

11.4 Planning Proposal to Reclassify Lot 1 DP 1246504, 7-11 Burgess Street, Bundanoon

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| Reference: | PN 1820130 |
| Report Author: | Coordinator Property Services |
| Authoriser: | Chief Financial Officer |
| Link to Community Strategic Plan: | Effective financial and asset management ensure Council's long term sustainability |

PURPOSE

The purpose of this report is to seek Council approval to proceed with a Planning Proposal to reclassify Lot 1 DP 1246504 being Council owned property at part 7-11 Burgess Street Bundanoon from 'Community' Land to 'Operational' Land. The purpose of the reclassification is to provide consistency with surrounding Council owned property.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

RECOMMENDATION

THAT a Planning Proposal be prepared and submitted to the NSW Department of Planning Industry and Environment for a Gateway Determination to reclassify Lot 1 DP 1246504, part 7-11 Burgess Street Bundanoon, from Community to Operational.

REPORT

BACKGROUND

The subject land is of rectangular shape and has an area of 406.4 sqm. The land is a former public road which was closed in 2018.

The road was closed so that the land could be utilised by the users who have licences in place for the adjoining Council owned property. **Figure 1** below indicates the location of the subject property.



Figure 1 Location of subject land

Council is required to classify all public land as either 'Community' or 'Operational' under the provisions of s25 and s26 of the *Local Government Act 1993*. Community land is land used for a public purpose. Operational land is land which facilitates the functions or 'operations' of Council.

The land is zoned R3 Medium Density Residential with a minimum lot size of 700m². The property is owned by Council and is currently classified as 'Community' land. The property is surrounded by Council land that is classified as 'Operational' land.

To provide consistency and to bring the property in line with the surrounding 'Operational' land, it is now proposed that a planning application be made to reclassify the property from 'Community' to 'Operational'. This report outlines that process.

REPORT

The reclassification of public land through an amendment to Schedule 4 (Classification and reclassification of public land) of WLEP 2010 is subject to both the local plan-making process in the *Environmental Planning & Assessment Act 1979* and the public land management requirements of the *Local Government Act 1993*.

The process for achieving the reclassification of the subject land from 'community' to 'operational' is as follows:

- Council resolves to prepare a Planning Proposal under s3.33 of the *Environmental Planning & Assessment Act 1979*.



- The Planning Proposal is prepared and submitted to the Department of Planning, Industry and Environment (the Department) for a Gateway Determination to proceed.
- Agency referrals are completed as required under the Gateway Determination – always Water NSW and generally NSW Rural Fire Service. The Planning Proposal cannot proceed until any matters of concern raised by an agency are resolved.
- Community consultation is undertaken in accordance with the Gateway Determination - for a minimum period of 28 days.
- A Public Hearing is arranged as required under *s57 of the Environmental Planning & Assessment Act 1979* and *s29 of the Local Government Act 1993* and held at least 21 days after completion of the public exhibition of the Planning Proposal. The Public Hearing is chaired by an independent facilitator who then submits a report to Council identifying issues raised.
- A report is prepared for Council addressing submissions received during the public exhibition and issues raised at the public hearing.

Subject to final Council approval, the Planning Proposal is then forwarded to the Department for finalisation and amendment of WLEP 2010.

COMMUNICATION AND CONSULTATION

Community Engagement

Community Engagement will occur through public exhibition of the Planning Proposal and the holding of an independently facilitated Public Hearing.

Internal Communication and Consultation

Strategic Planning

Finance, Procurement & Property

External Communication and Consultation

Agency consultation will occur as required under the Gateway Determination.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

There are no broader economic implications in relation to this report.

- **Culture**

There are no cultural issues in relation to this report.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 June 2020

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



- **Governance**

The Planning Proposal and Public Hearing would be undertaken in accordance with legislative requirements under the *Environmental Planning & Assessment Act 1979* and the *Local Government Act 1993*.

COUNCIL BUDGET IMPLICATIONS

Costs associated with the gateway determination will be funded through existing budget allocations. The cost of preparing the planning proposal will be met by in-house resources. The cost of engaging an independent facilitator for the public hearing, should the matter proceed, will be covered by Council's Property Reserve Fund.

RELATED COUNCIL POLICY

n/a

OPTIONS

The options available to Council are:

Option 1

THAT a Planning Proposal be prepared to reclassify Lot 1 DP 1246504, part 7-11 Burgess Street Bundanoon, from Community to Operational.

Option 2

THAT Council not proceed with the Planning Proposal which would result in the land remaining classified as Community.

Option 1 is the recommended option to this report.

CONCLUSION

Given that the property is located adjacent to Council owned 'Operational' land, it is recommended that Council apply to reclassify this property from "Community" to "Operational" to ensure consistency with the adjoining Council property.

ATTACHMENTS

There are no attachments to this report.

11.5 Draft Public Memorials Policy and Public Memorials Policy Guidelines

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| Reference: | 7150/1 |
| Report Author: | Senior Asset Officer Parks and Building |
| Authoriser: | Manager Assets |
| Link to Community Strategic Plan: | Create welcoming and accessible community facilities that support opportunities for people to meet and connect with one another |

PURPOSE

The purpose of this report is to advise Council of the proposed draft Public Memorials Policy and Public Memorials Policy Guidelines (the “Draft Policy and Guidelines”), and to seek approval for the Draft Policy and Guidelines to be placed on public exhibition with the community invited to provide feedback and comments.

RECOMMENDATION

1. **THAT the Draft Policy and Guidelines be endorsed for public exhibition for a period of twenty eight (28) days.**
2. **THAT the Draft Policy and Guidelines be submitted to Council for adoption following public exhibition.**

REPORT

BACKGROUND

Wingecarribee Shire Council receives requests from time to time from members of the public seeking to install a memorial for a loved one in a public space. Council also receives requests to name public places such as parks and reserves in commemoration of a person. To date, Council has been dealing with these requests on a case-by-case basis, and Council staff can spend considerable time dealing with enquiries and applications from the public.

The purpose of the Draft Policy and Guidelines is to provide a framework for assessing and approving the placement of memorials in public spaces within the Shire to simplify the process for members of the public and to provide clear parameters for Council staff. The Draft Policy and Guidelines also provide a framework for memorial naming of places or buildings in memory of people who had an association with the Shire. This will result in consistency in decision making and will provide clear and succinct guidance to members of the public as to the types and locations of memorials that will be permitted in public spaces across the Shire.

REPORT

The Draft Policy and Guidelines aim to provide a framework for the consideration and approval of memorials in public spaces within the Shire. The Draft Policy and Guidelines also aim to improve consistency in decision making when Council receives a request to name a public place or building after a significant person within the local community.

The Draft Policy and Guidelines cover all applications and requests for memorials in Council owned public space with the exception of memorials placed in cemeteries (Council owned or otherwise), on private land, on privately owned buildings, memorials relating to war or military service and roadside tributes. In addition, the Draft Policy and Guidelines do not cover the naming of roads, or parks and reserves within new subdivisions.

The Draft Policy and Guidelines outline the requirements for approval of a memorial, including a requirement that memorials will not change the intended purpose of the public space and the surrounding environment. Memorials will not be approved if they create a negative impact on future maintenance expenditure of Council, or present a significant financial burden to Council.

The requirements in the Draft Policy and Guidelines mirror requirements in other policies from councils across Australia, and the provisions relating to naming places or buildings are in line with advice contained in the Geographical Names Board of NSW Policy – Place Naming.

COMMUNICATION AND CONSULTATION

Community Engagement

It is proposed that the Draft Policy and Guidelines be placed on public exhibition with the community invited to provide feedback and comments.

Internal Communication and Consultation

Assets, Governance, Organisation Development, Infrastructure Services and Executive have been engaged during the development of the Draft Policy and Guidelines.

External Communication and Consultation

The Draft Policy and Guidelines have been developed with reference to other similar policies from a number of councils across Australia, and relevant policies from the NSW Government. Further external communication and consultation will occur through the public exhibition process.

SUSTAINABILITY ASSESSMENT

- **Environment**

The Draft Policy and Guidelines will ensure that memorials are placed in appropriate locations, thereby preserving the accepted use of parks and reserves for environmental management.

- **Social**

The Draft Policy and Guidelines will ensure that memorials are placed in appropriate locations, thereby preserving the accepted use of public spaces for recreation.

- **Broader Economic Implications**

There are no broader economic implications in relation to this report.