



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 12 October 2011

REPORT OF DIRECTOR CORPORATE SERVICES

o-CS3 Proposed Reclassification of (No Street Number) Lot A Deposited Plan 158069 Queen Street, Moss Vale, from "Operational" to "Community" Land

Economy

Reference: 7122, PN1213700

Responsible Officer: Manager Governance; Manager Business Services

PURPOSE

The land the subject of this report is used as car park.

The land is classified pursuant to the *Local Government Act 1993* as "Operational" land. It is necessary to reclassify the land as "Community" Land to ensure that it is retained for current and future community purposes.

SUMMARY

The property known as (No Street Number) Lot A Deposited Plan 158069 Queen Street, Moss Vale has been used as an unofficial car park for many years.

Upon review of the Land Register, Council's Property Officer found that the land is in fact classified as "Operational" Land. When the land was inspected by Councillors on a site inspection in June 2010, the proposal to reclassify the land to "Community" Land was put forward.

DESCRIPTION OF ITEM

BACKGROUND

Historically the land has been used as a car park for a significant period of time.

A couple of years ago the land was put forward as being a potential site for sale. This was considered by the previous Council however no formal decision was made.

SUGGESTED ACTIONS

Based on discussions during the Councillor Briefing Sessions in 2011, it is clear that the current Council is against this land being considered for sale. To preserve the land for current and future community land it is recommended that the land be reclassified from "operational" land to "community land".

LEGISLATION

Reclassification of "Operational" to "Community" land:

Section 33 of the *Local Government Act 1993* states:

Reclassification of operational land as community land

- (1) A council may resolve that public land classified as operational land is to be reclassified as community land.



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DETAILS OF PROPOSAL

Subject Site and Locality

An inspection of the site and the surrounding area has been undertaken.

The subject property is located on the corner of Queen Street and Railway Street Moss Vale. The land is used as a car park by the general public. Its surface is asphalt and the area of land is approximately 840 square metres.

Within close proximity to the tennis court, community garden and the Queen Street precinct, the subject property is seen to be a valuable community asset which should be retained for current and future use.

STATUTORY ASSESSMENT

ASSESSMENT - KEY ISSUES

Wingecarribee LEP2010

The subject property is zoned *B2 – Local Centre* within *B2 – Local Centre* zones. Adjoining land occupied by the tennis courts and Community Garden is zoned RE Public Recreation. The land is entirely subject to flood affection by the 100 year plus half metre extent.

Reclassification of the land from 'Operational' to 'Community' does not in itself require the land to be rezoned from its current B2 Local Centre Zone. The B2 – Local Centre zone permits a variety of 'community' type uses with consent. The use of the site for public carparking also remains permissible.

Relevant State Legislation

Local Government Act 1993.

Under the provisions of Section 33 and 34 of the *Local Government Act*, Council can reclassify land from 'Operational' to 'Community' by a resolution of Council. Public notice of the resolution to reclassify land from 'Operational' to 'Community' is required for a period of no less than 28 days.

CONSULTATION

External Referrals

Referrals/Notice	Advice/Response/Conditions
Surveyor	Identification Survey Report prepared.

Internal Referrals

Referrals/Notice	Advice/Response/Conditions
Manager Strategic & Community Development	The land is currently used for parking purposes for users of the adjoining tennis club as well as shoppers in the nearby retail outlets. With the entire site subject to flood inundation, it has limited development potential and would best serve the community as community land for public use.



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SUSTAINABILITY ASSESSMENT

- **Environment**

The proposal to reclassify the land from “Operational” to “Community” Land does not have any positive or negative impact on the environment. The proposal is an administrative one which will see the land reclassified pursuant to the *Local Government Act 1993* – the actual use will remain unchanged. The proposal to reclassify the land has no impact on the natural environment outside of the Wingecarribee Local Government Area.

- **Social**

The continued provision of car parking within the Queen Street precinct provides equity and access to community residents, employees and visitors to the Shire.

- **Culture**

There are no positive or negative impacts on the Aboriginal and Non-Aboriginal culture as a result of the proposal to reclassify the subject land.

- **Broader Economic Implications**

There are no positive or negative implications for the broader economy within or outside of the Wingecarribee Shire.

- **Governance**

With thorough reporting and through following due process, there is proper governance of Council's property administration. Proper governance includes probity and transparency in Council's decision-making processes.

RELATIONSHIP TO CORPORATE PLANS

Making provision for the retention and enhancement of already utilised civic assets, i.e. retention of the subject property as a car park aligns with Council's Vision: *“Places that are safe, maintained, accessible, sympathetic to the built and natural environment, that support the needs of the community”*.

BUDGET IMPLICATIONS

There will be negligible costs to Council in respect of the administrative process of reclassification of the subject land.

RELATED COUNCIL POLICY

Council's *Asset Management Policy* adopted by Council on 28 July 2011 (M/N316/10).

ATTACHMENTS

1. Aerial map showing location of subject property.



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RECOMMENDATION

THAT the vacant land known as (No Street Number) Lot A Deposited Plan 158069 Queen Street Moss Vale be reclassified from “operational” to “community” land pursuant to Section 33 and 34 of the Local Government Act 1993.

Attachment 1

Lot A Queen Street Moss Vale

