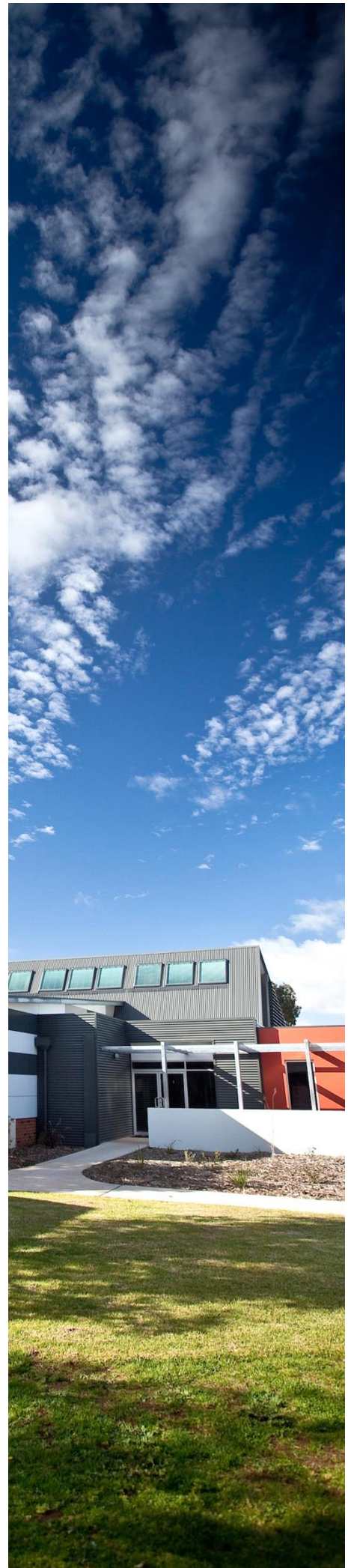




Public Hearing Report and Recommendation

Proposed Re-classification of
Land from Community to
Operational
Uralla Caravan Park and Proposed
Industrial Estate


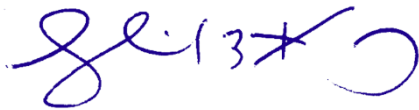
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Report Title:	Public Hearing Report and Recommendation
Project Name:	Proposed Re-classification of Land from Community to Operational (Uralla Caravan Park and Proposed Industrial Estate)
Client:	Uralla Shire Council
Project No.	30501
Report Reference	30501-PR01_B
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1 INTRODUCTION

1.1 Background

Barnson Pty Ltd have been engaged by Uralla Shire Council to conduct and chair a Public Hearing into the proposed re-classification of community land and to prepare a subsequent report back to Council. This report provides an assessment of the issues arising from the submissions received and discussed at the Public Hearing, and includes a recommendation for the re-classification of the subject lands.

1.2 Purpose of the public hearing report

This report has been prepared pursuant to the provisions under Section 29 of the *Local Government Act 1993* (the LG Act). The purpose of this report is to provide Uralla Shire Council with information and advice regarding the submissions made in relation to the proposed re-classification and subsequently discussed at the Public Hearing conducted on Wednesday 12 December 2018.

The re-classification is being undertaken in accordance with the Department of Planning & Environment Practice Note PN 16-001, issued 5 October 2016 and NSW Department of Local Government Practice Note No. 1 May 2000. The purpose of these practice notes are to provide guidance on classifying and reclassifying public land.

Pursuant to Section 29 of the LG Act, Council's are required to hold a Public Hearing for the proposed re-classification of public land. Public Hearings are required to be conducted by an independent chairperson pursuant to Section 47G of the LG Act.

Public land is defined under the LG Act as follows:

public land means any land (including a public reserve) vested in or under the control of the council, but does not include:

- (a) a public road, or*
- (b) land to which the [Crown Land Management Act 2016](#) applies, or*
- (c) a common, or*
- (d) a regional park under the [National Parks and Wildlife Act 1974](#).*

1.3 Subject lands for re-classification

The Public Hearing report addresses the proposed re-classification of community land to operational land in accordance with the provisions under the *Local Government Act 1993*. Details of the sites are as follows:

- Uralla Caravan Park – Lot 30 DP793510, 17 Queen Street, Uralla;
- Proposed Industrial Estate – Lot 14 DP787477, Rowan Avenue, Uralla.

The Caravan Park was acquired by Council in 1990 through excision from the Crown Land Reserve occupied by Alma Park (adjoining). The excision was formalised to allow for the ongoing operation of the Caravan Park located on the site. Council has indicated that the Uralla Caravan Park does extend onto the adjoining Crown Land which is formalised through licencing with Crown Lands.

The Proposed Industrial Estate was acquired by Council in 2016 for the purposes of creating an industrial estate. The land defaulted to community land as per the provisions of the *Local Government Act 1993*. The land is capable of being developed with approximately 23 allotments, depending on the subdivision plan adopted.



Figure 1 – Aerial view of the Caravan Park



Figure 2 – Aerial view of the Proposed Industrial Estate

1.4 Legislative requirements

Public Land owned by Council may be classified as either *community* or *operational land*. Community land is defined as land that must be kept for the use of the general community, must not be sold and is subject to a range of controls. Operational land comprises land that serves a commercial or operational function, or land that is being retained for commercial or strategic reasons. The range of controls that apply to community land do not apply to the use and management of operational land.

The management of community land is prescribed by legislation set out in the *Local Government Act 1993* (LG Act) and the *Local Government (General) Regulation 2005* (LG Regulation). Council must adhere to the guidelines and management of community land in accordance with these legislative documents.

The NSW Department of Local Government Practice Note No. 1 May 2000 relating to public land management states:

All public land must be classified by Council as either community or operational. The main effect of classification is to restrict the alienation and use of land.

Operational land has no special restrictions other than those that may apply to any piece of land.

Community land is different. Classification as community land reflects the importance of the land to the community because of its use or special features. Generally, it is land intended for public access and use; or where other restrictions applying to the land create some obligation to maintain public areas (such as a trust deed, or dedication under Section 94 of the Environmental Planning and Assessment Act, 1979). This gives rise to the restrictions in the Act, intended to preserve the qualities of the land. Community land;

- *Cannot be sold,*
- *Cannot be leased, licenced or any other estate granted over the land for more than 21 years.*
- *Must have a plan of management prepared for it.*

Pursuant to Section 36 of the *Local Government Act 1993*, community land is required to be used and managed in accordance with a Plan of Management. Before a Plan of Management can be implemented for community land, the land must be categorised. Section 36(4) states that community land is to be categorised as one or more of the following:

- a natural area;
- a sportsground;
- a park;
- an area of cultural significance; or
- general community use.

Land that is categorised as a 'natural area' is to be further categorised as one or more of the following under Section 36(5) of the Act:

- bushland;
- wetland;
- escarpment;
- watercourse; or
- foreshore.

The NSW Department of Local Government Practice Note No. 1 May 2000 states that:

Until a plan of management for community land is adopted the nature and use of the land must not be changed (s.44). This means that council cannot carry out new development on the land. It also means that council cannot grant a lease, licence or other estate over the land until a plan of management is in place.

Guidelines and core objectives for the various categories listed above are prescribed by the *Local Government Act 1993* (LG Act) and *Local Government (General) Regulation 2005* (LG Regulation). Council's must categorise and manage community land in accordance with this legislation.

Consideration of these guidelines for classifying/categorising community land is set out in the NSW Department of Local Government Practice Note No. 1 May 2000. The Practice Note states:

Council must have regard to the guidelines in determining a category but are not required to adopt any category merely because the land fits the description in the guidelines. Council should look at all the circumstances of the land in making a decision as to categorisation. For example, a piece of land may seem to satisfy the guidelines for more than one category. Council has a discretion in this case to look at the land in context, taking into account all relevant material before determining a category. It is important that Council be able to justify a decision.

There are no Plans of Management currently in place for the subject lands, therefore the lands have not been categorised in accordance with the LG Act. The categorisation of community land and implementation of a Plan of Management is at the discretion of Council, with consideration to the nature of the land and how it should be managed.

1.5 Planning Proposal & Gateway Determination details

Where it is proposed that a re-classification of land will be conducted concurrently with a proposed amendment to an LEP, in this case the *Uralla Local Environmental Plan 2012*, the requirement for public consultation must comply with the provisions under the *Environmental Planning and Assessment Act 1979* (EP&A Act). Schedule 1(4) of the EP&A Act states that a Planning Proposal must be exhibited for a period of 28 days, unless otherwise specified in the Gateway Determination.

Refer to **Appendix A** of this report for the Planning Proposal.

In accordance with Section 3.34 (previously section 56) of the EP&A Act, the Department of Planning released a Gateway Determination for the Planning Proposal. As a requirement of this Gateway Determination, Council were required to exhibit the proposal to the community.

Uralla Shire Council exhibited the re-classification/Planning Proposal via targeted mailing, local newspaper, Council's website/newsletter and various social media platforms. Copies of the documents were available for viewing at Council's Administration office.

1.6 Public Hearing details

A Public Hearing was held on Wednesday 12 December 2018 at Uralla Shire Council Chambers, commencing at 5:30pm. A notice of the hearing was provided by Council via the local newspaper; Council's website; social media and Council's newsletter. Refer to **Appendix B** of this report for the wording of the Public Notice.

1.7 Attendance at Public Hearing

Pursuant to Section 47G of the *Local Government Act 1993* (LG Act), Uralla Shire Council appointed an independent chairperson to attend and chair the Public Hearing. For the hearing, Jack Massey of Barnson Pty Ltd officiated as the chair. Uralla Shire Council officers Matt Clarkson (Manager Planning & Regulation) and Terry Seymour (Director Infrastructure and Regulation) attended the hearing. The chair and Council officers were available at the designated hearing venue, and an attendance sheet was provided. There were three Councillors and two community members in attendance. Refer to **Appendix C** of this report for attendees of the hearing.

1.8 Written submissions

As part of the notification period discussed above, formal written submissions were received by Council. As part of the Public Hearing, the community members who provided the submissions expanded on their matters raised in the submissions. The written submissions have been provided in **Appendix D** of this report.

1.9 Public Hearing Report and Recommendation

This report details the issues arising from the consultation period of the Planning Proposal and discussions during the Public Hearing. The report provides an assessment of those issues and will offer a recommendation for the re-classification of the subject lands. It is important to note that the Act/s do not direct Council to act in accordance with the recommendation of this report.

2 SUMMARY OF WRITTEN SUBMISSIONS

This section of the report summarises all submissions that were received during the notification period. It also summarises the issues/concerns that were discussed at the public hearing. Refer to **Table 1** below. The written submissions have been provided in **Appendix D** of this report.

Table 1 – Summary of Submissions			
Date	Submission type/writer	Submission issue/comment	Discussion/comment
4.10.2018	Letter Public Hearing (verbal) Mr Phillip Smith	Concerns with the potential future ownership of the Caravan Park.	Concerns with the potential future ownership of the Caravan Park is noted, however, it is not the purpose of the public hearing or this report to consider Council’s intent for future ownership. It is considered that any future ownership or use of the Caravan Park is likely to not be dissimilar to the current use.
11.09.2018	Letter Public Hearing (verbal) Mrs Noelene Porter	Concerns with the potential future ownership of the Caravan Park.	Concerns with the potential future ownership of the Caravan Park is noted, however, it is not the purpose of the public hearing or this report to consider Council’s intent for future ownership. It is considered that any future ownership or use of the Caravan Park is likely to not be dissimilar to the current use.
11.09.2018	Letter Mrs Noelene Porter	Preservation of Alma Park and surrounding areas.	Alma Park is located on a separate allotment/title to the subject site. The re-classification from <i>community</i> to <i>operational</i> for the Caravan Park is proposed to ensure that the current use appropriately reflects its classification.
19.09.2018	Letter Public Hearing (verbal) Mrs Noelene Porter	Is there any impact on adjoining Crown Land parcels and current/potential licences?	The re-classification relates to the subject sites only. Any licences and/or approvals with Crown Lands shall be governed by the <i>Local Government Act 1993</i> and <i>Crown Land Management Act 2016</i> . It is anticipated that it is unlikely there

			will be any impacts on adjoining Crown Land as a result of the re-classification.
19.09.2018	Letter Public Hearing (verbal) Mrs Noelene Porter	Are there any exceptions when leasing community land?	<p>It is noted that this concern relates to the NSW Department of Local Government Practice Note No. 1 May 2000. The Practice Note details some exceptions stated under the LG Act; Section 34(4) and Sections 36A – 36D.</p> <p>Section 34(4) has since been repealed from the LG Act.</p> <p>Section 36A – 36D relate to the requirements for specific Plans of Management for certain pieces of community land. For example, land to be declared critical habitat under the <i>Threatened Species Conservation Act 1995</i> (TSC Act) or <i>Fisheries Management Act 1994</i> (FM Act); land affected by a recovery plan or threat abatement plan under the TSC Act or FM Act, land declared by council to contain significant natural features, or land declared by council to contain an area of cultural significance.</p> <p>It is understood that the subject lands are not identified as containing any ‘critical habitat’, nor have Council declared the sites as containing any significant natural features or areas of cultural significance.</p>
19.09.2018	Letter Mrs Noelene Porter	Has the Planning Proposal changed since Gateway Determination?	No. The Planning Proposal has not changed since Gateway Determination was received.
19.09.2018	Letter Mrs Noelene Porter	Concerned with the Planning Proposal having two re-classifications (Caravan Park & Industrial Land).	It is a common occurrence that multiple elements are included in the one Planning Proposal. The Planning Proposal clearly describes the two sites, impacts and proposed re-classification.

19.09.2018	Letter Mrs Noelene Porter	Can the Crown Land be split into multiple uses on the licence?	This question does not relate to the proposed re-classification. All uses on Crown Land are governed under the <i>Local Government Act 1993</i> and <i>Crown Land Management Act 2016</i> .
19.09.2018	Letter Mrs Noelene Porter	How does the PP support a statement that refers to the reclassification of the Caravan Park 'providing land to be utilised in future to respond to the needs of Uralla residents and wider community'?	This statement appears to refer to the Industrial land only. The re-classification of the industrial land shall provide additional vacant industrial allotments for businesses in Uralla and the wider community. This statement does not appear to relate to the Uralla Caravan Park re-classification.
19.09.2018	Letter Mrs Noelene Porter	Is the PP the only formal process or legal avenue available that would ensure the caravan park remains under community classification and still be able to operate under a lease agreement?	A Planning Proposal/Public Hearing is required under the provisions of the LG Act for Council to reclassify the land from <i>Community to Operational</i> . The intent of the re-classification for the Caravan Park site is to ensure that the classification best represents the use of the site. It is also noted that there are greater restrictions imposed on community land for lease/tenancy agreements. In this regard, Council is proposing the reclassification of the land to help alleviate some of these issues in terms of leasing and licencing for the Caravan Park.
19.09.2018	Letter Mrs Noelene Porter	The PP states that the re-classification will provide the opportunity for Council to facilitate the future uses of the Caravan Park.	Concerns with the potential future use of the Caravan Park is noted, however, it is not the purpose of the public hearing or this report to consider the future use of the site. It is considered that any future use of the site is likely to not be dissimilar to the current use.

			It is noted that the site will retain its land zoning and applicable development controls would still apply to the land, as with any land parcel in the shire.
19.09.2018	Letter Mrs Noelene Porter	Do the sites have conservation value (Aboriginal or historic)?	<p>The subject sites do not appear to contain any heritage listed items under the State Heritage Register or <i>Uralla Local Environmental Plan 2012</i> (Uralla LEP).</p> <p>Alma Park is located within proximity to the Caravan Park and is identified under Schedule 5 'Environmental Heritage' of the Uralla LEP. The heritage listing does not appear to extend onto Lot 30 DP793510 (Uralla Caravan Park).</p> <p>The lands do not appear to contain any items of Aboriginal heritage significance in accordance with the Department of Environment and Heritage Aboriginal Heritage Information Management System platform.</p>
19.09.2018	Letter Mrs Noelene Porter	Explore future ownership of the Caravan Park with a view of retention rather than converting the site to parkland?	It is considered that the re-classification of the Caravan Park allotment and any future ownership or use of the Caravan Park is likely to not be dissimilar to the current use. Converting the site to parkland would be at the discretion of Council.
19.09.2018	Letter Mrs Noelene Porter	Would future Development Applications require heritage assessments?	Any future Development Applications will be subject to relevant legislation requirements and local development controls (LEP, DCP ect), as is any piece of land within the Shire. The requirement for specialist studies would be determined by Uralla Shire Council or relevant authorities.

12.12.2018	Public Hearing (verbal) Mrs Noelene Porter	What is the arrangement with the recent 2 year management contract for the Caravan Park?	The 2 year licence is for the use of the adjoining Crown Land by the Caravan Park operations. The licence is time limited and subject to a range of terms and conditions.
12.12.2018	Public Hearing (verbal) Mr Phillip Smith	The Caravan Park is a usable asset for Uralla and a benefit for the community. Has this been considered by Council?	The intent of the proposed re-classification is to ensure the classification best represents the use of the land. Council anticipates that the land will continue to be used as a Caravan Park.
12.12.18	Public Hearing (verbal) Mrs Noelene Porter	Is the Caravan Park a lawful use?	It was noted by Council officers during the Public Hearing the Caravan Park has been in existence for an extended period of time and may be subject to existing use rights. The legality of the caravan park is irrelevant to the subject re-classification. The Chair indicated that the subject site will still be subject to all regulatory requirements for any future development or ongoing operations and that the zoning of the site would not change.
12.12.18	Public Hearing (verbal) Mr Phillip Smith	Concerns with the Caravan Park being sold resulting in increases in prices.	The operations (current and future) of the Caravan Park should not influence this report. It is considered that any future ownership or use of the Caravan Park is likely to not be dissimilar to the current use and any potential price increases would be at the owner's discretion.
12.12.18	Public Hearing (verbal) Mrs Noelene Porter	There is ambiguity with the use of the Crown Land by the Caravan Park/camping.	The Crown Lands Map provided in Appendix E of this report shows the extent of the Crown Land under licence. The licence is time limited and subject to a range of terms and conditions.

3 DISCUSSION AND ASSESSMENT

Uralla Shire Council has undertaken the re-classification of the subject lands in conjunction with a Planning Proposal to amend the *Uralla Local Environmental Plan 2012*. The objectives of the Planning Proposal were documented as follows:

- *To reclassify land presently classified as community to operational.*
- *To achieve better alignment between the current use and the land classification*

The current use being a Caravan Park and Proposed Industrial Land Estate. The Planning Proposal provides additional reasoning for the re-classification, as follows:

The proposed reclassification of both lots from Community to Operational land provides the opportunity for future development for each site.

Although having indicated the preferred end-use of each site, this should not compromise the impartiality of dealing directly with the re-classification of the subject lands. The process of assessing the community value/benefit should not be influenced by the potential future sale and/or end-use of either of the sites. Therefore, this assessment and the discussion to follow, deals directly with the re-classification of the subject lands from *community to operational* and the assumption that the re-classification would lead to a more beneficial outcome for both the community and Council.

The public hearing attracted two (2) members of the public, who raised (both written and verbal) concerns about the proposed re-classification. The consensus of the concerns mainly related to the potential future use/ownership of the Caravan Park once the re-classification was processed. There were minimal concerns with the re-classification of the proposed Industrial Land Estate.

In respect to the Caravan Park, the process of re-classification and intended future use/ownership should be viewed independently. However, it is understandable that the community members who raised concern are focussed on the potential use of the site given its location.

It is understood that all community land is required to have a Plan of Management and categorisation in accordance with the provisions under the *Local Government Act 1993* (LG Act). For the purposes of this assessment, it is noted that there are no Plans of Management currently afforded to the lands, and therefore the lands have not been categorised in accordance with the LG Act.

Until a plan of management is adopted by Council, the nature and use of the land must not be changed (Section 44 of the LG Act). That is, Council cannot carry out any new development, nor do they have the ability to grant a lease, licence or other estate over the land until a plan of management is in place. Any leases, licences or other estates currently in place have been disregarded from and should not influence this assessment.

The categorisation of community land in accordance with the LG Act is entirely at the discretion of Council, with consideration to the nature of the land, its use and how it should be managed. This report cannot confirm or deny whether the land could be categorised under one of the

categories listed under Section 36 of the LG Act, nor can this report confirm if the land could continue to be used under its current 'community land' classification should a Plan of Management/categorisation be adopted.

However, it is important to note that the use of land that has a commercial element afforded to it is generally classified as operational rather than community land. Operational land comprises land that serves a commercial or operational function, or land that is being retained for commercial or strategic reasons. It is at the discretion of Council to determine the nature and use of the land, and whether a Plan of Management/categorisation could be adopted whilst retaining the 'community land' status. Considering the definitions of both community land and operational land and the fact that the caravan park does have a commercial element to it, it would be best to describe the land as operational. However, it is reiterated that the provisions under the LG Act and guidance under the NSW Department of Local Government Practice Note No. 1 May 2000, clearly state that it is up to Council to determine if lands can be categorised/afforded with a Plan of Management whilst retaining its community status.

3.1 Caravan Park Submissions

The main concerns stated in the submissions with regard to the Caravan Park re-classification relate to the potential end use, sale, ownership and/or management of the land given its locality and context. Whilst the land currently remains under the control of Council, there is a perception from the community members that the re-classification of the land could potentially impact the Uralla community via increased pricing; expansion of the Caravan Park and future development potential should the land be sold. The submissions continuously referenced the nearby Alma Park and the impact that the re-classification could have on this recreational community land.

It is important to note that the re-classification of the Caravan Park pertains to the subject site only, being Lot 30 DP 793510. Any licences and/or arrangements with nearby Crown Land should not influence this report as these arrangements are governed by the *Local Government Act 1993* and *Crown Land Management Act 2016*. The assessment of the re-classification should not take into account any use or licences afforded to nearby lands.

There may be some wider community benefit for retaining the land under its current classification, however, the intent of the proposed re-classification is to ensure that the classification of the land best represents its current use. Operational land comprises land that serves a commercial or operational function, or land that is being retained for commercial or strategic reasons. Community land is land that must be kept for the general use of the community, such as neighbourhood parks; swimming pools; and sportsgrounds etc.

In this regard and considering the definitions of both community land and operational land, it is considered that the Caravan Park would be best described as operational land. Furthermore, it is the contention of this report that there does not appear to be any immediate threat to the continued use of the land due to the re-classification and the use of the land following the reclassification as it would not be dissimilar to its current use.

3.2 Industrial Estate

The submissions received during the notification period and discussion held at the Public Hearing did not express any major concerns with the reclassification of the Industrial site. Therefore, no further assessment is required.

4 RECOMMENDATION

4.1 Public Hearing recommendation

The reclassification of Lot 30 DP 793510 (Uralla Caravan Park) and Lot 14 DP 787477 (proposed Industrial Estate) from *Community Land* to *Operational Land* should be assessed with regard to the overall benefit for the community and Council. It is not the intent of this report to consider the potential end use, sale, lease, ownership and/or management of the land, but to assess the benefit and suitability of the re-classification in terms of the implied community and Council benefit.

The community consultation of the Planning Proposal and subsequent Public Hearing extracted some community participation, as outlined in **Section 2** and **Appendix D** of this report. The matters stated within the submissions and verbally during the Public Hearing contained valid arguments against the proposed re-classification, but the consensus of these arguments were focussed on the potential end use of the site rather than the re-classification itself.

The concerns expressed as part of the Planning Proposal consultation period and subsequent Public Hearing in respect to the re-classification, can be managed through the application of planning and legislative requirements. Any future use/expansion/development on the site due to a potential sale would be subject to the same provisions and regulatory requirements as would other such land within the Shire. Therefore, understanding that the likely future use of the subject land would not be dissimilar to the current use, assists in confirming that the proposed re-classification would not result in any activities that the community would find unacceptable.

It is therefore recommended that the re-classification of Lot 30 DP 793510 (Uralla Caravan Park) and Lot 14 DP 787477 (proposed Industrial Estate) from *Community Land* to *Operational Land* should proceed.

4.2 Reporting

Pursuant to the provisions under the *Local Government Act 1993*, Uralla Shire Council is required to make a copy of this report available to the community. The LG Act requires Council to make the report available within four (4) business days of its receipt from the independent chair. It is therefore recommended that Council implement the following:

- Advise the receipt of the Public Hearing Report to community members who made submissions;
- Provide a copy of the Public Hearing Report for inspection at Council's Administration building;
- Provide an electronic copy of the Public Hearing Report on Council's website.

4.3 Adoption of proposed re-classification

The recommendation of this report must be reported to Council and Council must adopt the proposed re-classification and minute accordingly.

BARNSON PTY LTD



Jack Massey
B. Urb. Reg. Planning
Town Planner

Appendix A - Planning Proposal



Planning Proposal

April 2018

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PLANNING PROPOSAL

Uralla Local Environmental Plan 2012 Amendment of Land Classification

PART 1 - OBJECTIVES OR INTENDED OUTCOMES

The Objectives of the Planning Proposal are:

- To reclassify land presently classified as *community* to *operational*.
- To achieve better alignment between the current use and the land classification.

The intended outcome is to amend the Uralla Local Environmental Plan 2012 (ULEP 2012) Schedule 4 – Classification and Reclassification of the land to achieve better alignment between the current use and the land classification.

Location

The subject lands are identified as Lot 30 in Deposited Plan 793510 (Lot 30 DP793510) Queen Street, Uralla and Lot 14 in Deposited Plan 787477 (Lot 14 DP787477), Rowan Avenue, Uralla. The land is owned by Uralla Shire Council.

The Uralla Caravan Park is located on Lot 30 DP793510 and adjacent Crown Land through Permissive Occupancy (AE88H47) which includes the unformed section of King St. It has an area of 3700m². It is proposed to reclassify Lot 30 DP793510 as *operational*. Refer to Attachment 1 – Location Plan.

Lot 14 DP787477 is located on the western side of Rowan Avenue and is on the outskirts of Uralla on the New England Highway leading to Tamworth. To the north west is the Uralla Landfill. It has an area of 4.83 ha. Refer to Attachment 2 – Location Plan.

Background

Lot 30 DP793510 was acquired by Council in 1990 through excision from the Crown land Reserve for Alma Park for operational purposes to allow for operation of the existing caravan park. As such, the *operational* classification is most appropriate for the land although it has defaulted to *community* in the absence of any action to classify it in the appropriate manner.

In 2013 Council put forward the reclassification of Lot 30 DP793510 in a planning proposal. A public hearing was undertaken as per the provisions of Sections 56 and 57 of the *Environmental Planning & Assessment Act 1979*, and Section 29(1) and 47G of the *Local Government Act 1993*, by Mr Gerry Moran on 16 October 2013. His report (5 December 2013) concluded:

Considering all the submissions made regarding the reclassification of this land, at the public hearing and the written submission received by Council during the exhibition period, and the relevance to the Local Environmental Plan process, I conclude there are no issues arising that would prevent Council reclassifying the abovementioned land as operational in the Local Environmental Plan.

Further his report recommended:

Council reclassify the land contained within this report as operational land subject to the section of Alma Park currently being used for the overflow of the Uralla Caravan Park reflect its use either by acquiring part of the park as free hold or by way of Permissive Occupancy.

Council resolved at its Ordinary Meeting on 16 December 2013 to deviate from the original planning proposal by choosing not to alter the classification of the land, thus is remained as *community* land.

Lot 14 DP787477 was purchased by Council on 30 June 2016 for the purpose of ensuring there is suitable land available to meet opportunistic industrial needs that arise in Uralla. The land is capable of being developed with around 23 lots, depending on the subdivision model adopted. In this regard a number of preliminary layout models have been drafted and are still being critically examined.

At the end of 2017 the then lessee of the Uralla Caravan Park advised that the property would be vacated on the 30 January 2018 and operations on the site would cease. Interim arrangements have been put in place to continue the operations of the caravan park utilising Council staff. Council has historically engaged a third party to operate the Council owned Caravan Park at Queen Street, Uralla under a lease arrangement which has now ended.

The caravan park is located on lands owned by Council, and Crown Lands occupied under a Permissive Occupancy. The Permissive Occupancy has expired and NSW Department of Industry – Land’s staff have more recently advised that they are preparing a licence in favour of Council over the previous permissive occupancy area that will allow Council to operate, or lease, the area for the purposes of a caravan park.

Apart from the caretaker’s residence most of the sites and fixed infrastructure is located on the Council owned site at Lot 30 DP 793510.

Summary

The planning proposal represents an important amendment to the Uralla Local Environmental Plan 2012 to provide for land to be utilised in future to respond to the needs of Uralla residents and the wider community.

PART 2 - EXPLANATION OF PROVISIONS

The proposed amendment will amend Schedule 4 of the Uralla Local Environmental Plan 2012 (ULEP 2012) to reclassify Lot 30 DP793510 and Lot 14 DP787477 from *Community* to *Operational* land.

PART 3 – JUSTIFICATION

Section A – Need for the Planning Proposal

A1. Is this planning proposal a result of any strategic study or report?

There is no relevant strategic study.

A2. Is this planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal is the only legal method of amending the ULEP 2012 to reclassify the land from *Community* to *Operational* to provide for future community uses and to dispose of the land. In accordance with LEP Practice Note PN16-001 Council is not seeking Delegated Authority to make this LEP.

A3. Is there a net community benefit?

There is a net community benefit associated with the proposed amendment to the ULEP 2012. Refer to **ATTACHMENT 3** for the analysis of the net community benefit criteria.

It is considered that the resultant community benefit significantly outweighs the administrative cost of implementing the proposal.

Section B – Relationship to strategic planning framework

The New England Development Strategy 2010 (the Strategy) was prepared for the New England Strategic Alliance Councils. The Alliance comprises the four local government areas (LGAs) of Armidale Dumaresq, Guyra, Uralla and Walcha. The Strategy (adopted April 2010) outlines key land use policies and principles for the four LGAs and provides the planning context for the preparation of local environmental plan (LEP) provisions. The Strategy has a time frame of approximately 25 years, to 2032.

In relation to industrial land within the town of Uralla it states:

Section 6.2 Industrial land provision

.....Although there is adequate undeveloped land currently zoned for industry, there is a perceived shortage of developed industrial lots available on the market in the towns of Uralla and Guyra. The main issue appears to be the limited choice of zoned industrial land, with the current owners of zoned land not yet proceeding to service and develop the land. As a result, alternative locations for industry and employment need to be identified to provide a more competitive market in Uralla and Guyra.

Objectives – Industrial land provision

- *Provide adequate industrial land to meet demand for development and enable employment opportunities.*

B1. Is the planning proposal consistent with the objectives and action contained within the applicable regional or sub-regional strategy?

The New England North West Regional Plan 2036 was approved and released on 23 August 2017. The regional plan has relevance to the planning proposal in several sections including:

- Direction 6 – Deliver new industries.
- Direction 7 – Build strong economic centres.
- Direction 13 – Expand emerging industries through freight and logistics connectivity.
- Direction 17 – Strengthen community resilience.
- Direction 18 – Provide great places to live.
- Direction 19 – Support Healthy, safe, socially engaged and well connected communities.

B2. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The Community Plan is silent on any specific mention of the subject land. There is nothing about the proposed reclassification of the subject land that is inconsistent with the Community Strategic Plan.

The proposal is also consistent with Uralla Council's Community Strategic Plan 2017-2027 (CSP). The CSP was formulated and subject to an extensive consultation process in the first half of 2017 and was adopted by Council on 27 June 2017. The CSP has relevance to the planning proposal in several sections including the following:

Goal 2.1: *An attractive environment for business, tourism and industry.*

Strategy 2.1.1: Promote the Uralla Shire and the region as a wonderful place to live, work, visit and invest.

Strategy 2.1.2: Promote the Uralla Shire to business and industry and increase recognition of the area's strategic advantages.

Goal 2.2: *Growing and diversified employment, education and tourism opportunities.*

Strategy 2.2.1: Provide land use planning that facilitates employment creation.

Strategy 2.2.2: Support and encourage existing business and industry to develop and grow.

Strategy 2.2.3: Support the attraction of new businesses, including sustainable employment generating projects.

To this end, Council has sought to provide additional development opportunities for industrially zoned land and believes that the Uralla Caravan Park provides an important function in terms of long and short term affordable accommodation with residents contributing to the local economy.

There is no other Local Strategic Plan to consider.

B3. Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

Refer to **ATTACHMENT 4 – Consideration of Relevant SEPPs.**

B4. Is the planning proposal consistent with applicable S.9.1 Ministerial Directions?

Refer to **ATTACHMENT 5 – Consideration of S.9.1 Ministerial Directions.**

Section C – Environmental, Social and Economic Impacts

C1. Is there any likelihood that critical habitat or threatened species, population or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

It is considered that there is no likelihood of any adverse impact on critical habitat or threatened species.

C2. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

It is considered that there is no likelihood of other environmental effects resulting from this planning proposal.

C3. How has the planning proposal adequately addressed any social and economic effects?

Refer to the community benefit established at **ATTACHMENT 3.**

Section D – State and Commonwealth interests

D1. Is there adequate public infrastructure for the planning proposal?

There are established utilities with an adequate public infrastructure support system in the Uralla Caravan Park (Lot 30 DP793510).

Currently, there are no services to Lot 14 DP787477, however they are available, and will be constructed once a definite subdivision layout for the industrial site has been finalised.

D2. What are the views of State and Commonwealth Public Authorities consulted in accordance with gateway determination, and have they resulted in any variations to the planning proposal.

Consultation will be undertaken in accordance with the requirements of a Gateway Determination.

PART 4 - MAPPING

The proposed amendment will not affect the Uralla Local Environmental Plan 2012 Mapping.

PART 5 – COMMUNITY CONSULTATION

A community consultation strategy for this planning proposal will be implemented to engage stakeholders and general public. The engagement process will involve displays at Council offices, media releases, public notices and interviews with residents and stakeholders upon request.

This planning proposal is required to be on public exhibition for a period of 28 days.

Once a Gateway determination to proceed has been received, Council will undertake community consultation in accordance with that determination. It is anticipated that consultation will proceed along the following lines:

- Notification in the local newspaper (Armidale Express);
- Notification on Council's website; and
- Written notification to the adjoining landowners (Councils all subject land and has resolved to seek its reclassification)

In addition, notification will be provided in Council's monthly newsletter which is circulated to all residents.

In addition to that above public consultation, Council is required under the *Local Government Act 1993* to conduct a public hearing. The public hearing will be foreshadowed in the above information and will be formally notified at the completion of the exhibition period in accordance with the Act as follows:

- Give notice of the arrangement for the public hearing in a local newspaper, and
- Give notice in a letter to each of the persons who requested a public hearing when making a submission, at least 21 days before the date of the hearing.

The public exhibition and public hearing will be undertaken in accordance with the relevant legislation and the requirements of a Gateway Determination.

PART 6 – PROJECT TIMELINE

The table below provides an indication of the timeline for the planning proposal.

Anticipated commencement date (date of Gateway Determination)	June 2018
Anticipated timeframe for the completion of technical information	Studies complete
Government agency consultation	Subject to Gateway Determination requirements
Commencement and completion dates for public exhibition period	June (28 days)
Dates for public hearing (if required)	September 2018 (21 days following close of exhibition)
Timeframe for consideration of submissions	October 2018 – dependent on the level of community interest in the proposal
Timeframe for further consideration of the proposal	2 weeks – dependent on the level of community interest in the proposal
Date of submission to PCO and the Department to finalise the LEP	November 2018
Anticipated date Council will make the plan (if delegated)	Not Applicable
Anticipated date council will forward to the Department for notification	December 2018

ATTACHMENT 1: LOCATION OF LOT 30 IN DEPOSITED PLAN 793510

LAND CLASSIFICATION PLANNING PROPOSAL



Source: Uralla Shire Council GIS System

ATTACHMENT 2: LOCATION OF LOT 14 IN DEPOSITED PLAN 787477

LAND CLASSIFICATION PLANNING PROPOSAL



Source: Uralla Shire Council GIS System

ATTACHMENT 3: ANALYSIS OF NET COMMUNITY BENEFIT CRITERIA

ASSESSMENT RELEVANT TO LAND CLASSIFICATION PLANNING PROPOSAL

EVALUATION CRITERIA YES/NO (or other comment as applicable)	COMMUNITY COSTS AND BENEFITS		
	BASECASE – CURRENT SITUATION (or COMMENT)	PLANNING PROPOSAL	COMMUNITY BENEFIT PER CRITERION
<p>Is the planning proposal compatible with agreed State and regional strategic direction for development in the area?</p> <p>YES</p>	<p>The proposal is compatible with the new England North West Regional Plan 2036 prepared by the Department of Planning and Environment and the New England Development Strategy 2010.</p>	<p>The Planning Proposal provides the potential to establish other uses on the subject lands, (in full or in part) in future without prejudicing the use of the land.</p>	<p>The reclassification of the land will benefit the community by providing for future uses on the land as appropriate. Additional benefits may include an increase in services to the community and employment opportunities generated by the community facilities. A community benefit is identified for this criterion.</p>
<p>Is the planning proposal located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or another regional/sub-regional strategy?</p> <p>NO</p>	<p>Uralla is not considered to be global or regional city, rather a small rural town. It does have an important presence in the New England North West Region, being located between Armidale and Tamworth on the New England Highway.</p>	<p>The proposed changes to the lands are supported by the goals identified by the <i>New England North West Regional Plan 2036</i> for delivering new industries, building economic centres, expanding emerging industries through freight and logistics connectivity, community resilience, healthy and well connected communities.</p>	<p>The <i>New England North West Regional Plan 2036</i> supports the delivery of industrial capability, expanding industrial opportunities through freight and logistics connectivity, location of community services and facilities to serve the public in the immediate area and are well planned to provide services to the wider Northwest Region. A community benefit is identified for this criterion.</p>

<p>Is the proposal likely to create a precedent or create or change the expectations of the landowner or other landowners?</p> <p>NO</p>	<p>The owner of the land is Uralla Council. The site is surrounded by private and public land being either industrial or residential, and parkland.</p>	<p>A change in classification will provide the opportunity for Council to facilitate future uses on Lot 30 DP793510 and create industrial opportunity on Lot 14 DP787477.</p>	<p>A change in classification will provide the opportunity for council to facilitate future uses on both lots. It is considered that the planning proposal may be benefit/cost neutral for this criterion.</p>
<p>Have the cumulative effects of other rezoning proposals in the locality been considered? What was the outcome of these considerations?</p> <p>N/A</p>	<p>No spot rezoning have been undertaken in the locality.</p>	<p>Not Applicable</p>	<p>Not Applicable</p>
<p>Will the planning proposal facilitate a permanent employment generating activity?</p> <p>YES</p>	<p>Lot 30 DP793510 is currently used as a caravan park. Lot 14 DP787477 will create employment as industry is developed on the land. Previously the industrial land has been held in a monopoly situation with no IN1 or IN2 zoned land being developed. Council has chosen to purchase the land as a whole and develop to provide additional development opportunities for industrially zoned land</p>	<p>It is proposed to reclassify Lot 14 DP787477 from <i>Community to Operational</i> classification to provide for future uses that may entail substantial employment opportunities.</p>	<p>Potential employment opportunities will be created as the industrial land is developed. A substantial community benefit is identified for this criterion.</p>
<p>Will the planning proposal impact upon the supply of residential land and therefore housing supply and affordability?</p> <p>YES</p>	<p>Lot 30 DP793510 is zoned <i>RE1 – Public Recreation</i> and Lot 14 DP787477 is zoned <i>IN2- Light Industrial</i> both having Community classification.</p>	<p>The zoning for both lots will remain unaltered. The caravan park provides an important function in terms of long and short term affordable Accommodation, with residents contributing to the local economy.</p>	<p>A community benefit is identified in relation to this criterion.</p>

<p>Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is public transport currently available or is there infrastructure capacity to support future public transport?</p> <p>YES</p>	<p>Utilities are provided to both lots. Lot 14 DP787477 has frontage to the New England Highway and Rowan Avenue.</p>	<p>The proposal provides both lots being able to take advantage of infrastructure, utilities and public transport services.</p>	<p>A community benefit is identified in relation to this criterion.</p>
<p>Will the proposal result in changes to the care distances travelled by customers, employees and suppliers?</p> <p>NO</p> <p>If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?</p>	<p>No changes to the care distances travelled by customers, employees and suppliers has been identified.</p>	<p>Not Applicable</p>	<p>Not Applicable</p>
<p>Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal?</p> <p>NO</p> <p>If so, what is the expected impact?</p>	<p>No significant Government investment or infrastructure will be affected.</p>	<p>Not Applicable</p>	<p>Not Applicable</p>

<p>Will the proposal impact on land that the Government has identified a need to protect (eg, land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors?</p> <p>NO</p>	<p>Neither lot is identified as having high conservation values.</p>	<p>The proposal does not require the removal of vegetation. Management of trees and drainage will be considerations of any future development applications relating to the site.</p>	<p>It is considered that the planning proposal may be benefit/cost neutral for this criterion.</p>
<p>Will the LEP be compatible or complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?</p> <p>YES</p>	<p>Currently Lot 30 DP793510 is used as a caravan park and Lot 14 DP787477 is being developed for industrial purposes. This will provide additional development opportunities for industrially zoned land and ensure that the caravan park provides an important function in terms of long and short term affordable accommodation.</p>	<p>The LEP will be compatible with the surrounding land uses. However, the potential for buildings on the either site may affect the amenity of the area. Amenity and public domain issues are matters considered with any future development applications.</p>	<p>A substantial community benefit is identified for this criterion.</p>
<p>Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?</p> <p>YES</p>	<p>The development of Lot 14 DP787477 for industrial sites will encourage new industry in Uralla. There may be some increase in competition and choice, however it is expected this will be with other similar sites located in Walcha, Tamworth and Armidale due to its location on the New England Highway.</p>	<p>It is considered that the proposal has the potential to increase choice and competition by increasing the number of retail and commercial premises operating in the area.</p>	<p>A substantial community benefit is identified for this criterion.</p>

<p>If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?</p> <p>NO</p>	<p>Not Applicable</p>	<p>Not Applicable</p>	<p>Not Applicable</p>
<p>What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?</p> <p>YES</p>	<p>Lot 14 DP787477 has the community benefit of being developed as an industrial site, thus breaking the monopoly ownership of Industrial lands within the Uralla township, and but encouraging and promoting more industry.</p> <p>Lot 30 DP793510 allows Council the opportunity to explore the future ownership potential for the Uralla Caravan Park, with the view to its retention rather than converting the site to Parkland.</p>	<p>Council recognises the benefit of reclassifying both lots to allow for future growth and development, and to retain the caravan park as it provides an important function in terms of long and short term affordable Accommodation, with residents contributing to the local economy.</p>	<p>The proposed reclassification of both lots from <i>Community</i> to <i>Operational</i> land provides the opportunity for future development for each site. If the amendment to the <i>ULEP 2012</i> is not implemented at this time, investment and development may be hampered. A community benefit is identified for this criterion.</p>
<p>NET COMMUNITY BENEFIT = 8 of the 15 applicable criteria above identify a clear community benefit. 2 of the 14 applicable criteria are assessed as being potentially benefit/cost neutral.</p> <p>Overall, a notable net community benefit is identified in relation to this planning proposal.</p>			

ATTACHMENT 4: CONSIDERATION OF RELEVANT STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)

ASSESSMENT RELEVANT TO LAND CLASSIFICATION PLANNING PROPOSAL

SEPPs applicable to the lands subject to the planning proposal	Consistent?	Reason for inconsistency or comment
No. 21 Caravan Parks	Yes	Caravan Parks are permissible in the RE1 – Public Recreation zone. The zoning of the land is not proposed to be changed. The provisions of the SEPP are additional to those in ULEP 2012.
No. 30 Intensive Agriculture	Yes	Intensive livestock agriculture is not a permissible use in the RE1 zone. The provisions of the SEPP are additional to those in ULEP 2012.
No. 33 Hazardous and Offensive Development	Yes	Hazardous and offensive developments are not a permissible use in the RE1 zone. The provisions of the SEPP are additional to those in ULEP 2012.
No. 36 Manufactured Home Estates	Yes	The provisions of the SEPP are additional to those in ULEP 2012.
No. 44 Koala Habitat Protection	Yes	The subject land is not koala habitat neither is it potential koala habitat. The provisions of the SEPP are additional to those in ULEP 2012.
No. 55 Remediation of land	Yes	The provisions of the SEPP are additional to those in ULEP 2012. Contamination investigations would be a consideration of any future development applications.
No. 62 Sustainable Aquaculture	Yes	The provisions of the SEPP are additional to those in ULEP 2012.
No. 64 Advertising and Signage	Yes	The provisions of the SEPP are additional to those in ULEP 2012. Advertising and Signage would be a consideration of any future development applications.
Building Sustainability Index: BASIX 2004	Yes	The provisions of the SEPP are additional to those in ULEP 2012.
Educational Establishments and Child Care Facilities 2017	Yes	Child care centres are permissible in the RE1 zone. The provisions of the SEPP are additional to those in ULEP 2012.
Exempt and Complying Development codes 2008	Yes	The provisions of the SEPP are additional to those in ULEP 2012.
Housing for Seniors or People with a Disability 2004	Yes	The provisions of the SEPP are additional to those in ULEP 2012.
Infrastructure 2007	Yes	The proposal is in accordance with the aims of the SEPP. The provisions of the SEPP are additional to those in ULEP 2012.

SEPPs applicable to the lands subject to the planning proposal	Consistent?	Reason for inconsistency or comment
Mining, Petroleum Production and Extractive Industries 2007	Yes	The provisions of the SEPP are additional to those in ULEP 2012.
Rural Lands 2008	Yes	The provisions of the SEPP are additional to those in ULEP 2012.
SEPP (State and Regional Development) 2011	Yes	The provisions of the SEPP are additional to those in ULEP 2012.
SEPP (State Significant Precincts) 2005	Yes	The provisions of the SEPP are additional to those in ULEP 2012.
SEPP (Vegetation in Non-Rural Areas) 2017	Yes	The provisions of the SEPP are additional to those in ULEP 2012.

ATTACHMENT 5: CONSIDERATION OF SECTION 9.1 MINISTERIAL DIRECTIONS

ASSESSMENT RELEVANT TO LAND CLASSIFICATION PLANNING PROPOSAL

1. Employment and Resources

Direction	Applicable to Uralla LGA	Consistent	Reason for inconsistency or comment
1.1. Business and Industrial Zones	Yes	Yes	The planning proposal is consistent in that the reclassification from <i>community</i> to <i>operational</i> will allow Lot 14 DP 787477 to be sold and developed for industrial purposes, thus encouraging employment and will support the stability of the Uralla township. Reclassification of the caravan park will protect its viability.
1.2. Rural Zones	Cl.2(a) Yes Cl.2(b) No	Not Relevant	The planning proposal does not affect rural zoned land.
1.3. Mining, Petroleum Production and Extractive Industries	Yes	Not Relevant	The proposal does not entail a change of zone or the permissibility of mining.
1.4. Oyster Aquaculture	No	Not Applicable	
1.5. Rural Lands	Yes	Not Relevant	The planning proposal does not affect land with a rural or environmental protection zoning.

2. Environment and Heritage

Direction	Applicable to Uralla LGA	Consistent	Reason for inconsistency or comment
2.1. Environment Protection Zones	Yes	Not Relevant	The planning proposal does not affect environmentally sensitive areas.
2.2. Coastal Management	No	Not Applicable	
2.3. Heritage Conservation	Yes	Not Relevant	The planning proposal does not affect land identified as having heritage significance. Future development approvals may include assessment of heritage matters.
2.4. Recreation Vehicle Areas	Yes	Not Relevant	The proposal does not increase the permissibility of recreation vehicle uses on environmentally significant land.

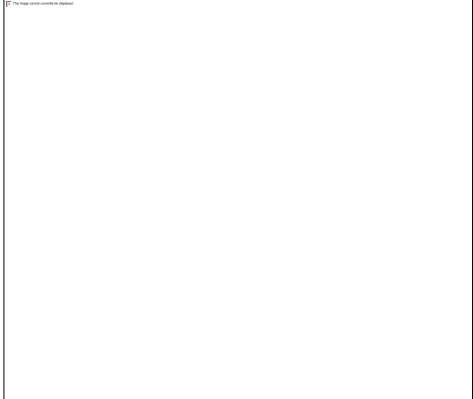
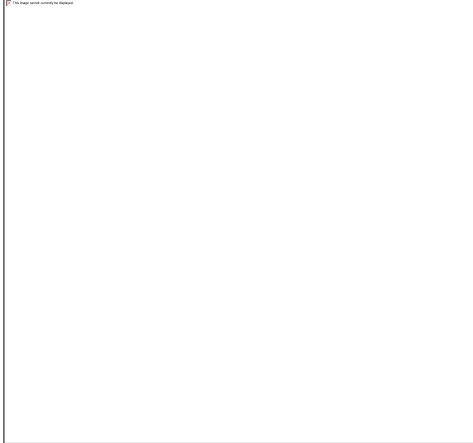
2.5. Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	No	Not Applicable	
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3. Housing, Infrastructure and Urban Development

Direction	Applicable to Uralla LGA	Consistent	Reason for inconsistency or comment
3.1. Residential Zones	Yes	Not Relevant	The planning proposal does not affect residential zoned land.
3.2. Caravan Parks and Manufactured Homes Estates	Yes	Yes	The planning proposal does not entail a change of planning provisions that would impact the caravan park operation on Lot 30 DP793510.
3.3. Home Occupations	Yes	Not Relevant	The planning proposal does not affect residential zoned land.
3.4. Integrating Land Use and Transport	Yes	Yes	The location of Lot 14 DP787477 on the New England Highway will assist in the logistics of freight transport within the region, utilising the national transport network system.
3.5. Development Near Licensed Aerodromes	No	Not Applicable	
3.6. Shooting Ranges	Yes	Not Relevant	The planning proposal does not affect land adjacent to or adjoining an existing shooting range.

4. Hazard and Risk

Direction	Applicable to Uralla LGA	Consistent	Reason for inconsistency or comment
4.1. Acid Sulfate Soils	No	Not Applicable	
4.2. Mine Subsidence and Unstable Land	No	Not Applicable	

<p>4.3. Flood Prone Land</p>	<p>Yes</p>	<p>Not Relevant</p>	<p>The planning proposal does not affect flood prone land. The Lot 30 DP793510 adjoins flood prone land.</p>  <p>Future development will be required to manage stormwater in accordance with the provisions of Council's guidelines in force at the time.</p>
<p>4.4. Planning for Bushfire Protection</p>	<p>Yes</p>	<p>Yes</p>	<p>Lot 30 DP793510 contains only buffer bushfire prone land. The planning proposal does not affect land that is covered by bushfire mapping.</p>  <p>Lot 14 Lot 14 DP787477 is not identified as bushfire prone.</p>

5. Regional Planning

Direction	Applicable to Uralla LGA	Consistent	Reason for inconsistency or comment
5.1. Implementation of Regional Strategies	No	Not Applicable	
5.2. Sydney Drinking Water Catchment	No	Not Applicable	
5.3. Farmland of State and Regional Significance on the	No	Not Applicable	

NSW Far North Coast			
5.4. Commercial and Retail Development along the Pacific Highway, North Coast	No	Not Applicable	
5.5. Revoked			
5.6. Revoked			
5.7. Revoked			
5.8. Second Sydney Airport: Badgerys Creek	No	Not Applicable	
5.9. North West Rail Link Corridor Strategy	No	Not Applicable	
5.10. Implementation of Regional Plans	Yes	Yes	The planning proposal is in accordance with the <i>New England North West Regional Plan 2036</i> .

6. Local Plan Making

Direction	Applicable to Uralla LGA	Consistent	Reason for inconsistency or comment
6.1. Approvals and Referral Requirements	Yes	Yes	The planning proposal does not entail provisions which increase approval and referral requirements as outlined in the Direction.
6.2. Reserving Land for Public Purposes	Yes	Yes	The planning proposal facilitates removal of the reservation for public purposes only. .
6.3. Site Specific Provisions	Yes	Yes	The planning proposal does not impose any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.

7. Metropolitan Planning – Directions 7.1 to 7.6 do not affecting the Uralla Local Government Area

Appendix B - Public Notice

PUBLIC HEARING - URALLA SHIRE COUNCIL LAND RECLASSIFICATION

Council is proposing to reclassify two parcels of land from 'community' to 'operational' as part of a Planning Proposal to amend the Uralla Local Environmental Plan 2012.

A public hearing in respect of these proposed reclassifications is to be held at Uralla Shire Council Chambers, 32 Salisbury Street, Uralla on Wednesday 12 December 2018 commencing at 5:30pm.

For more information please look under Public Notices on Council's website at www.council.uralla.nsw.gov.au or contact Council on 6778 6300.

Appendix C - Attendance Sheet

Barnson Pty Ltd
 Suite 6 / 11 White Street
 Tamworth NSW 2340



ATTENDANCE SHEET

LOCATION	DATE	PROJECT
Uralla Shire Council	12 December 2018	Public Hearing for Reclassification of Land

NAME	INENTION TO SPEAK Y/N	CONTACT DETAILS	SIGNATURE
Cr. Bob Couch	N	[REDACTED]	[Signature]
CR NATASHA LEODGER	N	[REDACTED]	[Signature]
Phillip Smith	Y	[REDACTED]	[Signature]
TERRY SEYMOUR	N	tseymour@uralla.nsw.gov.au 0427 215 970	[Signature]
CLR ISABEL STRUTT	N	[REDACTED]	[Signature]
Noelene Porter	Y	[REDACTED]	[Signature]
MARY CLARRISON	N	mclarrison@uralla.nsw.gov.au 6778 6310	[Signature]

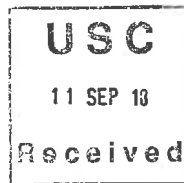
Appendix D - Written Submissions

The General Manager

Uralla Shire Council

PO Box 106

URALLA NSW 2358



Dear Sir

Re

Planning Proposal April 2018 – Uralla LEP 2012 Amendment of Land Classification –Lot 30

DP 793510 - Uralla Caravan Park from *Community* to *Operational*

I wish to lodge my submission and objection to the above Planning Proposal – Uralla LEP 2012 amendment of Land Classification of Lot 30 DP793510 (currently occupied by the Uralla Caravan Park) from its present classification of *Community* to *Operational*.

In support of my submission I advise the following:

Alma Park was established in approximately the late 1800s and has significant historical value to the township. The adjoining Crown Lands and the unformed road reserve have always been assumed and used as part of the Alma Park precinct.

Since that early establishment date of this beautiful town asset the care and preservation of this significant historical area has been entrusted to the Council to act on behalf of past and present residents of Uralla in ensuring that it is protected for future generations. Reclassifying the park from its protective *community* classification to an *operational* classification has the potential to put the future of the community owned park remaining in its entirety at severe risk. Whilst it remains under the protective *community* classification it is protected from potential lot division, sale and/or unsuitable private commercial development.

The actual date that the Caravan Park was established within Alma Park precinct is unknown to me, but it appears that it has been part of the park area for many decades and over that time I would assume that there has been many different forms of management and control of the caravan park i.e. Council run, Lease arrangements and contracts. The issue of the park being classified *community* has not appeared to have created any major problems with these arrangements in the past, so I wonder why it has reared its ugly head once again. As, you would be aware previously Council had raised the proposal to reclassify this portion of the park in 2012/2013 and a public hearing was conducted as per the requirements under Local Government Act 1993. Council at the time decided in their wisdom not to proceed and therefore preserved this valuable community asset in its entirety for future generations.

Whilst I have no concerns with the current Caravan Park remaining within the Alma Park area and being continued to be managed under Council's control, I do have concerns with the statement made by Council in their Planning Proposal. In the proposal Council had to state their reasons for preparing the plan and their statement was as follows "Lot 30 DP 793510 allows Council the opportunity to explore the **future ownership potential** for the Uralla Caravan Park, with the view to its retention rather than converting the site to Parkland" This statement "future ownership potential" is a real concern and I feel that perhaps if the community had to choose between losing

the control of the designated caravan park area from the Alma Park precinct (if circumstances would not allow the Council to continue under present *Community* classification status) by selling off the designated Caravan Park area for private commercial gain and development then it may be that they would then prefer to keep the "Parkland" as a whole with its open spaces contributing to the beauty, ambience and attraction of Alma Park and lose the caravan park to a commercial operator in **another location**.

Alma Park and the surrounding areas should be preserved in its present entirety with all its natural open space, with community ownership/control and most importantly its history protected and preserved.

Any opportunity or action by Council in making way for potential sale of part of the Alma Park precinct for private commercial use or gain should be avoided at all costs.

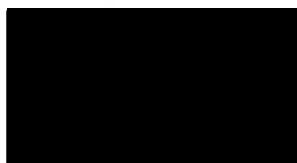
As I stumbled across this Planning Proposal by accident when looking up Council website for information on another matter I would also appreciate your immediate advices on the following please:

- Commencement and completion dates for public exhibition?
- How, where and dates this Planning Proposal was advertised to gain engagement with stakeholders and public?
- Date, time and venue for public hearing? Please note that I am formally requesting advices regarding this information so that I may attend and address this meeting in need.
- Timeframe for consideration of the submissions?
- Will I receive feedback regarding any decisions made by Council on this proposal?

Yours faithfully

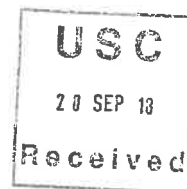


Mrs N E Porter



11 September 2018

The General Manager
Uralla Shire Council
PO Box 106
URALLA NSW 2358



Dear Sir

**Re: Planning Proposal April 2018 – Uralla LEP 2012 Amendment of Land Classification –Lot 30
DP 793510 - Uralla Caravan Park from *Community to Operational***

Further to my previous submission dated 11 September 2018, I now wish to add to that submission the attached notes that I presented to the Public Meeting/Community Information Session held Wednesday 19 September 2018 at Council Chambers.

These notes were a result of further investigations I completed after my original submission was lodged and that I had prepared for the public meeting. The notes contain more detailed information in support of my objection to the above Uralla LEP 2012 amendment of Land re classification.

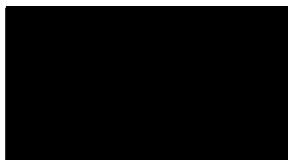
I also wish to question the chairing of this public meeting by a staff member of Uralla Council. My understanding is when amending the classification and reclassification of public land through a local environmental plan and conducting a public meeting it is to be chaired by an independent person. This independent person would then prepare a public hearing report and council would make the report publicly available.

I found the chairpersons Mr Matt Clarkson – Council Planning Officer and Mr Terry Seymour – Council Engineer both informative and engaged in the discussions but felt that their involvement did not met the specific requirement under LGAct s.47G. Having a public meeting and discussing any concerns or issues surrounding the proposal with staff directly involved appeared somewhat directed and pointless. I did question this at the beginning of the meeting and was informed that it was not a requirement for an independent person to be the chair at this meeting.

Yours faithfully

A handwritten signature in black ink, appearing to be 'N. Porter'.

Mrs Noelene Porter



19 September 2018

Notes for Community Information Session regarding reclassification of Uralla Caravan Park from *community* to *operational*.

Wednesday 19 September 2018 5.30 Council Chambers

I could start with simply saying that I passionately believe that the public should remain as custodians and guardians of the caravan park, as it is connected to the adjoining historic Alma Park and Crown Lands that have traditionally been considered one area.

If the caravan park was anywhere else besides the Alma Park area I would not be as concerned.

This brief statements above will not be enough to convince Council not to proceed so I will endeavour to produce relevant and valid information in support of my objection to the reclassification of the caravan park land from community to operational.

I apologise if some of the information may not appear to be directly relevant, but I am not apologising for trying to obtain information that could support the objection. Initially I didn't feel that it was my role to have to investigate and supply supporting information regarding all the formal requirements for preserving and retaining control of community land, as this is a duty of Council. I do feel though that the community including myself needed to at least be informed and to think about all the possible consequences of the proposal.

This land has been classified community for a very long time and has been entrusted to the public to protect, preserve, care and control. Unfortunately, in this instance I feel that changing the classification of this land from community to operational may not reflect that trust or be in the best interest of the public or produce the desired outcome for the area's preservation.

Basically, by changing the classification from community to operational there will be no restriction placed on the future use of the land and no guarantee that the land will remain a public asset or that any future potential private development would complement the surrounding historic park area.

We cannot look at the Caravan Park area in isolation in this proposal as the surrounding areas also needs to be included and consideration given to how any possible consequences of this reclassification may affect the adjoining historic Alma Park, Crown Lands and any other land claims. E.g. Aboriginal Lands. history of Uralla.

It was once the centre for:

- A Cemetery – in 1882 bodies were exhumed and moved to the “old” cemetery but more remains were found later and removed.
- A Sports Ground – Cricket/Football/Tennis – Parts of the park were flattened and prepared for these activities.
- It had a Band Room that was the meeting place and storage area for the town band that played in the Rotunda – Band Room was on part of the current Uralla Caravan Site and

removed to make way for an earlier caravan park caretaker's cottage. **NB: This room and the previous public toilets were on the now block designated as caravan park.**

- Steam Mill (1856)
- Mail Depot site before Cobb & Co took over and moved the depot

Traditionally the whole area or block including the now defined Crown Lands has always been known and used as "Alma Park".

CROWN LAND

The adjoining crown land must be taken into consideration when reviewing this proposal as it may be affected or have influence on the outcome of this proposal.

Land adjoining the official Alma Park area is crown land under the Crown Land Management Act 2016 (implemented 1 July 2018). Council is to manage this dedicated and reserved land as if it was public land under the LGA 1993. Most crown lands are classified as community land and there is the ability to manage these community lands as operational in special circumstances. Council is to have Management Plans in place for the land.

Licences for the use of these lands will now be granted by Dept of Industry, Crown Land & Water. I assume Council has the appropriate Management plans in place or they are in the development process? I noted in the Planning Proposal that Council previously held a Permissive Occupancy over part or all the adjoining crown land as the crown land held the **overflow and present caretaker's cottage** from the Caravan Park. This Permissive Occupancy has now expired, and the new licencing arrangement will be required for the crown land area.

Licences that are issued need to identify a benefit to the user and I raise this matter as it appears that under this new licencing requirement re Crown Land and Crown Roads, any benefit that is provided by the licence to adjoining freehold or leasehold land will automatically be transferred to the new owner when the benefiting land is sold or reassigned. This could apply to the Caravan Park area if changed to operational and sold!! i.e. If sold, then the crown land licenced to be used as a benefit to the caravan park will **automatically** be transferred to the new owner. If this did occur it would be interesting to see what areas of crown land that adjoins Alma Park would then be lost to the public by exclusion (fences etc)

We need to ensure that the crown land and its historic connection to Alma Park (including the Caravan Park area) is protected and noted in any Council Land Use agreements.

This could be achieved maybe by using:

- Public Interest
- Close to Native Title Land
- Areas of Cultural significance
- History of the area and historic use of the whole area
- Not reclassifying the caravan park to operational

COMMUNITY LAND

I referred to Practice Note – Public Land Management 2000 for information re community land. The Practice Note sets out information and recommendations regarding management of community lands. Including recommending desired processes such as advertising the public meetings, proposals etc. These recommendations also include providing the public with full name and addresses of the property in question to avoid future conflict and confusion to the public. **NB: This detailed information was not supplied in some information published by council.**

Noted in the Practice Note:

- This document does appear in some instances to support exemptions when **leasing** community land.
- It supports that operational land has no restrictions compared to community lands
- It states that community land can be used for commercial operation provided the requirements of the Local Government Act 1993 have been met? Perhaps that could be investigated by Council if not already completed??
- Confirmed that community land requires Management Plans to be in place

When formalising or updating the Management Plan requirement perhaps the following could be taken into consideration:

- When defining the category of the land, look at the whole area in context i.e. don't isolate the part used by Caravan Park separate from the rest of Alma Park.
- Identify the heritage component
- Consider the traditional use of the land
- Short term leases only
- Note specific conditions i.e. No Sale

PLANNING PROPOSAL

Was the planning proposal document as found on Councils web site the same document that was submitted to the Planning Department for Gateway determination or is another form of determination documentation submitted? (Document on web site is a **draft** according to headings on internal pages)

Notification process for the proposal appeared flawed – Newsletter received only 21 days prior to closing date for submission (should be 28 days). Was it also advertised in Armidale Express x 2, Council Social media as per email advice received from Council?

NB: Council website was not dated with commencement date of the proposal so not sure how long it had been available.

When reviewing the Planning Proposal, by having the two proposals (Caravan Park & Industrial Land) running together on the same proposal it appeared to confuse the different issues that applied to each site and blurred the possible impact on the Caravan Park's reclassification and its direct relationship to Alma Park and adjoining Crown Lands.

Another question arose during my enquiries as to why the Caravan Park area ended up being on a separate title to Alma Park as all old maps, traditional access and useage always indicated the area as one lot? My title search indicated that the Caravan Park area is held by unknown holder whereas Alma Park title is held by Uralla Shire Council?

Other questions raised after reading and considering the planning proposal include:

- Can the Crown land be split into multiple uses on the licence once expired Permissive Occupancy is replaced? i.e. To avoid possible loss of all the crown land area if the reclassification and possible sale of caravan park did proceed?
- How does the planning proposal support a statement that refers to the reclassification of the Caravan Park as “providing land to be utilized in future to respond to the needs of Uralla Residents and wider community”? **No supporting documents.**
- Is the Proposal regarding the caravan Park reclassification the only formal process or legal avenue available that would ensure the caravan park remains under community classification and still be able to operate under a lease agreement?
- Under “Benefit” – Change in classification will provide the opportunity for council to facilitate future uses of caravan park? **What are those uses?**
- Proposal stated that neither lot (so includes caravan park) was identified as having high conservation value? **Surely just the caravan park’s location near the Alma park heritage area and adjoining Aboriginal land must merit some historic conservation value?**
- Statement - Explore future ownership of the Caravan Park with a view to retention rather than converting the site to parkland? **Does that mean that if the land was not able to be leased and used under community ownership than council would rather sell the land than consider reverting to parkland as another option in preserving the heritage area?**
- Zoning is correct for caravan park. No need for any change in this regard then. TICK
- Under “Heritage” – Future development approvals **MAY** include assessment of heritage matters? **Surely it would require assessment of heritage matters. not may require!**
- **PLANNING PROPOSAL ONLY FACILITATES REMOVAL OF THE RESERVATION FOR PUBLIC PURPOSES!!**

In summary, this issue is very complicated and governed by many different forms of legislation and governing factors. There are usually always exceptions to the rules and with the proper licences, or trust agreements and management plans in place surely there is a work around that will enable this land to remain in community hands and still be able to be leased as a caravan park. If this is the only reason for reclassification!

Submission to Uralla Council Against the Proposal to Re Zone the Uralla Caravan Park from Community Land To Operational Land

Dear Council Staff

04/10/2018

I am totally against the Councils intention to rezone the Caravan Park to Operational Land

This area of Land must be kept as Community Land and not altered as the ownership of that Land, in the future will become Privately Owned, with no regard to the benefits it would create if kept as a community asset. It is commonly known and well documented that many other councils have gone through this process previously only to find that the land was later sold off to large Caravan Park Companies, then redeveloped with no local benefit. Managers are appointed for the operation of the park with very little local employment and the huge profits from exorbitant price rises just disappear out of town. Occupancy rates will dramatically fall due to the price increases and there will be less travelling public to spend locally and keep the businesses viable.

The amount of capital from the sale of that Land would be insignificant to Council compared to the Community Benefit in years to come. Tourism is fast becoming the saving grace of many smaller communities and this opportunity cannot and must not be missed to develop the Park into a viable Community Owned asset for the future of Uralla.

Many other Council Owned Parkes have retained "Community Control" to the greater benefit of local people and businesses.

This area must be kept as Community Controlled.

I have travelled extensively throughout Northern New South Wales and Queensland and had many many discussions regarding these types of arrangements so I do have a reasonable knowledge of these situations

Sincerely

Phillip Smith 



To the Independent Chair

10th December 2018

Re: Public Meeting – Planning Proposal – Uralla LEP 2012 Amendment of Land Reclassification – Lot 30 DP 793510 – Uralla Caravan Park from Community Classification to Operational Classification

For Information: I attended the Public Meeting held Wednesday 19 September 2018 and presented my case for the retention of the Community Classification on Lot 30 DP 793510. At the time of the meeting I questioned the chairing of the meeting by Council staff and was informed that the meeting was in order so continued to present my argument. It was later determined that the proper process was not followed, and another public meeting would be called.

After the meeting held 19th September 2018 I submitted my notes that were used at that public meeting to Council to be added to my original submission dated 11th September 2018 made prior to the meeting. I feel that going through the process again is frustrating and may not be necessary as I will be supplying my notes from that meeting 19 September 2018 to the current chair.

However, a couple of matters have arisen from my last report and I would like to add to them now.

1. The Caravan Park is now under a 2-year Management Contract. This Management Contract appears to also include the lower end of the Alma Park (not included in DP 793510) plus part of the adjoining Crown Lands – DP 1057499 and DP 1131765 and part of closed Crown Public Road. **How do these additional parts of Alma Park Reserve, Crown Land and closed Crown Public Road that are used in the day to day running of the Uralla Caravan Park fit into supporting the isolation of the Uralla Caravan Park by changing from its current Community Classification to Operational?**
2. The adjoining part Crown Land that is currently used by the Uralla Caravan Park is now under a Crown Land Licence to Uralla Shire Council, replacing the previous Permissive Occupancy. This Licence document and its approval is within the Native Title Act and appears complex to the layperson. The Licence appears to restrict the use and construction of improvements and/or the future development or expansion of the Uralla Caravan Park on Crown Lands outside the area of DP 793510. **If the Uralla Caravan Park was changed to Public and its use or ownership changed, how would this effect the Licence and the use of the whole Crown Land areas that is currently open to the public as part of the Alma Park area?**
3. It was also noted during my investigation of the history of the Uralla Caravan Park that Lot 30 DP 793510 was acquired by Council in **1990** through excision from the Alma Park Reserve for operational purposes to allow for the operation of the **existing** Caravan Park. As the Alma Park Reserve is classified as Community Land and as the Caravan Park has been in existence a lot longer than that this date it would be interesting to see what instigated this action in 1990 and if the community was involved in this decision and the proper consultation processes carried out? **The Caravan Park has continued to operate for many many years as part of the Alma Park Reserve and under its current Community Status, so I see no reason for a change that will open the Alma Park precinct to the potential dangers of being split up, sold or controlled by a private owner/operator.**

As previously stated I passionately believe that the only protection that exists for the assured retention of the Alma Park area (including the adjoining Crown Land) to remain in its entirety now and in the future is for the land to remain under its current Community status.

NE Porter

[REDACTED]
[REDACTED]

[REDACTED]

Appendix E - Crown Lands Map

Schedule 3



***** End of Schedule 3 *****