

Michael Murray and Associates Pty Ltd

Public Hearing Report

**Reclassification of Community Land
(73-75 Mann Street, Gosford)**

Thursday 30 March 2023

Central Coast Stadium, Gosford

Report Finalised – 14 April 2023

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Background

A public hearing in accordance with section 47G of the Local Government Act 1993 was conducted at Central Coast Stadium on Thursday 30 March 2023 to enable members of the public to express, and have recorded, their views on the planning proposal to amend SEPP Gosford City Centre, to enable the reclassification of Lot 8 DP 321076 & Lot 2 DP 543135 (73-75 Mann Street, Gosford) from community land to operational land under the provisions of Chapter 6 Division 1 Part 2 of the Local Government Act 1993.

Public notice was given on the public hearing by Central Coast Council in accordance with regulatory requirements.

Attendance

The hearing was convened by Chelle Leith, Strategic Planner, Local Planning and Policy at Central Coast Council

The hearing was presided over by Michael Murray, an independent person engaged by Central Coast Council ("Council") to conduct the hearing in accordance with the requirements of the Local Government Act 1993.

Also in attendance from Council were:

- Charlotte Ryan: Senior Strategic Planner
- Scott Duncan: Section Manager Local Planning and Policy
- Chris Barrett: Section Manager Commercial Property and Airports
- John Lowrie: Special Projects Officer

The Process

The meeting was opened at 5.05pm. Twenty three (23) people attended the hearing.

Following a welcome and explanation of the purpose of the hearing by the facilitator, Scott Duncan provided a brief overview of the proposal and the process involved in the reclassification of community land.

The overview was followed by a brief session to enable any points of clarification about the process to be addressed prior to the presentations by the registered speakers. The opportunity to register to speak was communicated in the pre-hearing notifications.

The facilitator then invited the people who registered to speak at the hearing to take the floor and present their views to the hearing. The key points made during each of these presentations was captured on screen in real time to ensure transparency of the process. These points can be found in the 'Feedback Received' section.

A final Q&A session enabled additional people to present their views after the registered speaker presentations were complete.

The meeting was formally closed at 6.45pm.

Feedback Received

Prior to the registered speakers taking the floor a number of clarifying questions were put to Council officers in attendance.

Question: If Minister does not proceed with the land re-classification, will Council be in a position to offer the land on the market?

Response: No, it would not be available for sale. If the Minister does not support reclassification, the land will remain community land under Council ownership. Whilst Council are currently negotiating with State Government for the sale of the land to facilitate the establishment of a new TAFE campus, the sale can only occur if the State Government approves the re-classification.

Question: Above response is inconsistent with Council minutes. If the land was not purchased by TAFE, it could be purchased by another party?

Response: If the classification does not proceed, it cannot be sold to anyone. Council's intention is to sell the land on the open market. If the reclassification was approved but the government did not decide to proceed with the TAFE project it could be sold to another buyer.

Question: Did TAFE approach the administrator or did the administrator initiate this?

Response: Two years ago, Council indicated intention to sell on the open market. TAFE approached Council with the intention of acquiring site. There have been preliminary discussions about the future of the TAFE site. This includes the concept of Mann Street becoming the focus on an educational precinct.

This process we are participating in this evening will ultimately be determined by the NSW government in either approving or rejecting the proposal to re-classify the land.

Speaker 1:

- Stressed the importance of community owned land. Firm in position to reject proposal and retain land as community land.
- Highlighted importance of communities – services and facilities are provided for the community, hold on to all of community assets and re-assess what Gosford is and what it can be.
- There are a number of DA's sitting dormant within the Gosford area.

Speaker 2:

- The performing arts precinct has had multiple false starts dating back to 2008.
- Plans have changed – no transparency about why or how these changes have occurred.
- 2019 – Council was looking for a location for performing arts and decide not to proceed.
- Meeting location for the hearing was unsuitable and difficult to find.
- Reiterated that this site should remain as is and be retained as community land.
- We need more community buildings – not a “tent”. This venue is not suitable for such an important event.
- Gosford is a “city” – yet there is very little night time activation. Gosford is not a city if there is no cultural area.
- These lots are part of that site form part of the ‘sale of council operation land.’ These lots are not council operational land. They were listed late on a Friday night.
- A meeting was held on the 30th November 2020. There was no community consultation.
- Independent report identified concerns regarding the sell off the Gosford council site and these lots. Risk of 300 jobs because of this relocation and sell-off.
- An urgent sell off was initiated targeted \$60 mil to deal with Council's financial problems. \$62 million dollars of land has been sold.

- The community was promised a performing arts and cultural precinct. Instead, we have a purpose-built tax office. The sites in Gosford have been treated as a chessboard and promises have been broken.
- Broadwater Hotel site – these two lots were added to this site. The current plan will be fought hard by the community.
- The community have like-minded comments to mine and do not support the re-classification.
- Gosford has a good TAFE – functional and adequate. This new proposal is smaller and less than a third of the current size.
- Do not believe Council are looking for an alternate location. These two lots are classified as community land and should remain as is. Council does not have the power to sell, exchange or dispose of community land.
- Despite the MOU, there is another lot – Lot 1 DP 231476 – narrow lot of land classified as community land and forms part of this sell off.
- When will the public hearing occur for this additional lot?
- Believes there has been breach of the Local Govt Act with MOU and conditional exchange for the above two lots + third lot.
- Request legal advice be shared with the report.
- The cultural arts precinct for Gosford is the site of these lots and should remain as is.
- Local Government Act must be followed in all processes of this nature. Does not believe that this process has been conducted in a manner which complies with the requirements of the Act. Believes there are multiple areas in which the Act has been breached, thus compromising this proposal.

Speaker 3:

- Request broader consideration of Gosford – high rise development.
- The first Gosford Plan had criteria important when considering Gosford development.
- A key criterion was the waterfront before building.
- What can be done to activate the night time economy and create a safe environment?
- What do we do about a cultural heart in Gosford?
- The Performing Arts Centre has long been advocated as this cultural heart.
- The area would benefit from learning about the **heritage of Mann Street**.
- Mann Street – heritage, history. Need to **promote experiences within the CBD**.
- The community do not have anyone to go to without councillors. The community want to speak with officers before concrete plans.
- We need a **cultural heart for the community for the residents living in high rise apartments and to encourage night time activation**. This building must remain as is.
- Keep the buildings as is and **improve the consultation process**.
- The **uniqueness and heritage** of the area should be promoted.

Speaker 4:

- Oppose re-classification of community or public land.
- These assets belong to the community and have had very little involvement in this process.
- Lacks consultation and transparency with the community and other stakeholders.
- Sale of these assets is morally ignorant to the community concerns.
- Surplus land – what does this mean? The land is not unwanted or redundant by the community.
- Council can grant a lease of community land – why is this not an option?
- Once the community loses assets, they may never get them back.
- Very little funding has gone towards community assets and roads, increased rates and lack of service.
- Defer any further re-classifications until the community has had an opportunity to democratically elect a new Council who can debate these transactions and give greater

transparency to the debate. If deemed appropriate, then any re-classification should go to a public tender as part of a transparent process. There should be a committee to focus on robust consultation on every matter comprised of Council staff and a majority of rate payers.

- Oppose re-classification of Mann Street and any other re-classification of lands until all options have been exhausted.

Speaker 5:

- Previously discussed lack of community spaces for community gatherings.
- We have made no progress on this issue, our community still lacks sufficient quality community spaces.
- Council is no longer part of Gosford CBD.
- We have been told that Gosford is set to be the geographic centre of a world class city. However, there is no local government presence in the CBD.
- Decreased employment in the city centre caused by relocating Council staff from the Gosford CBD, now no longer able to support the City Centre.
- Community are still going 'without' particularly in the city centre despite council selling council owned assets.
- Community consultation needs to be improved. The community of Gosford had no community spaces. I oppose the re-classification of precious community land and prefer that a future democratic council be able to make a decision informed by more robust community consultation.

Speaker 6:

- Community consultation needs to be improved – how, when, where is often unclear particularly for members of the community.
- I oppose re-classification of land.
- I also support the points made by the speakers before me this evening.
- Need to hold off re-classifying land.
- Gosford Primary School was sold off and no benefit for the community. We cannot have a repeat of outcomes like this.
- Wait until there is an elected Council to decide whether re-classification should proceed.

Speaker 7:

- Land was acquired for a cultural precinct. Council did not resolve to classify this land when they acquired it.
- The absence of a Council resolution infers it should be for community/public purpose.
- Council's financial position has changed and sale of this land is not required.
- Will the proceeds of this sale go towards the Gosford waterfront project?
- The sale of this land could be sold to an unknown buyer – future of the site is unclear.
- The land should not be sold to facilitate the re-development of the Gosford waterfront for private gain.
- Retain the land as community land until it is known if it will be required for the new TAFE campus. No certainty regarding future plans for the site.
- Further consultation is required.

Final Q&A Session:

When each of the registered speakers had concluded the facilitator invited people to make any additional points in relation to the proposed reclassification they thought would assist the decision-makers in the following steps of the process. People who weren't on the registered speaker list were invited to speak first.

The following comments were expressed and are reported as the opinions of individual speakers only:

- I oppose re-classification. I don't understand how will selling this land benefit other residents of the coast.
- I oppose re-classification.
- Gosford is not the geographic centre of the Central Coast.
- Council needs to reconsider locations
- Aboriginal land all reclaimed – against the selling of community land until there is an elected council.
- All decisions to reclassify land should be put off until the Councillors return and when Council is no longer under administration.
- Council consultation needs to be improved – process, where, how, getting the message out.
- Oppose the re-classification of land – support the above. The community are being robbed of a cultural facility.
- Lack of community involvement in decision making – lack of involvement of those indigenous people. Only the land council are involved in discussions.
- The land council are not representative of the broader community.
- Misinformation by DLALC.
- The land council do not represent the broader indigenous community.
- The traditional custodians need to be respected and involved in community consultation. It should not be left to DLALC.
- The focus should be on what makes the community unique – Aboriginal history, settlement history, Mann Street history. This has not been considered as part of this process.
- Gosford CBD is full of history and should be recognised.
- Council need to communicate at 'grass roots' level before making decisions.
- Do not support decisions being made under administration.
- Loss of community space in Gosford CBD is a prevalent issue e.g. loss of Gosford council.
- Re-classification of more community land should not proceed. Lacks community consent.
- I oppose re-classification of land until a democratically elected government.
- If Gosford is to be a 'city' – I am very disappointed in the community consultation tonight.
- What other lands are in the pipeline to be sold? Concerned that there may be further parcels of land targeted for disposal.
- Communication needs to be improved – consultation sessions – location, where, when etc.
- More effective publicity regarding consultation sessions is important. Community need to be better informed about meetings and future land sales. Open and transparent.
- Commissioner, Rik Hart should be present at these community consultation meetings.
- Community members should be given more opportunities to speak in public forums.
- Claim made that in a conversation with Council CEO Mr David Farmer it was stated that TAFE would not need the 73-75 Mann Street land parcel as part of TAFE's activities would go to Ourimbah and others to Newcastle.

Further clarification was requested on the third lot that is subject to reclassification before sale (facing Henry Parry Drive/adjacent to 49-51 Mann Street)

Response: This particular parcel of land was created in about 1975 from road reserve. It is comprised of 38 square metres of land. Its remaining existence is the consequence of administration error. It was meant to be added to the Council chambers lot.

This land was not subject to the bulk classification process when the Local Govt Act came into force in 1993. The size and use of the land has not been considered.

The land in question will go through the re-classification process. Council will commence this process later in the year.

Comments:

Two trees on significant tree register on the third parcel of land.

Legal validity of the re-classification is to be challenged.

This land was not proposed to be re-classified. Lacks transparency.

Informal show of hands re Proposal

A member of the public asked for a show of hands to get an indication of the level of support, or opposition, to the proposal from those present at the hearing.

The result of this informal indication of views was:

- 1 person in favour.
- 1 abstained.
- Remainder of attendees opposed to the reclassification – 21 people.

Written Submissions

A total of six (6) written submissions were received by the Facilitator at the hearing. These have been submitted to Council for consideration.

Conclusion

I am satisfied as the independent person presiding over the public hearing that members of the community present at the hearing were given a fair and reasonable opportunity to provide input in relation to the proposed reclassification matters in accordance with the Local Government Act and that their input was recorded in good faith.

The meeting closed at 6:45pm.



Michael Murray
Managing Director, Michael Murray & Associates
30 March 2023