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PLANNING PROPOSAL

Land Subject of Planning Proposal	• 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.
Council File Reference:	LA74/2009

Date:	07 December 2010
Version:	1

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Executive Summary:

This planning proposal (Council file reference: LA74/2009) seeks to rezone part of Lot 6, DP255886, Darlington Road, Darlington and reclassify the following land from Public 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.

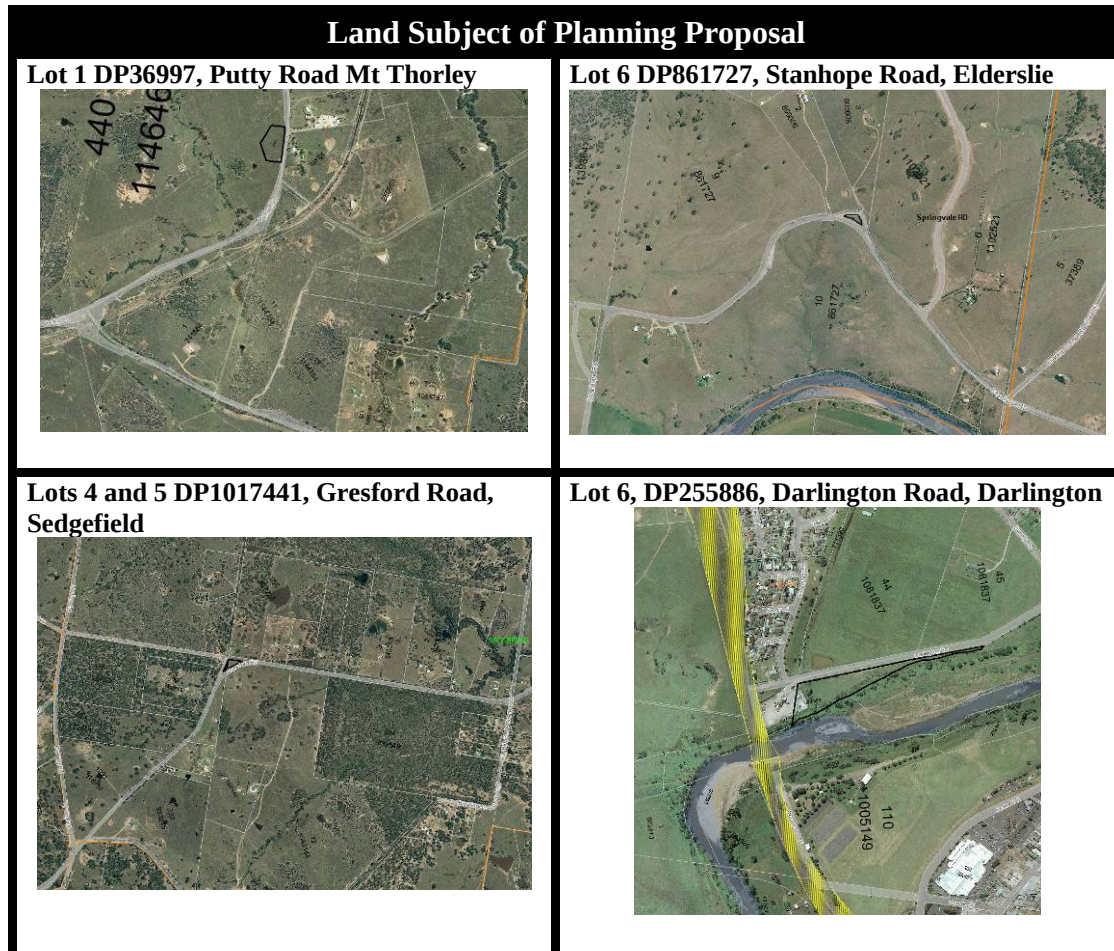
The land is within the ownership of Singleton Council and is identified as being under-utilized and surplus to Council's needs. The rezoning and reclassifications will enable the land to be sold and provide for the proceeds of the sales to be reinvested into more financially sustainable Council assets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

PART 1 – INTRODUCTION AND OVERVIEW**Introduction**

This planning proposal has been prepared to amend Singleton Council's Local Environmental Plan (LEP). This document is an evolving document and is intended to be refined as it proceeds through the LEP amendment process.

Site Description

The sites that are the subject of this planning proposal are identified in the plans which follows:



Lot 1, DP: 36997, Putty Road Mt Thorley

Lot 1, DP: 36997 is zoned 1(a) (Rural Zone). The site is vacant and has no built improvements. The allotment is approximately 2.36 hectares in area and is predominantly cleared of significant vegetation, comprising mainly unimproved grasses and a few scattered trees.

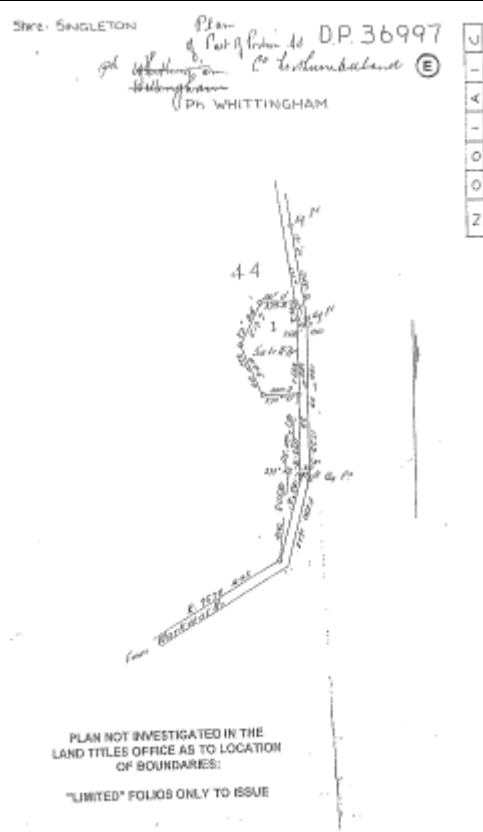
The property addresses Putty Road and has a mound (approximately 1m high and variable) running along the frontage addressing the public road. The centre of the site is relatively raised compared to the northern and southern sections where the site slopes gently downwards.

The site is not identified as being bushfire prone land on Council's bushfire prone land mapping. The site is not identified as comprising flood prone land.

As notified in the 28 November 1917 - New South Wales Government Gazette No. 204 [2587], the land was formerly in private ownership. It was resumed on the 23

November 1917 for the purposes of a gravel quarry and vested in the Council of the Shire of Patrick Plains.

In December 1975, Patrick Plains Shire Council and Singleton Municipal Council were amalgamated to form Singleton Shire Council. On the 20 July 2007, Council formally changed its corporate name from “Singleton Shire Council” to the current corporate name being “Singleton Council” as per the notice in the 20 July 2007 Government Gazette No. 92 [3385].



6352

NEW SOUTH WALES GOVERNMENT GAZETTE, No. 204. [28 Nov., 1917.]

[2587] Local Government Department,
Sydney, 23rd November, 1917.

NOTIFICATION OF RESUMPTION OF LAND UNDER THE "LOCAL GOVERNMENT ACT, 1906."

WHEREAS His Excellency the Lieutenant-Governor has, in pursuance of section 180 (1) of the "Local Government Act, 1906," authorized the appropriation or resumption of the land described in the Schedule hereto for the purpose of a Gravel Quarry Site, near Singleton: Now, therefore, I, Augustus James, being the Minister for the time being administering the Local Government Act, in pursuance of section 180 (2) of the said Act, and of the "Public Works Act, 1912," do hereby appropriate so much of the said land as may be Crown Land, or resume so much thereof as may be private property, and do notify that the said land is hereby vested in the Council of the Shire of Patrick Plains, as the body corporate of the area.

AUGUSTUS JAMES.

SCHEDULE.

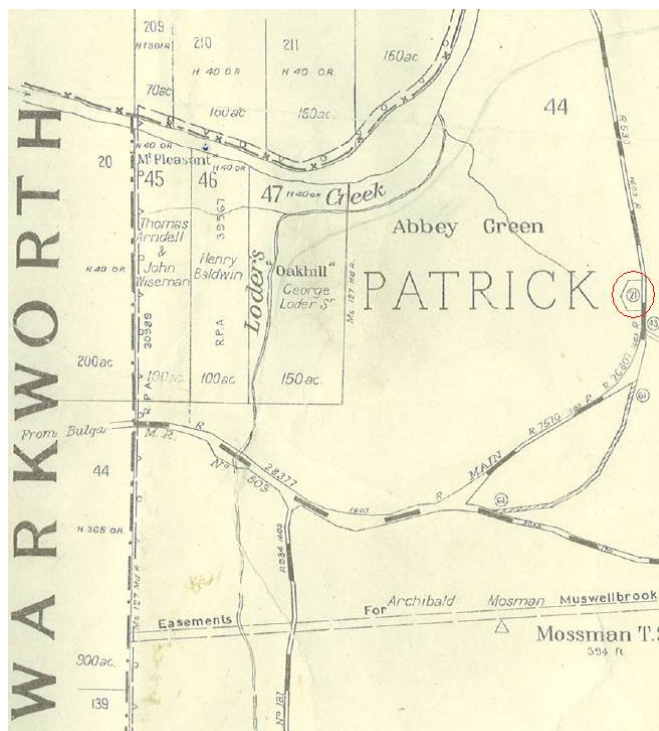
All that piece or parcel of land containing by admeasurement 5 acres 1 rood 11 and 7/10th perches, more or less, situate in the parish of Whittingham, county of Northumberland, shire of Patrick Plains, and State of New South Wales, being part of portion 44 in the said parish. Commencing at a point on the western side of the road from Warkworth to Singleton bearing 7 degrees 40 minutes 30 seconds, and distant 1,830 and 3/10th links from the point where the north-western side of the road shown on plan catalogued R. 7,570-1,603 at the Lands Department intersects the north-western side of the road shown on plan catalogued R. 530-1,603; and bounded thence on the east by the western side of the road from Warkworth to Singleton bearing 0 degrees 29 minutes 58.71 links and 3.61 degrees 31 minutes 38.4 links; thence on the north by a line bearing 270 degrees 57.8 links; thence on the north-west by a line bearing 207 degrees 26 minutes 51.77 links; thence on the south-west by a line bearing 167 degrees 61.05 links; and thence on the south by a line bearing 90 degrees 40.2 links, to the point of commencement, and said to be in the possession of Mrs. H. E. Loder.

[L.G. 1917-39-181-370]

REFERENCE NOTES

Numbers shown in circles on map.

No.	Loc.	Details
1	N.W.	122a, resumed for Singleton Water Supply, Gaz. 22nd February 1915, No. 1516 M.
2	N.W.	No. 5, 2a, resumed for Pumping Station Site, Gaz. 16th December 1908, No. 1319 M.
3	N.W.	No. 27a, resumed for Singleton Water Supply, Gaz. 26th September 1905, No. 1279, 1280 M.
4	N.W.	No. 21a, 1a, 2a, resumed for Railway Purposes, Gaz. 11th October 1905, No. 817 M.
5	N.W.	4a, 5a, 7a, resumed for Railway Purposes, Gaz. 16th October 1905, No. 817 M.
6	N.W.	No. 1a, resumed for Access, Gaz. 16th October 1905, No. 386 M.
7	N.W.	30a, resumed for Public Recreation, Gaz. 21st December 1910, No. 1125 M.
8	N.W.	No. 1a, resumed for Approach to Bridge, Gaz. 27th November 1905, No. 1077 M.
9	N.W.	No. 5a, resumed for Singleton Public School, Gaz. 16th October 1906, No. 305 M.
10	N.W.	No. 1a, resumed for Court House, 11a, 11a, resumed for Public Recreation (A.M.) Gaz. 8th December 1908, No. 728 M.
11	N.W.	No. 2a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
12	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
13	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
14	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
15	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
16	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
17	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
18	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
19	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
20	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
21	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
22	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
23	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
24	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
25	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
26	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
27	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
28	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
29	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
30	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
31	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
32	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
33	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
34	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
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36	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
37	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
38	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
39	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
40	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
41	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
42	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
43	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
44	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
45	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
46	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
47	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
48	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
49	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
50	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
51	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
52	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
53	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
54	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
55	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
56	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
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59	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
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61	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
62	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
63	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
64	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
65	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
66	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
67	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
68	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
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73	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
74	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
75	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
76	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
77	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
78	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
79	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
80	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
81	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
82	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
83	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
84	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
85	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
86	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
87	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
88	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
89	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
90	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
91	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
92	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
93	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
94	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
95	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
96	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
97	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
98	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
99	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.
100	N.W.	No. 1a, resumed for Lumber Site, Gaz. 1st November 1905, No. 645 M.



Lot 6 DP861727, Stanhope Road, Elderslie

Lot 6, DP: 861727 is zoned 1(a) (Rural Zone) and is approximately 1016m² in area. The land is predominantly cleared of significant vegetation, comprising mainly unimproved grasses and a few scattered trees. The site is vacant and comprises no built improvements.

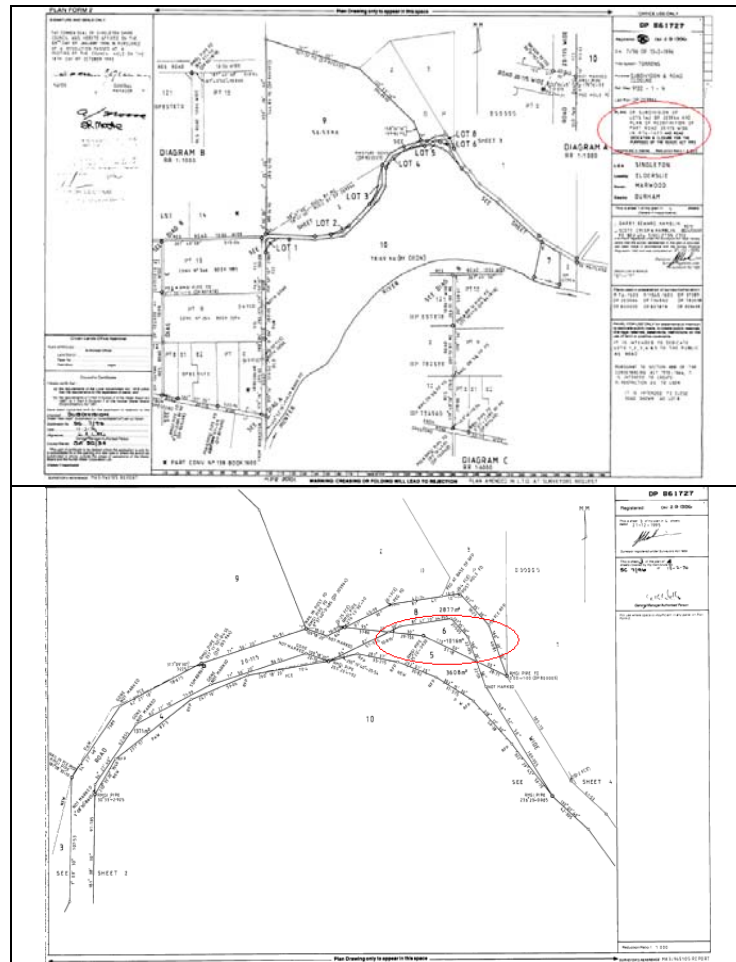
The property is located along a curve in Stanhope Road. The topography of the land is relatively flat and gently slopes downwards in the northern, eastern and western sections of the site.

The site is not identified as being bushfire prone land on Council's bushfire prone land mapping. The site is not identified as comprising flood prone land.

Subdivision application: SA50/1994 subdivided Lot 2, DP203964, creating Lot 5, DP861727, which is where the road alignment now runs as a result of the realignment. Lot 6, DP861727 is the area between the old road alignment and the new alignment. The land was acquired by Council through negotiated sale to provide for the road realignment.

The allotment is a residue parcel created as a result of subdivision for the purposes of road realignment. Historically, the road alignment ran through the area which is now Lot 8, DP861727.

The site is affected by a "Restriction as to User" created pursuant to Section 88B of the *Conveyancing Act 1919*, which restricts the proprietor of the allotment from constructing dwelling houses or other buildings on the property (DP861727).



Lots 4 and 5 DP1017441, Gresford Road, Sedgefield

Lots 4 and 5, DP1017441 are adjoining allotments and are zoned 1(a) (Rural Zone). Lot 4 is 520.8m² in area, whereas Lot 5 is 2249m² in area.

The allotments are located along a curve in Gresford Road. Lot 4 is mainly cleared, comprising a couple of established trees and unimproved grasses. Lot 5 is relatively cleared of significant vegetation, comprising mainly grassland.

The land is relatively flat in topography, with a gentle slope downwards to where the site addresses Gresford Road (towards a table drain within the road reserve).

Lot 4 is identified as comprising bushfire prone land on Council's bushfire prone land mapping. The allotments are not identified as comprising flood prone land.

The allotments are residue parcels created as a result of subdivision for the purposes of the realignment of Gresford Road. Historically, the road alignment ran through the area which is now Lot 3, DP1017441.

Subdivision application: SA49/1999 (DA629/1999) subdivided Lot 1, DP546688, Lot 1, DP174166 and Lot 4, DP752488, creating Lot 3, DP101741. The road alignment now runs through Lot 3, DP101741 as a result of the realignment.

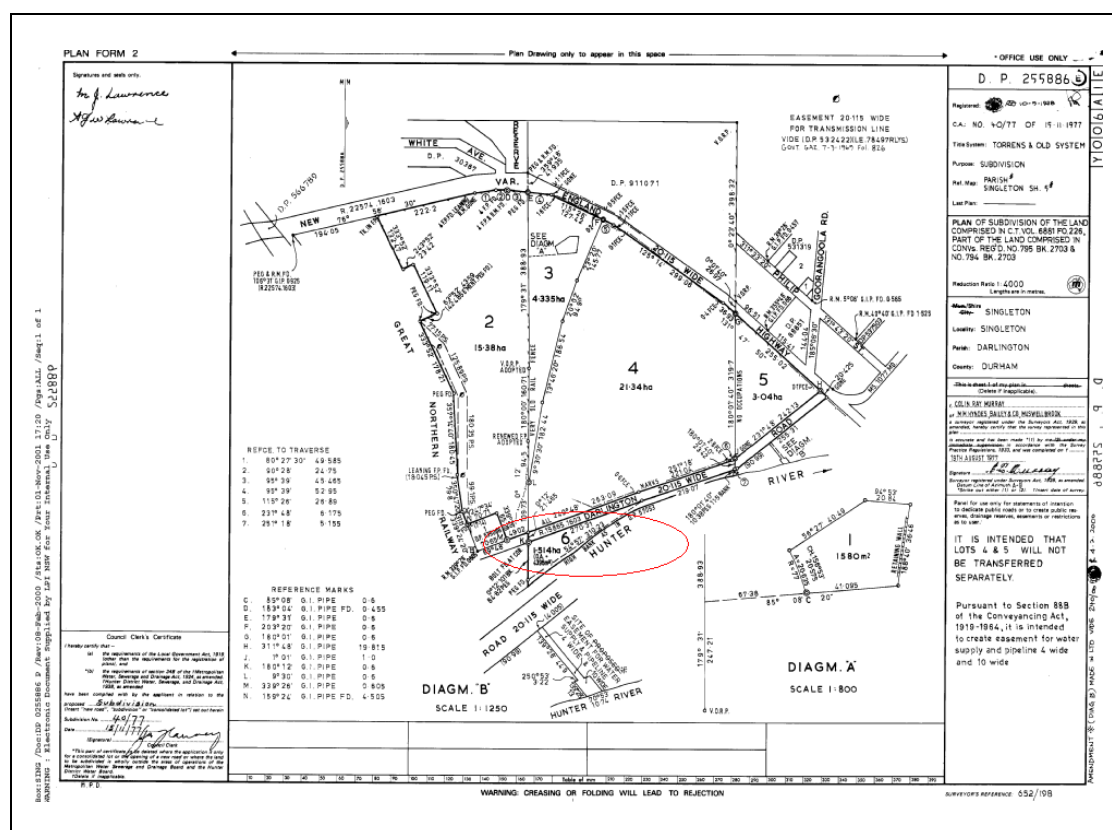
Lot 4, DP1017441 and Lot 5, DP1017441 are the residue from the subdivision of Lot 1, DP546688, Lot 1, DP174166 and Lot 4, DP752488. They comprise the area between the old road alignment and the new alignment. The land was acquired by Council through separate negotiated sales for the purposes of enabling the realignment of the road.

Lot 6, DP255886, Darlington Road, Darlington

Lot 6, DP255886 is zoned 6(a) (Public Open Space and Recreation zone). The allotment was originally purchased as part of a larger land purchased by Council for the purposes of creating the subdivision now known as "Darlington Estate".

The allotment was gazetted as having the name "Merricks Fire Brigade Park" (21 August 1998 - NSW Government Gazette No. 123 [6386]). The allotment is identified as being flood prone land and is dissected by a natural watercourse (drainage gully into the Hunter River). The site is not identified as being bushfire prone land on Council's bushfire prone land mapping.

Only part of Lot 6, DP255886 (western side of the drainage gully) is being reclassified/rezoned by this proposal. The Boral Concrete Batching Plant has encroached onto the land. The area affected is relatively flat and backs onto the Hunter River.



Name Assigned:
Designation:
L.G.A.:
Parish:
County:
Latitude:
Longitude:
C.M.A. Map:
1:100 000 Map:
Reference:

Campbell Rivulet
Gully
Camden
Narellan
Cumberland
34°01'02"
150°44'15"
Camden
Wollongong 9029
GNB4540

Name Assigned:
Designation:
L.G.A.:
Parish:
County:
Latitude:
Longitude:
C.M.A. Map:
1:100 000 Map:
Reference:

Station Square
Reserve
Auburn
Concord
Cumberland
33°50'53"
151°04'00"
Parramatta River
Sydney 9130
GNB4327

Name Assigned:
Designation:
L.G.A.:
Parish:
County:
Latitude:
Longitude:
C.M.A. Map:
1:100 000 Map:
Reference:

Cross Creek
Creek
Camden
Narellan
Cumberland
34°03'43"
150°44'05"
Camden
Wollongong 9029
GNB4540

Name Assigned:
Designation:
L.G.A.:
Parish:
County:
Latitude:
Longitude:
C.M.A. Map:
1:100 000 Map:
Reference:

Merricks Fire Brigade Park
Reserve
Singleton
Darlington
Durham
32°23'50"
151°09'45"
Singleton
Cessnock 9132
GNB4356

Name Assigned:
Designation:
L.G.A.:
Parish:
County:
Latitude:
Longitude:
C.M.A. Map:
1:100 000 Map:
Reference:

Herbert Rivulet
Gully
Camden
Narellan
Cumberland
34°03'30"
150°43'50"
Camden
Wollongong 9029
GNB4540

Name Assigned:
Designation:
L.G.A.:
Parish:
County:
Latitude:
Longitude:
C.M.A. Map:
1:100 000 Map:
Reference:

Old Bridge Park
Reserve
Tumut
Tumut
Wymyard
35°18'02"
148°13'38"
Tumut
Tumut 8527
GNB4450

Name Assigned:
Designation:
L.G.A.:
Parish:
County:
Latitude:
Longitude:
C.M.A. Map:
1:100 000 Map:
Reference:

Kenny Creek
Creek
Camden
Narellan
Cumberland
34°03'16"
150°01'41"
Camden
Wollongong 9029
GNB4540

Name Assigned:
Designation:
L.G.A.:
Parish:
County:
Latitude:
Longitude:
C.M.A. Map:
1:100 000 Map:
Reference:

Peter Low Reserve
Reserve
Peter Lowe Reserve
Hurstville
St George
Cumberland
33°56'00"
151°05'00"
Botany Bay
Sydney 9130
GNB4452

Name Assigned:
Designation:
L.G.A.:
Parish:
County:
Latitude:
Longitude:
C.M.A. Map:
1:100 000 Map:
Reference:

Maiden Gardens
Reserve
Auburn
Concord
Cumberland
33°50'57"
151°04'04"
Parramatta River
Sydney 9130
GNB4327

ERRATUM

IN the notice referring to the proposal to assign the name "Pam Weiss Village Green" which appeared in the *Government Gazette* No. 105, of the 10th July 1998, on page 5395, the name should read "Pam Weiss Village Green" not "Pam Weiss Village Green Errol Bay".

D. M. GRANT,
Chairman.

Name Assigned:
Designation:
L.G.A.:
Parish:
County:
Latitude:
Longitude:
C.M.A. Map:
1:100 000 Map:
Reference:

The Overflow
Reserve
Auburn
Concord
Cumberland
33°50'52"
151°03'55"
Parramatta River
Sydney 9130
GNB4327

Geographical Names Board
P.O. Box 143
Bathurst, N.S.W. 2795.

PART 2 – OBJECTIVES/INTENDED OUTCOMES OF PROPOSED LEP

Intended Outcomes

The intended outcomes of the planning proposal are to:

- Provide for the sale of Lot 1, DP36997, Putty Road, Mt Thorley, which is currently within the ownership of Singleton Council. To do this the land must be classified as “operational land”.
- Provide for the sale of Lot 6, DP861727, Stanhope Road, Elderslie, which is currently within the ownership of Singleton Council. To do this the land must be classified as “operational land”.
- Provide for the sale of Lot 6, DP861727, Stanhope Road, Elderslie, which is currently within the ownership of Singleton Council. To do this the land must be classified as “operational land”.
- Provide for the sale of Lots 4 and 5, DP1017441, Gresford Road, Sedgefield, which are currently within the ownership of Singleton Council. To do this the land must be classified as “operational land”.
- Provide for the sale of the western section of Lot 6, DP255886, Darlington Road, Darlington, which is currently within the ownership of Singleton Council. To do this the land must be classified as “operational land” and must be rezoned from 6(a) (Public Open Space and Recreation Zone). It is intended to rezone this land to 1(a) (Rural zone), which is consistent with the adjoining land.

PART 3 – EXPLANATION OF THE PROVISIONS TO BE INCLUDED IN THE LEP

Explanation of Provisions

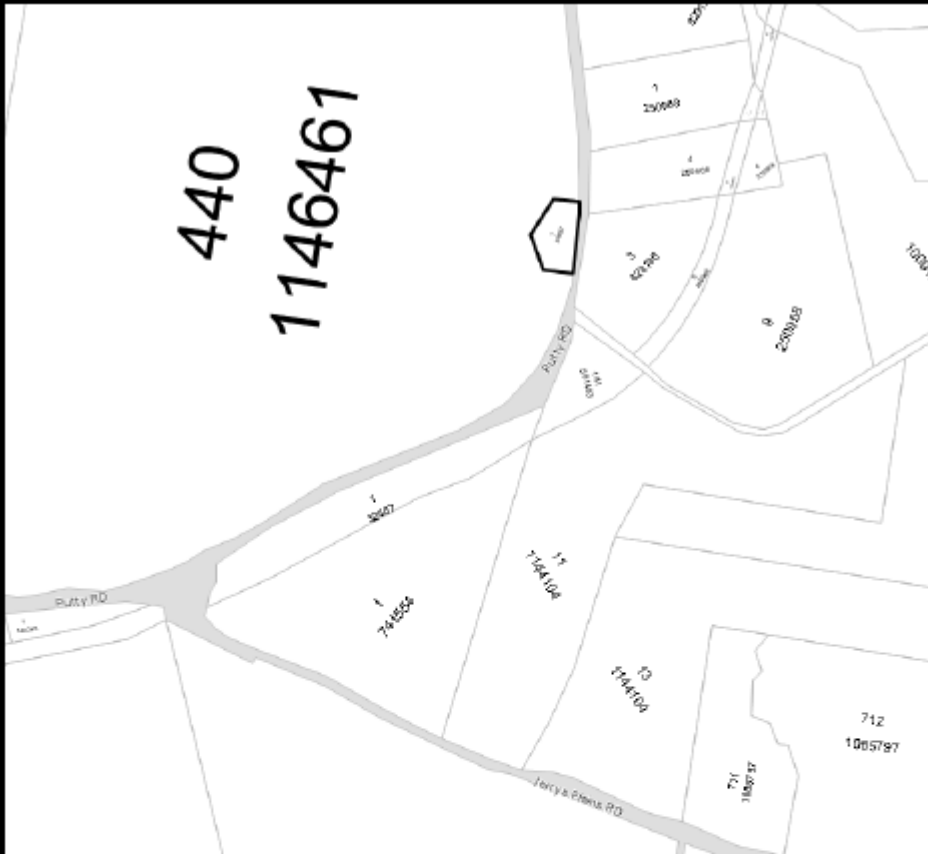
The purpose of this planning proposal is to amend the *Singleton Local Environmental Plan 1996* to:

- Reclassify the land identified in Table 1 from community land to operational land within the meaning of the *Local Government Act 1993*; and
- Rezone the land identified in Table 2 to 1(a) (Rural Zone).

Table 1: Land Proposed to be Reclassified					
Site	Name	Current Classification	Area	Proposed Classification	Land controlled by Council on 1 July 1993/Land acquired by Council after 1 July 1993
Lot 1, DP36997, Putty Road, Mount Thorley	N/A	“Community” Land	2.36Ha	“Operational” Land	Land controlled by Council on 1 July 1993
Lot 6, DP861727 Stanhope Road, Elderslie	N/A	“Community” Land	1016m ²	“Operational” Land	Land acquired by Council after 1 July 1993
Lot 4, DP1017441 Gresford Road, Sedgfield	N/A	“Community” Land	520.8 m ²	“Operational” Land	Land acquired by Council after 1 July 1993
Lot 5, DP1017441 Gresford Road, Sedgfield	N/A	“Community” Land	2,249 m ²	“Operational” Land	Land acquired by Council after 1 July 1993
Part of Lot 6, DP255886 Darlington Road, Darlington	Merricks Fire Brigade Park	“Community” Land	1,739m ²	“Operational” Land	Land controlled by Council on 1 July 1993

Table 2: Land Proposed to be Rezoned				
Site	Name	Current Zoning	Area	Proposed Zoning
Part of Lot 6, DP255886 Darlington Road, Darlington	Merricks Fire Brigade Park	6(a) (Public Open Space and Recreation Zone)	1,739m ²	1(a) (Rural Zone)

The maps which follow *indicate the proposed amendments to the Singleton Local Environmental Plan 1996 “map”* as defined in Part 1, Clause 9 of the plan.

			
		RECLASSIFICATION PLAN Classification to Operational Land	
LOCALITY MOUNT THORLEY PARISH WHITTINGHAM COUNTY NORTHUMBERLAND ENVIRONMENTAL PLANNING & ASSESSMENT Act 1979			
DRAFT SINGLETON LOCAL ENVIRONMENTAL PLAN 1996 (AMENDMENT No. 1)			
DRAWN BY	DATE	SCALE	SHEET 1 of 1
SUPERVISING DRAFTSPERSON		STATEMENT OF RELATIONSHIP WITH OTHER PLANS THIS PLAN AMENDS THE SINGLETON LOCAL ENVIRONMENTAL PLAN 1996 IN THE MANNER SET OUT IN SCHEDULE 1	
PLANNING OFFICER	G. PEARSON		
COUNCIL FILE NUMBER	LA74/2009		
DEPT. FILE NUMBER			
PLAN NUMBER	74	CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979, AND REGULATIONS	GENERAL MANAGER/DELEGATE
CERTIFICATE ISSUED			
GOVT. GAZETTE OF	No.		DATE

RECLASSIFICATION PLAN

Classification to Operational Land

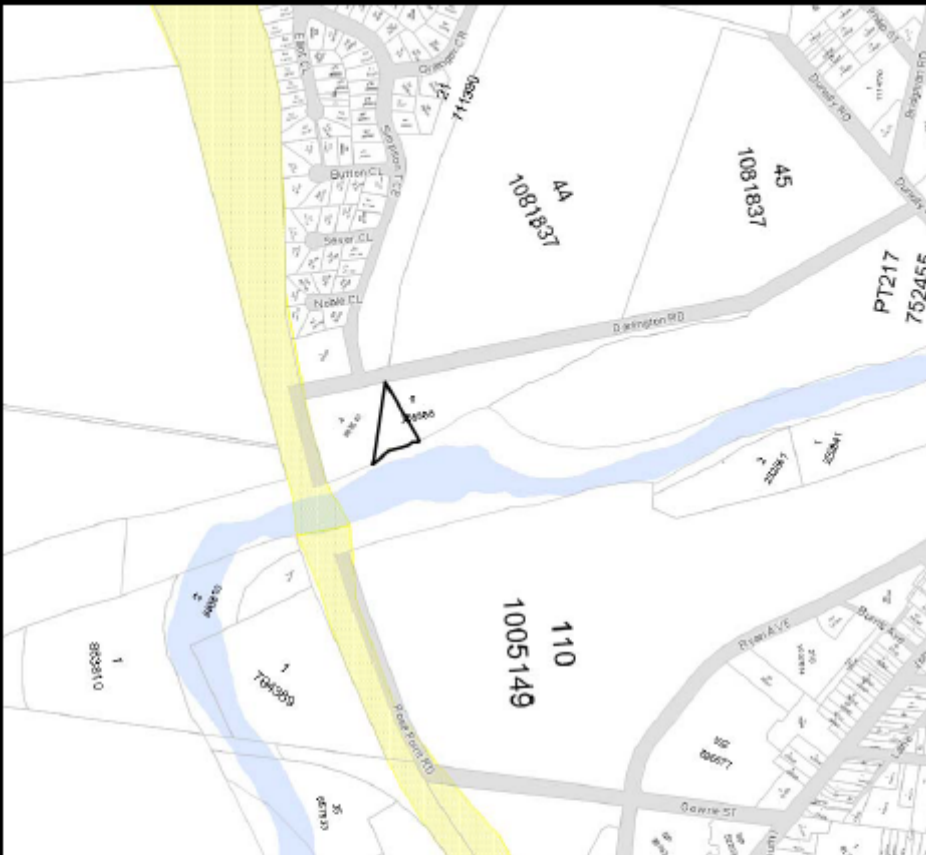
LOCALITY ELDESLIE **PARISH** MARWOOD **COUNTY** DURAM

ENVIRONMENTAL PLANNING & ASSESSMENT Act 1979

DRAFT
SINGLETON LOCAL ENVIRONMENTAL PLAN 1996
(AMENDMENT No. 1)

DRAWN BY	DATE	SCALE	SHEET 1 of 1
SUPERVISING DRAFTSPERSON		STATEMENT OF RELATIONSHIP WITH OTHER PLANS	
PLANNING OFFICER	G. PEARSON	THIS PLAN AMENDS THE SINGLETON LOCAL ENVIRONMENTAL PLAN 1996 IN THE MANNER SET OUT IN SCHEDULE 1	
COUNCIL FILE NUMBER	LA74/2009		
DEPT. FILE NUMBER			
PLAN NUMBER	74	CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979, AND REGULATIONS	GENERAL MANAGER/DELEGATE
CERTIFICATE ISSUED			
GOVT. GAZETTE OF	No.		DATE

			
RECLASSIFICATION PLAN Classification to Operational Land			
LOCALITY SEDGEFIELD PARISH SEDGEFIELD COUNTY DURAM ENVIRONMENTAL PLANNING & ASSESSMENT Act 1979			
DRAFT SINGLETON LOCAL ENVIRONMENTAL PLAN 1996 (AMENDMENT No. 1)			
DRAWN BY	DATE	SCALE	SHEET 1 of 1
SUPERVISING DRAFTSPERSON		STATEMENT OF RELATIONSHIP WITH OTHER PLANS THIS PLAN AMENDS THE SINGLETON LOCAL ENVIRONMENTAL PLAN 1996 IN THE MANNER SET OUT IN SCHEDULE 1	
PLANNING OFFICER	G. PEARSON		
COUNCIL FILE NUMBER	LA74/2009		
DEPT. FILE NUMBER			
PLAN NUMBER	74	CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979, AND REGULATIONS	GENERAL MANAGER/DELEGATE
CERTIFICATE ISSUED			
GOVT. GAZETTE OF	No.		DATE



RECLASSIFICATION PLAN

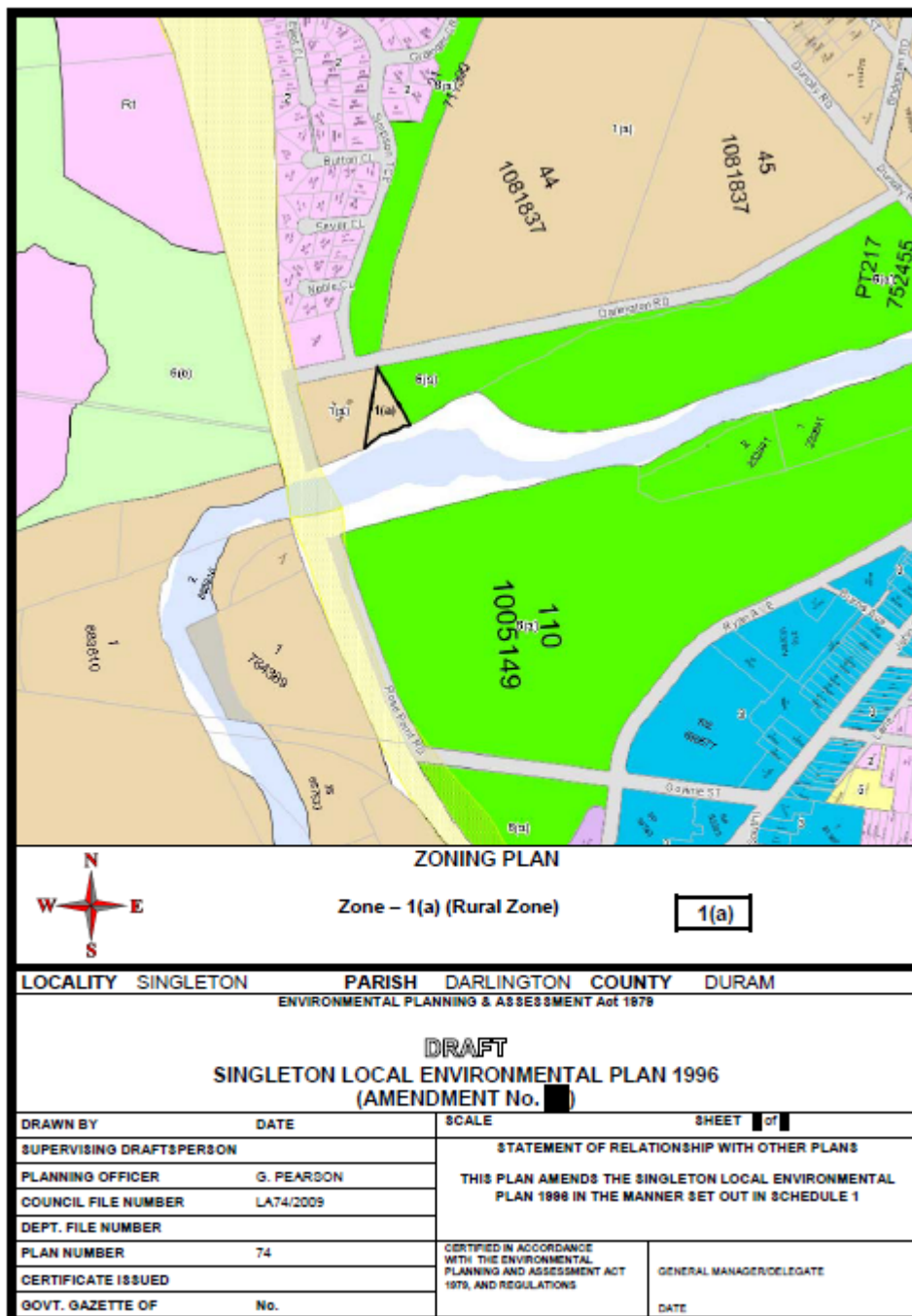
Classification to Operational Land 

LOCALITY SINGLETON **PARISH** DARLINGTON **COUNTY** DURAM

ENVIRONMENTAL PLANNING & ASSESSMENT Act 1979

DRAFT
SINGLETON LOCAL ENVIRONMENTAL PLAN 1996
(AMENDMENT No. 1)

DRAWN BY	DATE	SCALE	SHEET 1 of 1
SUPERVISING DRAFTER/PERSON		STATEMENT OF RELATIONSHIP WITH OTHER PLANS	
PLANNING OFFICER	G. PEARSON	THIS PLAN AMENDS THE SINGLETON LOCAL ENVIRONMENTAL PLAN 1996 IN THE MANNER SET OUT IN SCHEDULE 1	
COUNCIL FILE NUMBER	LA74/2009		
DEPT. FILE NUMBER			
PLAN NUMBER	74	CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979, AND REGULATIONS	GENERAL MANAGER/DELEGATE
CERTIFICATE ISSUED			DATE
GOVT. GAZETTE OF	No.		



PART 4 – JUSTIFICATION FOR OBJECTIVES, OUTCOMES, PROVISIONS AND IMPLEMENTATION PROCESS

Need for the Planning Proposal

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

The land subject of this planning proposal has been identified by a project team of Council officers. The project team was developed for the purposes of preparing a Parks and Facilities Asset Management Strategy. As part of the review of Council's assets, the land subject of this planning proposal was identified as being underutilized or surplus.

The Asset Management Strategy is required to comply with the NSW Department of Local Government's "Integrated Planning and Reporting Framework for Local Government".

The Planning and Reporting Manual prepared by the Department of Local Government for the integrated planning and reporting system, emphasizes the need for Council's to review the life cycle 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.

It has been identified by the Parks and Facilities Asset Management Strategy - project management team, that the utilization of the subject land (assets) is minimal at best and that the lifecycle costs, risks and liabilities outweigh any potential benefits of retaining the land.

The land is not identified in the *Singleton Land Use Strategy* (2007). This is because the focus of the strategy is on responding to settlement needs, providing and maintaining infrastructure, encouraging economic growth and protecting and enhancing the environment.

The reclassifications and the rezoning described in this planning proposal are of a minor significance in comparison to these key land use planning issues for the LGA and thus were not identified by the strategy.

The subject proposal is however, not inconsistent with the vision of the strategy. The sale of the subject land would positively contribute to the economic sustainability of Singleton Council. Any revenue resulting from the sale of the land is intended to be re-invested back into Council assets which are more financially sustainable or likely to be better utilized.

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

The planning proposal is considered to be the best method of achieving the intended outcomes of this proposal. Pursuant to the provisions of the *Local Government Act 1993*, the land subject of this proposal can only be reclassified through a local environmental plan.

The section of Lot 6, DP255886 which is proposed to be rezoned is currently used by Boral concrete batching plant. The plant operations have encroached onto the subject land from Lot 4, DP883810. The proposed new boundary follows the bank of a natural watercourse and more closely aligns with natural site features.

The use of Portion 203, in the parish of Darlington (DP752455) is permitted on the site by Schedule 4 of the *Singleton Local Environmental Plan 1996*. Historically the Portion 203 incorporated the land now known as Lot 6, DP255886.

The remaining allotments are presently vacant and not effectively utilized. Reclassification and sale of the land (preferably to adjoining landowners) would enable the land to be used more effectively.

Is there a net community benefit?

The land subject of this planning proposal is not identified as having high conservation or biodiversity value. The planning proposal will provide for under-utilized and surplus land to be sold and the financial return used to provide public infrastructure which benefits the broad community in an economically responsible manner. The planning proposal will therefore result in a net community benefit.

Pursuant to LEP practice note: PN 09-003, Council must provide an indication of the magnitude of any financial gain or loss from the reclassification of the subject land. As such, a Statement of Council's interest in the land is appended as **Attachment 1**.

Relationship to Strategic Planning Framework

Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The sites subject of this planning proposal are not within a regional strategy endorsed by NSW Planning. The *Singleton Land Use Strategy* (SLUS) is a sub-regional /local strategy which applies to the Singleton Local Government Area. While the sites are not specifically identified in the SLUS, the rezoning and reclassifications are not inconsistent with the vision of the strategy.

Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Council does not have an adopted community strategic plan. The proposal is however, consistent with Council's Management Plan 2010/11 – 2012/13. The planning proposal is conducive to sustainable asset management.

Is the planning proposal consistent with applicable state environmental planning policies?

No State Environmental Planning Policies are identified as impacting upon the planning proposal.

Is the proposal consistent with applicable Ministerial Directions (s.117 directions)?

The table which follows contains a response to each of the s.117 directions in relation to the planning proposal

Compliance with Section 117 Directions	
Direction	Response
1.1. Business and Industrial Zones	This direction is not applicable to the planning proposal.
1.2. Rural Zones	This direction is not relevant to the planning proposal. The proposal will not rezone rural land to a residential, industrial, village or tourist zone and does not contain provisions that will increase the permissible density of land.
1.3. Mining, Petroleum Production and	This direction is not applicable to the planning

Extractive industries	proposal.
1.4. Oyster Aquaculture	This direction is not applicable to the planning proposal.
1.5. Rural Lands	This direction not relevant to the planning proposal. The proposal will not change the existing minimum lot size of land within a rural or environmental protection zone. The proposal is not inconsistent with the Rural Planning Principles of <i>State Environmental Planning Policy (Rural Lands) 2008</i> .
2.1. Environment Protection Zones	This direction is not relevant to the planning proposal. The sites are not identified as comprising environmentally sensitive areas that would be affected by the site reclassifications or rezoning. The sites are not zoned environmental protection or otherwise identified for environmental protection purposes.
2.2. Coastal Protection	This direction is not applicable to the planning proposal.
2.3. Heritage Conservation	This direction is not relevant to the planning proposal.
2.4. Recreation Vehicle Areas	This direction is not relevant to the planning proposal.
3.1. Residential Zones	This direction is not applicable to the planning proposal.
3.2. Caravan Parks and Manufactured Home Estates	This direction is not relevant to the planning proposal.
3.3. Home Occupations	This direction is not relevant to the planning proposal.
3.4. Integrating Land Use and Transport	This direction is not relevant to the planning proposal.
3.5. Development Near Licensed Aerodromes	This direction is not relevant to the planning proposal.
4.1. Acid Sulphate Soils	This direction is not applicable to the planning proposal.
4.2. Mine Subsidence and Unstable Land	This direction is not applicable to the planning proposal.
4.3. Flood Prone Land	Lot 6, DP255886 is identified as being subject to inundation by floodwaters during the probable maximum flood (PMF) event. This planning proposal seeks to rezone part of Lot 6, DP255886 from 6(a) (Public Open Space and Recreation Zone) to 1(a) (Rural Zone) and reclassify it from community land to operational land. This section of land is already being utilized by the Boral Concrete Batching Plant, which has the majority of its operations running on

	the property next door (Lot The provisions of the planning proposal which are inconsistent with the direction are considered to be of minor significance.
4.4. Planning for Bushfire Protection	Lot 4, DP1017441 is mapped as being bushfire prone land. Subject to the recommendations of the gateway determination, it is intended to consult with the NSW Rural Fire Service in regard to the proposal. This planning proposal would reclassify the subject allotments from Public Land to Operational Land. The proposal would therefore not have an impact in relation to bushfire.
5.1. Implementation of Regional Strategies	This direction is not applicable to the planning proposal.
5.2. Sydney Drinking Water Catchments	This direction is not applicable to the planning proposal.
5.3. Farmland of State and Regional Significance on the NSW Far North Coast	This direction is not applicable to the planning proposal.
5.4. Commercial and Retail Development along the Pacific Highway, North Coast	This direction is not applicable to the planning proposal.
5.5. Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Revoked 18 June 2010
5.6. Sydney to Canberra Corridor	Revoked 10 July 2008
5.7. Central Coast	Revoked 10 July 2008
5.8. Second Sydney Airport: Badgerys Creek	This direction is not applicable to the planning proposal.
6.1. Approval and Referral Requirements	This planning proposal does <u>not</u> include provisions that require the concurrence, consultation, or referral of development applications to a minister or public authority and does not identify development as designated development.
6.2. Reserving Land for Public Purposes	This planning proposal affects land that has been classified as public land. The sites are not being utilized for public purposes and have been identified as surplus to Council's needs.
6.3. Site Specific Provisions	This direction is not relevant to the planning proposal.
7.1. Implementation of the Metropolitan Strategy	This direction is not applicable to the planning proposal.

Environmental, Social and Economic Impact

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?

The sites subject of this planning proposal are not identified as comprising critical habitat, threatened species, populations or ecological communities or their habitats.

Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The proposal is not expected to generate any significant adverse environmental effects.

How has the planning proposal adequately addressed any social and economic effects?

The proposal is not expected to generate any significant adverse social or economic effects.

State and Commonwealth Interests

Is there adequate public infrastructure for the planning proposal?

Public Road access is available to each of the properties subject of this planning proposal.

Lot 1, DP36997, Lot 4, DP1017441, Lot 5, DP1017441 and Lot 6, DP861727 are zoned 1(a) (Rural zone) and do not require connection to sewer or reticulated water. Lot 6, DP255886 is not proposed to be serviced and is expected to continue to be used as part of the Boral Concrete Batching Plant operations.

Electricity and telecommunications services are available in vicinity of the subject sites.

What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

A response to this section will be provided following the gateway determination and public authority consultation required by the gateway response.

PART 5 – PROPOSED COMMUNITY CONSULTATION

Approval from the Director-General

At the time of preparation of this planning proposal, approval had not been received from the Director-General of the NSW Department of Planning to carry out community consultation. Such approval is expected to be issued as part of the gateway determination. This section is proposed to be revised subsequent to the gateway response.

Community Consultation

A response to this section will be provided following the gateway determination. The gateway response is to advise of the planning proposal type and required exhibition period.

Pursuant to LEP practice note: PN 09-003, a public hearing would need to be held subsequent to exhibition of this planning proposal.

PART 6 – CONCLUSION AND RECOMMENDATION

This planning proposal will rezone part of Lot 6, DP255886 from 6(a) (Public Open Space and Recreation zone) to 1(a) (Rural Zone) and will reclassify the following land from Public 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 land subject of this planning proposal is considered to be underutilized and surplus to Council's needs. The rezoning and reclassifications will enable Council to dispose of the land and put the proceeds towards Council assets that are of greater financial sustainability and/or provide a greater public benefit than the land subject of this planning proposal.

It is recommended that this planning proposal be supported and be processed in accordance with legislative requirements.

Attachment 1: Statement of Council's Interest in the Land

STATEMENT OF COUNCIL'S INTEREST IN THE LAND

The following land is within the ownership of Singleton Council:

- 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.

Pursuant to Department of Planning Practice Note: PN09-003, Council is required to make clear Council's interest in the land and the reasons why the planning proposal is being prepared.

Reasons for Preparing Planning Proposal

The Planning Proposal is being prepared for the reasons which follow:

- To provide for the sale of Lot 1, DP36997, Putty Road, Mt Thorley, which is currently within the ownership of Singleton Council. To do this the land must be classified as "operational land".
- To provide for the sale of Lot 6, DP861727, Stanhope Road, Elderslie, which is currently within the ownership of Singleton Council. To do this the land must be classified as "operational land".
- To provide for the sale of Lot 6, DP861727, Stanhope Road, Elderslie, which is currently within the ownership of Singleton Council. To do this the land must be classified as "operational land".
- To provide for the sale of Lots 4 and 5, DP1017441, Gresford Road, Sedgefield, which are currently within the ownership of Singleton Council. To do this the land must be classified as "operational land".
- To provide for the sale of the western section of Lot 6, DP255886, Darlington Road, Darlington, which is currently within the ownership of Singleton Council. To do this the land must be classified as "operational land" and must be rezoned from 6(a) (Public Open Space and Recreation Zone). It is intended to rezone this land to 1(a) (Rural zone), which is consistent with the adjoining land.

Current and Proposed Classification of the Land

Each of the allotments subject of the Planning Proposal is classified as "Community Land" under the *Local Government Act 1993*. This planning proposal would reclassify the land from "Community Land" to "Operational Land".

How and When Council Acquired an Interest in the Land

- Lot 1, DP: 36997, Putty Road Mt Thorley was resumed on the 23 November 1917 for the purposes of a gravel quarry and vested in the Council of the Shire of Patrick Plains (now Singleton Council).

- Lot 6 DP861727, Stanhope Road, Elderslie was created as a result of a re-alignment of Stanhope Road. Historically, the road alignment ran through the area which is now Lot 8, DP861727.

Subdivision application: SA50/1994 subdivided Lot 2, DP203964, creating Lot 5, DP861727, which is where the road alignment now runs as a result of the realignment. Lot 6, DP861727 is the area between the old road alignment and the new alignment. The land was acquired by Council through negotiated sale to provide for the road realignment.

- Lots 4 and 5 DP1017441, Gresford Road, Sedgfield are residue parcels created as a result of subdivision for the purposes of the realignment of Gresford Road. Historically, the road alignment ran through the area which is now Lot 3, DP1017441.

Subdivision application: SA49/1999 (DA629/1999) subdivided Lot 1, DP546688, Lot 1, DP174166 and Lot 4, DP752488, creating Lot 3, DP101741. The road alignment now runs through Lot 3, DP101741 as a result of the realignment.

Lot 4, DP1017441 and Lot 5, DP1017441 are the residue from the subdivision of Lot 1, DP546688, Lot 1, DP174166 and Lot 4, DP752488. They comprise the area between the old road alignment and the new alignment. The land was acquired by Council through separate negotiated sales for the purposes of enabling the realignment of the road.

- Only part of Lot 6, DP255886 (western side of the drainage gully) is being reclassified/rezoned by this proposal. The Boral Concrete Batching Plant has encroached onto the subject piece of land.

Lot 6, DP255886, Darlington Road, Darlington was created by subdivision of Pt Portion 203, in the Parish of Darlington, which was registered on the 15 November 1977.

Lots 2, 3 and 6 in DP255886 were purchased by Council through negotiated sale in 1978 as part of the land purchase to develop “Darlington Estate”. The rezoning of the land forming Lot 6, DP255886 from “B Non-Urban” to “Open Space Recreation” (under the *Singleton Planning Scheme Ordinance 1966*) was gazetted on the 22 December 1978 (NSW Government Gazette No. 176 [8703]).

Agreements Over the Land

No known agreements exist over the land subject of the Planning Proposal. Boral Resources (Country) has however shown an interest in purchasing Lot 6, DP255886, Darlington Road, Darlington as their operations have encroached onto this land.

Financial Gain as a Result of the Proposal

Valuation reports were lodged with the reclassification/rezoning request for the sites. The table which follows shows the estimated value stated in the valuation reports for the subject allotments and provides an indication of the magnitude of financial gain that could arise due to the sale of the land.

Valuation After Reclassification of Land	
Property Description	Estimated Land Value
Lot 1, DP: 36997, Putty Road Mt Thorley	\$32, 000.00
Lot 6 DP861727, Stanhope Road, Elderslie	\$1,250.00
Lot 4 DP1017441, Gresford Road, Sedgefield	\$1,000.00
Lot 5 DP1017441, Gresford Road, Sedgefield	\$2,500.00
Lot 6, DP255886, Darlington Road, Darlington	\$96,000.00

Asset Management Objectives Being Pursued

The subject process is being undertaken for the purposes of rationalizing Council's asset base. The land is identified as being underutilized and/or surplus to Council's needs.

Pursuant to the requirements of the Part 2 of the *Local Government Act 1993*, Council must first reclassify the land from being "Community Land" to "Operational Land" to be able to sell the land.

Lot 6, DP255886 also needs to be rezoned from 6(a) (Public Open Space and Recreation zone) as it is not proposed to be used for public open space or recreation once sold and is not suitable for such use.

The proceeds from the sale of the land would be placed in a restricted asset account and used to fund Council assets which are more financially sustainable or better utilized.

**Attachment 2: NSW Department of Planning Practice
Note: PN09-003**

Note	PN 09-003
Date	12 June 2009
Related	Supersedes (re)classification advice in Best Practice Guideline (1997)

Classification and reclassification of public land through a local environmental plan

The purpose of this practice note is to update (and supersede) previous guidance on the process to classify or reclassify public land through a local environmental plan including a principal plan in accordance with the Standard Instrument.

Introduction

'Public land' is any land (including a public reserve) vested in, or under the control of, council. Exceptions include roads, land to which the *Crown Lands Act 1989* applies, a common, or land to which the *Trustees of Schools of Arts Enabling Act 1902* applies.

'Community' land is generally open to the public, for example, parks, reserves or sports grounds.

'Operational' land may be used for other purposes, for example, as works depots or garages, or held by council as a temporary asset.

'Classification' of public land refers to the process when this land is first acquired and first classified as either 'operational' land or 'community' land.

'Reclassification' of public land refers to the process of changing the classification of 'operational' land to 'community' land or from 'community' land to 'operational' land.

How is public land classified or reclassified?

Depending on circumstances, this is undertaken by either:

- resolution of council under section 31, 32 or 33 of the *Local Government Act 1993* (LG Act) [through section 27(2)], or
- a local environmental plan (LEP) under the *Environmental Planning and Assessment Act 1979* (EP&A Act) [through section 27(1) of the LG Act].

In both cases, it is not possible for councils to delegate their decision to classify or reclassify public land [section 377(1) of the LG Act]. Councils are encouraged to classify or reclassify land through the LG Act wherever circumstances conform to sections 31, 32 or 33 of the LG Act.

The remaining parts of this practice note identify the key areas councils must consider when proposing to classify or reclassify public land by means of a local environmental plan (LEP) under the second option.

This practice note supersedes the sections relating to classification and reclassification in *LEPs and council land*, Best Practice Guideline (Department of Urban Affairs and Planning 1997).

Procedure under the EP&A Act

Where classification or reclassification is proposed through an LEP, council is advised to include the proposal as early as possible in the draft LEP or planning proposal. If the public land to be classified or reclassified is not owned by council, landowner's consent is required prior to either section 54 or section 56 of the EP&A Act (when the Part 3 amendment to the EP&A Act applies).¹

The proposal would then form part of the material presented through either section 54 or section 56 of the EP&A Act (when the Part 3 amendment to the EP&A Act applies).

¹ In relation to the Part 3 amendment, council should also check the changes to the EP&A Act and Regulation once these commence.

To assist councils, the steps in preparing material either as a draft LEP or planning proposal are summarised in Attachment 1. Column 1 of Attachment 1 sets out the requirements in accordance with the EP&A Act **prior to** the Part 3 amendment commencing. Column 2 of the attachment sets out the requirements **after** the Part 3 amendment commences. In relation to the Part 3 amendment, council should also check the savings and transitional arrangements under the EP&A Act, once these commence.

Where land is proposed to be reserved for a public purpose such as provision of public services and facilities, section 117 Direction 6.2—Reserving Land for Public Purposes applies. The Direction also sets out requirements when a reservation of public land for such purposes is no longer required.

A summary of relevant matters that need to be available at the time the planning proposal is first forwarded are listed in Attachment 2 under 'Exhibition'. Other matters for exhibition and later stages are listed separately in that attachment.

Provisions in the Standard Instrument

The following Standard Instrument provisions are relevant to the classification and reclassification of public land.

Clause 5.2—Classification and reclassification of public land

The purpose of this clause is to enable councils to classify or reclassify public land identified in Schedule 4 of the Standard Instrument. Only public land to be classified or reclassified by publication on the NSW legislation website of that principal LEP is to be identified in the schedule. Schedule 4 must not contain a reference to any land already classified or reclassified.

Part 1 Schedule 4—change to 'operational' land, no interest changes

Land is identified in Part 1 of Schedule 4 where the trusts, estates, interests, dedications, conditions, restrictions or covenants over the land are to remain after reclassification to 'operational land', i.e. where **no** interests will change.

Part 2 Schedule 4—change to 'operational' land and an interest will change

Land is identified in Part 2 of Schedule 4 where the land is to be classified or reclassified as 'operational land' and some of the trusts, estates, interests, dedications, conditions, restrictions, or covenants over the land remain. The interests to remain are identified in column 3 of this part of the schedule.

Part 3 Schedule 4—change to 'community' land

Land proposed to be classified or reclassified as 'community land' through the LEP is identified in Part 3 of the schedule.

Where there is no land to be classified or reclassified through the LEP, the clause remains with the schedule empty.

General requirements for exhibition

Public exhibition of the LEP occurs after certification of the LEP (in accordance with section 66 of the EP&A Act). Public exhibition of a planning proposal may occur in accordance with section 57(2) (when the Part 3 amendment to the EP&A Act commences). To assist the public in understanding an exhibited draft LEP or planning proposal to classify or reclassify land, requirements are summarised in Attachment 2.

A copy of council's response to these requirements together with a copy of this practice note is to be part of material displayed during public exhibition of an LEP or planning proposal to reclassify or classify public land.

Public hearing

A public hearing must be held when 'community land' is proposed to be reclassified as 'operational land'.

To ensure council and the community have sufficient time to consider relevant matters associated with the proposed change, the public hearing is held **after** the close of the exhibition period under section 68 of the EP&A Act (section 29 of the LG Act) for an LEP and in accordance with section 57(6) (when the Part 3 amendment to the EP&A Act commences).

Public hearing provisions are set out in the EP&A Regulation (clause 14) and public notice of a hearing must be sent or published **at least 21 days** before the start of the public hearing.

The independence of the person chairing the public hearing and requirements relating to the preparation and inspection of reports from the hearing are specified in section 47G of the LG Act.

Further information

A copy of this practice note, Standard Instrument, and other specific practice notes and planning circulars on using the Standard Instrument, can be accessed on the Department's website <http://www.planning.nsw.gov.au/lep/index.asp>

Authorised by:

Sam Haddad, Director-General

List of attachments:

1. Main steps (in sequence) for classifying and reclassifying public land under the *Environmental Planning and Assessment Act 1979*
2. General requirements for classification or reclassification of land through local environmental plans and planning proposals

Attachment 1. Main steps (in sequence) for classifying and reclassifying public land under the *Environmental Planning and Assessment Act 1979*

Requirements prior to commencement of the 2008 Part 3 amendment to the EP&A Act	Requirements after commencement of the 2008 Part 3 amendment to the EP&A Act when it applies to a proposal
Council notifies the Department of a decision to prepare a draft LEP including a proposal to classify or reclassify public land (section 54 of the EP&A Act). This notification is accompanied by an appropriate level of information including for the following: - a justification for the proposal - reasons why council acquired an interest - details that would also accompany a plan at exhibition stage (see Attachment 2) - any proposal to extinguish or retain other interests in the land through the reclassification - a justification /explanation as to why such interests are being extinguished - any rezoning associated with the classification/ reclassification - any preliminary comments by a relevant government agency, including agency's consent where land is vested or held by an agency other than council - consideration of any relevant directions e.g. section 117 Direction 6.2—Reserving Land for Public Purposes, where appropriate.	A planning proposal is forwarded by council to the Minister (new section 56 of the EP&A Act), including a proposal to classify or reclassify public land. This proposal contains an appropriate level of information including for the following: - a justification for the planning proposal - reasons why council acquired an interest - details that would also accompany a plan at exhibition stage (see Attachment 2) - any proposal to extinguish or retain other interests in the land through the reclassification - a justification /explanation as to why such interests are being extinguished - any rezoning associated with the classification/ reclassification - any preliminary comments by a relevant government agency, including an agency in which the land is vested or held - consideration of any relevant directions, e.g. section 117 Direction 6.2—Reserving Land for Public Purposes, where appropriate.
Consultation with relevant public agencies and other stakeholders (section 62 of the EP&A Act).	See below.
After consultation, council submits a draft LEP to the Department and, subject to the issue of a section 65 certificate, the draft LEP is exhibited for a minimum of 28 days and the public invited to provide written submissions to the exhibited LEP within the exhibition period.	Following review, at the gateway, if the planning proposal is to proceed, requirements for the various stages of the proposal, including consultation requirements, will be provided to council (new section 56(1), 56(2) of the EP&A Act).
Where a draft LEP includes reclassification of 'community' land to 'operational' land, council holds a public hearing into the proposal in accordance with section 68 of the EP&A Act (section 29 of the Local Government Act). *	Where a planning proposal includes reclassification of 'community' land to 'operational' land, council holds a public hearing into the proposal in accordance with new section 57(6) of the EP&A Act. *
Such a hearing follows the requirements of clause 14 of the EP&A Regulation including that a notice of the details for the hearing must be published in a local newspaper and sent to any person requesting a hearing a minimum of 21 days prior to the hearing.	Such a hearing follows the requirements of clause 14 of the EP&A Regulation including that a notice of the details for the hearing must be published in a local newspaper and sent to any person requesting a hearing a minimum of 21 days prior to the hearing.
Where it is considered appropriate, the draft LEP is submitted to the Director-General together with details of all submissions and the report of the public hearing, together with a statement of other matters set out in section 68 of the EP&A Act.	Consultation for a planning proposal under new section 57 of the EP&A Act is completed when council has considered any submissions made concerning the proposed instrument and the report of any public hearing. Where the planning proposal is to proceed, the Director-General makes arrangements for the drafting of the LEP to give effect to the final proposal (new section 59 of the EP&A Act).
The Director-General furnishes a report to the Minister if the Director-General is satisfied that the draft LEP has been prepared in accordance with any applicable standard instrument under section 33A (section 69 of the EP&A Act).	
The Minister determines whether to make the LEP under section 70 of the EP&A Act. **	The Minister (or Minister's delegate) determines whether to make the LEP under new section 59 of the EP&A Act. **

Notes:

* Where a proposal includes a classification of 'operational' land to 'community' land, a public hearing is not generally required.

** Where a reclassification proposes to extinguish other interests in the land, the approval of the Governor is required in accordance with section 30 of the LG Act.

Attachment 2. General requirements for classification or reclassification of land through local environmental plans and planning proposals

Exhibition

When exhibiting a planning proposal or draft LEP to classify or reclassify public land, council must provide a written statement including the following:

- the reasons why the draft LEP or planning proposal is being prepared including the planning merits of the proposal, e.g. the findings of a centres' strategy, council's intention to dispose of the land, provision of open space in a town centre
- the current and proposed classification of the land
- the reasons for the reclassification including how this relates to council's strategic framework, council's proposed future use of the land, proposed zones, site specific requirements, e.g. heritage controls, anticipated physical or operational changes resulting from the reclassification
- council's ownership of the land, if this applies
- the nature of council's interest in the land, e.g. council has a 50 year lease over the site
- how and when the interest was first acquired, e.g. the land was purchased in 20XX through section 94
- the reasons council acquired an interest in the land, e.g. for the extension of an existing park; council was given responsibility for the land by a State agency
- any agreements over the land together with their duration, terms, controls, agreement to dispose of the land, e.g. whether any aspect of the draft LEP or planning proposal formed part of the agreement to dispose of the land and any terms of any such agreement
- an indication, as a minimum, of the magnitude of any financial gain or loss from the reclassification and of the type(s) of benefit that could arise e.g. council could indicate the magnitude of value added to the land based on comparable sites such as the land is currently valued at \$1500 per square metre, nearby land zoned for business development is valued at between \$2000 and \$5000 per square metre
- the asset management objectives being pursued, the manner in which they will be achieved and the type of benefits the council wants, i.e. without necessarily providing details of any possible financial arrangements, how the council may or will benefit financially
- whether there has been an agreement for the sale or lease of the land; the basic details of any such agreement and, if relevant, when council intends to realise its asset, either

immediately after rezoning/reclassification or at a later time

- Relevant matters required in plan making under the EP&A Act
- A copy of this practice note must be included in the exhibition material to assist the community in identifying information requirements. Council staff may wish to identify the column in Attachment 1 that applies.

Post-exhibition

Once a decision has been made regarding whether the draft LEP or planning proposal proceeds, everyone who made a written submission must be notified in writing of the decision.

Written notification must occur within 14 days of the decision and needs to clearly identify the reasons for council's decision. An explanation must be included of how issues raised in submissions were addressed including the reasons for council's decision.

The final report after exhibition to either the Director-General or the Minister should include:

- a brief summary of council's interest in the land
- issues raised in any relevant submissions
- the dates of the exhibition and the hearing
- an explanation of how issues raised were addressed or resolved.

Additional matters to be addressed when the Governor's approval is required

The Governor's approval is required for the extinguishment of public reserve status and other interests in land which a council proposes to reclassify from 'community' to 'operational' status under the LG Act.

Council must provide sufficient information in accordance with this practice note to inform the Minister of any public reserve and/or other third party property interests (e.g. trust, covenant, easement) that are proposed to be extinguished upon the making of such a draft LEP or planning proposal.

Important note

This note does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this note.

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