

# DRAFT PLANNING PROPOSAL

RECLASSIFICATION OF COMMUNITY LAND 2022

FORBES SHIRE COUNCIL

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# INTRODUCTION

## Background

Council recently prepared a *Recreational and Open Space Strategy (ROSS)* which reviewed Councils recreational land availability. The ROSS identified several open space properties as surplus parkland and recommend them for disposal. This planning proposal proposes to reclassify these properties parcels from community land to operation land under the *Local Government Act 1993*, and subsequently an amendment to Schedule 4 of the Forbes Local Environmental Plan 2013 (FLEP). The proposal does not include a proposal to rezone the land, change the minimum lot size or any other provision under the FLEP.

This planning proposal constitutes a document referred to in Section 3.33 of the *Environmental Planning and Assessment Act 1979* and has been prepared in accordance with the Department of Planning and Environments *Local Environmental Plan Making Guidelines (December 2021)*. In accordance with the guideline, this proposal is considered “basic” in category.

The planning proposal aims to rezone the following land from “community” to “operational”:

- Lot 79 Deposited Plan 251269; Alma Sharp Park
- Lot 31 Deposited Plan 791180; Eloora Place Park
- Lot 38 Deposited Plan 215546; Gale Street Park
- Lot 28 Deposited Plan 835295; Paul Wenz Park

The public reserve status and interests of the subject sites are proposed to be changed. This will be reflected on the correct part of the proposed Schedule 4 provisions of FLEP 2013

## Summary of land subject to the planning proposal

### Alma Sharp Park

<b>Current Zone</b>	R1 General Residential
<b>Surrounding land uses</b>	Mix of residential and vacant residential zoned
<b>Size</b>	7134m2
<b>Vehicular access</b>	Kent Street ends in close proximity, though will require extension
<b>Flood category</b>	Low hazard flood fringe
<b>Sewer availability</b>	Sewer runs directly north of the property in the rear portion of the neighbours lots as per sewer plan
<b>Water availability</b>	Water runs down Kent Street and is within close proximity

### Eloora Place Park

<b>Current Zone</b>	R1 General Residential
<b>Surrounding land uses</b>	Residential
<b>Size</b>	2289m2
<b>Vehicular access</b>	Direct access to Eloora Place
<b>Flood category</b>	Nil
<b>Sewer availability</b>	A sewer main is present on the northern boundary of the park
<b>Water availability</b>	A water main runs along Eloora Place

#### *Gale Street Park*

<b>Current Zone</b>	R1 General Residential
<b>Surrounding land uses</b>	Residential
<b>Size</b>	461.6m <sup>2</sup>
<b>Vehicular access</b>	Direct access to Gale Street
<b>Flood category</b>	Nil
<b>Sewer availability</b>	No direct access to sewer
<b>Water availability</b>	A water main runs along Gale Street

#### *Paul Wenz Park*

<b>Current Zone</b>	R1 General Residential
<b>Surrounding land uses</b>	Childcare and residential
<b>Size</b>	1534m <sup>2</sup>
<b>Vehicular access</b>	Direct street frontage to Hettie Place
<b>Flood category</b>	Nil
<b>Sewer availability</b>	A sewer main runs along the northern and western boundaries of the property
<b>Water availability</b>	Water runs along Hettie Place

## THE PROPOSAL

### *Objectives and intended outcomes*

The objective of the proposal is to fulfil the actions of the ROSS and dispose of the following land identified as surplus recreational land:

- Lot 79 Deposited Plan 251269; Alma Sharp Park
- Lot 31 Deposited Plan 791180; Eloora Place Park
- Lot 38 Deposited Plan 215546; Gale Street Park
- Lot 28 Deposited Plan 835295; Paul Wenz Park

It is anticipated that each park will be purchased for residential land uses, or purchased by surrounding land owners and absorbed into their property holding, with the exception of Alma Sharp Park which will likely be retained by Council for operational purposes.

The following intended outcomes are anticipated:

- Greater rationalisation in resources of Council to maintain high quality and accessible public open space;
- Provide new opportunities for residential land and infill development;
- Fulfil the actions of the ROSS

### *Explanation of provisions*

The proposal will be achieved by amending schedule 4 of the FLEP so as to include the public lands referred to in Part 1 of the above schedule titled *Land classified, or reclassified, as operational land – no interests changed* of Schedule 4, thereby confirming reclassification of such lands from community to operational.

All lots subject to this proposal will require a change of public reserve status and interests, except for Gale Street Park which does not have public reserve status on its title.

## Justification

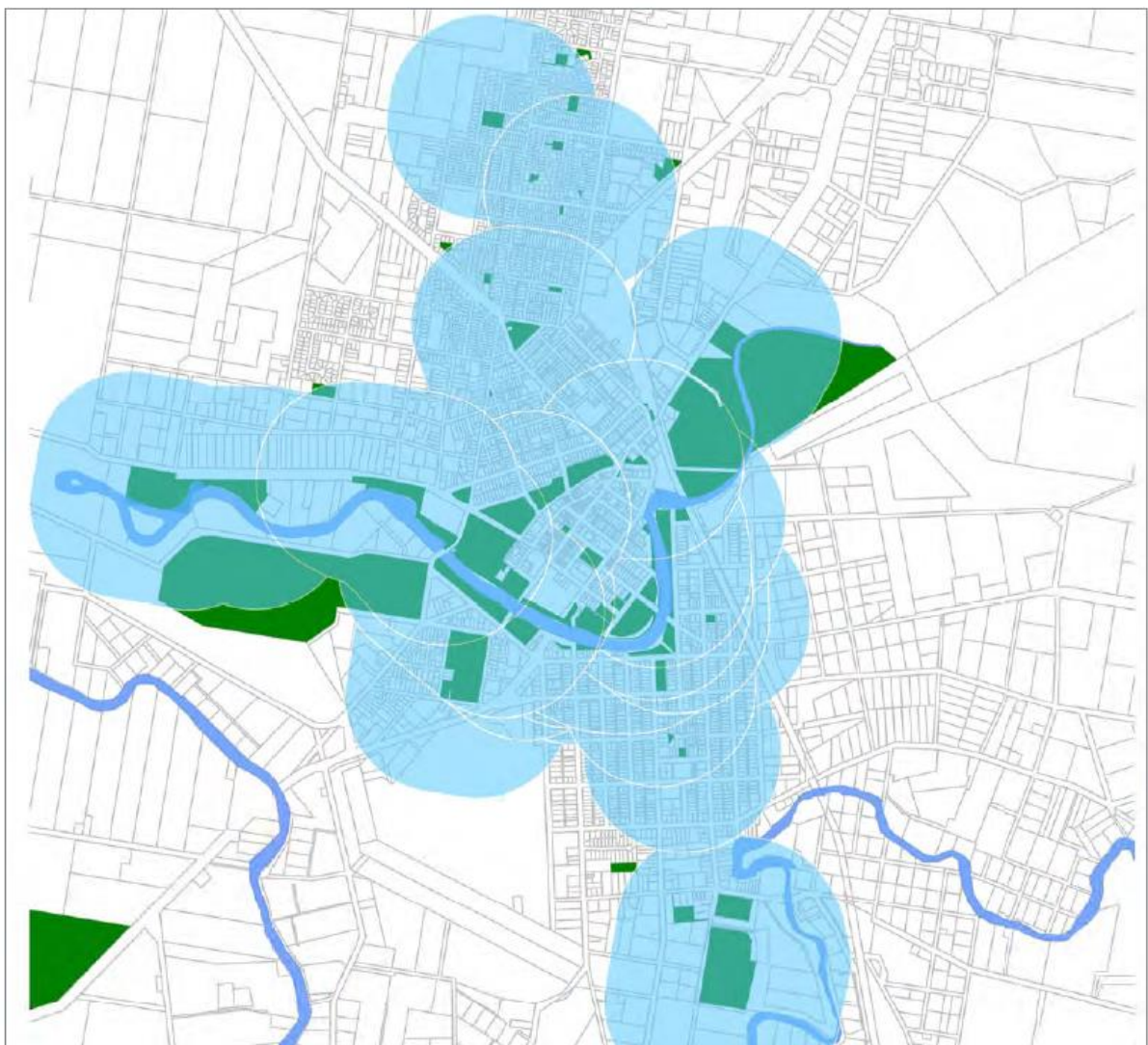
The need for the planning proposal

*Is the planning proposal a result of an endorsed LSPS, strategic study or report?*

An action of the LSPS was to prepare a Recreational and Open Space Strategy (ROSS). This was completed in 2021. As part of the ROSS, several levels of analysis were investigated to determine a base line supply of open space in Forbes.

One of these studies was a walkability study, identifying the accessibility of open space parks within 500 metres of residential dwellings (or a 5 minute walk). The strategy found that “there is an opportunity to rationalise the number of recreation parks and develop a strategic network of recreation park to provide a well-utilised and valued network for residents across the town” (Page 49).

Residential lot access to recreation parks within 5 minute (500m) walk (Forbes ROSS 2021)



As part of the consultation for the ROSS, surveys were provided to the community. This found that residents most regularly use the following open spaces for recreation:

- Lakes/Rivers/Creeks (ie Lake Forbes);
- Local footpaths

- Home
- Local roads (walking and cycling)
- Formal sport grounds and courts

Forbes has a significant benefit of the activate Lake Forbes Foreshore, which has been masterplanned via the Lake Forbes Activation Plan. The ROSS found that Lake Forbes is highly valued by the community, and most commonly used by community members for open space.

It is the primary finding of the ROSS that the rationalisation of “pocket parks” will assist in the continued activation of Lake Forbes by lowering maintenance requirements and diverting costs to Lake Forbes.

The ROSS was publicly exhibited, and no objections were received to the sale of the land subject to this planning proposal. Below are the summary findings of the future of each of the parks.

### Alma Sharpe Park

Alma Sharpe Park is a large aging park with no direct vehicular frontage. The ROSS states that the park should be disposed of should Princess Street not be developed. Council has reviewed the feasibility of creating Princess Street, and as the southern side of this street is *High Hazard Floodway* and no development is permissible, the construction of this road is not feasible or a good use of Councils resources and money.

The land is a mix of Low Hazard Flood Fringe and High Hazard Flood Storage and therefore part of the land is not suitable for residential development. Council therefore proposes to retain the park for operational purposes by Council. It could be used as a depot, vehicular storage or work site. By changing the classification to Operational Land, Council is afforded more flexibility in its uses as the land does not have to be reserved for a Community purpose in accordance with the *Local Government Act 1993*.

To ensure residential development does not occur in the high hazard portion in the future, Council proposes to place a notation on the title to the benefit of Forbes Shire Council that a dwelling house is not permissible in the portion of land designated *High Hazard*.

#### ALMA SHARPE PARK

Alma Sharpe Park is located at the end of Kent Street and is approximately 7,300m<sup>2</sup> in size.

In theory, the park is of a size and location that provides potential for it to be developed into a desirable and functional recreation park for the surrounding neighbourhood. Indeed there is a gap in quality open space in this part of Forbes. Unfortunately, the unformed section of Princess Street along the southern side of the park has constrained access and visual surveillance of the park. While construction of Princess Street would lend considerable weight to further development of Alma Sharpe Park (and address demand), it is unlikely to occur.

An infants playground, while still functional, is aged and does not show signs of regular use. No shade is provided over the playground and there is a lack of shade trees across the park. A shelter adjacent to the playground is in disrepair and has been overgrown by a flowering vine. The paved floor under the shelter is lifting in places, resulting in trip hazards. The gas barbecue is not in working order and poses a safety hazard.

The park has not been included in core open space calculations due to these constraints on its current and future use.

#### Future directions

(Assuming that development of Princess Street cannot be achieved) it is recommended that the current embellishments are removed and Council consider disposal of the land, with proceeds being reserved for development of recreation parks in accordance with this Strategy.





## Eloora Place Park

This part of town is well served by other parks. There are alternative appropriate uses for this lot of land and the site is not well utilised by the community, such as being incorporated into surrounding lots or sold as a residential block of land in its own right. There is a laneway from The Bogan Way to the park, and it is anticipated this will be sold directly to an adjoining neighbour.

### ELOORA PLACE PARK

Located at the end of a cul-de-sac, Eloora Place Park is a house-block sized park.

The park has scattered, predominantly native, trees along the boundaries and the centre of the park is open with patches of grass. There is limited potential for the park to function well as a recreation park.

The park has not been included in core open space calculations as it is constrained by its size and location.

#### Future directions

The park has limited recreation value and Council should consider disposal of the land.



## Gale Street Park

This is a small residual greenspace being used for Council's operational purposes and is most likely to be sold to surrounding neighbours.

### GALE STREET PARK

As the name suggests, Gale Street Park is located toward the southern end of Gale Street.

The park is being used for Council's operational purposes and has not been included in core open space calculations.

#### Future directions

Council should ensure that the purpose of the land has been changed from *community* to *operational*, in accordance with the *NSW Local Government Act 1993*.



## Paul Wenz Park

This part of town is well served by other parks. There are alternative appropriate uses for this lot of land and the site is not well utilised by the community, such as being incorporated into surrounding lots or sold as a residential block of land in its own right. Both laneways are intended to be sold to adjoining landowners.

#### PAUL WENZ PARK

Paul Wenz Park is located in Hettie Place behind Forbes Learning Ladder childcare centre

The park is approximately 1,500m<sup>2</sup> in size.

The park is constrained by its location on a cul-de-sac within a residential area. The park is used as a 'back gate' for the childcare centre.

The park has not been included in core open space calculations as it is undeveloped.

#### Future directions

The park is considered constrained by its size and location and Council should consider disposal of the land (potentially sold to the childcare centre).



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

Yes. Council records do not identify when the land was purchased, or if it was gained as part of a Section 94 Contribution scheme. Therefore, clauses 31, 32 and 33 cannot be made use of and a Planning Proposal is required.

#### Relationship to the strategic planning framework

*Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy?*

NSW Government strategies

The Draft Central West and Orana Regional Plan 2041 (CWORP 2041) states that the retention of public open space is a priority of the NSW Government. However, it also states that open spaces should be “diverse, quality public open spaces”. The public spaces that are proposed or closure are pocket parks with low to no utilisation by community members. Continual engagement with the community indicates that the preference amongst community members is for investment of resources in Lake Forbes.

Strategy 2.3 of the CWORP 2041 requires that the following must be addressed as part of a proposal to reclassify public open space:

*The role or potential role of the land within the open space network*

Each of the parklands have been identified as surplus parklands in the ROSS. In each case, the designation as surplus has been because the land is too small to be a meaningful open space. In the case of Alma Sharpe Park, while it is of significant size, the park does not currently have direct vehicular access. It is also just outside a 5-minute walk to Lake Forbes from the surrounding area, and residents are far more likely to walk slightly further to access the larger and much more highly valued parkland that surrounds Lake Forbes.

*How the reclassification is strategically supported by local strategies such as open space or asset rationalisation strategies*

The reclassification of the parklands has been supported by the *Recreation and Open Space Strategy*, which is a recommendation of the LSPS and CSP. This has been addressed in more detail in the previous sections of the report.

*Where land sales are proposed, details of how sale of land proceeds will be managed*



*The net benefit or net gain to open space*

The following are excerpts of the *Central West Orana Regional Plan*, Strategy 6.3.

LEP amendments that propose to reclassify public open space must consider:

Strategy 6.3	Comment.
The role or potential role of the land within the open space network.	<p>Each of the sites will no longer be used as public reserve. The ROSS undertook a strategic review of Councils open space network and determined that there is sufficient open space, and each of these parks is surplus to requirements.</p> <p>Alma Sharpe Park will be utilised by Council for operational purposes.</p> <p>Eloora Place Park, Gale Street Park and Paul Wenz Park will be sold and no longer used as public reserve.</p>
How the reclassification is strategically supported by local strategies such as open space or asset rationalisation strategies.	<p>The Forbes CSP and ROSS state that public reserves should be of high quality and to move away from ‘pocket parks’. This reclassification meets the outcomes and objectives of these documents by allowing Council to focus resourcing on high quality larger parks that support the needs of a large portion of the community.</p>
Where land sales are proposed, details of how sale of land proceeds will be managed.	<p>It has not yet been resolved what Council will do with the funds from the sale of the land. It is expected that the funds will go into General Funds, or be used to maintain other public reserves within Forbes Shire.</p>
The net benefit or net gain to open space.	<p>The reclassification of these parks will result in the loss of ‘pocket parks’ and will allow Council to put more resources into quality public open spaces. These park spaces are underutilised, and often underserved as a result.</p> <p>It is expected that the reclassification of these park spaces will result in the higher quality open space at key strategic open spaces.</p>

*Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Strategy or GSC, or another endorsed local strategy or strategic plan?*

The primary strategic justification for the removal of these parks comes from the ROSS as described above. The ROSS was an action identified in the *Forbes Local Strategic Planning Statement 2040* (LSPS), which also has an action that reads “Investigate and rezone land for high quality recreational spaces, and move away from “pocket park” green infrastructure”.

Action CC7 of the *Community Strategic Plan* states that Council should “Plan for and manage open-space, recreational and community facilities.” The ROSS was the output of this action, and this planning proposal fulfils the outcomes of the ROSS.

Council therefore has a clear strategic objective to focus on well resourced, high quality public land as opposed to pocket parks which is echoed across our strategic plans.

*Is the planning proposal consistent with any other applicable state and regional studies or strategies?*

No other applicable state or regional studies or strategies apply to the proposal.

*Is the planning proposal consistent with applicable State Environmental Planning Policies?*

State Environmental Planning Policy	Consistency	Comment
Primary Production 2021	NA	
Resources and Energy 2021	NA	
Resilience and Hazards 2021	Yes	One lot is designated <i>Low Hazard Flood Fringe</i> . In accordance with Ministerial Direction 4.1, an increase in density is permissible on low hazard land. A history of the use of the sites identify no potentially contaminating uses.
Industry and Employment 2021	NA	
Transport and Infrastructure 2021	Yes	The SEPP provides a number of uses that are permitted without consent on parks and other public reserves (Division 12) and operational land (Division 10A). The proposal does not involve any works and will not change the ability to make use of these clauses. Should the land be sold, these clauses will no longer apply to the land.
Biodiversity and Conservation 2021	Yes	Does not apply as the land does not constitute Koala Habitat, or any of the relevant areas subject to the SEPP. Some land has some existing trees and vegetation. Should removal of these trees be proposed, this will be dealt with in the appropriate approval pathways in the future.
Planning Systems 2021	NA	
Housing 2021	NA	
Exempt and Complying Development Codes 2008	NA	

*Is the planning proposal consistent with applicable Ministerial Directions?*

State Environmental Planning Policy	Consistency	Comment
Implementation of Regional Plans	Yes	The proposal is consistent with the Regional Plan
Development of Aboriginal Land Council Land	NA	

Approval and Referral Requirements	Yes	Nothing in this plan requires the concurrence of a public authority, nor does it identify designated development.
Site specific provisions	Yes	The planning proposal does not constitute a spot rezoning for a specific development.
Focus area 1 – Planning Systems – Place-based	NA	The planning proposal is not relevant to any of the areas subject to these directions.
Conservation Zones	NA	The planning proposal does not apply to a conservation zone, or land otherwise identified for environmental conservation or protection.
Heritage Conservation	NA	There are no heritage items on the land subject to this proposal.
Sydney Drinking Water Catchment	NA	
Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	NA	
Recreation Vehicle Areas	NA	
Strategic Conservation Planning	Yes	The land does not constitute Koala Habitat, or any of the relevant areas subject to the SEPP. Some land has some existing trees and vegetation. Should removal of these trees be proposed, this will be dealt with in the appropriate approval pathways in the future.
Flooding	Yes	Alma Sharpe Park is designated <i>Low Hazard Flood Fringe</i> and <i>High Hazard Flood Storage</i> in accordance with the Forbes Flood Study 2020. Any development will be required to comply with the flooding provisions of the <i>Forbes Development Control Plan 2013</i> and therefore is consistent with Clause 1 of the direction. Council proposed to place a notation on the title that a dwelling house is not permissible in the portion of land designated High Hazard Flood Storage. Precedence has been set before to this extend by way of the River Road Planning Proposals.
Coastal management	NA	
Planning for bushfire protection	NA	
Remediation of Contaminated Land	Yes	The land is not known to have had any activities referred to in Table 1 of the contaminated land planning guidelines.
Acid sulfate soils	NA	
Mine Subsidence and Unstable Land	NA	

Integrated Land Use and Transport	NA	It is not proposed to rezone land, and therefore this direction does not apply.
Reserving Land for Public Purposes	Yes	Clause 1 will be complied with as part of the PP process. Clause 2 does not apply as the land is not being proposed for public acquisition. Clause 3 and 4 does not apply as the land is not marked as being for public acquisition.
Development Near Regulated Airports and Defence Fields	NA	
Shooting Ranges	NA	
Residential Zones	NA	The proposal is not for a rezoning of land, and therefore this clause does not apply.
Caravan Parks and Manufactured Home Estates	NA	
Focus Area 7: Industry and Employment	NA	
Focus Area 8: Resources and Energy	NA	
Focus Area 9: Primary Production	NA	

### Ministerial Direction 4.3 – Flooding

Alma Sharpe Park is designated *Low Hazard Flood Fringe* and *High Hazard Flood Storage* in accordance with the Forbes Flood Study 2020.

Any development will be required to comply with the flooding provisions of the *Forbes Development Control Plan 2013* and therefore is consistent with Clause 1 of the direction.

Council proposes to retain the park for operational purposes by Council. It could be used as a depot, vehicular storage or work site in accordance with the *State Environmental Planning Policy (Transport and Infrastructure) 2021*. By changing the classification to Operational Land, Council is afforded more flexibility in its uses as the land does not have to be reserved for a Community purpose in accordance with the *Local Government Act 1993*.

To ensure residential development does not occur in the high hazard portion in the future, Council proposes to place a notation on the title to the benefit of Forbes Shire Council that a dwelling house is not permissible in the portion of land designated *High Hazard*.

### Environmental, Social and Economic Impact

*Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitat will be adversely affected?*

No. The land is zoned residential with no significant native vegetation. Some parks have a small number of trees that are not proposed to be removed as part of this proposal.

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

There are no other likely environmental effects anticipated as part of the planning proposal.

#### *Has the planning proposal adequately addressed any social and economic effects?*

An AHIMS search has been conducted, and no heritage items have been identified on any of the land subject to the planning proposal. The land subject to the planning proposal does not meet the thresholds for a due diligence assessment.

Alma Sharp Park has the potential to have up to 12 blocks, though this would require significant infrastructure augmentation. Instead, it is currently planned for Council to retain the lot for operational purposes.

Eloora Place Park, would have the potential for four new lots, though more likely 2-3 due to its unique shape and dimensions. No infrastructure augmentation would be required to support a proposal of this nature.

Gale Street Park would be best incorporated into the land holding of surrounding residences due to its unique dimensions and small size.

Paul Wenz Park could accommodate up to three new residential blocks, with the use of a 4.6 variation to development standards. Though is most likely to see two new blocks based on the standard 700-800sqm block size seen in Forbes. Either proposal would not require any infrastructure augmentation.

Based on Federal Government estimates that that the average single-family home generates 3 jobs, it is estimated that this proposal could generate 36 jobs in the Forbes economy.

While there is a net loss of public open space, the ROSS has identified all land subject to the proposal as surplus, and their sale will divert maintenance funds to more meaningful and highly valued public space.

#### *Is there adequate public infrastructure for the planning proposal?*

Alma Park will require a water main extension and a road extension down Kent Street. All other land subject to the proposal has sufficient infrastructure to service the most likely use of the land.

### Mapping

No mapping change is required as part of this proposal.

### Community Consultation

The ROSS was publicly exhibited for a period of 28 days in 2021, with a number of surveys completed. No submissions were received relating to the four parks subject to this proposal.

Council proposes to publicly exhibit the planning proposal for a period of 28 days once a Gateway Determination has been issued, and write to residents within 500 metres of the park notifying them of the proposal.

Council is required to hold a public hearing in accordance with Section 57 of the *Environmental Planning and Assessment Act 1979*, of which at least 21 days public notice is required to be given before the hearing.

### Project Timeline

<b>Consideration by Council &amp; Council Decision</b>	October 2022
<b>Gateway Determination</b>	December 2022
<b>Public Exhibition</b>	February – March 2023
<b>Public Hearing</b>	April 2023
<b>Consideration of submissions</b>	May 2023



<b>Post-exhibition review by Council</b>	June 2023
<b>Finalisation</b>	July 2023
<b>Gazettal of LEP amendment</b>	July 2023

## Appendix A – Map and site photos

### *Alma Sharp Park*





*Eloora Place Park*









*Gale Street Park*







*Paul Wenz Park*







## Appendix B – PN2016-001

Information required in accordance with *PN 2016-001* Classification and reclassification of public land through a local environmental plan

Questions	Alma Sharpe Park	Eloora Place Park	Gale Street Park	Paul Wenz Park
The current and proposed classification of the land;	Current use: Community land. Proposed Use: Operational land.	Current use: Community land. Proposed Use: Operational land.	Current use: Community land.	Current use: Community land.

			Proposed Use: Operational land.	Proposed Use: Operational land.
Whether the land is a 'public reserve' (defined in the LG act);	Yes, the land is currently 'Public Reserve'	Yes, the land is currently 'Public Reserve'		Yes, the land is currently 'Public Reserve'
The strategic and site specific merits of the reclassification and evidence to support this;	The flood category and lack of infrastructure (such as road frontage) means the land isn't appropriate for residential uses. The park is not utilised due to the aged facilities, lack of shade and restricted access.	The site is not utilised as a public reserve. There is quality park space within 600m of this site.	This site is not considered to be quality public reserve and is not utilised, the lack of public infrastructure may also impact its lack of use.	This site is not considered to be quality public reserve and is not utilised, the lack of public infrastructure may also impact its lack of use.
Whether the planning proposal is the result of a strategic study or report;	It is a result of the findings of the ROSS.	It is a result of the findings of the ROSS.	It is a result of the findings of the ROSS.	It is a result of the findings of the ROSS.
Whether the planning proposal is consistent with council's community plan or other local strategic plan;	Yes, the reclassification is as a result of the ROSS as well as the Forbes CSP and LSPS	Yes, the reclassification is as a result of the ROSS as well as the Forbes CSP and LSPS	Yes, the reclassification is as a result of the ROSS as well as the Forbes CSP and LSPS	Yes, the reclassification is as a result of the ROSS as well as the Forbes CSP and LSPS
A summary of council's interests in the land, including: - how and when the land was first acquired (e.G. Was it dedicated, donated, provided as part of a subdivision for public open space or other purpose, or a developer contribution) - if council does not own the land, the land owner's	Part of a subdivision, and was reserved as public open space.	Part of a subdivision, and was reserved as public open space.		Part of a subdivision, and was reserved as public open space.

consent; - the nature of any trusts, dedications etc;				
Whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why;	The land is no longer considered viable to its original use as community land. The park is surplus to the needs of the Forbes Community, and is not actively used for the intended purpose as a public reserve / community land.	The land is no longer considered viable to its original use as community land. The park is surplus to the needs of the Forbes Community, and is not actively used for the intended purpose as a public reserve / community land.	The land is no longer considered viable to its original use as community land. The park is surplus to the needs of the Forbes Community, and is not actively used for the intended purpose as a public reserve / community land.	The land is no longer considered viable to its original use as community land. The park is surplus to the needs of the Forbes Community, and is not actively used for the intended purpose as a public reserve / community land.
The effect of the reclassification (including, the loss of public open space, the land ceases to be a public reserve or particular interests will be discharged);	Any interest of the land will be discharged, the public reserve status will be removed from the land as a result of this reclassification.	Any interest of the land will be discharged, the public reserve status will be removed from the land as a result of this reclassification.	Any interest of the land will be discharged.	Any interest of the land will be discharged, the public reserve status will be removed from the land as a result of this reclassification.
Evidence of public reserve status or relevant interests, or lack thereof applying to the land (e.g., Electronic title searches, notice in a government gazette, trust documents);	The land is currently registered as a public reserve. The Certificate of Title can be found in Appendix C	The land is currently registered as a public reserve. The Certificate of Title can be found in Appendix C		The land is currently registered as a public reserve. The Certificate of Title can be found in Appendix C
Current use(s) of the land, and whether uses are authorised or unauthorised;	Authorised use, community land.	Authorised use, community land.	Authorised use, community land.	Authorised use, community land.
Current or proposed lease or agreements applying to the	The land cannot be leased, as Council does not have, and has	The land cannot be leased, as Council does not have, and has not	The land cannot be leased, as Council does not have, and has	The land cannot be leased, as Council does not have, and has



land, together with their duration, terms and controls;	not completed a <i>Plan of Management</i> .	completed a <i>Plan of Management</i> .	not completed a <i>Plan of Management</i> .	not completed a <i>Plan of Management</i> .
Current or proposed business dealings (e.G. 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);	The land will be repurposed to operational land to be used by Council due to the location within a high hazard floodway.	The land will be repurposed either for sale or business use at a later date.	The land will be repurposed either for sale or business use at a later date.	The land will be repurposed either for sale or business use at a later date.
Any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed plan of management or strategy);	Not Applicable. The current zoning is R1 – General Residential, and does not change as a result of this reclassification of land.	Not Applicable. The current zoning is R1 – General Residential, and does not change as a result of this reclassification of land.	Not Applicable. The current zoning is R1 – General Residential, and does not change as a result of this reclassification of land.	Not Applicable. The current zoning is R1 – General Residential, and does not change as a result of this reclassification of land.
How council may or will benefit financially, and how these funds will be used;	It is not proposed to sell this lot, as it is not suitable for residential purposes.	It has not yet been resolved what Council will do with the funds from the sale of the land. It is expected that the funds will go into General Funds, or be used to maintain other public reserves within Forbes Shire.	It has not yet been resolved what Council will do with the funds from the sale of the land. It is expected that the funds will go into General Funds, or be used to maintain other public reserves within Forbes Shire.	It has not yet been resolved what Council will do with the funds from the sale of the land. It is expected that the funds will go into General Funds, or be used to maintain other public reserves within Forbes Shire.
How council will ensure funds remain available to fund proposed open	Once Council resolves what will occur with the funds from	Once Council resolves what will occur with the funds from the	Once Council resolves what will occur with the funds from	Once Council resolves what will occur with the funds from



space sites or improvements referred to in justifying the reclassification, if relevant to the proposal;	the sale of the land, Council will restrict these assets and ensure they are used appropriately to the resolution.	sale of the land, Council will restrict these assets and ensure they are used appropriately to the resolution.	the sale of the land, Council will restrict these assets and ensure they are used appropriately to the resolution.	the sale of the land, Council will restrict these assets and ensure they are used appropriately to the resolution.
A land reclassification (part lots) map, in accordance with any standard technical requirements for spatial datasets and maps, if land to be reclassified does not apply to the whole lot; and	There is no rezoning proposed in this reclassification. The whole lot is zoned R1 – General Residential.	There is no rezoning proposed in this reclassification. The whole lot is zoned R1 – General Residential.	There is no rezoning proposed in this reclassification. The whole lot is zoned R1 – General Residential.	There is no rezoning proposed in this reclassification. The whole lot is zoned R1 – General Residential.
Preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.	Not Applicable. No additional comments are made.	Not Applicable. No additional comments are made.	Not Applicable. No additional comments are made.	Not Applicable. No additional comments are made.

## Appendix C - Certificate of Titles.



LAND  
REGISTRY  
SERVICES

**Title Search**



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 79/251269

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SEARCH DATE	TIME	EDITION NO	DATE
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17/1/2023	11:02 AM	-	-

VOL 13013 FOL 93 IS THE CURRENT CERTIFICATE OF TITLE

LAND

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LOT 79 IN DEPOSITED PLAN 251269  
LOCAL GOVERNMENT AREA FORBES  
PARISH OF FORBES COUNTY OF ASHBURNHAM  
TITLE DIAGRAM DP251269

FIRST SCHEDULE

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THE COUNCIL OF THE MUNICIPALITY OF FORBES

SECOND SCHEDULE (2 NOTIFICATIONS)

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- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
- 2 K200000P CAVEAT BY THE REGISTRAR GENERAL FORBIDDING REGISTRATION OF INSTRUMENTS NOT AUTHORISED BY THE PROVISIONS OF THE LOCAL GOV ACT, 1919, RELATING TO PUBLIC RESERVES

NOTATIONS

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UNREGISTERED DEALINGS: NIL

\*\*\* END OF SEARCH \*\*\*



LAND  
REGISTRY  
SERVICES

## Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 31/791180

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SEARCH DATE	TIME	EDITION NO	DATE
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17/1/2023	11:06 AM	1	11/8/1989

LAND

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LOT 31 IN DEPOSITED PLAN 791180  
AT FORBES  
LOCAL GOVERNMENT AREA FORBES  
PARISH OF FORBES COUNTY OF ASHBURNHAM  
TITLE DIAGRAM DP791180

FIRST SCHEDULE

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THE COUNCIL OF THE MUNICIPALITY OF FORBES

SECOND SCHEDULE (2 NOTIFICATIONS)

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- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND  
CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
- 2 K200000P CAVEAT BY THE REGISTRAR GENERAL FORBIDING  
UNAUTHORISED DEALINGS WITH PUBLIC RESERVES

NOTATIONS

-----

UNREGISTERED DEALINGS: NIL

\*\*\* END OF SEARCH \*\*\*



LAND  
REGISTRY  
SERVICES

## Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 38/215546

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SEARCH DATE	TIME	EDITION NO	DATE
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17/1/2023	11:09 AM	-	-

VOL 9412 FOL 119 IS THE CURRENT CERTIFICATE OF TITLE

LAND

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LOT 38 IN DEPOSITED PLAN 215546  
LOCAL GOVERNMENT AREA FORBES  
PARISH OF FORBES COUNTY OF ASHBURNHAM  
TITLE DIAGRAM DP215546

FIRST SCHEDULE

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THE COUNCIL OF THE MUNICIPALITY OF FORBES

SECOND SCHEDULE (1 NOTIFICATION)

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1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND  
CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)

NOTATIONS

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UNREGISTERED DEALINGS: NIL

\*\*\* END OF SEARCH \*\*\*



LAND  
REGISTRY  
SERVICES

## Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 28/835295

SEARCH DATE	TIME	EDITION NO	DATE
17/1/2023	11:11 AM	1	8/12/1993

LAND

LOT 28 IN DEPOSITED PLAN 835295  
AT FORBES  
LOCAL GOVERNMENT AREA FORBES  
PARISH OF FORBES COUNTY OF ASHBURNHAM  
TITLE DIAGRAM DP835295

FIRST SCHEDULE

FORBES SHIRE COUNCIL

SECOND SCHEDULE (3 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
- 2 K200000P CAVEAT BY THE REGISTRAR GENERAL FORBIDDING UNAUTHORISED DEALINGS WITH PUBLIC RESERVES
- 3 DP835295 RESTRICTION(S) ON THE USE OF LAND

NOTATIONS

UNREGISTERED DEALINGS: NIL

\*\*\* END OF SEARCH \*\*\*