

16.6 PLANNING PROPOSAL AND RECLASSIFICATION OF LAND - 36 HOWARD BOUVELVARD, GOULBURN

Authors: Business Manager Strategic Planning
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Authoriser: Aaron Johansson, Chief Executive Officer

Attachments: Nil

Link to Community Strategic Plan:	4. Our Environment EN4 Maintain a balance between growth, development and environmental protection through sensible planning.
Cost to Council:	Cost of public hearing specifically associated with the planning proposal.
Use of Reserve Funds:	N/A

RECOMMENDATION

That:

1. In addition to Council preparing a planning proposal to rezone 36 Howard Boulevard (Lot 164 DP 250803) from RE1 Public Recreation to R1 General Residential and introducing a minimum lot size of 700m², the planning proposal include an amendment to Schedule 4 (Part 2) of the *Goulburn Mulwaree Local Environmental Plan 2009* to include 36 Howard Boulevard, Goulburn to discharge the interests on the land in relation to a Caveat on the title and Public Reserve status and reclassify the land to “Operational” for the purposes of *the Local Government Act 1993*.
2. Council reclassifies the land (Lot 164 DP 250803) to “Community” under the *NSW Local Government Act 1993* via resolution and a public notice be advertised informing of Council’s decision.
3. NSW Department of Planning, Housing and Infrastructure be the plan making authority in relation to point 1 of the resolution.
4. The amended planning proposal be resubmitted to NSW Department of Planning, Housing, and Infrastructure for a gateway determination, with consultation and public exhibition to occur in accordance with any gateway determination.

Section 375A of the Local Government Act 1993 requires General Managers to record which Councillors vote for and against each planning decision of the Council, and to make this information publicly available.

BACKGROUND

Council resolved at its meeting on 7 March 2023 to commence the reclassification process for the park on the corner of Gibson Street and Howard Boulevard in relation to a land swap proposal from NSW Land and Housing Corporation. Pending the outcome of the reclassification, Council would proceed with a planning proposal to rezone the land from RE1 Public Recreation.

Council further resolved at its meeting of 19 December 2023 to reclassify 36 Howard Boulevard, Goulburn (Lot 164 DP 250803), Goulburn from “Community” land to ‘Operational’ land under the *Local Government Act 1993*.

REPORT

After the resolution on 19 December 2023, a draft planning proposal has been prepared and submitted to NSW Department of Planning, Housing, and Infrastructure (DPHI) via the gateway process.

As part of the above process, DPHI has advised Council that reclassification of 36 Howard Boulevard, Goulburn under the *Local Government Act 1993* does not remove a “Public Reserve status”. This is a separate matter outside of the RE1 Public Recreation zoning or the land classification as such, as it relates to the land title and any interests/dealings associated with it.

The only mechanism to remove the Public Reserve status and Caveat on the title is through the planning proposal process (refer Section 30 *NSW Local Government Act 1993*). This is a technical issue but is required to proceed with this proposed land dealing.

To progress this matter:

- Council must reclassify the land back to “Community” land via a resolution as an interim measure to address the issue with the interests on the land title.
- Amend the resolution to prepare the LEP to include the reclassification under *the Local Government Act 1993*, and to include the lifting of the Public Reserve status and Caveat. Furthermore, Council will not be the delegated plan making authority. The DPHI will be the plan making authority as this amendment will need to be approved by the NSW Governor to lift the Caveat and Public Reserve status.

Council is required to undertake a public exhibition/consultation process with the planning proposal phase. This public exhibition will need to incorporate a public hearing.

In conclusion, to lift the Public Reserve status and Caveat, the planning proposal process will be required to be expanded to include the reclassification of the land (incorporating discharge of the interests). It is therefore recommended that Council reclassify the land back to “Community” land via a resolution and amend the Council resolution for the planning proposal to include these matters.

16.6 PLANNING PROPOSAL AND RECLASSIFICATION OF LAND - 36 HOWARD BOUVELVARD, GOULBURN**RESOLUTION 2024/101****Moved: Cr Daniel Strickland****Seconded: Cr Michael Prevedello****That:**

- 1. In addition to Council preparing a planning proposal to rezone 36 Howard Boulevard (Lot 164 DP 250803) from RE1 Public Recreation to R1 General Residential and introducing a minimum lot size of 700m², the planning proposal include an amendment to Schedule 4 (Part 2) of the *Goulburn Mulwaree Local Environmental Plan 2009* to include 36 Howard Boulevard, Goulburn to discharge the interests on the land in relation to a Caveat on the title and Public Reserve status and reclassify the land to “Operational” for the purposes of *the Local Government Act 1993*.**
- 2. Council reclassifies the land (Lot 164 DP 250803) to “Community” under the *NSW Local Government Act 1993* via resolution and a public notice be advertised informing of Council’s decision.**
- 3. NSW Department of Planning, Housing and Infrastructure be the plan making authority in relation to point 1 of the resolution.**
- 4. The amended planning proposal be resubmitted to NSW Department of Planning, Housing, and Infrastructure for a gateway determination, with consultation and public exhibition to occur in accordance with any gateway determination.**

Section 375A of the Local Government Act 1993 requires General Managers to record which Councillors vote for and against each planning decision of the Council, and to make this information publicly available.

CARRIED

In Favour: Crs Carol James OAM, Bob Kirk, Michael Prevedello, Daniel Strickland, Jason Shepherd and Peter Walker

Against: Crs Steven Ruddell and Andy Wood