



**murray river  
council**

# **PUBLIC HEARING PACK**

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## **Reclassification of land from Community Land to Operational Land**

**Lot 1 DP1267277  
Gonn Road, Barham**

**Public Hearing: Thursday 3rd February 2022 at 6pm**

**Barham Riverside Reception Centre, 15 Murray Street, Barham**

# Public Hearing

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The information contained in this document relates to the Public Hearing to reclassify the community land parcel outlined below as Lot 1 DP1267277, Gonn Road, Barham 2732. The land is zoned RU1 Primary Production and has an area of 4 hectares. The site has vehicle access from Gonn Road and is currently (and has historically) been used as private farmland. The land is afforded a deferred commencement development consent issued on 26 August 2021 for a "Livestock processing industry (Abattoir with processing/ slaughtering capacity of 723 tonnes live weight of animals per year)".

The current 'community' classification of the land does not reflect the intended use of the site as a micro abattoir, nor does it provide any community benefit as a traditional public use area. As the land has never been used or intended for a public access/community area, the Proposal will act purely to correct an administrative error associated with the initial transfer of land to Council. The Planning Proposal will facilitate an opportunity for co-location of compatible rural industry (a livestock processing facility).

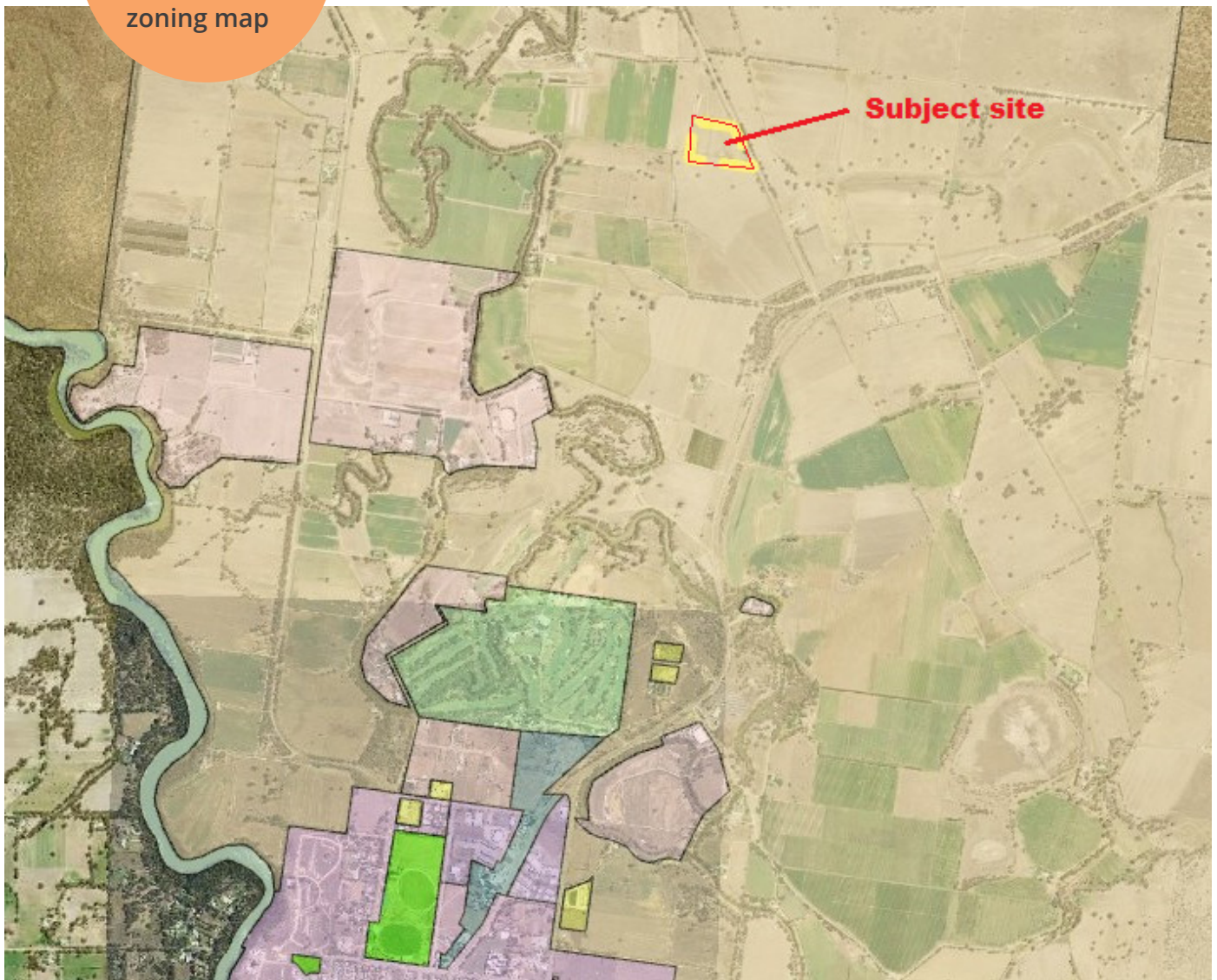


## Public Hearing

Reclassification of Lot 1 DP1267277  
Gonn Road, Barham

*i*

Existing site  
subject to  
reclassification  
and land use  
zoning map



## Public Hearing

Reclassification of Lot 1 DP1267277  
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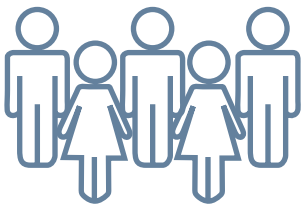
Aerial  
photography  
of the site



# Background Information



This is an opportunity for our community to offer their insights and feedback



## What is a Public Hearing?

A public hearing is a forum held to give our community an opportunity to provide feedback specifically on the reclassification of land. Under the relevant legislation<sup>i</sup> Council must hold a public hearing regarding the proposed reclassification of community land to operational land.

This hearing must also be chaired by an independent facilitator. This gives the community a chance to share their thoughts with a person independent from Council in an open style setting.

## What does 'reclassification of land' mean?

There are two classifications of public land – “community” and “operational”.

Community land is managed by Council and includes areas like parks and sporting fields (among other things)<sup>ii</sup>.

Operational land is public land which facilitates the operations of Council. Community land cannot be sold, exchanged or disposed of<sup>iii</sup> without following the due process for reclassification to operational land<sup>iv</sup>.

## Why are we holding a public hearing to reclassify community land at Lawry Park?

When Council lodges a proposal with the State Government (DPIE) for assessment, the 'Gateway Determination' issued under that process must determine if a 'public hearing' is to be held in relation to that planning proposal<sup>v</sup>. Due to the nature of this proposal (the reclassification of community land) a public hearing is a required step in the public consultation process, as set out in the Gateway Determination. A copy of the Gateway Determination is available on Council's website, and Your Say page. See Item 3 of the Gateway Determination.

## Public Hearing

Reclassification of Lot 1 DP1267277  
Gonn Road, Barham



### When and where will the public hearing be held?

The hearing will be held on **Thursday 3rd February 2022**, at 6pm, at the Barham Riverside Reception Centre.

The Barham Riverside Reception Centre is located at 15 Murray Street, Barham.

### How will the hearing details be advertised?

In accordance with the relevant legal requirements<sup>vi</sup> the date of the public hearing must be publicly advertised for a minimum of 21 days after the consultation period for the proposal has ended. This allows the person chairing the hearing sufficient time to consider written submissions and all issues raised during the consultation period.

This planning proposal was advertised from 2nd December 2021 until 16th December 2021. The notice of advertisement for the public hearing will be printed in the Friday 17th December 2021 edition of the Swan Hill Guardian and the Thursday 23rd December 2021 edition of the Barham Bridge. The public hearing notice will also appear on Council's 'Your Say' page, Facebook page, and website from 16th December 2021.

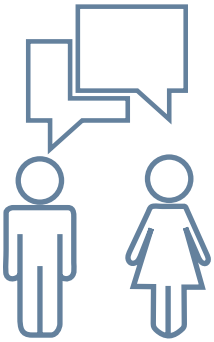
### Will I need to register to attend?

At this stage, Council do not anticipate registration will be required to attend the Hearing, however this is subject to change dependent on NSW Public Health Orders.



## Public Hearing

Reclassification of Lot 1 DP1267277  
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### Who conducts a Public Hearing?

An independent chairperson conducts the public hearing and provides a report to Council with recommendations on the proposed reclassification of community land.

Under the relevant legislation<sup>vii</sup> the person presiding at a public hearing must not be:

- a.** A Councillor or employee of the Council holding the public hearing.
- b.** A person who has been a Councillor or employee of that Council at any time during the five years before the date of his or her appointment.

### Is there an opportunity for me speak at the Hearing?

Yes! The facilitator will seek your thoughts at the hearing and attendees will be encouraged to participate in an open style forum.

If you would like opportunity to formally present at the Hearing, that option is also available to you. To present at the Hearing, please register to attend using our 'Your Say' page and use the tools to indicate that you would like to make a presentation at the Hearing.

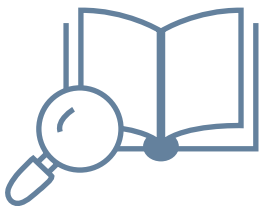
Alternatively, please contact Council on 1300 087 004 during normal business hours, or email [admin@murrayriver.nsw.gov.au](mailto:admin@murrayriver.nsw.gov.au) and advise that you would like the opportunity to address the forum.

Registrations to present at the Hearing will be open until 4pm Wednesday 2nd February 2022.



## Public Hearing

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### What happens after the Public Hearing?

Council must make a copy of the report regarding the outcomes of the public hearing available for inspection by the public no later than four days after it has received the final report from the person presiding at the public hearing. This report will be presented to Council for their information when it considers reclassifying community land as part of the process of adopting the Planning Proposal. A copy will also be provided to DPIE for their consideration. We note that there will not be a separate consultation period regarding the findings of the hearing.

### Recording of the Hearing and the capture of photographs

We may be recording the Hearing to ensure we have captured everyone's comments accurately. This recording will not be made available to the public at any point and is purely for accuracy, and Council's records. We may also be taking photographs throughout the evening, however you can opt out of being in any photos if you wish.

### Questions

For any queries, please all feel free to contact Council on 1300 087 004 and ask to speak with Melanie Squires regarding the proposal.



## References

- i See Sections 29 and 47G of the *Local Government Act 1993*
- ii See Division 1 of Part 2 of Chapter 6 of the *Local Government Act 1993*
- iii See Section 45 of the *Local Government Act 1993*
- iv See Sections 27-33 of the *Local Government Act 1993* and Division 3.4 of the *Environmental Planning and Assessment Act 1979*
- v See Section 3.34(e) of the *Environmental Planning and Assessment Act 1979*
- vi See Practice Note PN 16-001 included as part of the Proposal documents
- vii Section 47G of the *Local Government Act 1993*



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