

Dungog LEP 2014 – reclassification Durham Road Gresford

Proposal Title : **Dungog LEP 2014 – reclassification Durham Road Gresford**

Proposal Summary : **The planning proposal seeks to reclassify Council-owned land at Durham Rd Gresford from community to operational land.**

PP Number : **PP_2014_DUNGO_001_00** Dop File No : **10/09551**

Proposal Details

Date Planning Proposal Received : **09-Oct-2014** LGA covered : **Dungog**

Region : **Hunter** RPA : **Dungog Shire Council**

State Electorate : **UPPER HUNTER** Section of the Act : **55 - Planning Proposal**

LEP Type : **Reclassification**

Location Details

Street : **130 Durham Road**

Suburb : **Gresford** City : Postcode :

Land Parcel : **Lot 1 DP 562046**

DoP Planning Officer Contact Details

Contact Name : **Paul Maher**

Contact Number : **0249042719**

Contact Email : **paul.maher@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Jacqui Tupper**

Contact Number : **0249957751**

Contact Email : **jacquT@dungog.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 :		Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
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 : Yes			
If No, comment :			
Have there been meetings or communications with registered lobbyists? : No			
If Yes, comment :			

Supporting notes

Internal Supporting Notes : The Council depot ceased operation on the site prior to 2010 after which Council received an offer from a local business to purchase the land. Council was unable to sell the property due to its community classification.

Council resolved to rezone the land from Special Use 5(a) to Employment 4(a) under LEP 2006 and to reclassify it to community land at its February meeting 2010. The Planning Proposal did not proceed as a stand-alone amendment and was incorporated into Dungog Standard Instrument.

The site was rezoned IN1 General Industrial through the implementation of the Dungog Standard Instrument in May 2014 however the reclassification component was not finalised as the Public Hearing was not carried out. Council resolved to reclassify the land through a stand-alone Planning Proposal.

The Planning Proposal was received on 24 September 2014 however further information was required regarding evidence of classification. Confirmation of classification was provided 9 October 2014.

External Supporting Notes :

Adequacy Assessment**Statement of the objectives - s55(2)(a)**

Is a statement of the objectives provided? **Yes**

Comment : The PP seeks to reclassify the subject site from community to operational land to allow industrial related uses and to sell the land.

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

Is an explanation of provisions provided? **Yes**

Comment : The explanation of provisions is adequate as it provides the parameters to amend Dungog LEP 2014.
The PP will amend Schedule 4 Classification and reclassification of public land in relation to the subject site;

- Amend Part 1 classified, or reclassified, as operational land- (No interests changed)
- o Column 1 – Lot 1 DP 562046 130 Durham Road Gresford
- o Column 2 - Operational

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA : **6.2 Reserving Land for Public Purposes**

* May need the Director General's agreement

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **SEPP No 44—Koala Habitat Protection
SEPP No 55—Remediation of Land
SEPP (Mining, Petroleum Production and Extractive Industries) 2007**

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain : **S117 DIRECTIONS**

1.3 Mining, Petroleum Production and Extractive Industries – the Planning Proposal is consistent with Direction 1.3 as it does not prohibit mining on the site. At the time the land was zoned IN1 General Industrial, the land permitted mining by way of permitting industry under SEPP (Mining, Petroleum Production and Extractive Industries) 2007.

6.2 Reserving Land for Public Purposes – the planning proposal is inconsistent with Direction 6.2 clause (4) as it reduces existing reservations of land for public purposes without the approval the Secretary of the Department of Planning and Environment or her delegate. It is considered that the inconsistency is of minor significance in this instance as the subject site is no longer required for public use as a council depot. The agreement of the Secretary's delegate to the inconsistency is required.

STATE POLICIES

SEPP 44 Koala Habitat Protection - Council confirms no know koala food trees on the site. The Planning Proposal is consistent with SEPP 44.

SEPP 55 – Remediation of Land – a Phase 1 Preliminary Environmental Site Assessment was prepared and despite the site's previous use as a depot, no adverse contamination was identified. It is considered the site is suitable for the proposed industrial uses.

LEP PRACTICE NOTE PN 09-003

The land was purchased from the Water Conservation and Irrigation Commission in 2005.

Council indicates there are no interests to be discharged on the property as DP 562046 does not contain an 88B instrument.

Council confirms that the property was no classified community land via council resolution. However under Section 31 2A) of the Local Government Act 1993 any land acquired by a council that is not classified under a council resolution is, at the end of the period of 3 months taken to have been classified under a local environmental plan as community land.

Council indicates it will carry out its responsibilities in accordance with LEP PRACTICE

NOTE PN 09-003.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : There are no LEP maps associated with the Planning Proposal however a locality map and existing zoning maps are provided for the purpose of community consultation.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council has proposed a 14 day consultation period. This is considered appropriate given the proposal is of a minor nature. It is specified that in addition to the 14 day community consultation, a Public Hearing is required to reclassify the land.

Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons : **PROJECT TIMELINE**

Council's timeline indicates that the Planning Proposal will be completed within nine (9) months after the Gateway Determination. It is considered that a nine (9) month timeframe is appropriate which requires the Planning Proposal to be completed by June 2015.

DELEGATION AUTHORISATION

Council resolved that it was not in a position to accept delegations for making LEPs in 2012 and therefore LEP delegations are not sought for this PP.

It is recommended that authority to exercise delegations not be granted as Council was not issued with this authority in the first instance.

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Dungog Standard Instrument was published 30 May 2014.**

Assessment Criteria

Need for planning proposal : **The need for the planning proposal**

The land is no longer required as a works depot for Council and will not be used as such in the future. The site is considered suitable for employment generating uses.

A planning proposal is considered the most effective and timely method available to reclassify the land and achieve the objectives of the proposal.

Consistency with strategic planning framework :

Consistency with the strategic planning framework

UPPER HUNTER STRATEGIC REGIONAL LAND USE PLAN (UHSRLUP)

The UHSRLUP identifies Dungog as having a more narrow economic base and slower population growth compared to the mining areas in the Upper Hunter which creates particular planning challenges for Dungog. The UHSRLUP seeks to identify strategies to attract new industries and employment, to retain the existing population and to generate sufficient population to attract economic investment into the area.

The proposal will allow a local operation to be situated in Gresford which will provide local employment.

DUNGOG SITUATION ANALYSIS (DSA) AND DUNGOG LAND USE STRATEGY (DLUS)

The LUS was adopted by Council on 10 February 2010 and identifies the site as employment land.

The Gresford analysis under the DSA, identifies limited opportunities for employment creation.

The LUS does not identify a need for more open space in Gresford and therefore it is not required to retain the land as public reserve.

The Planning Proposal is consistent with the local strategy.

Environmental social economic impacts :

Environmental, Social and Economic impacts

ENVIRONMENTAL

The site is cleared of native vegetation apart from some vegetation on the front boundary line and the proposal has no potential for adverse impact on critical habitat. There are no threatened species or ecological communities identified on site.

CONTAMINATION

A Preliminary Environmental Site Assessment was provided and it identified a waste oil collection facility that caused minor oil staining. The minor oil staining is on the surface only and the report concludes that no additional study is required.

SOCIAL

The closure of the Gresford Council depot was an operational and financial decision for Council and it had an adverse effect on employment in the local community. The reclassification will allow Council to sell the land and use the proceeds of the sale to upgrade local roads. Upgrading local infrastructure will produce positive social benefits to the local community.

Assessment Process

Proposal type :	Minor	Community Consultation Period :	14 Days
Timeframe to make LEP :	9 months	Delegation :	Nil
Public Authority Consultation - 56(2) (d) :			

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Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

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
Dungog letter.pdf	Proposal Covering Letter	Yes
Planning Proposal Old Gresford Works Depot Site Lot 1 DP 562046 Durham Road Gresford Sept 2014.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **6.2 Reserving Land for Public Purposes**

Additional Information : **Conditions**

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

(a) the planning proposal is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning & Environment 2013) and must be made publicly available for a minimum of 14 days; and
(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Environment 2013).
2. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing with respect to reclassifying land.
4. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Supporting Reasons : **Supporting reasons**

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1. The PP proposes to provide opportunities for employment generating activity in the Gresford locality.

Signature:



Printed Name:

K O'FLAHERTY

Date:

9/10/14