

17.2 PLANNING PROPOSAL AE FOX PARK**IP&R Linkage:** **Pillar:** Environment**Goal:** Our built environment is functional, sustainable and meets the needs of our growing community.**Strategy:** Manage our built environment in line with the Local Environmental Plan (LEP) and relevant legislation.**Author:** **Scott Brakenridge, Executive Manager Planning and Certification****Authoriser:** **Brendan Hayes, Director Planning and Community Services****Annexures:** **A. PECC Maps** [↓](#)
B. Planning Proposal [↓](#)

RECOMMENDATION

That:

That Council:

1. Endorses the draft Planning Proposal for submission to the Minister for Planning in accordance with Section 3.34(1) of the Environmental Planning and Assessment Act 1979, requesting a Gateway Determination, pursuant to Section 3.34(2) of the Environmental Planning and Assessment Act 1979.
 2. Request delegation to finalise and make the draft Local Environmental Plan, pursuant to Section 3.36 of the Environmental Planning and Assessment Act 1979.
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BACKGROUND

Council has been in negotiations with the Parkes Early Childhood Centre (PECC), regarding the possible ownership transfer of the PECC building from Council to the PECC management body. The PECC building is built over a number of land parcels, with different ownership arrangements including Crown Land, freehold land and community land.

Part of Council's resolution at its meeting on 24 January 2023 included, that Council:

1. *Proceed with the acquisition and consolidation of the land generally occupied by the Parkes Early Childhood Centre.*

In order to facilitate the consolidation and acquisition of the land, Council will need to commence the process to reclassify the Community Land to Operational Land under the *Local Government Act 1993*. This is the only way in which the land which is currently Community Land can be subdivided, consolidated with the PECC holding or sold in the future.

The purpose of this report is to advise Council of a draft Planning Proposal that seeks to change the classification of the AE Fox Park, Dalton Street, Parkes from Community Land to Operational Land

to facilitate and allow for the transfer of part of the land to the Parkes Early Childhood Centre in accordance with Council's resolution dated 24 January 2023.

The report recommends Council endorse the draft Planning Proposal and forward the Planning Proposal to the Department of Planning, Industry and Environment (DPIE) for Gateway Determination. The draft Planning Proposal is provided as an attachment to this report.

ISSUES AND COMMENTARY

The submission of a Planning Proposal to the Department of Planning, Industry and Environment (DPIE) is the only way in which land can be reclassified from Community Land to Operational Land and is the first step in an administrative process to enable consolidation and acquisition of the land in which PECC is located.

The reclassification of the AE Fox Park from Community Land to Operational Land will allow Council to undertake a future subdivision of the AE Fox Park and the land in which PECC is located.

The residual portion of AE Fox Park, which includes the car park and playground area will continue to be owned by Parkes Shire Council once the subdivision of land has been carried out.

LEGISLATIVE AND POLICY CONTEXT

All public land owned by Council must be classified as either 'Community' or 'Operational' land. Operational land has no special restrictions other than those that may apply to any piece of land. The classification of operational land is used for Council facilities including Council offices, sewage treatment plants, water treatment plants, depots, impound yards, pounds and the like.

Community land is different. Classification as community land reflects the importance of the land to the community because of its use (such as Natural Area, Sportsgrounds, Parks or General Community Use) or special features. It is land intended for public access and use, or where other restrictions apply to the land creating some obligation to maintain public access (such as a trust deed). Community land cannot be sold, or cannot be leased, licenced or any other estate granted over the land for more than 21 years and must have a plan of management prepared for it. The classification of community land is used for council's parks, community centres, sports fields, swimming pools and recreation centres and the like.

The submission of a Planning Proposal to the Department of Planning, Industry and Environment (DPIE) for a Gateway Determination is an administrative and legislated process, and the only way in which land can be reclassified from Community Land to Operational Land.

If DPIE grant a Gateway Determination, it will set out the public exhibition and agency referral requirements. Council will also be required to hold a Public Hearing, which provides an open forum for community members to raise concerns to an independent chair.

FINANCIAL IMPLICATIONS

There are no financial implications for Council associated with the submission of a Planning Proposal to the NSW Department of Planning, Industry and Environment.

RISK IMPLICATIONS

The submission of a Planning Proposal is an administrative, legislated process to formally change the classification of land. There are no foreseeable risks to Council by proceeding with the lodgement of the Planning Proposal to Department of Planning, Industry and Environment (DPIE).

COMMUNITY CONSULTATION

A proposal to reclassify land requires Council to hold a Public Hearing in addition to the regular public exhibition processes. A Public Hearing is an open public meeting which is chaired by an independent person, allowing the community to raise any concerns or suggestions in a public forum.

The NSW Department of Planning, Industry and Environment will provide a Gateway Determination which sets out the required public exhibition and agency consultation (if any) requirements.



Image: Total of land parcels encompassing the Parkes Early Childhood Centre.



Image 2: Aerial Image of PECC Building



PARKES SHIRE COUNCIL

Planning Proposal

Reclassification of Public Land from Community to Operational

Lot 1 DP 119739 encompassing:

- **Parkes Early Childhood Centre (part)**
- **AE Fox Park**
- **Carparking**

September, 2024



PARKES SHIRE COUNCIL

Table of Contents

Introduction.....	3
Part 1 – Objectives and Intended Outcomes	5
Part 2 – Explanation of Provisions.....	8
Part 3 – Justification	9
<i>Section A – Need for Planning Proposal</i>	<i>9</i>
<i>Section B – Relationship to Strategic Planning Framework</i>	<i>10</i>
<i>Section C – Environmental, Social and Economic Impacts.....</i>	<i>12</i>
<i>Section D – State and Commonwealth Interests</i>	<i>13</i>
Part 4 – Mapping	14
Part 5 – Community Consultation	14
Part 6 – Project Timeline	14
Part 7 – Appendices.....	15
<i>Appendix 7.1 Land details.....</i>	<i>15</i>
<i>Appendix 7.2: LEP Practice Note PN 16-001 Classification and reclassification of public land through a LEP – Matters to be addressed</i>	<i>17</i>
<i>Appendix 7.3: Explanation of Provisions Schedule 4 Classification & Reclassification of Public Land</i>	<i>22</i>
<i>Appendix 7.4: Consistency with Council’s local strategy and strategic plan.....</i>	<i>23</i>
<i>Appendix 7.5: Consistency with State Environmental Planning Policies and Policies.....</i>	<i>27</i>

Introduction

This Planning Proposal recommends an amendment to Parkes Local Environmental Plan (LEP 2012) to change the classification of a parcel of council owned land from community land to operational land.

The site is Lot 1 DP 119739 and identified in the diagram below:



The site encompasses:

- AE Fox Park
- Carparking
- Parkes Early Childhood Centre (part)

This planning proposal recommends the parcel of land be reclassified to operational land. This document sets out the justification for and explains the intended effects of the recommended amendment.

The preparation of a Planning Proposal is the first step in NSW Planning and Environment's Gateway Process, the process for making or amending local environment plans. It has a number of steps, set out in table 1, that require this document to be revised as it progresses through the Gateway Process. This document is currently at Step 1: Planning Proposal.

No.	Step	Explanation
1	Planning Proposal	Council prepares a document explaining the effect of and justification for making or amending a local environmental plan.
2	Gateway Determination	The NSW Department of Planning, determines whether a Planning Proposal should proceed.
3	Community Consultation	The Planning Proposal is publicly exhibited.
4	Assessment	Council considers any submissions it receives in response to the public exhibition, changing the Planning Proposal as necessary.
5	Drafting	Parliamentary Counsels Office prepares a draft local environmental plan.
6	Decision	The minister (or delegate plan making authority) approves the local environmental plan, making it law.

All planning proposals reclassifying public land must address matters outlined in NSW Planning and Environmental LEP practice Note 16-001 *Classification and reclassification of public land through a local environmental plan*.

The *Local Government Act 1993* requires all public land (any land vested in, or under the control of Council, except for roads, Crown Land or a common) to be classified as one of two categories: *Community or Operational*. Community Land is generally open to the public and includes reserves and sports grounds. Operational Land is generally land held as a temporary asset or used by council to carry out its functions (work depots and garages) or to provide car parking. Community Land cannot be sold and cannot be leased or licensed for more than 21 years. No restrictions apply to Operational Land. The reclassification of the Land does not commit Council to the sale or development of the land, nor does it remove the land from Council's ownership or prevent the current use of the Land from continuing. Such considerations will be subject to separate processes and decisions.

The subject site was granted to Council as fee simple on the 21st August, 1957. Detailed property information is provided in Appendix 7.1. The remainder of this document is split into the following parts:

Part	
1	The objective and intended outcomes of the proposal
2	An explanation of the provisions to be included in the Parkes LEP 2012
3	Justification for the objectives and intended outcomes
4	Mapping
5	Details of the Community Consultation
6	Projected Timeline

Part 1 – Objectives and Intended Outcomes

Council has been progressing a review process of all Council owned premises to ensure rental arrangements meet its public authority obligations of fairness, equity and competitive neutrality. As part of this process some of the long-term tenants have been given the option to purchase the subject premises instead of moving to market rentals.

Council negotiations have progressed with the Parkes Early Childhood Centre (PECC), regarding the possible ownership transfer of the PECC building from Council to the management body. The PECC is situated in Dalton Street, it is built over a number of land parcels and those land parcels have a number of different ownership arrangements (see figure below).



Image: Total of land parcels encompassing the Parkes Early Childhood Centre.

The land parcels are

- Lot 854 DP 750152 (crown land to be acquired)
- Lot A and B DP355268
- Lot 1 DP 965802
- Lot 1 DP 823391
- Lot A DP 398903
- Part of Lot 1 DP 119739 (Community land – subject to this Planning Proposal and owned by Council).



Image: Lot 1 DP 119739 is Community land and is subject to this Planning Proposal. Highlighted blue area indicative area to be acquired by the PECC.

PECC and Council have agreed on general terms as follows:

1. To transfer the facilities at an upper-bound price.
2. That any lease fees paid from the date of the agreement, less rates and water levy, be netted-off the purchase price.
3. That Council proceed with best endeavours to acquire and consolidate the land into a single parcel (if this is not possible the agreement lapses, and status quo is maintained, and lease continues).
4. If after three (3) years the land has not been consolidated and transferred, PECC reserves the right to withdraw from this agreement.
5. That during the term of this agreement, lease payments be capped plus rates & water levy.
6. If acquisition costs make the acquisition cost untenable for Council, Council reserves the right to withdraw from the agreement.

At its meeting on the 24th January, 2023 Council considered Report 17.1 Parkes Early Childhood Centre and resolved that Council:

- 1. Proceed with the acquisition and consolidation of the land generally occupied by the Parkes Early Childhood Centre.*
- 2. Offer to transfer the Parkes Early Childhood Centre facilities to the Parkes Early Childhood Centre Management Entity subject to the successful land consolidation, in accordance with the provisions generally outlined in this report.*
- 3. Subject to the concurrence of the Parkes Early Childhood Centre Management entity, that an agreement be entered between the parties outlining the proposed sale arrangements, generally in accordance with this report.*

Note: the above Council resolution above has been amended to exclude the financial details.

This Planning Proposal specifically related to Lot 1 DP 119739 which encompasses:

- AE Fox Park
- Car park
- Parkes Early Childhood Centre (part)

Detailed property information is provided in Appendix 7.1

The reclassification of this site will allow the transfer of part of the land to the Parkes Early Childhood Centre in accordance with Councils resolution. It is noted that the balance of the site encompassing AE Fox Park and the car park will be retained by Council for their current purposes. Any future changes will be subject to Councils planning processes and approvals.

Part 2 – Explanation of Provisions

Classification and reclassification of public land through an LEP is subject to both the local plan-making process in the EP&A Act and the public land management requirements of the LG Act.

A planning proposal to classify or reclassify public land, will need to be prepared in accordance with Practice Note 16-001 Classification and reclassification of public land through a LEP.

Appendix 7.2 details how this planning proposal aligns with LEP Practice Note PN 16-001 Classification and reclassification of public land through a LEP – Matters to be addressed.

Reclassification through an LEP is the mechanism with which council can remove any public reserve status applying to land, as well as any interests affecting all or part of public land (LG Act s.30). While a reclassification proposal to remove the public reserve status of land and/or discharge interests may not necessarily result in the immediate sale or disposal of the land, the community should be aware the public land in question is no longer protected under the LG Act from potential future sale once it has been reclassified to operational

Clause 5.2—Classification and reclassification of public land in Standard Instrument LEPs enables councils to classify or reclassify public land as operational land or community land in accordance with the LG Act. The land to be reclassified or classified is described in Schedule 4 of the LEP.

This Planning Proposal recommends that Parkes LEP 2012 is amended by adding the Land to *Schedule 4 Classification and reclassification of public land*. Specifically, the Land is proposed to be inserted into *Part 2 Land classified, or reclassified, as operational land – interests changed*.

Appendix 7.3: Explanation of Provisions Schedule 4 Classification & Reclassification of Public Land

Part 3 – Justification

This part of the Planning Proposal is split into the following sections:

Section	Title
A	Need for the Planning Proposal
B	Consistency with Strategic Planning Framework
C	Environmental, Social and Economic Impacts
D	State and Commonwealth Interest

Table: Sections in Part 3 of the Planning Proposal

Section A – Need for Planning Proposal

Q1. Is the planning proposal a result of any strategic study or report?

Yes.

The Planning Proposal is a result a strategic review process by Council for all Council owned premises to ensure rental arrangements meet its public authority obligations of fairness, equity and competitive neutrality.

As part of this process some of the long-term tenants were given the option to purchase the subject premises instead of moving to market rentals. This strategic approach has led to Council and the Parkes Early Childhood Centre mutually agreeing to the acquisition of the current centre to the managing entity for a substantially discounted rate, recognising the long-term occupation, the improvements the tenants have made and the community fundraising that contributed to the facility.

The acquisition encompasses a number of land parcels including part of Lot 1 DP 119739 which encompasses:

- AE Fox Park
- Car park
- Parkes Early Childhood Centre (part)

The reclassification of this site will allow the transfer of part of the land to the Parkes Early Childhood Centre in accordance with Councils resolution. It is noted that the balance of the site encompassing AE Fox Park and the car park will be retained by Council for their current purposes. Any future changes to the site will be subject to Councils planning approval and governance processes.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes.

The Planning Proposal is the only way to achieve the intended outcomes and objectives.

The reclassification of the Land from Community to Operational is considered to be the best means of achieving the objectives and intended outcomes. Community land cannot be sold. No such restrictions apply to Operational Land.

Section B – Relationship to Strategic Planning Framework

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy or district plan or strategy (including any exhibited draft plans or strategies)?

Yes. This Planning Proposal is consistent with regional and sub-regional plans and draft plans.

Central West and Orana Regional Plan 2041, NSW Department of Planning and Environment

“The Central West and Orana Regional Plan 2041 aims to facilitate growth in a sustainable way by adapting to future challenges posed by changes in climate, housing markets and the economy.”

Specifically, the planning proposal takes into account and is consistent with:

Strategy 6.1: Undertake public space needs analyses and develop public space strategies by:

- exploring new public space opportunities and green infrastructure
- using community feedback to identify the quantity, quality and type of public space and green infrastructure required
- considering the needs of future and changing populations
- identifying opportunities to prioritise new and improved quality public space to areas of most need

Strategy 6.2: Strategic planning and local plans should consider opportunities to demonstrate how the quantity of, and access to, high quality and diverse existing public space is maintained, embellished and improved.

Strategy 7.1 Design communities that provide interactive public and open spaces to enhance a sense of place and social cohesion to enable communities to withstand and adapt to climate change and respond to natural hazard events.

Strategy 7.3: Strategic planning and local plans should encourage energy efficient building design and practices that respond to the natural environment.

Q4. Is the planning proposal consistent with a Council’s local strategy or other local strategic plan?

Yes.

The Planning Proposal is consistent with the following key strategies and plans:

Parkes Shire Community Strategic Play – Parkes Shire 2035+

Demonstrated consistency with the financial objectives inclusive of:

- 3.1.3 Effectively manage our public lands, reserves and cemeteries
- 3.2.1 Manage our built environment in line with the Local Environmental Plan (LEP) and relevant legislation
- 4.1.1 Effectively collaborate, engage, and communicate with our community to inform decision making and promote services, projects and initiatives
- 4.1.2 Provide open and transparent decision-making and undertake the civic duties of Council with professionalism and integrity
- 4.2.3 Develop and implement an asset management framework that ensures existing and future infrastructure is affordable, funded and maintained to ensure inter-generational equity 4.2.4 Implement an ongoing service review and business improvement program to ensure Parkes Shire Council's services are sustainable
- 4.3.3 Ensure compliance with statutory requirements and ensure Parkes Shire Council's operations are supported by good corporate governance and effective risk management

Parkes Shire Council Delivery Plan – 2022/23 to 2024/25

Demonstrated consistency with the financial objectives inclusive of:

- Pursue continuous improvement in the management of its assets and infrastructure,
- Exploring options to vary current service levels as part of an ongoing conversation with the community about their priorities.
- Better understand the costs of service delivery and options to vary services, to inform community engagement about priorities.

Parkes LEP, 2012

This Planning Proposal does not seek to change the planning controls set by these documents and the Parkes LEP, 2012. The reclassification does not seek to change the objectives of the relevant zone affecting the sites. Any development will need to consider the objectives of the relevant zone as part of a separate development application process.

All outcomes and goals of these plans have been considered. Detailed summary is provided in Appendix 7.4

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes.

The previous 45 State Environmental Planning Policies have been consolidated into 11 policies to make the system simpler. The Planning Proposal is considered to be

consistent with the relevant state Environmental Planning Policies or not applicable. The NSW Government publishes State Environmental Planning Policies (SEPPs) for matters of State or regional planning significance.

Appendix 7.5 examines the consistency of this Planning Proposal with the 11 policies (SEPPs).

Q6. Is the planning consistent with applicable Ministerial Directions?

Yes.

The Planning Proposal has considered to be consistent with all Local Planning Directions. The reclassification of this site will allow the transfer of part of the land to the Parkes Early Childhood Centre in accordance with Councils resolution. It is noted that the balance of the site encompassing AE Fox Park and the car park will be retained by Council for their current purposes. Any future changes to the site will be subject to Councils planning approval and governance processes.

Section C – Environmental, Social and Economic Impacts

Q7. 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?

This Planning Proposal will not affect any critical habitat or threatened species, populations or ecological communities, or their habitats. There is no vegetation at present.

In addition, this Planning Proposal does not recommend changing the application or intent of the provisions in LEP 2012 that require new development to identify and manage its environmental impacts, such as the preservation of trees and vegetation and the management of stormwater. These provisions will continue to apply to the land.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No.

This Planning Proposal seeks to reclassify the land. The reclassification will not have any environmental effects, however it will enable the land to be acquired for the purposes of the Parkes Early Childhood Centre. Any future impacts will be managed through the development application consent process.

Q9. Has the planning proposal adequately addressed any social and economic effects?

Yes.

The Planning Proposal is a result a strategic review process by Council for all Council owned premises to ensure rental arrangements meet its public authority obligations of fairness, equity and competitive neutrality.

As part of this process some of the long-term tenants were given the option to purchase the subject premises instead of moving to market rentals. This strategic approach has led to Council and the Parkes Early Childhood Centre mutually agreeing to the acquisition of the current centre to the managing entity for a substantially discounted rate, recognising the long-term occupation, the improvements the tenants have made and the community fundraising that contributed to the facility.

The acquisition encompasses a number of land parcels including part of Lot 1 DP 119739 which encompasses:

- AE Fox Park
- Car park
- Parkes Early Childhood Centre (part)

The reclassification of this site will allow the transfer of part of the land to the Parkes Early Childhood Centre in accordance with Councils resolution. It is noted that the balance of the site encompassing AE Fox Park and the car park will be retained by Council for their current purposes. Any future changes to the site will be subject to Councils planning approval and governance processes.

It is considered that the planning proposal facilitates an improved social and economic outcome for the residents of Parkes and its specific special interest groups.

Section D – State and Commonwealth Interests

Q10. Is there adequate public infrastructure for the planning proposal?

This Planning Proposal will not generate a need for additional public infrastructure as it does not seek the rezoning of the land for additional uses. Any subsequent proposal to develop or use the Land will need to address the suitability of current infrastructure, proposed funding and delivering solutions to overcome any identified shortfall and can be addressed at development application stage.

Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the gateway determination?

No consultation with State or Commonwealth agencies has been carried out to date. Council will consult with any public agencies and the community as directed by the Gateway Determination.

Note that due to the local nature of the planning proposal no views are anticipated.

Part 4 – Mapping

This Planning Proposal does not recommend any changes to the maps in LEP 2012. Parkes LEP 2012 maps can be viewed online on the NSW legislation website: www.legislation.nsw.gov.au

Part 5 – Community Consultation

This Planning Proposal will be publicly exhibited for 28 days in accordance with the Department's Practice Note regarding *classification and reclassification of public land through a LEP and Best Practice Guideline for LEP's and Council Land*. Exhibition venues will include Councils administration centre and library. The exhibition will also be available on Council's website.

An independently chaired public hearing will also be arranged for the Planning Proposal. This will take place approximately three weeks after the close of the public exhibition. Notice of the public hearing will be given in local papers and on Council's website. Notification letters will also be sent to any person or organisation who makes a submission in response to the public exhibition.


Part 6 – Project Timeline

No	Action	Dates
1	Gateway Determination	October, 2024
2	Public Authority Consultation	October, 2024
3	Public Exhibition	November, 2024
4	Public Hearing	November/ December, 2024 early
5	Consideration of Community feedback	December/ January, 2024
6	Resubmission to NSW Planning & Environment	January, 2025
7	Anticipated publication of amendment to Parkes LEP 2012/ reclassification	March/ April, 2025


Table 1: Project Timeline

Part 7 – Appendices

Appendix 7.1 Land details

**LAND
REGISTRY
SERVICES**

Title Search

**InfoTrack**

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* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register. InfoTrack an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with Section 968(2) of the Real Property Act 1900.

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[CERTIFICATE OF TITLE.]

REGISTER BOOK.
7343 Fol. **76**

Vol. 7343 Fol. 76
ID Issued on Order No. G653252

THE COUNCIL OF THE MUNICIPALITY OF PARKES is now the proprietor of an Estate in Fee Simple,
subject nevertheless to the reservations and conditions, if any, contained in the Grant hereinafter referred to, and also subject to such encumbrances,
liens, and interests as are notified hereon, in That piece of land
in the Municipality of Parkes Parish of Currajong, and County of Ashburnham
shown in the plan hereon and therein edged red being part of Portion 423 granted on 17th September 1883 by Crown Grant
Volume 681 Folio 51.

In witness whereof I have hereunto signed my name and affixed my Seal, this Twentv-first day of August, 19 57.

Signed in the presence of *J. W. Moss*

J. H. Wells
Registrar-General

Persons are cautioned against altering or adding to this Certificate or any notification thereon.

St. Armstrong

424 867 855 854 738
26' 6"
Lane 20' Wide
102' 10"
102' 10"
102' 10"
423
140' 6"
124' 6" 7 1/2 in
144'
40'

Area: 1 ac. 1 rd. 20 1/4 per.
Scale: 80 feet to one inch.

Appendix 7.2: LEP Practice Note PN 16-001 Classification and reclassification of public land through a LEP – Matters to be addressed

NSW Government's Framework – LEP Practice Note

NSW Planning and Environment has published LEP Practice Note 16-001: Classification and reclassification of public land through a local environmental plan. This practice note provides guidance on matters to be addressed in Planning Proposals to classify or reclassify public land. The table below addresses these matters and identifies where matters are addressed in this Planning Proposal.

No	Information	Where Addressed
1	The current and proposed classification of the land	Introduction Part 1: Objectives and Intended Outcomes
2	Whether the land is a 'public reserve'	The subject lot is not 'public reserve'.
3	The Strategic and site merits of the reclassification and evidence to support this	Introduction Part 1: Objectives and Intended Outcomes Part 3 Justification Section A
4	Whether the planning proposal is the result of a strategic study or report	Part 3 Justification Section A
5	Whether the planning proposal is consistent with council's community plan or other local strategic plan	Part 3 Justification Section B
6	A summary of council's interests in the land including: - How and when the land was first acquired - If council does not own the land, the owner's consent; - The nature of any trusts etc.	Part 1: Objectives and Intended Outcomes Appendix 1 Council is the owner of the subject lot.
7	Whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why	There are no interests in the subject site.
8	The effect of the reclassification (particular interests will be discharged)	Introduction Part 1: Objectives and Intended Outcomes Part 3 Justification Section A

		<p>The reclassification will facilitate the future part sale of the site to allow the current operator (Parkes Early Childhood Centre) to acquire the area. The Planning Proposal is a result a strategic review process by Council for all Council owned premises to ensure rental arrangements meet its public authority obligations of fairness, equity and competitive neutrality.</p> <p>As part of this process some of the long-term tenants were given the option to purchase the subject premises instead of moving to market rentals. This strategic approach has led to Council and the Parkes Early Childhood Centre mutually agreeing to the acquisition of the current centre to the managing entity.</p>
9	Evidence of relevant interests or lack thereof applying to the land (e.g. Electronic title searches, notice in Gov. Gazette, trust documents)	<p>Appendix 1: Land Details.</p> <p>Note that Council was granted the site fee simple on the 21st August, 1957.</p>
10	Current uses(s) or the land, and whether uses are authorized or unauthorised	<p>Introduction</p> <p>Part 1: Objectives and Intended Outcomes</p> <p>The current authorised uses at all sites are for:</p> <ul style="list-style-type: none"> - Parkes Early Childhood Centre (part) - AE Fox Park - Car parking
11	Current or proposed lease or agreements applying to the land, together with their duration, terms and controls	<p>Introduction</p> <p>Part 1: Objectives and Intended Outcomes</p> <p>Part 3 Justification Section A</p> <p>Part of the site is leased to the Parkes Early Childhood Centre.</p> <p>The reclassification will facilitate the future part sale of the site to allow the current operator (Parkes Early Childhood Centre) to acquire the area. The Planning Proposal</p>

		<p>is a result a strategic review process by Council for all Council owned premises to ensure rental arrangements meet its public authority obligations of fairness, equity and competitive neutrality.</p> <p>As part of this process some of the long-term tenants were given the option to purchase the subject premises instead of moving to market rentals. This strategic approach has led to Council and the Parkes Early Childhood Centre mutually agreeing to the acquisition of the current centre to the managing entity.</p>
12	Current of 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 reclassification or at a later time).	<p>Introduction</p> <p>Part 1: Objectives and Intended Outcomes</p> <p>Part 3 Justification Section A</p> <p>Parkes Early Childhood Centre and Council have agreed on general terms as follows:</p> <ul style="list-style-type: none"> - To transfer the facilities at an upper-bound price. - That any lease fees paid from the date of the agreement, less rates and water levy, be netted-off the purchase price. - That Council proceed with best endeavours to acquire and consolidate the land into a single parcel (if this is not possible the agreement lapses, and status quo is maintained, and lease continues). - If after three (3) years the land has not been consolidated and transferred, PECC reserves the right to withdraw from this agreement. - That during the term of this agreement, lease payments be capped plus rates & water levy. - If acquisition costs make the acquisition cost untenable for Council, Council reserves the right to withdraw from the agreement. <p>At its meeting on the 24th January, 2023 Council considered Report 17.1 Parkes</p>

		<p>Early Childhood Centre and resolved that Council:</p> <p><i>1. Proceed with the acquisition and consolidation of the land generally occupied by the Parkes Early Childhood Centre.</i></p> <p><i>2. Offer to transfer the Parkes Early Childhood Centre facilities to the Parkes Early Childhood Centre Management Entity subject to the successful land consolidation, in accordance with the provisions generally outlined in this report.</i></p> <p><i>3. Subject to the concurrence of the Parkes Early Childhood Centre Management entity, that an agreement be entered between the parties outlining the proposed sale arrangements, generally in accordance with this report.</i></p> <p>The completion of the sale is dependent on the reclassification. Council intends to realise this asset within approximately 12 months of the reclassification occurring.</p>
13	Any rezoning associated with the reclassification	No rezoning is proposed with this Planning Proposal.
14	How council may or will benefit financially, and how these funds will be used	<p>Introduction</p> <p>Part 1: Objectives and Intended Outcomes</p> <p>Part 3 Justification Section A</p> <p>Council will realise a financial benefit for the sale of part of the site to the Parkes Early Childhood Centre.</p>
15	How council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant	<p>The Planning Proposal is a result a strategic review process by Council for all Council owned premises to ensure rental arrangements meet its public authority obligations of fairness, equity and competitive neutrality.</p> <p>This Planning Proposal does not commit funds to proposed open space sites or</p>

		improvements however aligns with Councils strategic framework and focus on sustainable service delivery for the local community.
16	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	No applicable. The land to be classified applies to the whole lot.
17	Preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable	Not applicable.

Appendix 7.3: Explanation of Provisions Schedule 4 Classification & Reclassification of Public Land

Part 2 Land classified, or reclassified, as operational land – interests changed

Column 1	Column 2	Column 3
Locality	Description	Any Trust not discharged
Dalton Street, Parkes	Lot 1 DP 119739	Nil

Appendix 7.4: Consistency with Council's local strategy and strategic plan

Parkes Shire Community Strategic Play – Parkes Shire 2035+

Theme	Strategy	Consistent
COMMUNITY We live in a safe, inclusive and growing community that provides a great quality of life for people of all ages and abilities.	1.1 Our community is safe, active and healthy.	Yes. Specifically, the Planning Proposal is consistent with 1.1.2 Advocate for improved medical, health and allied services, programs, and initiatives in Parkes Shire
	1.2 Our community is liveable, growing and connected	Yes. Specifically, the Planning Proposal is consistent with 1.2.1 Provide vibrant and welcoming town centres, streetscapes, public spaces and meeting places
	1.3 Our community is creative, proud and has a strong sense of belonging	Yes. Specifically, the Planning Proposal is consistent with 1.3.3 Encourage, support and recognise volunteerism and community participation
	1.4 Our community is inclusive and accessible for people with a disability	Yes. Specifically, the Planning Proposal is consistent with 1.4.2 Improve access to buildings, spaces, places, and activities for people with disability
ECONOMY We have a diverse, thriving economy which supports traditional and new industries, accommodates continued population growth, and provides quality employment, education and training opportunities.	2.1 Our Shire is an attractive destination to live, work, visit and invest	Yes. Specifically, the Planning Proposal is consistent with 2.1.3 Support local agriculture, tourism, and retail sectors by promoting diversification, value-adding and capacity building

	2.2 Our economy leverages smart technology, data and innovation to solve complex problems	Not applicable
	2.3 Our economy is supported by well-planned and safe transport infrastructure	Not applicable
	2.4 Our economy provides diverse employment pathways and education and training opportunities	Yes. Specifically, the Planning Proposal is consistent with 2.4.1 Provide quality preschool, family day care, out of hours care and school holiday care through Central West Childcare Services
ENVIRONMENT We value our natural and built environments and effectively plan for a growing community.	3.1 Our natural environment is preserved and enhanced for current and future generations	Yes. Specifically, the Planning Proposal is consistent with 3.1.3 Effectively manage our public lands, reserves and cemeteries
	3.2 Our built environment is functional, sustainable and meets the needs of our growing community	Yes. Specifically, the Planning Proposal is consistent with 3.2.1 Manage our built environment in line with the Local Environmental Plan (LEP) and relevant legislation
	3.3 Our community reduces, reuses and recycles waste	Not applicable
	3.4 Our utilities well planned and efficiently managed	Not applicable
LEADERSHIP We enjoy open, accountable and responsible local government that involves our community in decision making and responsibly manages our public resources	4.1 Our local government is open, accountable, and representative	Yes. Specifically the Planning Proposal is consistent with: 4.1.1 Effectively collaborate, engage, and communicate with our community to inform decision making and promote services, projects and initiatives 4.1.2 Provide open and transparent decision-

		making and undertake the civic duties of Council with professionalism and integrity
	4.2 Our local government is sustainable and plans for the future	Yes. Specifically the Planning Proposal is consistent with: 4.2.3 Develop and implement an asset management framework that ensures existing and future infrastructure is affordable, funded and maintained to ensure inter-generational equity 4.2.4 Implement an ongoing service review and business improvement program to ensure Parkes Shire Council's services are sustainable
	4.3 Our local government is contemporary, effective, and efficient	Yes. Specifically, the Planning Proposal is consistent with 4.3.3 Ensure compliance with statutory requirements and ensure Parkes Shire Council's operations are supported by good corporate governance and effective risk management

Parkes Shire Council Delivery Plan – 2022/23 to 2024/25

Specifically, the Planning Proposal is consistent with the following objectives and actions:

Ref	Objective	Specific action
Financial Objective 2	Responsible and sustainable infrastructure investment	Pursue continuous improvement in the management of its assets and infrastructure,

Financial Objective 3	Responsible and sustainable spending	Exploring options to vary current service levels as part of an ongoing conversation with the community about their priorities.
Financial Objective 4	Integrated long- term planning	Better understand the costs of service delivery and options to vary services, to inform community engagement about priorities.
Pg 29	Improving our service delivery	Costs for providing and maintaining infrastructure have been increasing considerably faster than generated income, and in some cases, this has been exacerbated by externally imposed constraints and revenue restrictions. Given these increasing pressures, it is appropriate for Council to continuously review the services it provides to ensure they are relevant to our community and financially sustainable in the long-term
35	Council and corporate	We will comply with the statutory requirements of public land and buildings including planning for renewals and/or upgrades and environmental management of council land
45	Planning, certificate and compliance	We will develop Strategic land use plans, enabling the Parkes Shire to meet growth and demand for housing, jobs and services.

Appendix 7.5: Consistency with State Environmental Planning Policies and Policies.

The previous 45 State Environmental Planning Policies have been consolidated into 11 policies to make the system simpler. The Planning Proposal is consistent with applicable State Environmental Planning Policies (SEPPs)/ Planning Policies and are addressed in the following table.

Consistency with applicable State Environmental Planning Policies

SEPP	Comments
Planning Systems	<p>The planning systems SEPP:</p> <ul style="list-style-type: none"> identifies state or regionally significant development, state-significant infrastructure, and critical state-significant infrastructure provides for consideration of development delivery plans by local Aboriginal land councils in planning assessment allows the planning secretary to elect to be the concurrence authority for certain development that requires concurrence under nominated state environmental planning policies. <p>The planning proposal is consistent with the SEPP. The Planning Proposal does not recommend the amendment of existing provisions relating to development standards.</p>
Biodiversity and Conservation	<p>This SEPP contains:</p> <ul style="list-style-type: none"> planning rules and controls for the clearing of native vegetation in NSW on land zoned for urban and environmental purposes that is not linked to a development application the land use planning and assessment framework for koala habitat provisions which establish a consistent and co-ordinated approach to environmental planning and assessment along the Murray River

	<ul style="list-style-type: none"> provisions seeking to protect and preserve bushland within public open space zones and reservations provisions which aim to prohibit canal estate development provisions to support the water quality objectives for the Sydney drinking water catchment provisions to protect the environment of the Hawkesbury-Nepean River system provisions to manage and improve environmental outcomes for Sydney Harbour and its tributaries provisions to manage and promote integrated catchment management policies along the Georges River and its tributaries provisions which seek to protect, conserve and manage the World Heritage listed Willandra Lakes property. <p>The planning proposal is consistent with the SEPP. The Planning Proposal does not affect the application of this SEPP.</p>
Resilience and Hazards	<p>This SEPP contains planning provisions:</p> <ul style="list-style-type: none"> for land use planning within the coastal zone, consistent with the <i>Coastal Management Act 2016</i> to manage hazardous and offensive development which provide a state-wide planning framework for the remediation of contaminated land and to minimise the risk of harm. <p>The planning proposal is consistent with the SEPP. The Planning Proposal does not affect the application of this SEPP.</p>
Transport and Infrastructure	<p>This SEPP contains planning provisions:</p> <ul style="list-style-type: none"> for infrastructure in NSW, such as hospitals, roads, railways, emergency services, water supply and electricity delivery for child-care centres, schools, TAFEs and universities

	<ul style="list-style-type: none"> for the protection of three corridors (North South Rail Line, South West Rail Link extension and Western Sydney Freight Line) the land use planning and assessment framework for appropriate development at Port Kembla, Port Botany and Port of Newcastle. <p>The planning proposal is consistent with the SEPP. The Planning Proposal does not affect the application of this SEPP.</p>
Industry and Employment	<p>This SEPP contains planning provisions:</p> <ul style="list-style-type: none"> applying to employment land in western Sydney for advertising and signage in NSW. <p>The planning proposal is consistent with the SEPP. The Planning Proposal does not affect the application of this SEPP.</p>
Resources and Energy	<p>This SEPP contains planning provisions:</p> <ul style="list-style-type: none"> for the assessment and development of mining, petroleum production and extractive material resource proposals in NSW which aim to facilitate the development of extractive resources near the population of the Sydney Metropolitan Area by identifying land which contains extractive material of regional significance. <p>The planning proposal is consistent with the SEPP. The Planning Proposal does not affect the application of this SEPP.</p>
Primary Production	<p>This SEPP contains planning provisions:</p> <ul style="list-style-type: none"> to manage primary production and rural development including supporting sustainable agriculture

	<ul style="list-style-type: none"> for the protection of prime agricultural land of state and regional significance as well as regionally significant mining and extractive resources. <p>The planning proposal is consistent with the SEPP. The Planning Proposal does not affect the application of this SEPP.</p>
Precincts – Eastern Harbour City	<p>This SEPP contains provisions for precinct planning, a form of strategic planning applied to a specified geographic area. The precincts are located in the Eastern Harbour City. This city is based on the strategic planning vision of the ‘three cities’ regions identified in the Greater Sydney Region Plan – A Metropolis of Three Cities.</p> <p>The planning proposal is consistent with the SEPP. The Planning Proposal is outside of the specified precinct and is not applicable.</p>
Precincts – Central River City	<p>This SEPP contains provisions for precinct planning, a form of strategic planning applied to a specified geographic area. The precincts are located in the Central River City. This city is based on the strategic planning vision of the ‘three cities’ regions identified in the Greater Sydney Region Plan – A Metropolis of Three Cities</p> <p>The planning proposal is consistent with the SEPP. The Planning Proposal is outside of the specified precinct and is not applicable.</p>
Precincts – Western Parkland City	<p>This SEPP contains provisions for precinct planning, a form of strategic planning applied to a specified geographic area. The precincts are located in the Western Parkland City. This city is based on the strategic planning vision of the ‘three cities’ regions identified in the Greater Sydney Region Plan – A Metropolis of Three Cities.</p> <p>The planning proposal is consistent with the SEPP. The Planning Proposal is outside of the specified precinct and is not applicable.</p>

Precincts – Regional NSW	<p>This SEPP contains provisions for precinct planning, a form of strategic planning applied to a specified geographic area. The precincts are located in regional NSW outside the Greater Sydney Region Plan.</p> <p>The planning proposal is consistent with the SEPP. The Planning Proposal is outside of the specified precinct and is not applicable.</p>
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