

72. LA74/2009 - Proposal to Reclassify/Rezone Council Land **FILE: LA74/2009**
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Executive Summary

Council's Assets and Facilities Directorate have lodged a request to rezone part of Lot 6, DP255886, Darlington Road, Darlington and reclassify the following land from "Community Land" to "Operational Land":

- Lot 1 DP36997, Putty Road Mt Thorley;
- Lots 4 and 5 DP1017441, Gresford Road, Sedgefield;
- Lot 6 DP861727, Stanhope Road, Elderslie; and
- Lot 6, DP255886, Darlington Road, Darlington.

The Planning Proposal, which is **attached under separate cover**, seeks to amend Council's Local Environmental Plan (LEP) for the purposes of rezoning/reclassifying these parcels of land. This report presents the planning proposal and seeks Council support for the proposal.

RECOMMENDED

That Council support the planning proposal and forward it to the NSW Department of Planning for consideration in accordance with the gateway process.

Background:

The Department of Local Government's - Integrated Planning and Reporting System, emphasizes the need for Council's to review the life cycle costs of their assets, the risks and liabilities associated with those assets and the level of utilization of the assets. It also identifies the need to get the maximum benefits from Council's assets, with minimal costs.

The land subject of the planning proposal was identified by a project team of Council officers preparing a Parks and Facilities Asset Management Strategy. The team identified that utilization of the land (assets) was minimal at best and that the lifecycle costs, risks and liabilities outweighed any apparent benefits of retaining the land. As such, the Assets and Facilities Directorate sought to dispose of the land through negotiated sale. To do this, the land must first be reclassified from "Community Land" to "Operational Land".

The section of Lot 6, DP255886, which is proposed to be rezoned, is currently used by the Boral concrete batching plant. The plant operations have encroached onto the subject land from Lot 4, DP883810. It is proposed to rezone the site from 6(a) (Public Open Space and Recreation zone) to 1(a) (Rural zone). This is consistent with the zoning of Lot 4, DP883810.

Management Plan:

The disposal of Lot 1 DP36997, Lot 4 DP1017441, Lot 5 DP1017441 and Lot 6 DP861727 is identified in Part 8 of the Singleton Council – Management Plan – 2013/14.

The planning proposal is consistent with the Management Plan's "Sustainability Criteria" for the Strategic Planning program area. The proposal is not expected to generate any significant adverse impacts on the community or the environment.

Although the land subject of the planning proposal is currently defined as "Community Land" under the *Local Government Act 1993*, the land is not fulfilling a viable public purpose. As such, the parcels of land are assets which create inefficiency in Council's Parks and Facilities Asset Management Strategy.

The proposal will provide for the land to be sold and the proceeds re-invested back into assets which positively impact upon the effectiveness and efficiency of Council's asset base. The process associated with changing the classification of Public Land to Community Land through an LEP requires public exhibition of the planning proposal and a public hearing to be held in relation to the proposal. As such, the LEP amendment process would be thoroughly consultative.

Council Policy/Legislation:

The land is able to be reclassified by an amendment to Council's local environmental plan in accordance with Clause 27(1) of the *Local Government Act 1993*.

Processing of the planning proposal is to comply with the requirements of Part 3 of the *Environmental Planning and Assessment Act 1979* and Part 2 of the *Environmental Planning and Assessment Regulation 2000*.

At the 27 March 2006 Council Meeting, Council considered a report relating to particular Council assets that had been identified as being underutilised and able to be considered for sale. The Council resolution from the meeting supported the disposal of Lot 1 DP36997, Lot 4, DP1017441, Lot 5 DP1017441, and Lot 6 DP861727.

On the 23 February 2009, Council considered another report which raised the prospect of selling that part of Lot 6, DP255886 which comprised operations of the Boral Concrete Batching Plant. The resolution of the meeting supported disposal of the subject piece of land.

Financial Implications:

The request to reclassify/rezone was lodged with valuation reports which had been prepared for the sites. The estimated values of the respective allotments, as stated in the valuation reports, are detailed in the "Statement of Council's Interest in the Land" attached to the Planning Proposal.

It is expected that the financial return from the sale of the land will have positive financial impacts on Council and the community because the proceeds will be re-invested back into Council assets.

*Planning and Regulations Report (Items Requiring Decision) - DP&R72/10***Consultation/Social Implications:**

If the proposal is supported by the gateway determination, it will need to be exhibited in accordance with the recommendations of the respective gateway response. Pursuant to the requirements of the NSW Department of Planning's "A Guide to Preparing Local Environmental Plans" this will involve notifying the owners of land adjoining the subject sites and placing notice of exhibition of the planning proposal on Council's website and in two editions of the local newspaper (Singleton Argus).

In accordance with LEP Practice Note: PN09-003, Council is required to hold a public hearing into the proposal in accordance with the provisions of section 57 of the *Environmental Planning and Assessment Act 1979* because the proposal seeks to reclassify "Community Land" to "Operational Land".

Because the land is not being utilised for a public purpose and is surplus to Council's needs, the proposal to sell the land is not expected to generate any significant adverse social implications.

Environmental Consideration:

The reclassification/rezoning proposal is not expected to generate any significant adverse environmental impacts.

Risk Implications:

The reclassification/rezoning provides for the disposal of the subject land and reinvestment of the proceeds back into Council's asset base. There is the risk maintaining inefficiency in Council's asset base if the planning proposal does not proceed.

Options:

The options available to Council are as follows:

- Resolve to support the planning proposal.
- Resolve to not support the planning proposal.

Conclusions:

The land subject of the planning proposal is within the ownership of Singleton Council and is identified as being under-utilized and surplus to Council's needs. The rezoning and reclassifications will enable the land to be sold and provide for the proceeds of the sales to be reinvested into more financially sustainable Council assets and/or assets which are of greater benefit to the public.



Mark Ihlein
Director Planning & Regulations

Attachments

AT-1 Planning Proposal is provided under separate cover

Attachment 1

Planning and Regulations Report (Items Requiring
Decision) - DP&R72/10

Planning Proposal is provided under separate cover