

Item 10.5. Planning Proposal, Reclassification of Lot 18 Section 2 DP 18452, Captains Flat Community Health Centre and Works Compound

SUBJECT	Reclassification of Lot 18 Section 2 DP 18452, Foxlow Street, Captains Flat community health centre and storage shed		
FILE NO.	PROJ0035/11	DIVISION	Planning and Environmental Services

Attachments

1. Planning Proposal, reclassification of Lot 18 Section 2 DP 18452, Foxlow Street, Captains Flat community health centre and storage shed
2. Existing site layout, Lot 18 Section 2 DP 18452
3. Proposed subdivision

Synopsis

Council intends to subdivide the lot and sell the western part of Lot 18 Section 2 DP 18452, Foxlow Street (the current site of the Captains Flat community health centre) to assist in funding a new community health centre at another location in the village of Captains Flat. The lot is owned by Council and to enable the sale of part of the land, the land must be reclassified as Operational land under the *NSW Local Government Act 1993*. A planning proposal has been prepared under the *NSW Environmental Planning and Assessment Act 1979* to instigate this process.

Recommendation

Recommended that Council refer the planning proposal for the reclassification of Lot 18 Section 2 DP 18452, Foxlow Street, Captains Flat to the Minister for Planning for a Gateway Determination in accordance with section 56 of the *NSW Environmental Planning and Assessment Act 1979*.

Report

Background

Council owns Lot 18 Section 2 DP 18452 and intends to subdivide and sell the western part of Lot 18 Section 2 DP 18452, Foxlow Street (the current site of the Captains Flat community health centre) to assist in funding a new community health centre at another location in the village of Captains Flat.

The eastern part of the Lot 18 Section 2 DP 18452 contains a storage shed and employee amenities used by Council's Works Division. It is intended that this lot continue to be owned and used by Council as a works compound.

To enable the sale of the western part of Lot 18 Section 2 DP 18452, Foxlow Street, it is necessary for Council to reclassify the land as Operational land. The land was made Community land under the *NSW Local Government Act 1993* through the gazettal of the *Yarrowlumla Local Environmental Plan 2002*. Sections 25 and 26 of the *NSW Local Government Act 1993* require that all public land must be classified either Community or Operational land.

To facilitate the sale of the western part of Lot 18 Section 2 DP 18452, Foxlow Street it will be necessary to subdivide Lot 18 Section 2 DP 18452, Foxlow Street into two lots. The storage shed area (eastern part) will form one lot (approximately 1,128 square metres) and the community health centre (western part) will form another lot (approximately 614 square

metres). The areas are based on a draft survey plan prepared by phl surveyors for the subdivision of the lots.

As the newly created lots will be greater than 450 square metres, a dwelling could potentially be erected on each lot under the *Palerang Local Environmental Plan 2014*.

The process

A planning proposal is a document that explains the intended effect of the proposed local environmental plan or amendment, provides the justification for making it and facilitates the process. The intention of the gateway process is to allow the proposal to be reviewed at an early stage so that a decision whether to proceed can be made; before significant resources are committed. The process is outlined below:

- Council determines whether it supports the planning proposal
- If the planning proposal is supported, it is forwarded to the Minister for Planning for a Gateway Determination
- If the Gateway Determination permits the planning proposal to proceed, the planning proposal will be sent to relevant government agencies for comment and exhibited for the period stated on the gateway determination
- A public hearing is held under sections 29 of the *NSW Local Government Act 1993* and 57 of the *NSW Environmental Planning and Assessment Act 1979*
- Council considers the public hearing report recommendations and a report is sent to the NSW Department of Planning and Infrastructure
- If the reclassification is supported the local environmental plan is made

Further information on the process can be found in the NSW Department of Planning and Infrastructure documents *A guide to preparing local environmental plans* and *A guide to preparing planning proposals*.

The *NSW Local Government Act 1993* requires that the public hearing be conducted by an independent person (not a councillor or a person employed by Council within the past five years) who will consider the written submissions on the exhibited planning proposal and any verbal presentations or written submissions to the hearing, and prepare a report with recommendations which will be made public.

Only the planning proposal and supporting documents are exhibited. The written legal instrument (draft amending local environmental plan) is prepared by the Parliamentary Counsel when the planning proposal is finalised, immediately before it is made by the Minister or her delegates. The local environmental plan takes effect when it is published on the NSW government legislation website.

It is possible under the *NSW Environmental Planning and Assessment Act 1979* for Council to undertake much of this process 'under delegation' however, it is suggested that as Lot 18 Section 2 DP 18452 is owned by Council and part of it is being sold that it would be appropriate that Council does not use its delegations in this instance.

Financial considerations

Council staff have prepared the planning proposal and the report to Council. If the proposal is supported by Council and it receives a Gateway Determination, staff will be required to manage the consultation with government authorities, public exhibition and legislative process associated with preparing the local environmental plan. Council will be required to pay for the costs associated with the public exhibition such as advertisements in newspapers and public hearing.

Policy implications

All Council owned land should be classified as either Community or Operational land in accordance with the *NSW Local Government Act 1993*.

Social implications

Indirectly, the reclassification will assist in developing a new community health centre which will be of significant benefit to the Captains Flat community.

Environmental considerations

Council's Heritage Advisor has reviewed the existing community health centre. The following is a section from the Heritage Advisor's report:

"The building has been suggested for inclusion on the LEP heritage schedule for the contribution it may make to the social history of the post war mining era in Captains Flat. In my opinion, there may well be an argument that the place contributes to the social history of Captains Flat. However, there are several counter issues:

- I don't think there is any inherent significance in the design and fabric of the building itself
- the building requires considerable maintenance which will be costly
- council has an obligation to remove the asbestos cladding which will be costly
- given the quirky nature of the building plan finding a viable use for the building seems problematic.

Given the above I believe it is not economically realistic to conserve and restore the building. I would accept its demolition and the re-development of the site on the condition that the building be professionally documented with a floor plan and annotated photographs and that this material be made available for use in providing interpretative signage etc. if this is deemed warranted in the future."