



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-CS13 Proposed Sale 16 Una Street Bowral being vacant "Operational" Land

Economy Leadership

Reference: 7122, PN1520000

Responsible Officer: Manager Governance, Manager Business Services

PURPOSE

Reporting on proposed sale of 16 Una Street Bowral being vacant land classified as "operational" land for the purpose of raising revenue.

SUMMARY

The property known as 16 Una Street Bowral is vacant land under Council ownership.

As part of a review of potential property for sale, the subject property has been identified as suitable for possible development and/or sale.

DESCRIPTION OF ITEM

BACKGROUND

The subject property is vacant land within Bowral, adjacent to Venables Park.

The whole of the land forming Venables Park was resumed by Bowral Municipal Council for a Public Reserve. The resumption was published by notification in the Government Gazette on 18 May 1958. The park was officially opened on 6 October 1958.

As part of an earlier review of land, the subject property was identified as surplus to Council's needs and at the Extraordinary Meeting of Council on Wednesday 16 April 2008 Council resolved, among other things, as follows:

MN 127/08

A) *THAT all named parks that were identified for reclassification (and which are listed below) be removed from the reclassification list in the draft LEP AND THAT the first option in each recommendation of o-EP1 be adopted with the exception of Apex Park in which the third option of Recommendation J be adopted.*

- a) Yeo Park - Moss Vale
- b) Ritchie Park Suttor Road - Moss Vale
- c) Thwaites Park, Twickenham Place - Moss Vale
- d) Broughton Park, Broughton Street – Bundanoon
- e) Acacia Park - Moss Vale
- f) Rotary Park, Old Bowral Rd, Mittagong
- g) Venables Park, Una Street – Bowral
- h) Apex Park – Bowral
- i) Westwood Park – Bowral
- j) Henderson Park - Moss Vale



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- k) *Waratah Park - Colo Vale*
- l) *Waratah Park - Colo Vale (Jasmine Street)*

Whilst Council previously resolved not to proceed with the reclassification of Venables Park, the land has been reviewed and is still recommended as suitable for potential sale. As the area of land that is utilised as an unofficial car park in Una Street, Bowral is clearly not utilised as public reserve or for passive or active recreational activities, it is recommended that this part of the land be considered for reclassification to "Operational" land to enable development and/or sale.

DETAILS OF PROPOSAL

Subject Site and Locality

Inspection of the site and the surrounding area has been undertaken.

Una Street has a mixture of residential development predominantly from the early 19th century to the late 19th century. The Bowral Bowling Club is located to the east of the site.

The land is level and its surface is crushed gravel and dirt. The property has been used for a significant number of years as an unofficial car park for employees of the adjacent Bowling Club and as overflow parking for guests and visitors to the club.

The lot has an area of 1,170 square metres.

SUGGESTED ACTIONS

To enable reclassification to "Operational" land, the land needs to be listed in Schedule 4 of *WLEP 2010* and a Planning Proposal (PP) is the mechanism to achieve this. Council will need to make a formal resolution in support of the reclassification and a PP will then be prepared and forwarded to the Department of Planning and Infrastructure (DOPI) for a Gateway Determination. If supported by DOPI, the Gateway Determination will advise what consultation is required. The Gateway Determination will also indicate the time frame within which the PP needs to be completed.

STATUTORY ASSESSMENT

ASSESSMENT - KEY ISSUES

Wingecarribee LEP2010

The property is zoned *RE1 – Public Recreation* and is surrounded by properties in the *R3-Medium Density Residential* zone.

The property is not within a Heritage Conservation Zone however is located within the 1 in 100 ARI flood level zone

Relevant State Legislation

Local Government Act, 1993.

Section 30 of the *Local Government Act 1993* states:

30 Reclassification of community land as operational

- (1) *A local environmental plan that reclassifies community land as operational land may make provision to the effect that, on commencement of the plan, the land, if it is a public reserve, ceases to be a public reserve, and that the land is by operation of the plan discharged from any trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except for:*
- (a) *any reservations that except land out of a Crown grant relating to the land, and*
- (b) *reservations of minerals (within the meaning of the Crown Lands Act 1989).*
- (2) *A provision referred to in subsection (1) has effect according to its tenor, but only if the Governor has, before the making of the local environmental plan, approved of the provision.*

Section 34 of the Act further requires Council to give public notice of any proposal to reclassify Public land.

34 Public notice to be given of classification or reclassification by council resolution

- (1) *A council must give public notice of a proposed resolution to classify or reclassify public land.*
- (2) *The public notice must include the terms of the proposed resolution and a description of the public land concerned.*
- (3) *The public notice must specify a period of not less than 28 days during which submissions may be made to the council.*

SUSTAINABILITY ASSESSMENT

• **Environment**

Council's commitment to the principles of Ecologically Sustainable Development (ESD) recognises that urban areas generally, and towns in particular, provide opportunities for environmental conservation. Although such areas are heavily utilised by residents, workers and visitors, it is important to recognise that even small improvements in the natural environment can be achieved, and to act on those opportunities.

• **Social**

There are no impacts identified. The land the subject of this report is unofficially used as car park. Its surface is dirt and gravel and it has no use for passive or active recreational activities. Venables Park itself would primarily be accessed directly from Merrigang Street as Merrigang Street is the park 'frontage'.

• **Culture**

There are no positive or negative impacts on Aboriginal culture and non-Aboriginal culture identified.

• **Broader Economic Implications**

There are no broader economic implications regarding the proposed sale of the subject property.



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• 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

Within the 2011-2013 Delivery Program & 2011/2012 Operational Plan adopted by Council on 22 June 2011 (M/N208/11), it is Council's mission *"to create and nurture a vibrant and diverse community, growing and working in harmony with our urban, agricultural and natural environments."*

One of Council's visions which is appropriate for consideration in this report is *"Places that are safe, maintained, accessible, sympathetic to the built and natural environment, that support the needs of the community"*.

Identified within Wingecarribee 2031 are the following goals which are linked to the subject of this report:

- a. *"Wingecarribee housing options are diverse"* (3.4)
- b. *"Ensure future development respects the character of the area in which it is located, and reinforce that character with appropriately sited and designed new development"* (3.3.2).
- c. *"Regulate and encourage the Community to maximise sustainable living through best building practice"* (4.2.5).

BUDGET IMPLICATIONS

There will be budget implications for Council with respect to this proposal. It is recommended that money be used from the Property Development Reserve to enable the necessary clearing and drainage works to occur. These monies can be repaid from the proceeds of sale after settlement.

Local real estate agents will be contracted to market the property for sale. Agent's commission is paid by deduction from the proceeds of sale at settlement of the transaction.

ATTACHMENTS

1. Aerial photograph showing the subject land.

RECOMMENDATION

1. THAT Council publicly exhibit the proposal to reclassify the land known as 16 Una Street Bowral to "Operational" land pursuant to Section 30 of the *Local Government Act 1993*.
2. THAT following the public exhibition of the proposal to reclassify the land known as 16 Una Street Bowral a further report be forwarded to an Ordinary Meeting of Council for determination as to whether it proceeds with a Planning Proposal for reclassification of the land to "Operational".

ATTACHMENT 1

