

## **11.2 Planning Proposal to Reclassify Lots 11, 12 and 13 DP 1150964, "Calwalla" Sheepwash Road, Glenquarry**

**Reference:** PN1772830  
**Report Author:** Coordinator Property Services  
**Authoriser:** Acting Deputy General Manager Operations Finance and Risk  
**Link to Community Strategic Plan:** Effective financial and asset management ensure Council's long term sustainability

### **PURPOSE**

The purpose of this report is to seek Council approval to proceed with a Planning Proposal to reclassify Lots 11, 12 and 13 DP 1150964 being Council owned property at "Calwalla", Sheepwash Road, Glenquarry from "Community" land to "Operational" land.

The purpose of the reclassification is so that the classification of the property aligns with the purpose for which the property was acquired and its current continued use.

### **RECOMMENDATION**

**THAT** a Planning Proposal be prepared and submitted to the NSW Department of Planning, Industry and Environment for a Gateway Determination to reclassify Lots 11, 12 and 13 DP 1150964, being Council property "Calwalla", Sheepwash Road, Glenquarry from Community to Operational.

### **VOTING ON THE MOTION**

Councillors are required to record their votes on this matter.

### **REPORT**

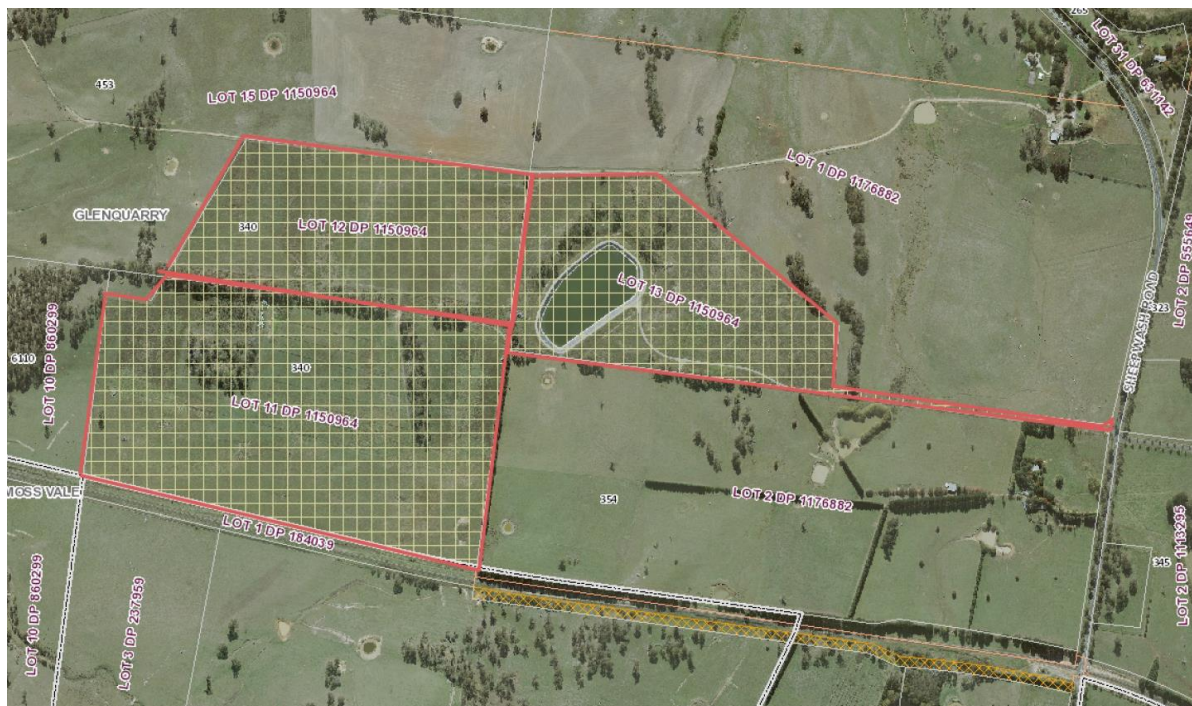
#### **BACKGROUND**

Lots 11, 12 and 13 DP 1150964 ("the property") was acquired by Council in 2009 in connection with the Robertson Sewerage Scheme. The area of Lot 11 is 36.66ha, the area of Lot 12 is 19.32ha and the area of Lot 13 is 20.72ha.

Figure 1 indicates the location of the subject property.

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**Figure 1 location of subject property – enlarged at Attachment 1**

Council is required to classify all public land as either “Community” or “Operational” under the provisions of sections 25 and 26 of the *Local Government Act, 1993*. Community land is land used for a public **purpose**. Operational land is land which facilitates the functions or “operations” of Council.

The property is zoned E3 Environmental Management. The property is owned by Council and was acquired in connection with the Robertson Sewerage Scheme. A search of the minutes of Council in connection with the purchase of the property has failed to find any resolution of Council classifying the land as “Operational”.

Accordingly, the land was automatically classified as “Community” land three (3) months after the date of acquisition.

To provide consistency with the use of the property in connection with the Robertson Sewerage Scheme, it is now proposed that a planning application be made to reclassify the property from “Community” to “Operational”. This report outlines the process.

## REPORT

The reclassification of public land through an amendment to Schedule 4 (classification and reclassification of public land) of WLEP 2010 is subject to both the local plan making process in the *Environmental Planning and Assessment Act*, 1979 and the public land management requirements of the *Local Government Act*, 1993.

The process for achieving the reclassification of the subject property from “Community” to “Operational” is as follows:

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- Council resolves to prepare a Planning Proposal under s.3.33 of the *Environmental Planning and Assessment Act, 1979*.
- The Planning Proposal is prepared and submitted to the Department of Planning, Industry and Environment (the Department) for a Gateway Determination to proceed.
- Agency referrals are completed as required under the Gateway Determination – including Water NSW and generally also NSW Rural Fire Service. The Planning Proposal cannot proceed until any matters of concern raised by the agencies are resolved.
- Community consultation is undertaken in accordance with the Gateway Determination – for a minimum period of 28 days.
- A Public Hearing is then arranged as required under the *Environmental Planning & Assessment Act, 1979* and s29 of the *Local Government Act, 1993* and held at least 21 days after completion of the public exhibition of the Planning Proposal. The Public Hearing is chaired by an independent facilitator who then submits a report to Council identifying issues raised.
- A further report is then prepared for Council addressing submissions received during the public exhibition and issues raised by the public hearing.

Subject to final Council approval, the Planning Proposal is then forwarded to the Department for finalisation and amendment of WLEP 2010.

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## COMMUNICATION AND CONSULTATION

### Community Engagement

Community Engagement will occur through public exhibition of the Planning Proposal and the holding of an independently facilitated Public Hearing.

### Internal Communication and Consultation

Council's Strategic Planning Unit will be responsible for the Planning Proposal and reclassification process.

### External Communication and Consultation

Agency consultation will occur as required under the Gateway Determination.

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## SUSTAINABILITY ASSESSMENT

### • **Environment**

There are no environmental issues in relation to this report.

### • **Social**

There are no social issues in relation to this report.

### • **Broader Economic Implications**

There are no broader economic implications in relation to this report.

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- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

The Planning Proposal and Public Hearing would be undertaken in accordance with legislative requirements under the *Environmental Planning and Assessment Act 1979* and the *Local Government Act, 1993*.

#### **COUNCIL BUDGET IMPLICATIONS**

Costs associated with the Gateway Determination will be funded through existing budget allocations. The cost of preparing the Planning Proposal will be met by in-house resources. The cost of engaging an independent facilitator for the public hearing, should the matter proceed, will be funded through existing budget allocations.

#### **RELATED COUNCIL POLICY**

None identified.

#### **OPTIONS**

Given that the land is used for operational purposes, the only option available to Council is the following:

THAT a Planning Proposal be prepared to reclassify Lots 11, 12 and 13 DP 1150964, Calwalla, Sheepwash Road, Glenquarry from Community to Operational.

#### **CONCLUSION**

Given that the property is used for Operational purposes as part of the Robertson Sewerage Scheme it is recommended that Council apply to reclassify the property from "Community" to "Operational" to ensure consistency with the property's use.

#### **ATTACHMENTS**

1. Attachment 1