

13.7	Re-Classification of land - 52 Dickson Close & Lot 21 DP1304306 McHattan Close, Oberon
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File No:	Council Properties
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Author:	Damian O'Shannassy (Planning and Development Director)
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Summary

Council on 18/03/2025 resolved to contact the owner of Lot 90, DP123811 and offer a lease of the Lot 89 DP1238111 - 52 Dickson Close Oberon in accordance with the Mayoral memo.

Legal advice has been received advising that the land must be re classified to Operation Land from Community land prior to being able to lease the land.

Recommendation:

That,

1. Council re-classify Lot 90, DP1238111 known as 52 Dickson Close, Oberon and Lot 21, DP 1304306 McHattan Close, Oberon from Community land to Operational Land.
 2. That a division be called in accordance with Section 375A of the Local Government Act 1993.
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List of Attachments

Nil

Comment

Council owns Lot 89, DP1238111, situated at 52 Dickson Close and Lot 21, DP1304306 McHattan Close within Bracken Estate, Oberon. The lands in question retain small dams and has historically served as drainage reserves, although this designation is not reflected in the title, given it has been established as a freehold allotment.

The allotments in question have no entitlement to build nor has any associated infrastructure (power, gas, water) been provided to the allotments. It simply created allotments to drain overland flow resulting from the new road infrastructure accessing the subdivision.

The below cadastral layer shows the location of the allotments at the end of Dickson Close, and within McHattan Close within the Bracken Estate, Oberon.

Section 31 of the Local Government Act 1993 (LGA) stipulates that where Council has acquired land, within 3 months after its acquisition Council may resolve the land be classified as Community to Operational Land.

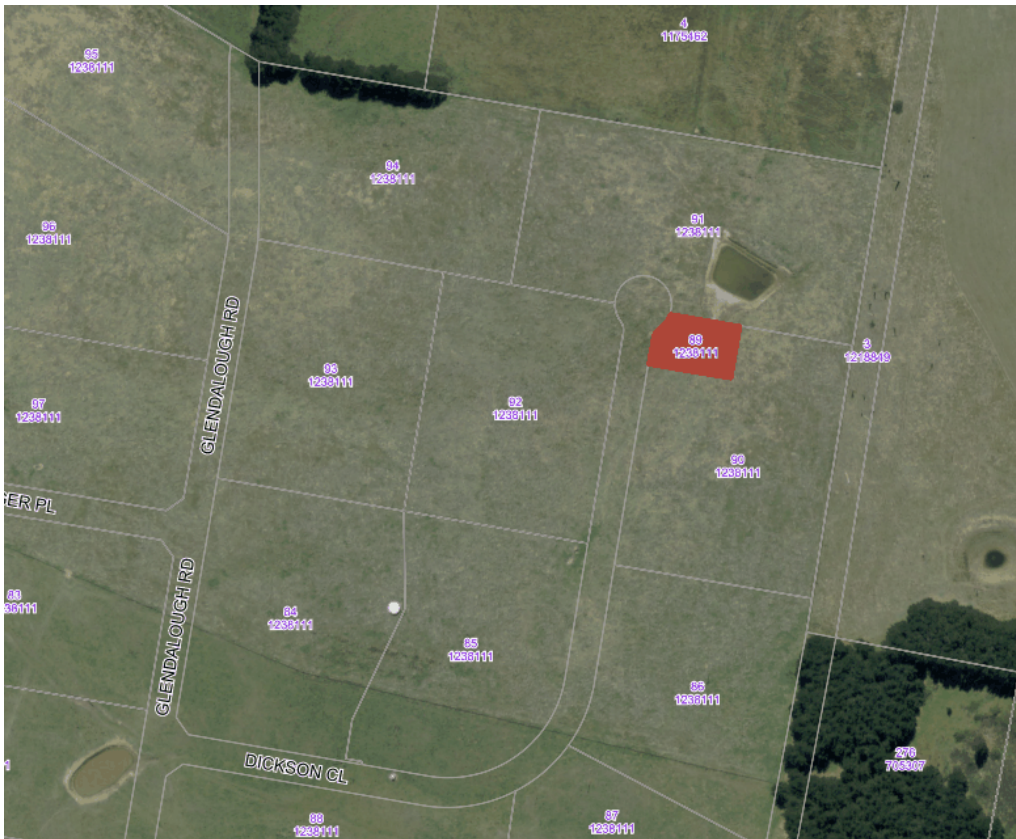
Section 31 (2A) (LGA) states any land acquired this is not classified is, at the end of the 3-month period taken to have been classified under a Local Environmental Plan (LEP) as Community land.

Where land has been classified as Community Land, the classification may be changed by an amendment to the LEP.

The subject land can only be leased if the subject land is re classified from Community Land to Operational Land.

Therefore, it is recommended that Council re classify the land and a Planning Proposal is submitted to the Department of Planning, Housing and Infrastructure (DPHI).

1. Location of the Proposals



Lot 89 DP1238111 - 52 Dickson Close Oberon



Lot 21, DP1304306 McHattan Close Oberon

Financial Implications

Planning staff will prepare the Planning Prospal inhouse to submit to The Department of Planning, Housing and Industry (DPHI) therefore there will be no impact to Council budget, however the creation of appropriate legal caveats over the land will have costs associated with the lease.

Relevance to Oberon Community Strategic Plan**Theme 4: Infrastructure and Services**

Action 4.2 Provide accessible, safe and well maintained community spaces and facilities

4.2.11 Assets maintenance and improvement program for Council properties

Risk Category

Business Continuity

Financial

Public Image and Reputation

Risk Severity Ranking

Minor - 32%

34 Glyndwr Ave Reclassification resolution 2015 (Extract of meeting minutes).

Oberon Council - Agenda and Business Papers – Ordinary Meeting – 15 December 2015

10.04 NOTICE OF MOTION – PARK LAND IN GLYNDWR AVENUE

File No: Parks and Reserves

Author: Cllr Clive McCarthy

Summary

That park land in Glyndwr Avenue be changed to operational land and be sold.

Motion

That Oberon Council change community land (park) in Glyndwr Avenue to operational land as a park has been provided at the south end of Glyndwr Avenue and that Council sell the lot fully serviced (water and sewer).

10.04 NOTICE OF MOTION – PARK LAND IN GLYNDWR AVENUE

File No: Parks and Reserves

Author: Cllr Clive McCarthy

Summary

That park land in Glyndwr Avenue be changed to operational land and be sold.

Moved: McCarthy

Second: Lord

That Oberon Council change community land (park) in Glyndwr Avenue to operational land as a park has been provided at the south end of Glyndwr Avenue and that Council sell the lot fully serviced (water and sewer).

Carried 06 151215

13.6 DEVELOPMENT APPLICATION 2025.033 - 1 x Meteorological monitoring mast - 879 Mount David Road Mount David

File No: PR245-879

Author: Bennett Kennedy (Senior Town Planner), Damian O'Shannassy (Planning and Development Director)

Summary

Council is in receipt of a Development Application for the purpose of installing a Meteorological Mast for the purpose of researching and determining the feasibility of electricity generation works (wind turbines).

The proposed single mast will have a maximum height of 160m and will be installed on footings of 2.1 m x 2.1 m x 0.6 m. It is comprised of a slimline lattice tower and uses guy wires that are anchored into the ground using steel poles to support the mast.

The report recommends approval of the application subject to conditions.

Moved: Clr Hayden

Second: Clr Tucker

That:

1. Council approve Development Application 2025.033 for 1 x meteorological mast at Lot 168, DP753047, known as 879 Mount David Road, Mount David, subject to the conditions contained within the report, for the following reasons;
 - a. The development is permissible under Section 2.36(1)(b) of the State Environmental Planning Policy (Transport and Infrastructure) 2021;
 - b. The development complies with the relevant provisions of Part 'O' of Council's Development Control Plan 2001, and
 - c. The development is considered to be appropriate and will not impact the locality unreasonably.
2. That a division be called in accordance with Section 375A of the Local Government Act 1993.

Carried - Resolution No: 17 - 15/07/2025

Division

Votes for: Clr McKibbin, Clr Graham, Clr Hayden, Clr Trembath and Clr Tucker

Votes against: Clr Alevras, Clr Lee and Clr O'Connor

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File No: Council Properties

Author: Damian O'Shannassy (Planning and Development Director)

Summary

Council on 18/03/2025 resolved to contact the owner of Lot 90, DP123811 and offer a lease of the Lot 89 DP1238111 - 52 Dickson Close Oberon in accordance with the Mayoral memo.

Legal advice has been received advising that the land must be re classified to Operation Land from Community land prior to being able to lease the land.

Moved: Clr Tucker
Second: Clr Trembath

That:

1. Council re-classify Lot 89, DP1238111 known as 52 Dickson Close, Oberon and Lot 21, DP 1304306 McHattan Close, Oberon from Community land to Operational Land.
2. That a division be called in accordance with Section 375A of the Local Government Act 1993.

Carried - Resolution No: 18 - 15/07/2025

Division

Votes for: Clr McKibbin, Clr Graham, Clr Alevras, Clr Hayden, Clr Lee, Clr O'Connor, Clr Trembath and Clr Tucker
Votes against: Nil

13.8	Policy 3113 - Street Furniture
File No:	Governance/Policies
Author:	Damian O'Shannassy (Planning and Development Director)

Summary

Policy 3113 Street Furniture has been reviewed and is presented for Council's consideration prior to placing on public exhibition.

Moved: Clr Alevras
Second: Clr Graham

That Council:

1. Endorse Policy 3113 – Street Furniture and place it on public exhibition for a period of 28 days.
2. If no submissions are received during the exhibition period, the policy be adopted as presented.
3. Delegate to the General Manager to make any minor changes proposed.