

Environmental & Community Services

ECSC.09.4

***RECLASSIFICATION OF FOUR PARCELS OF PUBLIC LAND
IN SCONE***

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PURPOSE

The purpose of this report is to consider amending the Upper Hunter Local Environmental Plan 2013 to reclassify four (4) parcels on public land in Scone from community to operational to facilitate future development or disposal of land.

RECOMMENDATION

That Council:

1. pursuant to section 27 of the Local Government Act 1993, reclassify the following parcels of land from community to operational by amending the Upper Hunter Local Environmental Plan 2013:
 - Lot 1 DP212047 – 97 Hill Street, Scone
 - Lot 3 DP212047 – 97 Hill Street, Scone
 - Lot 12 DP 227553 – 98 Hill Street, Scone
 - Lot 21 DP 1235763 – 2912 New England Highway, Scone
2. endorse the planning proposal in attachment 1 to amend the Upper Hunter Local Environmental Plan 2013.
3. submit the planning proposal to the Minister for Planning and Public Spaces for a Gateway Determination pursuant to section 3.34 of the Environmental Planning and Assessment Act 1979; and
4. if approved, proceed to hold a public hearing as required under section 29 of the Local Government Act 1993.

BACKGROUND

Council, at its meeting held on 27 March 2023, adopted the minutes of the Corporate Services Committee which included the following resolution:

RESOLVED

That Council advertises its intent to reclassify lots 1 and 3 DP 212047 and lot 12 DP 227553 being 97 and 98 Hill Street respectively to Operational land and that this be advertised for a minimum of 28 days and the submissions be reported back to Council.

REPORT/PROPOSAL

In order to give effect to Council's resolution regarding the reclassification of public land in Hill Street (Lots 1 and 3 DP 212047 and Lot 12 DP 227553), a planning proposal has been prepared to amend the Upper Hunter Local Environmental Plan 2013 in accordance with section 3.33 of the Environmental Planning and Assessment Act 1979.

The purpose of reclassifying these lots is to facilitate the disposal of surplus vacant land by Council and enable future residential development, consistent with the residential zoning of the land.

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In addition to the above, the planning proposal intends to reclassify vacant public land at Lot 21 DP 1235763 – 2912 New England Highway, Scone, from community to operational to enable the development of a railway overpass to the Scone industrial area, saleyards and abattoir on the eastern side of the rail line as well as potential future development on the balance of the land.

The planning proposal is provided in Attachment 1.

OPTIONS

1. a) pursuant to section 27 of the Local Government Act 1993, reclassify the following parcels of land from community to operational by amending the Upper Hunter Local Environmental Plan 2013:
 - Lot 1 DP212047 – 97 Hill Street, Scone
 - Lot 3 DP212047 – 97 Hill Street, Scone
 - Lot 12 DP 227553 – 98 Hill Street, Scone
 - Lot 21 DP 1235763 – 2912 New England Highway, Scone
 - b) endorse the planning proposal in attachment 1 to amend the Upper Hunter Local Environmental Plan 2013.
 - c) submit the planning proposal to the Minister for Planning and Public Spaces for a Gateway Determination pursuant to section 3.34 of the Environmental Planning and Assessment Act 1979; and
 - d) if approved, proceed to hold a public hearing as required under section 29 of the Local Government Act 1993.
2. not reclassify the land or endorse the planning proposal and maintain the classification of the parcels as community land.

CONSULTATION

- Council
- Manager Finance

STRATEGIC LINKS

a. Community Strategic Plan 2032

This report links to the Community Strategic Plan 2032 as follows:

Protected Environment

Ensuring the ongoing protection of our environment and natural resources.

- 2.4 Implement and regularly review Strategic Land Use Plans, Environmental Planning Instruments and Development Controls, which reflect the needs and expectations of the broad Community.
- 2.6 Plan, facilitate and provide for a changing population for current and future generations.

Responsible Governance

Providing efficient and responsible governance in order to effectively serve the community.

- 5.3 Effective financial and asset management to ensure Council's long-term sustainability.
- 5.1 Effectively and efficiently management the business of Council, while encouraging an open and participatory Council with an emphasis on transparency, community engagement, action and response.

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b. Delivery Program

- Preparation of planning proposals, flood studies and associated management plans
- Assessment of planning applications

c. Other Plans

The planning proposal is consistent with Council's Local Strategic Planning Statement 2020 in respect of the land on the New England Highway. Planning Priority 7.0.11 "Accommodate Employment Generating Activities" includes the Policy Position of:

- Ensure infrastructure is appropriate to support commercial and industrial lands.

The reclassification of the subject land to operational will enable provision of alternate and improved access, including a rail overpass to the industrial area, saleyards and abattoir on the eastern side of the rail line.

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

Funds raised from the sale of land will be allocated to Council's reserve funds set aside for future property investments or repayment of property loans.

c. Legislative Implications

The proposed reclassification will be undertaken in accordance with Section 27 of the Local Government Act 1993 by amending the Upper Hunter Local Environmental Plan 2013 (LEP). Section 3.33 of the Environmental Planning and Assessment Act 1979 requires Council to prepare a planning proposal to explain the intended effect of the proposed instrument (LEP amendment) and provide the justification for making the instrument. Section 3.34 of the Environmental Planning and Assessment Act 1979 provides that after preparing a planning proposal, the planning proposal authority (Council) may forward it to the Minister for a gateway determination.

d. Risk Implications

Nil

e. Sustainability Implications

Nil

f. Other Implications

Nil

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CONCLUSION

A planning proposal has been prepared to amend the Upper Hunter Local Environmental Plan 2013 to reclassify four (4) parcels on public land in Scone from community to operational to facilitate future development or disposal of land.

The proposed reclassification will be undertaken in accordance with Section 27 of the Local Government Act 1993 by amending the Upper Hunter Local Environmental Plan 2013 (LEP).

The planning proposal is justified on the basis that the proposal will enable the provision of public infrastructure to support commercial and industrial lands (railway overpass on Lot 21) and future residential development (Hill Street parcels), consistent with the residential zoning of the land.

For the above reasons, the planning proposal should proceed.

ATTACHMENTS

- 1 Planning Proposal - Reclassification of Land - Hill Street and New England Highway