

Blayney Shire Council

Public Hearing Report

Planning Proposal - Reclassification of Land

Chair: Annalise Teale

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Introduction

The purpose of this report is to provide a record of the Public Hearing undertaken on 4 April 2024 at Blayney Shire Council. The Public Hearing was held as a requirement of the Gateway Determination from the NSW Department of Planning and Environment in relation to a Planning Proposal to change the classification of Clarke Street, Blayney from Community Land to Operational Land.

This report has been prepared by Annalise Teale, who was appointed the independent Chair of the Public Hearing held on Thursday, 4 April 2024.

Background

Blayney Shire Council owns the subject land known as Clarke Street, which is currently classified as Community Land under the Local Government Act 1993.

It is proposed that the land be reclassified Operational to enable Council to address encroachment issues and formally utilise part of the land as a road reserve, enabling physical and legal access to a number of existing properties.

In November 2023 Council received a Gateway Determination from the NSW Department of Planning and Environment in relation to the Planning Proposal, which stated that public exhibition, as well as a Public Hearing be held in relation to the matter.

Council provided the minimum 21 days' notice of the Public Hearing by invitation to residents, as well as in the local newspaper and on the Council website.

Location of the Subject Land

The land is located at the southern end of Albion Street, Blayney. Despite the subject land not being formally gazetted as a public road, it is known as Clarke Street and provides access to a number of existing dwellings.

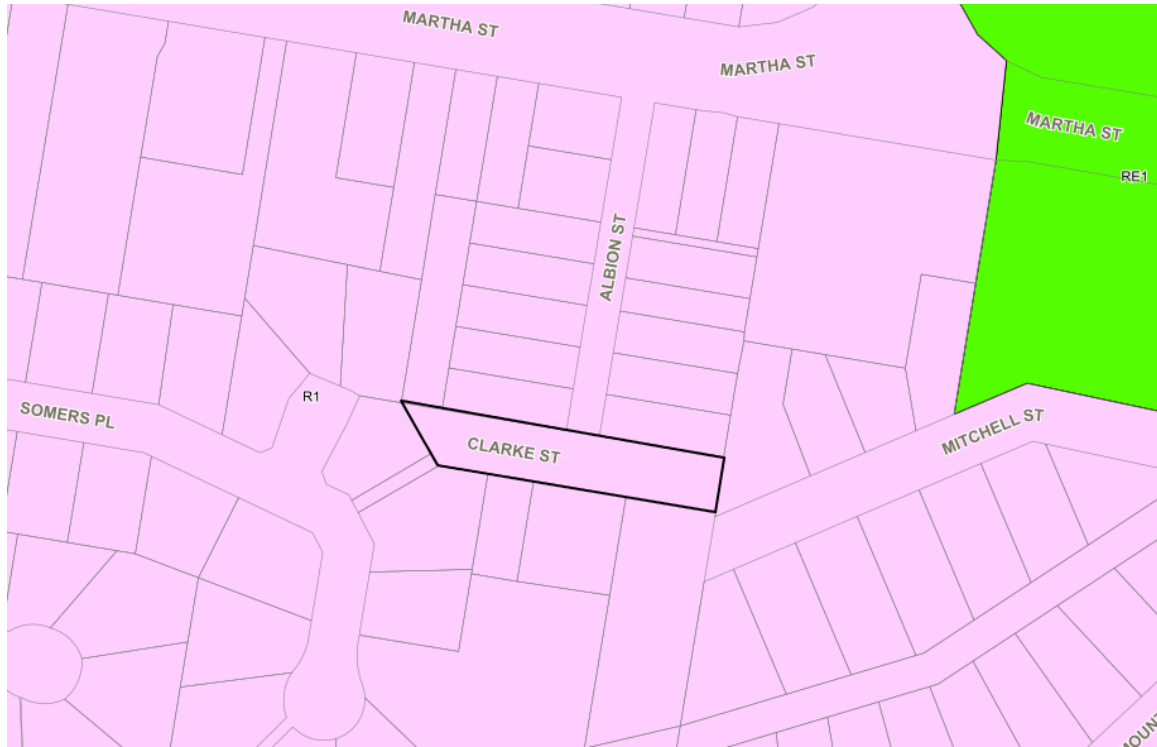


Image 1: Land Use Zone Map (R1 General Residential) identifying Clarke Street, Blayney



Image 2: Aerial Map identifying Clarke Street, Blayney

Public Hearing Overview

A Public Hearing was held at Blayney Shire Council on Thursday 4 April 2024 at 5.00pm in the Blayney Shire Council Community Centre. Annalise Teale was appointed as the independent Chair, who welcomed the attendees.

Three staff members from Blayney Shire Council were in attendance:

- Mark Dicker, General Manager
- Jacob Hogan, Director Infrastructure Services
- Claire Johnstone, Manager Development Assessment

The Public Hearing was conducted under the following format:

- Welcome and introduction by the Chair, including an explanation of the land classification system under the Local Government Act 1993.
- Overview of the Planning Proposal by Claire Johnstone, Manager Development Assessment.
- Members of the public invited to speak to make a statement for the record.
- Overview of the next steps by the Chair.

The Chair identified the need for, and purpose of, the Public Hearing and noted her independent role, meeting the requirements of 47G of the Local Government Act, 1993 to preside over a public hearing.

The Chair provided an overview of the public hearing and land reclassification process:

- The Local Government Act 1993 requires that all council-owned land be classified as either operational land or community land.
- To enable the classification of land to be changed, an amendment needs to be made to the Blayney Local Environmental Plan 2012. To undertake an amendment to the Blayney Local Environmental Plan 2012, a planning proposal was prepared and publicly exhibited earlier this year.
- Council must hold a public hearing so that the community's views can be heard about the proposal and discuss issues with an independent person in a public forum.
- Provided examples and explanation of what is operational versus community land.

The Chair invited anyone from the floor to make an oral submission, in which several comments and questions were raised. Council's staff members provided responses relating to process and historical facts about the matter at hand.

The Chair advised that a report based on the discussion at the Public Hearing would be provided to Council and made available to the public. It was also advised that Council would consider the Public Hearing report and written submissions received in its consideration of the planning proposal at a future Council meeting.

The Public Hearing formally concluded at 5.20pm.

Note – A copy of the Public Hearing Agenda and power-point presentation can be found in Appendix A and C.

Attendees and oral submissions

The following people attended the Public Hearing:

- Councillor John Newstead
- Mark Dicker – General Manager, Blayney Shire Council
- Jacob Hogan – Director Infrastructure Services, Blayney Shire Council
- Claire Johnstone – Manager Development Assessment, Blayney Shire Council
- Trevor Ellis - Community Member
- Estelle Ellis - Community Member
- Peter Grenfell - Community Member
- Fay Grenfell - Community Member
- Sue Thompson - Community Member
- Annalise Teale – Independent Chair

A copy of the Sign-in sheet can be viewed at Appendix B.

Attendee	Matters Raised
Estelle and Trevor Ellis	<p>Matters previously raised in the written submission.</p> <p>Supported the reclassification and understood it was a formal process necessary to resolve boundary alignment.</p> <p>Questioned how the house at 4 Clarke Street could have ever partially been built on Clarke Street.</p> <p>Concerned about the removal of existing trees and keen to be further consulted regarding any future public infrastructure (e.g. footpaths) in Clarke Street.</p>
Fay and Peter Grenfell	<p>Raised concerns with continued access to their property via Albion Street. Noted that they had maintained the area of Clarke Street for many years. Did not want to see existing trees within the Clarke Street area removed.</p>
Sue Thompson	<p>Concerned about future access to Albion Street, removal of trees, existing access arrangements for her neighbour. If reclassified to operational land, would not want anything built in Clarke Street.</p>

Summary of Issues and areas of interest

The matters raised by the attendees at the Public Hearing were in relation to the historical use/development of the land (Clarke Street), the reclassification process, and Council's plans for the ongoing management and future development of the land.

Council staff members provided responses at the Public Hearing, which in summary were:

- The Public Hearing was only in relation to the reclassification of land from community to operational. Further development of the land, for infrastructure such as footpaths, formalising the road reserve, landscaping treatments and resolving boundary encroachments would be subject to further community consultation and engagement with key stakeholders (i.e residents living in the surrounding area).
- The reclassification of land is the only legal way to resolve the boundary encroachment and access issues.
- The reclassification would not affect residents' existing access to Albion Street.
- The land was originally subdivided in the late 1800s and therefore encroachment issues are likely to have occurred due to limited / incomplete records and maps from the time.

Conclusion

The Public Hearing held at Blayney Shire Council on Thursday, 4 April 2024 was carried out in accordance with relevant legislative requirements and Planning Circular PN 16-001.

A total of five members of the community and one Councillor attended the Public Hearing. During the Public Hearing the community members raised concerns and asked questions about the reclassification of Clarke Street, and questions were answered by Blayney Shire Council staff members.

I am satisfied as the Independent Chair that Council provided an appropriate opportunity for members of the community to provide input in relation to the proposal in accordance with the Local Government Act 1993. The Public Hearing did not reveal any reason why the planning proposal should not proceed.

It is my recommendation that the planning proposal is progressed.

Annalise Teale

Independent Chair

Appendix A – Copy of Presentation



Public Hearing – Reclassification of Land

Thursday 5 April 2024

1

Agenda

- Welcome and Introduction
- Presentation on the Planning Proposal
- Call for presentation by speakers
- Conclusion

2

Public Hearing Outline

- What is land classification?
- Why is a public hearing being held?
- What is the purpose of a public hearing?
- How does this relate to the planning proposal?

3

Community Land and Operational Land – What is the difference?

Community Land	Operational Land
Set aside for community use	Commercial or operational function (e.g. offices, works depot, car park, sewage pump station)
It cannot be sold	It has no special restrictions other than those that may ordinarily apply to any parcel of land.
Must have a plan of management	Commercial or operational function (e.g. offices, works depot, car park, sewage pump station)
There are restrictions on leasing and licencing	
Set aside for community use	

4

Planning Proposal / Reclassification Overview

- Planning Proposal
- Gateway Determination from Department of Planning and Environment
- Planning Proposal was publicly exhibited.
- One submission was received.
- Blayney Shire Council is required to hold a Public Hearing in relation to this matter.

5

Subject Land



6



7



8

Community Views

- Five minutes per person

What happens next?

- Independent person (Chair) will prepare a report on the outcomes of the Public Hearing.
- Council will make the Public Hearing report available to the public.
- A report will be prepared for Council regarding the Planning Proposal and finalization of the LEP amendment.

Appendix B – Sign In Sheet



SIGN IN SHEET

Name	Address	Phone	Signature
F GRENFEA	2 AMBION ST	0476225760	<i>[Signature]</i>
Estelle & Trevor Ryan	23 MITCHELL ST	0429703973	<i>[Signature]</i>
Alec Robert Thompson	8 MITCHELL ST	0429326321	<i>[Signature]</i>
Cv John Newstead	Councillor.		



Appendix C – Public Hearing Agenda



AGENDA

Public Hearing - Planning Proposal for Reclassification of Land -

- Reclassify Clarke Street in the Town of Blayney to land from 'Community' use to 'Operational' use

Thursday 4 April 2024
5.00pm - 6.00pm
Blayney Shire Council, Community Centre

Item		
1	Introduction and welcome by the Chair - Annalise Teale	5 Minutes
2	Presentation on Planning Proposal - Blayney Shire Council	5 Minutes
3	Presentation by any speakers	As required
4	Wrap up - Chair	5 Minutes

