

Planning Proposal

Proposed amendment to Singleton Local Environmental Plan 2013

Reclassification of Lot 1 DP 1151446, 1-3 Bathurst Street
Singleton from community land to operational land

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EXECUTIVE SUMMARY

Local Government Area:	Singleton Council
Name of the Draft Local Environmental Plan (LEP):	Reclassification of land at 1-3 Bathurst Street Singleton
Proposed changes:	The planning proposal seeks to reclassify the subject land from community land to operational land
Subject land:	Lot 1 DP 1151446, 1-3 Bathurst Street SINGLETON
Area of land:	1,535sqm
Land owner(s):	Singleton Council
Proponent:	Singleton Council
Council file reference:	55.2018.2
CM9 document reference:	21/60436
NSW Department of Planning & Environment (DP&E) reference:	To be determined
Version:	1 (Pre-Gateway)
Date:	21/07/2021
Officer:	R Drew
Manager:	Mary-Anne Crawford

INTRODUCTION

This planning proposal seeks to amend the Singleton Local Environmental Plan (SLEP) 2013 by reclassifying Lot 1 DP 1151446 known as 1-3 Bathurst Street Singleton from 'community' land to 'operational' land. The purpose of the reclassification is to facilitate the sale of the site to Ourcare Services Ltd who will continue the existing operations. No changes to zoning, minimum lot size or floor space ratio controls are proposed.

THE SITE

The site is 1-3 Bathurst Street, Singleton and is legally identified as Lot 1 DP 1151446 (**Figure 1**). The site is Council-owned land. Bathurst Street runs along the eastern boundary of the site with public carparking areas located to the west and north of the site. The site has an area of 1,535sqm and comprises a part two-storey building at the north of the site and a single-storey building at the south of the site.

The building to the north is currently leased to Ourcare Services Ltd. Ourcare Services Ltd is a not-for-profit organisation, predominantly funded by the NSW Government, which provides a range of services to the Singleton community including community transport, meals on wheels, neighbour aid, home maintenance, home modification, domestic assistance and personal care. The building to the south contains the Singleton Senior Citizens Centre.

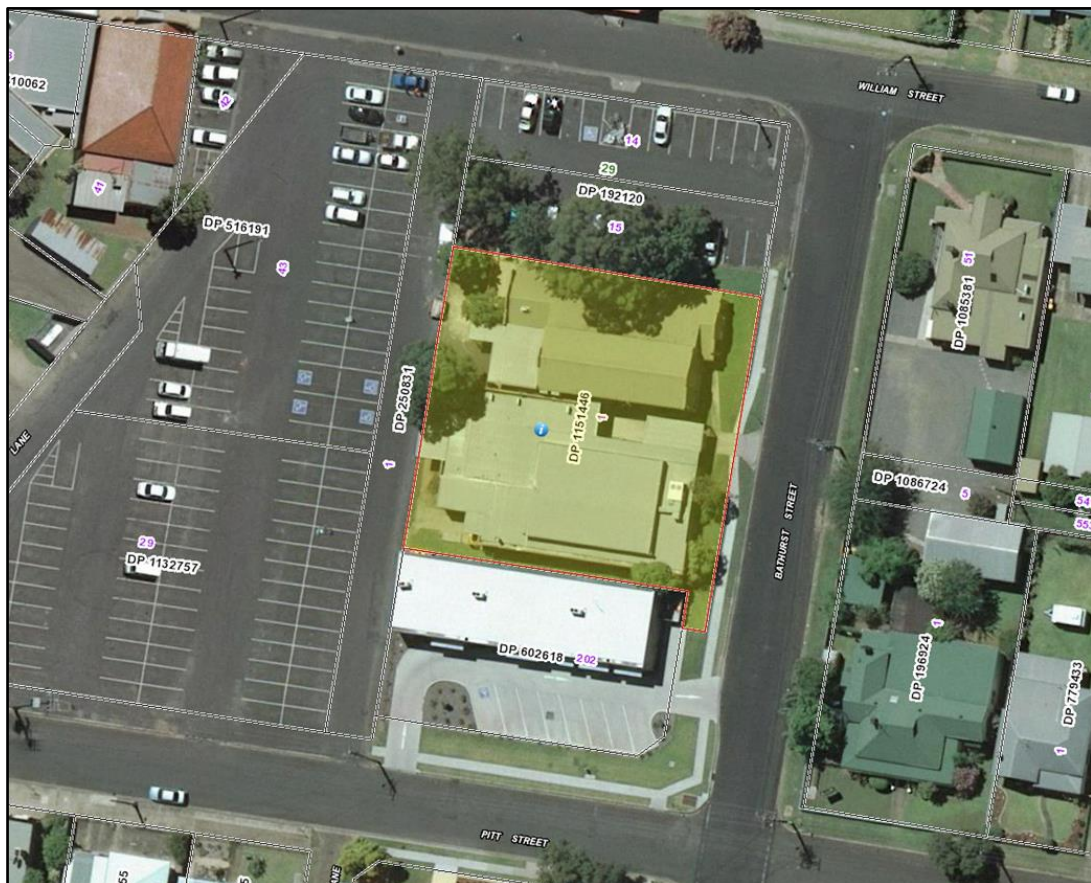


Figure 1: aerial view of the site (Source: SixMaps)

The site is zoned B4 Mixed Use under the SLEP 2013 (**Figure 2**). The current use of the site is a community facility with ancillary offices. The proposed reclassification does not seek to facilitate a use at the site which is not already approved or permissible with consent and so rezoning is not required.

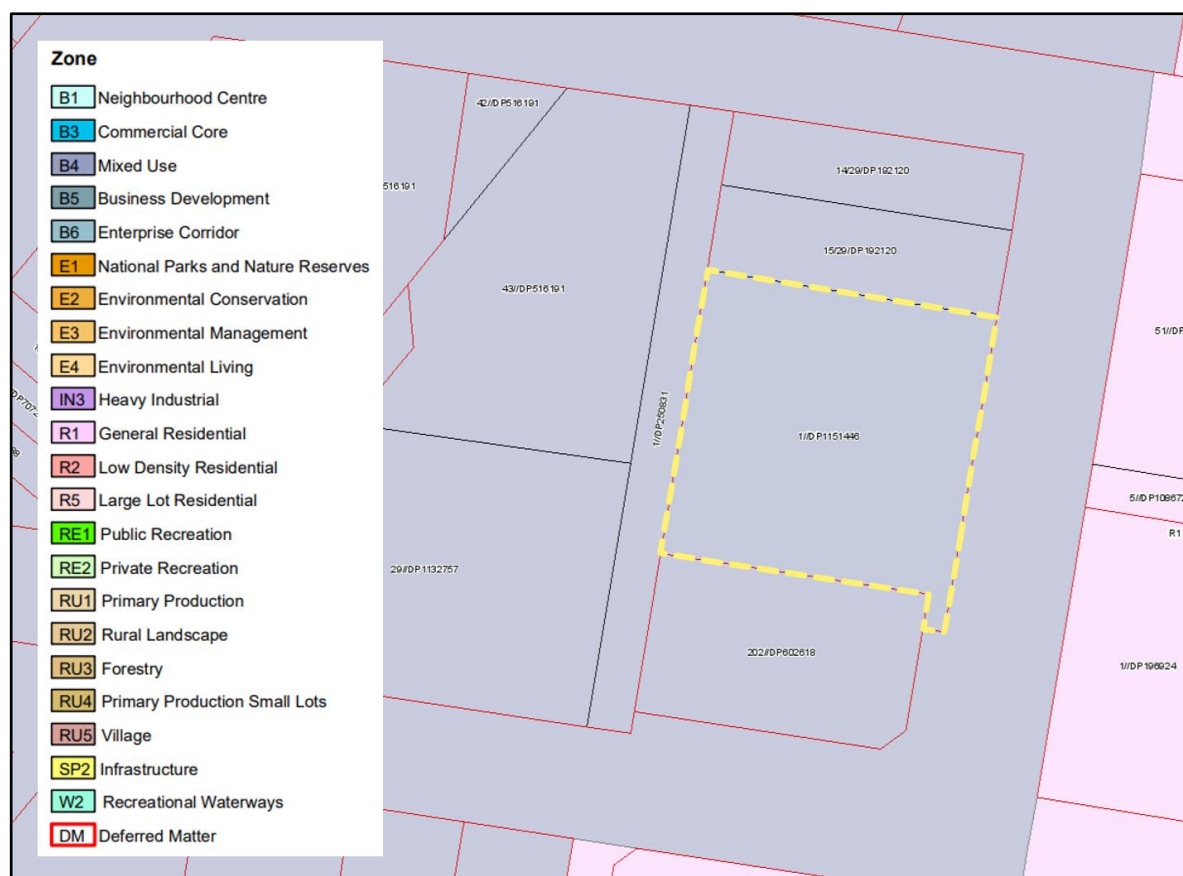


Figure 2: Current zoning (B4 Mixed Use) (Source: NSW Government)

BACKGROUND

Part 2 of the *Local Government Act 1993* (LG Act) requires that all public land be classified as 'community' land or 'operational' land. The purpose of classification is to identify land which should be kept for access by the general public as community land such as parks, reserves or sports grounds or operational land which facilitates the functions of council such as a works depot or Council garage which may not be accessible by the public.

Land which was not formally declared as operational land by 1 July 1994 was automatically classified as community land. The LG Act requires that the classification or reclassification of public land be made by a local environmental plan or by a resolution of the council.

The site was created from a consolidation of Lot 16 & Lot 17 Section 29 DP 192120 and Lot 18 & Lot 19 DP 1130393 (previously identified as Lot 18 & 19 Section 29 DP 192120). Lot 16 & Lot 17 Section 29 DP 192120 were purchased by Council in 1968 and in subsequent years a car park was constructed along with the establishment of the Senior Citizens Centre which was constructed circa 1984 (**Appendix A**).

On 18 April 1994, Council resolved to classify Lot 17 Section 29 DP 192120 and Lot 18 & Lot 19 DP 1130393 as operational land (**Appendix B**). At this time Lot 14, Lot 15 & Lot 16 Section 29 DP 192120 were vacant land and because these lots were not classified as operational land they were automatically classified as community land. In 1994, the Community Centre was built across Lot 16 & Lot 17 Section 29 DP 192120. A search of Council records was not able to identify that Lot 16 was reclassified to operational land at that time. A condition of development consent for the Community Centre building extension in 2008 required that the land containing the Community Centre and Senior Citizen Centre be consolidated. This plan being Deposited Plan 1151446 was registered on 9 November 2010. A search of Council records did not find the land was classified as operational land and as a result Lot 1 DP 1151446, subject of this planning proposal, is held as community land due to the original classification of Lot 16.

In 2017, Singleton Council was approached by Ourcare Services Ltd enquiring whether Council would consider selling the site. It was agreed at this meeting that valuations would be obtained to enable further consideration of the request and subsequently an offer to purchase the site from Council was received from Ourcare Services. Ourcare Services Ltd have agreed to continue to lease the site to the Seniors Citizen Welfare Association Incorporation.

As the land is classified as community land, reclassification of the land to operational land is required to permit the land to be sold. At a meeting of Council held on 19 November 2018, a resolution was made to prepare a planning proposal to enable the reclassification of the subject land to operational land. This planning proposal has been prepared to support this request.

PART 1 – INTENDED OUTCOME

The objective of the planning proposal is to reclassify the site from community land to operational land. The proposed reclassification will permit the site to be sold to Ourcare Services Ltd. A requirement of the reclassification and sale of the site is that the current operations continue. Funds from the sale are proposed to be used by Council to continue solar power initiatives across Council-owned sites.

There are no changes proposed to zoning, minimum lot size, height of building or floor space ratio controls.

PART 2 – EXPLANATION OF THE PROVISIONS

The proposed objectives of the planning proposal will be achieved by amending the SLEP 2013 as outlined below:

Item no.	Explanation of provisions
1	Amend Schedule 4 of Singleton Local Environmental Plan 2013 by adding under Part 1: Column 1 Locality: 'Singleton' and Column 2 Description: 'Lot 1 DP 1151446, 1–3 Bathurst Street Singleton'

PART 3 – JUSTIFICATION

SECTION A – NEED FOR THE PLANNING PROPOSAL

1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

Yes. The planning proposal is the result of a resolution of Council on 19 November 2018 to prepare a planning proposal to enable reclassification of the site to operational land.

The reclassification and sale of the subject land will not negatively impact the economic sustainability of Singleton Council and would not result in any loss of community infrastructure as the site would continue to be operated by Ourcare Services Ltd in conjunction with the Senior Citizens Centre. Revenue resulting from the sale of the land would be re-invested back into other Council assets, such as solar power initiatives across Council-owned sites which is currently being undertaken.

The combined current lease arrangement for the site is worth \$35,342 (ex GST) per annum to Council with annual operating expenditure of \$16,771 (ex GST). The offer to purchase is \$625,000 (ex GST). The lease agreement between Singleton Council and Ourcare Service terminates on 30 June 2022.

The Senior Citizen's Centre lease terminated on 22 January 2020 and is now leased on a month-to-month basis to the Senior Citizens Centre Welfare Association Incorporation. Copies of the lease agreements for both Ourcare Services and Senior Citizen Centre are included at **Appendix C**.

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

Reclassification of the site is only possible through a planning proposal.

SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

Yes. Consistency of the planning proposal with relevant plans and strategies is outlined below.

Hunter Regional Plan 2036

The Hunter Regional Plan (HRP) 2036 is a regional land use strategy that applies to the Singleton local government area. The HRP will guide land use planning priorities over the next 20 years and includes overarching directions, goals and actions as well as specific priorities for each local government area in the Hunter.

The HRP has a focus on providing the Hunter Region with a leading economy, a biodiversity rich natural environment, thriving communities and greater housing choice. However, there are no specific provisions related to the subject land. Due to the minor nature of the proposed change, it is considered that the proposal is not inconsistent with the HRP directions.

Upper Hunter Strategic Regional Land Use Plan

The Upper Hunter Strategic Regional Land Use Plan (UHSRLUP) 2012 is a sub-regional land use strategy that applies to the Singleton local government area. The UHSRLUP identifies the need for social infrastructure including community facilities to grow in response to population growth. The proposal to reclassify the subject land will facilitate the sale of the site, creating more opportunities for long-term service planning for the Ourcare Services which will continue to positively contribute to the Singleton community.

4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Yes. Consistency of the planning proposal with relevant plans and strategies is outlined below.

Singleton Local Strategic Planning Statement 2041

The Singleton Local Strategic Planning Statement (LSPS) 2041 establishes the 20-year vision for how the Singleton local government area will be in the future in terms of its land uses, activities, landforms and built forms.

Planning Priority 1.2 of the LSPS relates to accommodation, facilities and service provision that meets the needs of the ageing population. A stipulation of the proposed reclassification is that the site continue to be used by Ourcare Services Ltd and the Senior Citizens Centre which will provide services for the community. Funds received through the future sale of the site will then be able to be reinvested into other beneficial assets and infrastructure including solar power initiatives.

Singleton Land Use Strategy (2008)

The site is not specifically identified in the Singleton Land Use Strategy (SLUS) 2008 as this document focuses on responding to settlement needs, providing and maintaining infrastructure, encouraging economic growth and protecting and enhancing the environment. Despite this, the ongoing provision of social infrastructure is identified as an increasing need. The reclassification and sale of the site would provide financial security to Ourcare Services 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?

There are no existing or draft State Environmental Planning Policies that prohibit or restrict the proposed amendment as outlined in this planning proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions?

An assessment of relevant Ministerial directions against the planning proposal is provided in the table below.

Table 1 – Relevant Ministerial Directions		
Ministerial Direction	Aim of Direction	Consistency and Implications
4. HAZARD AND RISK		
4.3 Flood Prone Land	<p>The objectives of this direction are:</p> <p>(a) to ensure that development of flood prone land is consistent with the NSW government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and</p> <p>(b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</p>	<p>The subject site is identified as flood prone land in Singleton LEP 2013 (SLEP 2013). The proposal is for reclassification only, with the zone remaining the same and it is not considered an intensification of land use.</p> <p>Accordingly, it is considered that the planning proposal is consistent with the objectives of the direction.</p>
6. LOCAL PLAN MAKING		
6.2 Reserving Land for Public Purposes	<p>The direction aims to facilitate</p> <p>(i) the provision of public services and facilities by reserving land for public purposes; and</p> <p>(ii) removal of reservations of land for public purposes where land is no longer required for acquisition.</p>	<p>The planning proposal involves the reclassification of the land from community to operational land.</p> <p>This planning proposal affects land that is classified as 'public land'. The land contains two separate buildings which are occupied by Ourcare Services Ltd and Senior Citizens Centre Welfare Association Incorporation. Ourcare Services Ltd is a not-for-profit organisation which provides a range of services to the Singleton community including community transport, meals on wheels, neighbour aid, home maintenance, home modification, domestic assistance and personal care. Ourcare Services have contributed financially in the past to the expansion of the facility building and fit out, totalling \$368,536 per development applications 2007/551, 2008/529 and 2011/323.</p> <p>Ourcare has been leasing the land from Council and are now in a position to purchase the site, which is the objective of this planning proposal. The sale of the land to Ourcare Services will not alter the provision of community services from the site as Ourcare Services will continue to operate as it has done for a number of years.</p>

		Furthermore, it is noted that Ourcare Services is mindful of the current arrangements in place with Senior Citizens Centre Welfare Association. Council's intention is to ensure that the Senior Citizens Association continues to have access and use of their building beyond the sale. This has been agreed upon by Ourcare Services in their letter of offer to purchase the site.
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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?

No. The planning proposal is for reclassification, and will not alter any other development controls in a manner such that there could be adverse impacts on threatened species, populations, or ecological communities. Further to this, 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?

Carparking

The site does not benefit from on-site carparking and relies on the existing Council-owned carpark located between William Street and Pitt Street (**Figure 3**). Carparking spaces for sole use of the site are not delineated in the Council-owned carpark. If the site is no longer Council-owned, consideration has been given to carparking requirements as part of the proposed reclassification.

A Traffic and Parking Assessment was prepared in support of the proposed reclassification to consider traffic and carparking as a result of the proposed reclassification (**Appendix D**). The report assessed:

- Parking impacts of the proposal;
- Whether traffic generated by the development can be incorporated into the road system to ensure appropriate Levels of Service are maintained for all users; and
- Traffic-related safety risks are not introduced, or existing risks not exacerbated to an unsuitable level.

To determine carparking required for the site, the report identified the site as comprising *office space* and *function centre* which generates a carparking demand of 41 on-site spaces per the Singleton Development Control Plan 2014 and should be assigned for the use in the public carpark. In summary, the report found that:

- the existing local and state roads can accommodate the use
- There is sufficient available carparking within the Council-owned carpark for 41 spaces to be allocated to the development.

It is proposed that the existing carparking situation should be retained whereby the site and surrounding businesses share the Council-owned carpark and that delineation of carparking spaces is not required. It is also proposed that on-site carparking or a monetary contribution in lieu of on-site carparking should not be required unless a future change or use or increase in floor area at the site is proposed which would generate a need for additional carparking. This approach to carparking for the proposed reclassification was supported by Council resolution on 19 July 2021 (**Attachment E**).



Figure 3: Carparking surrounding the site

9. Has the planning proposal adequately addressed any social and economic effects?

The proposed reclassification will result in the loss of a small amount of community land; however, this is not expected to result in any adverse social or economic impacts. The location of community and operational land in the Singleton town centre and surrounds is shown in **Figure 4**. A requirement of Council prior to supporting the proposed reclassification of the site is that there will be no change in the level of service provided by Ourcare Services Ltd and consultation will be held with Senior Citizens to ensure provision of space for their ongoing use.

The community facility will continue to operate which has positive social impacts for the Singleton community and will continue to provide economic benefit to the broader community by facilitating the sale of public land that is surplus to Council's needs. The funds received from the sale of the site will be invested into solar initiatives across Council-owned sites and can also be used for other socially and economically beneficial initiatives.



Figure 4: Location of community land in proximity to the site

SECTION D – STATE AND COMMONWEALTH INTERESTS

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

There is adequate public infrastructure currently servicing the site. The site has road access from Bathurst Street and the public carpark to the west, is connected to reticulated water and sewer services and is connected to electricity and telecommunication services. There is no change proposed to any of these existing services as a result of the planning proposal. The proposal will not result in the need for any new or augmented public infrastructure such as public utilities or roads.

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

Consultation with any relevant State and Commonwealth Agencies will be undertaken following a Gateway Determination. It is not expected that public authorities will need to be consulted as the reclassification will not result in any change to the existing site conditions and impacts.

SECTION E – PLANNING SECRETARY'S REQUIREMENTS FOR PLANNING PROPOSALS RECLASSIFYING LAND

For proposed local environmental plan amendments which are prepared solely to classify or reclassify public land, the Planning Secretary requires additional specific matters be addressed in the justification for the planning proposal. These matters and a response to each are outlined below.

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

Yes. As outlined in Section A, the planning proposal is the result of a resolution of Council on 19 November 2018 to prepare a planning proposal to enable reclassification of the site to operational land.

b) Is the planning proposal consistent with the local council's community plan, or other local strategic plan?

Singleton Community Strategic Plan 2017-2027

An assessment of the Planning Proposal against the key objectives of the Singleton Community Strategic Plan 2017-2027 is outlined in **Table 2** below:

Table 2 – Singleton Community Strategic Plan 2017-2027

Theme	Objective	Explanation of Provisions
Our People	Provide services and facilities that meet the needs of our community at different stages of life	Not inconsistent
	Promote, facilitate and provide services for public health, healthy living and lifestyles	Not inconsistent
	Facilitate and support programs and activities which promote inclusion and celebrate diversity	Not inconsistent
	Provide social, recreational and cultural services which educate, inspire and entertain	Not inconsistent
	Collaborate with Government and other agencies to improve services relating to but not limited to health, education, integration connectivity, security and well-being	Not inconsistent
Our Place	Our Places Provide safe and well-maintained facilities and infrastructure	Sustainable management of assets is an outcome sought by the plan. The proceeds from the sale of the land if reclassification was to occur would provide funds to be re-invested into other Council assets to improve their operating efficiencies for example solar power or reinvested into income generating assets.
	Provide safe and reliable water and sewer services	Not inconsistent
	Promote and facilitate sustainable village living	Not inconsistent
	Improve transport connectivity and support sustainable alternatives	Not inconsistent
	Facilitate land use planning and development outcomes which respect and contribute in a positive way to environment and community	Not inconsistent
Our Environment	Collaborate to enhance, protect and improve our environment	Not inconsistent
	Promote efficient water and wastewater management and increase re-use and recycling	Not inconsistent
	Manage and reduce risks from environmental pollution and disease	Not inconsistent
	Educate and advocate to improve air quality in Singleton	Not inconsistent
	Collect and manage urban stormwater effectively	Not inconsistent
	Increase planning and preparedness for natural disasters	Not inconsistent
Our economy	Attract new investment to increase the diversity and resilience of the Singleton economy.	Not inconsistent
	Continue to support local tourism operators for the promotion of Singleton as a tourist destination	Not inconsistent
	Enhance relationships between local business, industry and Government to set strategic economic goals	Not inconsistent
	Facilitate development of a night time economy for Singleton	Not inconsistent
	Support the capacity of Singleton businesses to be flexible, adaptable and prepared for change	Not inconsistent
	Inform and inspire our community to be prepared to embrace for jobs for the future	Not inconsistent
	Seek funding to provide infrastructure, programs, services or events which add value to the delivery of the objectives of Singleton 2027	Not inconsistent
	Foster initiatives that strengthen Singleton's brand identity	Not inconsistent
Our Leadership	Council's service delivery is aligned with our communities needs and delivered the best way possible	Not inconsistent
	Provide accurate and timely communication to our community	Not inconsistent
	Improve the connectivity between the community, stakeholders and Council to create an informed community	Not inconsistent
	Infrastructure, services, facilities and Council are managed in a financially sustainable way	Not inconsistent
	Services are provided by the right people, in the right jobs, with the right skills and attitudes at the right time	Not inconsistent
	Develop strong partnerships to deliver services	Not inconsistent
	To led, govern, regulate in an ethical, equitable and transparent way.	Not inconsistent

- c) **If the provisions of the planning proposal include extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished.**

There are no interests in the land to be extinguished as a result of the planning proposal.

- d) **The concurrence of the landowner, where the land is not owned by the planning proposal authority.**

The land is owned by Council and as such concurrence of the land-owner is provided.

SECTION F – LEP PRACTICE NOTE

LEP Practice Note PN 16-001 prepared by the (then) Department of Planning & Environment provides guidance on classification and reclassification of public land through a local environmental plan amendment. The Practice Note includes additional matters which must be addressed when reclassifying land through a LEP amendment. These additional matters including a response to each are at **Appendix F**.

It is considered the planning proposal adequately responds to the requirements of the Practice Note.

PART 4 – MAPPING

This planning proposal does not require any changes to maps in the Singleton Local Environmental Plan 2013.

PART 5 – COMMUNITY CONSULTATION

Community consultation will be undertaken in accordance with the Gateway determination. Planning proposals to reclassify public land are to be publicly exhibited for at least 28 days.

Notice of the public exhibition period will be placed in the local newspapers. The exhibition material will be on display at the following locations during normal business hours:

- Singleton Council Administration Centre - Cnr Queen Street and Civic Avenue, Singleton
- Singleton Visitor Information and Enterprise Centre - Townhead Park, New England Highway, Singleton.
- Singleton Library - 8-10 Queen Street, Singleton.

The planning proposal will also be available on Council's website.

A public hearing will occur, pursuant to Section 29 of the LG Act. This will allow the community an opportunity to expand on written submissions and discuss issues with an independent person in a public forum. After the exhibition period has ended, at least 21 days public notice is to be given before the hearing. This will enable the person chairing the hearing sufficient time to consider written submissions and all issues raised.

PART 6 – PROJECT TIMELINE

The expected project timeline is outlined below.

	Aug 2021	Sept 2021	Oct 2021	Nov 2021	Dec 2021	Jan 2022	Feb 2022	Mar 2022	Apr 2022
<i>Gateway Determination</i>									
<i>Public Exhibition</i>									
<i>Notification of Public Hearing</i>									
<i>Public Hearing</i>									
<i>Update to planning proposal</i>									
<i>Reported to Council</i>									
<i>Parliamentary Counsel</i>									
<i>Plan notified</i>									

CONCLUSION

The amendment to Singleton Local Environmental Plan 2013 detailed in this planning proposal will reclassify Lot 1 DP 1151446, 1-3 Bathurst Street Singleton, from 'community land' to 'operational land'. The reclassification will enable Council to sell the land to Ourcare Services who will continue the current uses at the site which provide social benefits to the community. Monies received as a result of the sale would be put towards other Council assets and initiatives.


The land subject of this planning proposal is partly occupied by Ourcare Services, a not-for-profit community facility which Council does not have any financial interest in. The remaining land is occupied by the Senior Citizens Centre. Ourcare Services have agreed in their letter of offer to Council for the purchase the land to ensure that the Senior Citizens Association continues to have access and use of their building beyond the sale and the terms of this will need to be negotiated. In these circumstances the use of the land by Ourcare Services and Seniors Citizen Welfare Association means that Council does not need to retain the land to ensure the provision of these community services and the ongoing public benefit to the community. The land is therefore considered to be surplus to Council's needs.

All relevant strategies, State Environmental Planning Policies and Section 9.1 Ministerial directions have been addressed in the planning proposal in support of the proposal receiving a Gateway determination to proceed.

This planning proposal has been prepared to explain the intended effect of the proposed amendment to the Singleton Local Environmental Plan 2013 and sets out the justification for making that amendment.

Pursuant to Section 3.35 of the *Environmental Planning and Assessment Act 1979*, Council may, at any time, vary the proposal as a consequence of its consideration of any submission or report during community consultation or for any other reason. It may also, at any time, request the Minister to determine that the matter not proceed.

This planning proposal (Version 1 Pre-gateway) has been reviewed by the Manager Development and Environmental Services and deemed suitable for the purposes of review of the Department of Planning, Industry & Environment for Gateway determination.

		
Rob Drew		Mary-Anne Crawford
A/Senior Specialist Strategic Planner		Manager Development & Environmental Services

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