation Zone</i> will remain. The proposal to reclassify part of Lot 2001, DP1173531 to operational land will facilitate sale of the land to a community based preschool. The <i>Singleton Heights Community Preschool</i> is a community owned not for profit child care centre that has existed on the site since 1985. The preschool has a current 21 year lease. The <i>Singleton Open Space and Recreation Needs Study</i> (November 2013) identified Aloy Oval as a District level Sportsground. The study projects a surplus provision of 21.35ha of district level sportsgrounds for the expected population at 2031. Therefore, the proposed loss of 0.41ha from this sportsground is not considered significant. The subject portion has not functioned as part of the sports field since 1985 when the preschool was established and hence there will not be a demonstrable change to the existing sportsground operations or functionality.
6.3	Site Specific Provisions	No	Not applicable
7.1	Implementation of the Metropolitan Plan for Sydney 2036	No	Not applicable

Section C - Environmental, Social and Economic Impact

- 7. 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 site subject of this planning proposal is not identified as comprising critical habitat, threatened species, populations or ecological communities or their habitats.

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

The proposed reclassification will not have any physical effect on the land.

The future subdivision and sale of the preschool land facilitated by the reclassification, would provide financial benefit to the community. Private ownership of the preschool land would allow greater opportunities for long-term service delivery planning.

- 9. How has the planning proposal adequately addressed any social and economic effects?**

The proposal will provide economic benefit to the broader community by facilitating sale of public land that is surplus to Council's needs. The revenue from the land sale is of greater financial benefit than the ongoing lease arrangement.

Section D - State and Commonwealth Interests

10. Is there adequate public infrastructure for the planning proposal?

There is adequate water, sewer, electricity and telecommunications currently servicing the site. The reclassification will not alter the demand on service provision to the site.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Relevant public authorities will be consulted as required by the Gateway determination, however, it is expected that no public authorities will need to be consulted since the reclassification will not result in any changes to the existing site conditions and impacts.

PART 4 –COMMUNITY CONSULTATION

The Gateway Determination will give direction on the community consultation required for this planning proposal.

As a minimum, it is proposed to display the proposal for at least 28 calendar days (to be extended if this occurs during public holidays or school holidays). Notification of the exhibition would be placed in the *Singleton Argus* Newspaper and on the Council's website.

A copy of the planning proposal and supporting documentation would be made available for public inspection at the Council Administration Centre. It is also intended to send letters to adjoining land owners, notifying them of the exhibition.

A public hearing will be required in relation to this proposal, pursuant to section 57(5) of the *Environmental Planning and Assessment Act 1979* and section 29 of the *Local Government Act 1993*. This will be held after the exhibition period.

A copy of *LEP Practice Note PN 09-003* Classification and reclassification of public land through a local environmental plan will be displayed with the exhibition material to assist with the interpretation of the process for the planning proposal.

PROJECT PLAN

An estimate of the timeframes for the tasks for the making of a local environmental plan via a Planning Proposal is included in **Table 2**. The Gateway Determination is required to include a timeframe for completing various stages of the PP. **Table 2** below contains an estimate of project timeframes and responsibilities for processing the planning proposal.

Table 2: Estimated project timeframes

Project Timeframes		
Step	Responsibility	Period
1. Gateway Determination received by Council.	NSW Department of Planning & Environment	N/A
2. Proponent provided with a copy of Gateway Determination.	Singleton Council	2 weeks
3. Proponent lodges any further information as may be required by the Gateway Determination.	Proponent	3 weeks
4. Review of information lodged by proponent and advise proponent of any matters which need to be resolved to enable proposal to be processed.	Singleton Council	3 weeks
5. Proponent addresses any matters requiring resolution for the proposals to proceed.	Proponent	3 weeks
6. Planning proposal amended to comply with Gateway conditions and exhibition material prepared.	Singleton Council	2 weeks
7. Planning proposal exhibited. Public meeting held during exhibition period.	Singleton Council	4 weeks
8. Submissions reviewed and planning proposal updated accordingly.	Singleton Council	2 weeks
9. Planning proposal reported to Council meeting with findings of exhibition.	Singleton Council	3 weeks
10. Planning proposal lodged with NSW Department of Planning & Environment with a request that the LEP amendment be made.	Singleton Council	2 weeks
Total:		24 weeks (6 months)

Note:

The project timeframes are based on information available at the time of preparation. The Gateway Determination may identify additional processes or requirements which could require a modification of the expected processing timeframes.

CONCLUSION AND RECOMMENDATION

The proposal to reclassify a portion of *community land* to *operational land* will have a positive community benefit, by facilitating the sale of the land to provide financial security for the ongoing operation of the existing *Singleton Heights Community Preschool*.

The reclassification and future sale will not result in a net loss of land for public purposes, but rather facilitate the continued use and long-term planning of the existing community preschool. The proposal would provide economic benefit to the community through sale of Council owned land.

Attachment 1 – *Land Reclassification (Part Lots)*
Map – Sheet RPL_ 014



**Attachment 2 – Correspondence from *Singleton Council-
Community & Infrastructure Services Group***

Enquiries to: Ms L S Bourke
(02) 6578 7212

Our Ref: 10/0632 (12/45670)

Your Ref: -



10 September, 2012

Attention: Neisha Dean
Singleton Heights Pre-School
Dorsman Drive
SINGLETON HEIGHTS NSW 2330

Dear Neisha,

**Re: Proposed Purchase of Land - Alroy Reserve
Singleton Heights Pre-School**

I refer to our meeting on Thursday 6 September, 2012 regarding the above. In response to this discussion I have listed below the approximate costs associated with the rezoning, reclassification, subdivision and transfer of land for your committee's consideration:-

Survey Plan Costs:	approx. \$3,000
Reclassification/Rezoning Application:	\$9,918
Subdivision Application:	\$543
Lodgement with LPI:	approx. \$1,500
Transfer of Land:	approx. \$150

I note that these costs do not include the preparation of a Planning Proposal (detailed Statement of Environmental Effects) which is required to accompany the rezoning and reclassification application. The proposal would need to be prepared by a Planning Consultant and as such quotes should be sought accordingly.

Further to this the proposed sale would need to be reported to Council for approval and the estimated time frames for the sale are approximately 2 years for the reclassification and rezoning and a further 6 to 12 months for the subdivision approval and transfer of land.

Should you require any further information please do not hesitate to contact Larissa Bourke on (02) 6578 7212.

Yours faithfully,

Gary Thomson
Acting Assistant General Manager

ABN 52 877 482 396
Address all
correspondence to
the General Manager:
PO Box 314
SINGLETON
NSW 2330

DX 7063
SINGLETON

Administration Centre
located at:
Queen Street
Singleton

Ph: (02) 6578 7290
Fax: (02) 6572 4197
Email:
ssc@singleton.nsw.gov.au
Website:
www.singleton.nsw.gov.au



*"Singleton.
A progressive
community of
excellence and
sustainability."*

*Printed on
Recycled Stock.*

Enquiries to: Mr G J Thomson
(02) 6578 7221

Our Ref: 10/0632 (13/1748)

Your Ref: -

10 January, 2013

Mrs Alison Lee
President – Management Committee
Singleton Heights Pre-School Inc.
Dorsman Drive
SINGLETON HEIGHTS NSW 2330

Dear Alison,

**Re: Proposed Purchase of Singleton Heights Pre-School
Part Lot 2 DP 828371, Dorsman Drive, Singleton Heights**

I refer to your letter dated 18 December, 2012 regarding the above matter.

I can confirm for you that Council has recently had a valuation carried out on Lot 2 DP 828371 which has placed the land value at \$15/m². In accordance with this the Pre-School land, which is 4,109m² in size, would be valued at \$61,635.00.

Should you require any further information please do not hesitate to contact me.

Yours faithfully,



Gary Thomson
Acting Assistant General Manager



ABN 52 871 492 396

Address all
correspondence to
the General Manager:
PO Box 314
SINGLETON
NSW 2330

DX 7063
SINGLETON

Administration Centre
located at:
Queen Street
Singleton

Ph: (02) 6578 7290

Fax: (02) 6572 4197

Email:

sac@singleton.nsw.gov.au

Website:

www.singleton.nsw.gov.au



*"Singleton.
A progressive
community of
excellence and
sustainability."*

*Printed on
Recycled Stock.*

Attachment 3 – Plan Showing Land to be Reclassified

