



21 September 2018

Director Regions, Northern Region Planning Services
Department Planning & Environment
Locked Bag 9022
GRAFTON NSW 2460

Dear Sir

**Planning Proposal - Reclassification of Council Land 2018 (REZ2017/0003); your ref
- PP_2018_CLARE_001_00**

I refer to the above matter which was recently publicly exhibited.

Council received a number of submissions that were made in response to the exhibited planning proposal. The matter was also the subject of a public hearing at which a number of public presentations were made.

Following the public hearing Council considered the matter again at its Meeting held on 18 September 2018. Council resolved to:

- 1. Receive and note the public hearing report entitled Report on Public Hearing for the Reclassification of Various Parcels of Council Land dated 16 August 2018, prepared by Steve Thompson of Locale Consulting.*
- 2. Continue to support the proposed reclassification from community to operational land of all lots the subject of Planning Proposal - Reclassification of Council Land 2018 (REZ2017/0003) with the exception of Lot 434 DP823599 (Ferry Park).*
- 3. Endorse for the purposes of an amended planning proposal the revised public land reclassification list of 162 parcels at Attachment 6 to this report to be reclassified from community to operational land.*
- 4. Endorse under section 3.35(1) of the Environmental Planning and Assessment Act 1979 (the Act) a variation to the exhibited original planning proposal by deleting Lot 434 DP823599 (Ferry Park) from the list of lots/land that is proposed to be reclassified from community to operational land thereby retaining the community classification of Lot 434 DP823599 (Ferry Park).*
- 5. Refer the amended planning proposal to the Minister seeking the Minister's approval of the amended planning proposal without the need for re-exhibition or further community consultation, accepting the already acknowledged inconsistencies*



with section 9.1 Directions 2.1 Environment Protection Zones and 2.3 Heritage Conservation as being justified in this circumstance.

The enclosed minuted report to Council and its Attachments outlines how Council has considered the public hearing report and the issues raised at the public hearing. The reports attachments include the following:

- Exhibited planning proposal;
- Public hearing report;
- Submissions to exhibited planning proposal; and
- Recommended revised public land reclassification list (162 lots/land parcels).

Council has not been issued with the delegation to make the local environmental plan in this instance. It is Council's opinion that the planning proposal and Council's consideration of it complies with the Gateway determination dated 23 April 2018. The current Gateway determination relating to Ferry Park is no longer relevant in the context of Council's intention to now remove it from the land reclassification process and to retain a community classification over whole of Ferry Park (Lot 434 DP 823599).

Further there appears to be no need to obtain the Governor's approval under section 30 of the Local Government Act 1993. This is because the reclassification/s do not seek to remove any public reserve status and/or discharge any interests affecting public land (s.30).

Council deems the planning proposal to comply with Departmental Practice Note PN 16-001 *Classification and reclassification of public land through a local environmental plan* and the information requirements set out in Attachment 1 to that Practice Note.

The matter is referred to your Department to:

- consider the issue of an altered Gateway determination; and
- otherwise provide advice and direction in relation to the need to produce an amended planning proposal document based on Council's resolution and the need if any for further community consultation.

If you require further information or wish to discuss the matter please contact me on telephone 66 430243.

Yours faithfully

Terry Dwyer
Senior Strategic Planner (Policy)