

9.10 Draft Plan of Management Old Gulgong Fire Station - Post Crown Review

REPORT BY THE MANAGER PROPERTY AND REVENUE

TO 20 SEPTEMBER 2023 ORDINARY MEETING

GOV400103, COU500102, 4532, 8586, 13084

RECOMMENDATION

That Council:

1. **receive the report by the Manager Property and Revenue on the Draft Plan of Management Old Gulgong Fire Station - Post Crown Review ;**
2. **note and adopt the changes advocated by Department Planning & Environment – Crown Lands & Public Spaces as indicated in this Report to the draft v7 Plan of Management Old Gulgong Fire Station;**
3. **note that written consent of the draft v7 Plan of Management Old Gulgong Fire Station as amended by Department Planning & Environment – Crown Lands & Public Spaces has been received;**
4. **place the amended draft v7 Plan of Management Old Gulgong Fire Station on public exhibition, as per s38 of the Local Government Act 1993; and**
5. **receive a further report at the conclusion of the public exhibition period to consider any submissions received or if substantial changes are recommended for any reason.**

Executive summary

The purpose of this report is for Council to consider the proposed changes advocated by Department Planning & Environment – Crown Lands & Public Spaces (Crown) as cited in draft v7 Plan of Management for the Old Gulgong Fire Station (the PoM) and; for Council to resolve to place the amended draft PoM on public exhibition as per s38 of the Local Government Act 1993 (the Act), if the proposed Crown changes are adopted.

Draft v7 of the PoM is appended as Attachment 1 to this report.

Disclosure of Interest

Nil

Detailed report

At the Meeting of Council held on 21 September 2022, Council was presented with the draft v6 PoM .

Council resolved, via Minute 281/22, to refer this version to Crown for consideration in accordance with s39 of the Act to seek written consent to adopt the draft Plan in accordance with s3.23(6) Crown Land Management Act 2016 (CLMA).

Crown has subsequently reviewed this version and has approved the exhibition of the Old Gulgong Fire Station Plan of Management based on the following amendments:

- A contraction of the area designated for extension of the Community Use Space on the preferred use diagram, to be contained within the existing Old Fire Station Reserve as shown on the following diagrams –

Proposed use/purpose boundaries cited in v6 of the PoM



Use/purpose boundaries as directed by Crown and as amended in v7 of the PoM



Figure 25 - Preferred Use

Crown's direction means that any proposed extension to the Fire Station building will need to be confined to the Fire Station building site. Whilst future extension of the building cannot spill over onto the car park site, the other uses which would complement the building site development on its south/east boundary such as access, landscaping, rest infrastructure, signage/information, will be considered as ratified uses, ancillary to the reserve purpose of Car Park.

- Update of the PoM for changes in the State wide Environmental Planning Instruments.
- Removal of a footnote suggesting additional purposes for R90876 – for Preservation of Historic Sites and Buildings.
- Other amendments of a minor nature.

None of these amendments greatly impact Council's intent for the future management and development of the Reserves.

Draft v6 has been subsequently amended to accommodate Crown's directions.

Crown's letter of consent/support for v7 of the PoM is appended as attachment 2 to this report.

It is recommended that Council adopt the amendments as advocated by Crown and proceed to exhibit v7 of the Pom in accordance with s38 of the Act.

During the exhibition period, it is proposed to conduct a walk-in open session to invite the public to review the PoM and discuss its aspects with the consultant and Council staff.

NOTIFICATION AND EXHIBITION

Sections 38, 39, 40A LGA and section 3.23 CLMA set out the requirements.

The PoM will be placed on public exhibition for a period of 28 days, allowing not less than 42 days after the date on which the draft plan is placed on exhibition, to receive submissions.

If significant amendments are made to a draft PoM in relation to a reserve, the PoM must be referred back to the Crown with further public exhibition if required. If proposed changes are not substantial, a draft PoM may be referred to Council for consideration to adopt without further Crown referral or public exhibition.

Community Plan implications

Theme	Good Government
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Goal	An effective and efficient organisation
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Strategy	Prudently manage risks association with all Council activities
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Strategic implications

Council Strategies

The PoM will provide strategic direction for Community Land and Crown Land and is consistent with Council's responsibilities under the Act and the CLMA. The PoM identifies the permissible uses and possible development for the land parcels cited. Identified possible development may be considered through the normal operational planning and budget processes and constraints.

Council may not undertake any activities, uses or developments which are not provided for in the PoM.

Council Policies

Not applicable

Legislation

Crown Land Management Act 2016

Division 3.4 – Crown Land managed by Councils.

Division 3.6 – Plans of Management and other plans.

Section 8.7 - When advice of Native Title Manager is required.

Local Government Act 1993

Part 2 Division 2 – Use and Management of Community Land.

Native Title Act 1993 (Commonwealth)

Section 233 – Future Act.

Financial implications

The PoM will not have an immediate financial impact. Any future priorities identified as part of the PoM will be considered through the normal operational planning and budget processes.

Associated Risks

The PoM was prepared by a consultant in consultation with Council's management, the general public and Crown. It addresses Council's various public land management obligations under the Act and the CLMA and clearly sets out these requirements.

One of the key aims of a PoM is to ensure that management of Crown Reserves is conducted in accordance with requirements of the NSW *Aboriginal Land Rights Act 1983* and *Native Title Act 1993*, reducing the potential for Council to be in breach of either piece of legislation.

There is a risk of delay for the use or development of the Fire Station or adjoining Reserve sites due to the lengthy process if an amendment is required to the PoM.

DIANE SAWYERS
MANAGER PROPERTY AND REVENUE

LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

5 September 2023

- Attachments:**
1. Final draft POM Gulgong Fire Station - v7. (separately attached)
 2. Letter Consent Minister - Old Gulgong Fire Station PoM v7. (separately attached)

APPROVED FOR SUBMISSION:

JULIAN GEDDES
ACTING GENERAL MANAGER