
O13/125 PLANNING PROPOSAL – RECLASSIFICATION AND REZONING OF
LOT 249 DP 711220, 29 TRANQUIL BAY PLACE, ROSEDALE E13.7274

SYNOPSIS

The purpose of this report is to seek Council's endorsement of a minor Planning Proposal to amend the Eurobodalla Local Environmental Plan (LEP) 2012 through the reclassification and rezoning of Lot 249 DP 711220, 29 Tranquil Bay Place, Rosedale.

This Planning Proposal was initiated by the adjoining land owner and is supported by Council's Planning and Property team staff.

The land is currently classified as 'Community' land under the Local Government Act 1993. The Planning Proposal seeks the reclassification of the land to 'Operational', which will enable the sale and development of the land in accordance with the applicable statutory and non-statutory provisions.

The land is currently zoned RE1 Public Recreation under the 2012 LEP, in addition to the above, the Planning Proposal seeks to rezone the land to E4 Environmental Living. The rezoning will ensure the land is subject to the same controls as the surrounding land.

The land is small in area (166.3m²), has an odd triangular shape and is otherwise considered of little recreation benefit to the locality given existing open spaces.

With regard to the matters addressed in this report, and due to the minor nature of the proposed amendments to the LEP, it is considered appropriate that Council progress the Planning Proposal to Gateway Determination.

BACKGROUND

Lot 249 DP 711220 is a parcel of Council owned land classified as community land. In 2012, Council was approached by the registered proprietor of the adjoining property, Lot 222 DP 711220 with a request to purchase Lot 249. The name of the registered proprietor is set out in the Councillors' Attachment.

The land owner was informed that in order to proceed with the sale of the land, the allotment must be reclassified from 'community' to operational' and that should they wish to develop the land, the allotment must be rezoned in a manner consistent with the surrounding land uses.

On 19 March 2013, Council received a formal request to lodge the Planning Proposal as well as the payment of Stage 1 fees for a Planning Proposal, in accordance with Council Fees and Charges 2012-2013.

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CONSIDERATIONS

Legal

The Planning Proposal Process

The Planning Proposal has been prepared in accordance with the Department of Planning's publications: *A Guide to Preparing Planning Proposals* and *A Guide to Preparing Local Environmental Plans (NSW Department of Planning, October 2012)*. The Planning Proposal addresses the matters required by the Director General to be addressed in all planning proposals.

Following Council's decision to proceed, the Planning Proposal will be forwarded to the Minister for Planning for 'Gateway Determination'. The intention of the Gateway process is to allow a Planning Proposal to be reviewed at an early stage allowing the Minister to make a decision whether to proceed further, before significant resources are committed.

At the Gateway Determination stage, the Minister will decide:

1. Whether the proposal will proceed, with or without variation, and whether it should be resubmitted;
2. The level of community consultation required;
3. Whether input from State and Commonwealth authorities is required;
4. The appropriate timeframes for the various stages of the proposal;
5. Whether delegation to finalise the Planning Proposal will be given to Council.

Following the Gateway Determination the Planning Proposal will be publicly exhibited in accordance with the determination, NSW State agency views will be sought and Council will consider any submissions received. A public hearing will also be held in accordance with the requirements of the Local Government Act 1993.

Given the minor nature of the proposal, it is intended that Council seek approval to finalise the Planning Proposal under delegation.

A copy of the Planning Proposal is included as an attachment to this report.

Policy

Community Strategic Plan

The reclassification and rezoning of Lot 249 is not inconsistent with the Eurobodalla Community Strategic Plan – *One Community*.

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Recreation and Open Space Strategy 2010 - 2030

Council's Recreation Strategy outlines Council's role which is to promote future development of recreation in locations that represent the best utilisation of resources for our community. A needs analysis conducted to inform the strategy indicates an oversupply of recreation and open space across the Eurobodalla Shire, the majority of which is not being actively used. It suggests the focus should be on rationalizing the amount of space and developing key spaces and facilities.

The Planning Proposal is consistent with the Recreation and Open Space Strategy.

Environmental

There are no other known environmental effects that could arise from the Planning Proposal.

Social and Economic Impact

The Planning Proposal is not expected to have any negative social or economic effects short or long term.

Integrated Planning and Reporting

This report addresses Council's Integrated Planning and Reporting framework as follows:

Community Strategic Plan Objective	Delivery Program Activity	Operational Plan function/key project
Objective 3: Our community and environment are in harmony	Land Use Planning	Land Use Planning – Local Environmental Plans

Financial

In accordance with Council's Fees and Charges 2012 – 2013, the fee of \$1,658 has been paid to Council for Stage 1 of the Minor Rezoning. The applicable fees for Stage 2 will be collected following Gateway Determination and Stage 3, prior to the finalisation of the Planning Proposal.

If the reclassification and rezoning is published in the Government Gazette, Council will be able to sell Lot 249 to the adjoining registered proprietor. The sale price should be determined by a registered valuer based on fair sale value.

A condition of sale should be consolidation with the adjoining Lot 222 as it does not have a building entitlement. The sale should also be subject to all costs associated with the land transfer and consolidation being borne by the registered proprietor of Lot 222.

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CONCLUSION

With regard to the matters addressed in this report and due to the minor nature of the proposed amendments, it is considered appropriate that Council progress the Planning Proposal to Gateway Determination.

If the Gateway Determination is successful, and the LEP Amendment published in the Government Gazette, the sale of Lot 249 DP 711220 to the registered proprietor of Lot 222 DP 711220 can proceed.

RECOMMENDED

1. That Council forward the Planning Proposal to reclassify and rezone Lot 249 DP 711220, 29 Tranquil Bay Place, Rosedale, to the NSW Minister for Planning and Infrastructure for a Gateway Determination in accordance with section 56 of the Environmental Planning and Assessment Act.
2. If the reclassification and rezoning of Lot 249 DP 7112230 is published in the Government Gazette, Lot 249 be transferred to the registered proprietor of the adjoining property Lot 222 DP 711220 subject to:
 - (a) The registered proprietor paying Council an amount determined by a registered valuer based on fair sale value.
 - (b) The consolidation of Lot 249 with the adjoining Lot 222.
 - (c) All costs associated with the land transfer and consolidation being borne by the registered proprietor of Lot 222 DP 711220 including survey and Council's legal and valuation costs.
3. Consent be given to affix the Common Seal of Council to the Transfer for Lot 249 DP 711220.

LINDSAY USHER
DIRECTOR
PLANNING AND SUSTAINABILITY SERVICES

Attach.
Clrs.

MINUTE NO 13/185

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13/185 MOTION Councillor Pollock/Councillor Burnside

THAT:

1. Council forward the Planning Proposal to reclassify and rezone Lot 249 DP 711220, 29 Tranquil Bay Place, Rosedale, to the NSW Minister for Planning and Infrastructure for a Gateway Determination in accordance with section 56 of the Environmental Planning and Assessment Act.
2. If the reclassification and rezoning of Lot 249 DP 7112230 is published in the Government Gazette, Lot 249 be transferred to the registered proprietor of the adjoining property Lot 222 DP 711220 subject to:
 - (a) The registered proprietor paying Council an amount determined by a registered valuer based on fair sale value.
 - (b) The consolidation of Lot 249 with the adjoining Lot 222.
 - (c) All costs associated with the land transfer and consolidation being borne by the registered proprietor of Lot 222 DP 711220 including survey and Council's legal and valuation costs.
3. Consent be given to affix the Common Seal of Council to the Transfer for Lot 249 DP711220.

(The Motion on being put was declared **CARRIED.**)