

Public Hearing

Reclassification from 'Community Land' to 'Operational Land'

Item 1 – Lot 21 DP 541629

Item 2 – Lot 848 DP 703278, Part Lot 1538 DP 832922 and Part Lot 8884 DP 786883, Thornton

**29 November 2022, 6.30 p.m.
Ken Tubman Building (MCC)**

maitland

city council

AGENDA

- 1. Welcome and introduction by Chairperson**
- 2. Presentation by Maitland City Council**
- 3. Speakers to raise matters of concern**
- 4. Clarification of issues raised by speakers**
- 5. Conclusion of the meeting**

Introduction

- Public land is managed under the *Local Government Act 1993* based on its classification. All public land must be classified as either “community” or “operational” land.
- Community land – is owned by Council, available for use of public (e.g. parks or sports grounds) and restrictions on how to use land.
- Operational land – is owned by Council, facilitates the functions of Council, no specific restrictions on Council powers to use.
- Reclassification of public land refers to the process of changing the classification of “community land” to “operational land”.
- Under Section 29 of the LG Act 1993, Council is required to hold a public hearing for any reclassification of public land.

Background - East Maitland

- The lot forms part of a conglomeration of allotments that form part of an access handle and car park in Council ownership
- The land was acquired after the transfer of Lot 20 DP 541629 to the Salvation Army (26th July 1973).
- The site was registered on 20th April 1979 as a Torrens title site.
- It is considered that the current classification is an anomaly given the use of the site, the adjoining similar allotments and zoning of the land.

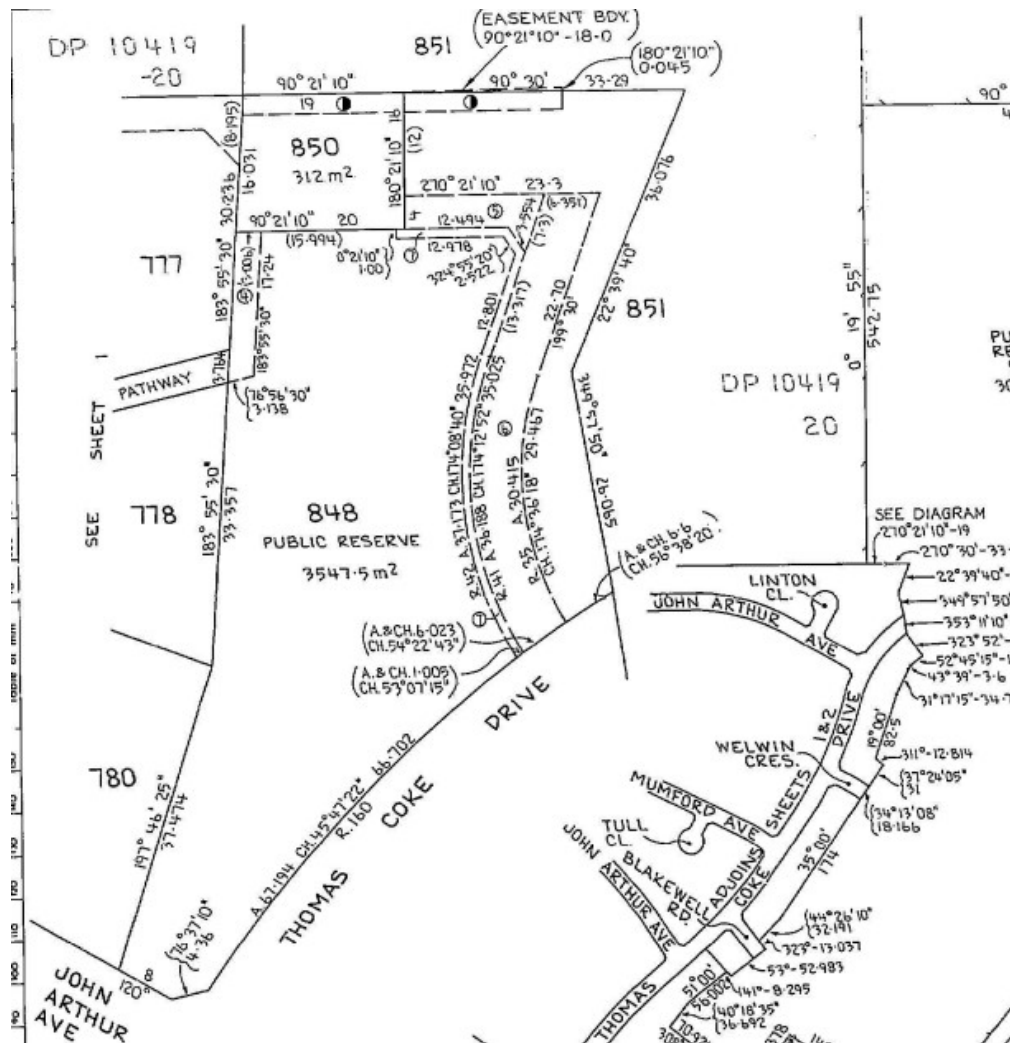
Proposed area to be reclassified



Background - Thornton

- The purpose of this reclassification is to provide practical and legal access being a requirement from the NSW Rural Fire Service (RFS) – Planning for Bushfire Protection 2019.
- The proposed reclassification site is the existing access handle (Right of Carriageway 6m) to the A & D Lawrence Fields.
- The proposal will require the upgrade to the access handle at the expense of the applicant and in accordance with Council Engineering Standards.

Thornton



- The land was dedicated as a Public Reserve (DP703278) to Council on 8th March 1984.
- Existing easements include easements to drain water and also right of carriageway (6m).

Proposed Area to be Classified Thornton



Planning Proposal

- Gateway Determination was issued by the Department of Planning & Environment on 30th June 2022
- Public exhibition was from 5 September to 3 October 2022
- Reclassification will:
 - East Maitland – amend an anomaly
 - Thornton – enable practical and legal access for residential purposes.

Gateway Determination



Department of Planning and Environment

Gateway Determination

Planning proposal (Department Ref: PP-2022-1301): to reclassify two sites in Maitland Local Government Area

I, the Director, Central Coast and Hunter at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *Maitland Local Environmental Plan 2011* to reclassify the following sites from community to operational land, Lot 21 of DP 541629 Council Car Park/Rear Lane East Maitland and Lot 848 of DP 703278 (John Arthur Ave), Part Lot 1538 of DP 832922 and Part Lot 8884 of DP 786883 (Thomas Coke Drive), should proceed subject to the following conditions:

1. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 28 days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).
2. A public hearing is not required to be held into the matter under section 3.34(2)(e) of the Act. However, a public hearing is required to be held into the matter in accordance with the Department's Practice Note PN 16-001, as the planning proposal involves a reclassification of land from community to operational.
3. Consultation is required with the NSW Rural Fire Service under section 3.34(2)(d) of the Act and/or to comply with the requirements of section 9.1 Ministerial direction 4.3 Planning for Bushfire Protection.
4. The LEP should be completed on or before 7 March 2023.

Dated 30th day of June 2022.

Dan Simpkins
Director, Central Coast and Hunter Region
Department of Planning and Environment

Delegate of the Minister for Planning and
Homes

Next Steps...

- Following the public hearing, the Chairperson will prepare a report on the hearing and submit to Council.
- A copy of the report will be publicly available.
- Council will consider the submissions received during the public exhibition of planning proposal and a report regarding the public hearing.
- Council will then decide whether to proceed with the planning proposal or vary to the proposal.
- If Council decides to proceed, the Department of Planning & Environment will make arrangements for making of LEP.



Thank You

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