

OFFICERS' REPORTS – PART A - FOR DETERMINATION

ENVIRONMENT AND PLANNING

1. PLANNING PROPOSAL TO RECLASSIFY PART OF COUNCIL OWNED LAND AT 1 COMMERCIAL STREET WALLA WALLA NSW 2659 ON LOT 5812 DP 1181658.

**Report prepared by Director Environment and Planning – Colin Kane and
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REASON FOR REPORT

The purpose of this report is to seek a resolution of Council to proceed with a planning proposal to reclassify a portion of Council owned land located south of 104 Commercial Street Walla Walla NSW 2659 being Lot 5812 DP 1181658 also known as 1 Commercial Street Walla Walla NSW 2659 from "Community Land" to "Operational" Land."

REFERENCE TO DELIVERY PLAN

The following strategies have direct or indirect connection with the proposed reclassification as outlined in the Greater Hume Council Community Strategic Plan 2022-2032:

- Support local job creation by creating industrial areas and employment opportunities;
- Encourage social enterprises and businesses to grow local employment.

DISCUSSION

On 19 April 2023, a report was presented to Council requesting that an application be made to reclassify the above-mentioned allotment as "Operational Land" through amending Schedule 4, Part 1, of the GHEP 2013. The Council resolution was as follows:

"That Council:

- 1. Indicates that it is in agreement that a planning proposal be undertaken to reclassify the portion of land highlighted in the report from community land to operational land;*
- 2. Will be informed by community consultation through this process;*
- 3. Agrees that PJN Steel Fabrication will meet all associated costs to undertake the planning proposal;*
- 4. Will receive further reports in relation to the outcome of the planning proposal and future sale of the land."*

In line with the above resolution, Bio Plan (the applicant) has lodged a planning proposal **ANNEXURE 1** to reclassify the above-mentioned allotment via the Planning Portal. Council staff have noted that the proposal has been prepared in accordance with the following documents:

1. NSW Department of Planning, Infrastructure & Environment Local Environmental Plan Making Guideline (December 2021) (the "Guide") &
2. LEP Practice note (PN 16-001) relating to the Classification and reclassification of public land through a local environmental plan.

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ON WEDNESDAY 19 JULY 2023**

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The subject land is currently zoned RU5 Village pursuant to the GHLEP 2012 as indicated in **Figure 1** below whilst according to Council's GIS Mapping System, it has a total area of 1.0620ha. It noted however, the applicant has only requested to reclassify **PART** of Lot 5812 DP 1181658 that is equivalent to 456.2m² as shown in **Figure 2 and 3** respectively. The strip of land is occasionally used as an informal thoroughfare for people accessing the sports ground area to the east. It is noted however should the land be reclassified, access to the sportsground will be retained from the laneway off William Street to the north.



Figure 1 – The development site subject of the planning proposal; Source: Intramaps



Figure 2 – The exact site subject of the planning proposal by the applicant.

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Figure 3 – Another view of the exact site subject of the planning proposal by the applicant.

The applicant noted that the purpose of the sale of the land in question is to consolidate this parcel with adjoining land that is currently being occupied by PJN Steel Fabrication (the beneficiary of the planning proposal) to facilitate the expansion of the manufacturing business at No.104 Commercial Street.

Council staff have noted that in order to facilitate this reclassification, no changes to the existing zoning classification of the GHLEP is required. If the applicant decides to expand the existing industrial activities to the land subject of this reclassification, the subdivision and use of the land can be appropriately dealt as part of further development applications lodged with the Greater Hume Council.

This land is Council owned and Council is required to classify all public land as either 'Community Land' or 'Operational Land' under Section 25 and 26 of the Local Government Act (LG Act) 1993. Community land is land used for a public purpose (i.e. parks, reserves, sports grounds etc.) Operational land is land which facilitates the functions or 'operations' of Council (i.e. works depots, garages etc.).

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In order to proceed with the required arrangements, the subject land needs to be classified as “Operational” under the LG Act 1993. It is noted [Section 5.2 of the Greater Hume Local Environmental Plan \(GHLEP\) 2012](#) provides Council with the opportunity to classify or reclassify public land for the purposes of the LG Act 1993 whilst additional specific provisions are also included in Section 27, 29, 30 and 34 of the LG Act. In general, reclassification of public land through an amendment to Schedule 4 (Classification and reclassification of public land) of GHLEP 2012 is subject to both the local plan-making process and public consultation in accordance with the [Environmental Planning & Assessment Act \(EP&A Act\) 1979](#).

The process for achieving the reclassification of ‘**PART of Lot 5812 DP 1181658**’ from ‘community’ to ‘operational’ is as follows:

1. Once Council resolves to support the proposal, the planning proposal will be submitted to the Department of Planning and Environment for a Gateway Determination.
2. Agency referrals are completed **IF REQUIRED** under the Gateway Determination –The Planning Proposal cannot proceed until any matters of concern raised by an agency are not resolved.
3. Community consultation is undertaken in accordance with the Gateway Determination - for a minimum period of 28 days. A Public hearing will also be undertaken in accordance with s29 of the Local Government Act 1993 during this time. The Public Hearing is chaired by an independent facilitator who then submits a report to Council identifying issues raised.
4. A report is prepared for Council addressing submissions received during the public exhibition and issues raised at the public hearing.
5. Subject to Council Resolution, the Planning Proposal is then be forwarded to the Department of Planning and Environment for finalisation and amendment of GHLEP 2012.

It is also confirmed that no interests will be discharged or changed in any way as a result of this planning proposal.

Reclassification of subject land to "operational" will involve a public hearing under section 3.34 of the EP&A Act 1979 in respect of the planning proposal.

BUDGET IMPLICATIONS

Finalisation of this process can be undertaken by Council's internal staff. It is noted as endorsed by Council in its resolution dated 19 April 2023, all associated cost will be borne by the beneficiary of the proposal.

CONCLUSION

In order to achieve the above outcome (to reclassify **PART of Lot 5812 DP 1181658** from “Community” to “Operational”), the submitted planning proposal is required to be submitted to the Department of Planning and Environment for a Gateway Determination. The processing of the planning proposal would then proceed as briefly outlined in this report.

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RECOMMENDATION

1. In accordance with Section 3.34(1) of the Environmental Planning and Assessment Act 1979 Council request a Gateway Determination from the Minister for Planning.
2. Council advise the Department of Planning and Infrastructure that it will utilise its delegations under Section 3.36 of the Environmental Planning and Assessment Act 1979 to make or not make the plan.
3. Upon receipt of a Gateway Determination, Council place the Planning Proposal on public exhibition and hold a public hearing pursuant to any requirements of the determination and Section 3.34(2) of the Environmental Planning and Assessment Act 1979.
4. Should no objections be received, a supplementary report be tabled to consider whether to progress with the reclassification amendment.