
**TITLE PLANNING PROPOSAL S55 EP&A ACT IN RESPECT OF LAND IN
 GLENWORTH VALLEY - APPLICANT: COASTPLAN CONSULTING (IR
 14179107)**

Department: Governance & Planning
Service Unit: Sustainable Corporate & City Planning

BACKGROUND

On 17 December 2013, Council considered a Planning Proposal seeking to allow additional permitted uses on land in Glenworth Valley. Council resolved to forward the Planning Proposal to the Department of Planning and Environment seeking a Gateway Determination. However before this could be done Council had to obtain the consent of other landowners affected by this Planning Proposal in accordance with the resolution below:

- C Prior to referral of the Planning Proposal to the Department of Planning and Infrastructure, Council write to the owners of Crown Land (being Lot 7027 DP 1051931, Lot 7029 DP 93603, Lot 7035 DP 1051932, Lot 7036 DP 1059768, Lot 7037 DP 1059769, Lot 7038 DP 1059769) and Darkinjung LALC land (being Lot 245 DP 48817) inviting them to advise Council whether they consent to the inclusion of their land in this Planning Proposal. If not, the Planning Proposal is to be amended to delete these lots.

Council duly wrote to the Darkinjung Local Aboriginal Land Council and the Department of Trade and Investment on 19 December 2013 seeking owners' consent for inclusion of their land in the Planning Proposal. The Darkinjung LALC replied and raised no objection to this proposal. However, no reply has been received from the Department of Trade and Investment even though follow-up phone contact was made several times.

REPORT

Due to no reply being received from the Department of Trade and Investment to Council's request for owners' consent to include certain Crown Land in the Planning Proposal, the Proposal has been amended in accordance with Council's resolution and forwarded to the Department of Planning and Environment.

This amendment entails deletion of several small Crown Land parcels from the land the subject of the Planning Proposal. The map in Attachment A shows the land deleted from the Planning Proposal.

This outcome is not strategic in nature as the Crown Land lots are small and to delete them from the Planning Proposal would not reflect the broader intent of allowing additional permitted uses within Glenworth Valley. The strategic approach would be to include these small Crown Land lots in the Planning Proposal and consult with the Department of Trade and Investment during the formal consultation period.

Therefore it is recommended that a new resolution be made by Council as follows:

With regard to the subject Planning Proposal for various lots in Glenworth Valley and Council's resolution of 17 December 2013 to support a request for a 'Gateway' determination

pursuant to Section 55 Environmental Planning and Assessment Act, that Crown Land (being Lot 7027 DP 1051931, Lot 7029 DP 93603, Lot 7035 DP 1051932, Lot 7036 DP 1059768, Lot 7037 DP 1059769, Lot 7038 DP 1059769) be included in an amended Planning Proposal to be sent to the Department of Planning and Environment for a Gateway determination, and Department of Trade and Investment be consulted during consultation with public agencies..

An amended Planning Proposal will be forwarded to the Department of Planning and Environment with maps showing that the small Crown Land lots are included in the Planning Proposal.

It is expected that this can occur before the Minister considers the current application, thereby causing no delay.

Attachment: Area subject of the Planning Proposal as sent to the Department

Tabled Items: Nil

FINANCIAL IMPACT STATEMENT

The recommendation does not impact on Council's financial position.

RECOMMENDATION

- A With regard to the subject Planning Proposal for various lots in Glenworth Valley and Council's resolution of 17 December 2013 to support a request for a 'Gateway' determination pursuant to Section 55 Environmental Planning and Assessment Act, that Crown Land (being Lot 7027 DP 1051931, Lot 7029 DP 93603, Lot 7035 DP 1051932, Lot 7036 DP 1059768, Lot 7037 DP 1059769, Lot 7038 DP 1059769) be included in an amended Planning Proposal to be sent to the Department of Planning and Environment for a Gateway determination, and Department of Trade and Investment be consulted during consultation with public agencies.
- B Council seeks delegations from the Department of Planning and Infrastructure for this Planning Proposal.
 - 1 Upon Council receipt of the Department of Planning & Infrastructure's intention to issue delegation, Council will submit to the Department of Planning & Infrastructure a "Written Authorisation to Exercise Delegation" for the same
 - 2 Any delegation to Council is to be delegated to the Chief Executive Officer - Paul Anderson, per s381 of the *Local Government Act 1993*, who will complete the "Authorisation" on behalf of Council and submit to the Department of Planning & Infrastructure.

ATTACHMENT

