

REPORT OF PUBLIC HEARING

PLAN OF MANAGEMENT FOR ELLIOTT PARK



Crown Reserve No. 9983

Re-categorisation of part of Lot 7017 DP 1019596

PHONE

E-MAIL

TABLE OF CONTENTS

INTRODUCTION 1

PLAN OF MANAGEMENT RECATEGORYING PART OF ELLIOTT PARK..... 2

PUBLIC HEARING 5

CONSIDERATION OF SUBMISSIONS AND ISSUES RAISED AT THE PUBLIC HEARING..... 6

CONCLUSION 7

RECOMMENDATION..... 7

APPENDIX A – NOTIFICATION OF DRAFT PLAN OF MANAGEMENT & PUBLIC HEARING..... 8

APPENDIX B – MINUTES OF PUBLIC HEARING HELD ON 16 DECEMBER 2020 9

INTRODUCTION

The following report provides details of the Public Hearing held in the chambers of Murrumbidgee Council, Jerilderie on Wednesday, 16 December 2020 concerning re-categorisation of part of Crown Reserve No. 9983 to “*general community use*” through the preparation of a Plan of Management for Elliott Park, Jerilderie.

Elliott Park is classified a community land under the provisions of the Local Government Act, 1993 (LG Act) and is owned by the State of NSW and managed by Murrumbidgee Council. All community land must have a plan of management prepared for it to identify important features of the land, how Council as the Crown Land Manager will manage that land and how that land may be used or developed.

Under the Crown Land Management Act 2016 (CLM Act), the purpose of Elliot Park is that of a *public reserve* and under the LG Act must be categorised as of one of the following:

- Natural area – bushland, wetland, watercourse, escarpment or foreshore
- Sportsground
- Park
- Area of cultural significance
- General community use

The reserve has been categorised as a *park* and with the draft Plan of Management for Elliott Park seeks to re-categorise part of the reserve to *general community use* to help facilitate the development of a community building that provides long day care, kindergarten, out-of-hours school care and rooms for allied health professionals.

When preparing a plan of management seeking to change the category of community land, whether it is in whole or in part, or when an additional category is to be added a public hearing must be held in accordance with section 40A of the LG Act. Prior to making a decision to adopt the plan of management Council must consider report which takes into account any written submissions made during the exhibition period and any oral submissions made at the public hearing.

PLAN OF MANAGEMENT RECATEGORISING PART OF ELLIOTT PARK

The Plan of Management for Elliott Park seeks to re-categorise part of Crown Reserve No. 9983, being part of Lot 7017 DP 1019596 to include *general community use* as delineated in Figure 1 on the following page.

The re-categorisation will allow for the construction of a community facility that provides a long day care centre, kindergarten, out-of-hours school care and rooms for allied health professionals which otherwise would not be permitted within the current category of the reserve as a *park*.

Section 3.23(6) of the CLM Act requires Murrumbidgee Council to adopt a Plan of Management for any Crown reserve for which it is the appointed Crown Land Manager, and that is classified as community land under the LG Act. These plans must be prepared and adopted in accordance with the provisions of Division 2 of Part 2 of Chapter 6 of the LG Act.

With regard to Elliott Park, the core objectives for the management of community land categorized as a *park* and for *general community use* are set out in Clause 36G and 36I respectively. These core objectives are as follows:

36G Core objectives for management of community land categorized as a park

The core objectives for management of community land categorised as a park are—

- (a) to encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities, and*
- (b) to provide for passive recreational activities or pastimes and for the casual playing of games, and*
- (c) to improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management*

36I Core objectives for management of community land categorised as general community use

The core objectives for management of community land categorised as general community use are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public—

- (a) *in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and*
- (b) *in relation to purposes for which a lease, license or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities)*

Figure 1 – Local Government Act categorisations within Elliott Park



Legend



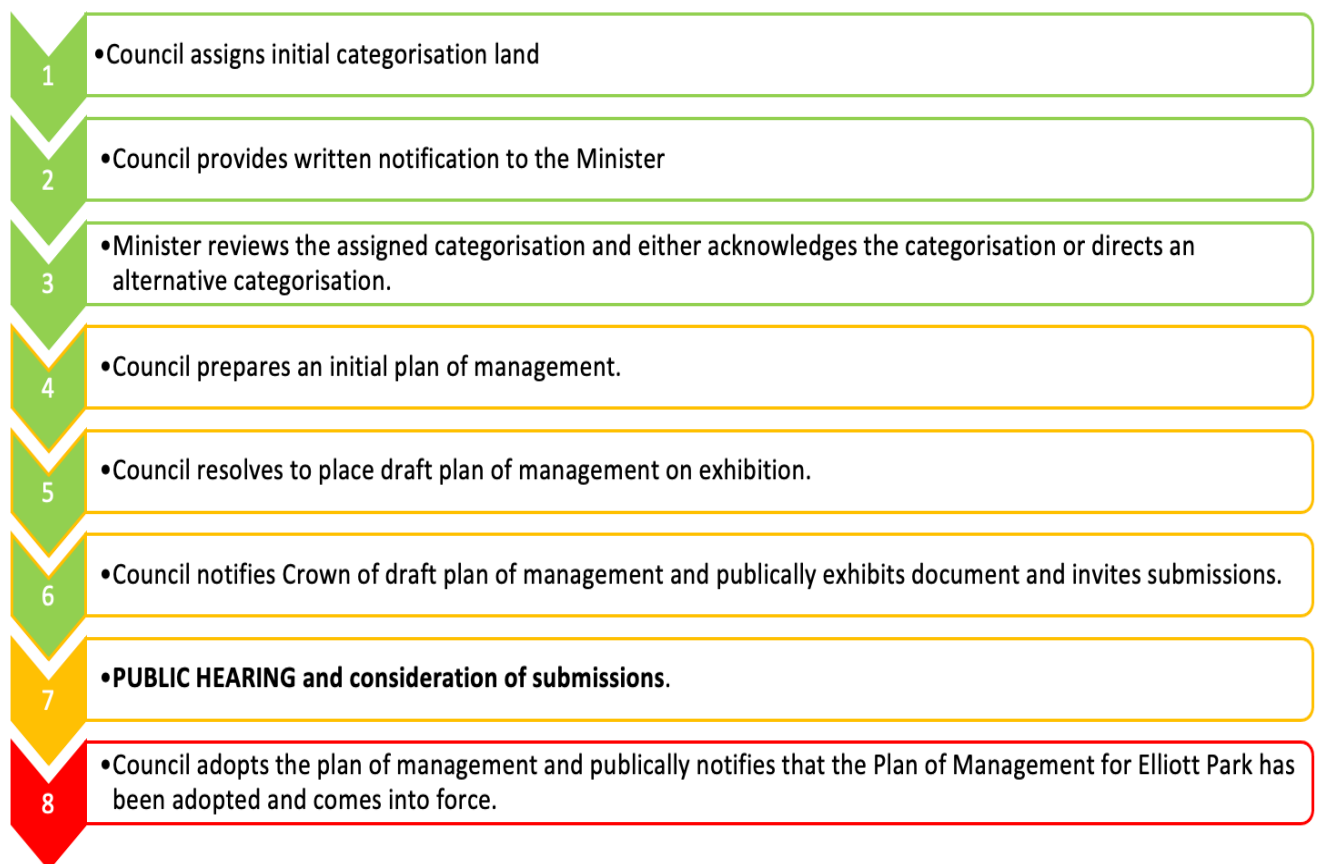
-  Park
-  General community use

Figure 2 below sets out the processes undertaken in the preparation of the draft plan of management for Elliott Park to date. Part of re-categorisation process requires a public hearing to be held pursuant to section 40A of the LG Act which following the exhibition of the draft plan of management. The draft Plan of Management for Elliott Park was on public exhibition for a period of 28 days commencing 28 October 2020 and ending on 25 November 2020 with submissions closing on 9 December 2020. The notification was on Council's website and published in the Southern Riverina News on 28 October 2020 and 18 November 2020. The notice for the Public Hearing was given on 25 November. Extracts of the public notices are set out in Appendix A.

Figure 2 – Local Government Act categorisations within Elliott Park



PUBLIC HEARING

In accordance with section 40A(1) of the LG Act, a Public Hearing for the Plan of Management for Elliot Park was held in the chambers of Murrumbidgee Council, Jerilderie on Wednesday, 16 December 2020.

Pursuant to Section 47G(2) of the Act the person presiding over the hearing, Steven Parisotto of PARISPLAN Urban and Regional Planning, declares that he:

- (a) is not a Councillor or employee of Murrumbidgee Council; and
- (b) has not been a Councillor or employee of Murrumbidgee Council at any time during the 5 years before his appointment as chair for the public hearing.

Section 47G(3) of the Act requires that the person chairing the hearing must provide a report that addresses the outcome of the hearing and that Council must, within four (4) days of receiving the that report, make a copy of it available for inspection by the general public at a location within the Council area. In this regard a copy of the report should be made available and the Council offices and on its website.

The hearing at Jerilderie was attended by Steven Parisotto, as chairperson and the following persons:

- Mayor Ruth McRae
- Cr Faith Bryce
- John Scarce, General Manager (Murrumbidgee Council)
- Heidi Bryce (Murrumbidgee Council), minute taker
- Vicki Sutton (Murrumbidgee Council)
- Carina Rorato
- Tony Maslen

An apology received from Kelly Tyson, Manager Planning and Environment (Murrumbidgee Council).

The Public Hearing commenced at 5.30pm with an acknowledgement of country and welcome, followed by a short power-point presentation outlining the purpose of the hearing and background to plan of management and the purpose of the additional categorisation.

The Chair informed those present at the hearing that no written submissions were received following the close of the exhibition/submissions period and invited those present, should they wish to do so, to make their submissions.

Mr Maslen spoke regarding Elliott Park, commenting on his desire to have the reserve restored to former presentation of nice gardens particularly where a plaque honouring William Elliott is situated within the park. He also added that he thought the area will look quite nice once the preschool/long day care centre is established. The Chair responded confirming the Plan of Management both allows for additional landscaping and garden beds and also requires existing lawns and gardens with the reserve to be adequately maintained.

Mr Maslen further commented on the amenities building requires upgrading. Mayor McRae responded to this highlighting that there were other facilities in town, but otherwise his suggestion was noted. The Chair then confirmed the plan of management allows for new public amenities and that it requires Council to maintain the existing amenities to be in a good usable condition.

The hearing concluded at 5.42pm

A copy of the minutes of the meeting set out in Appendix B.

CONSIDERATION OF SUBMISSIONS AND ISSUES RAISED AT THE PUBLIC HEARING

No written submissions were received during the exhibition of the Plan of Management for Elliott Park and its close on 9 December 2020.

The oral submissions made at the Public Hearing held on 16 December 2020 raised no objections to the draft Plan of Management for Elliott Park nor to the re-categorisation of part of the reserve to *general community use*.

The matters raised at the Public Hearing by Mr Maslen in respect to the restoration and maintenance of gardens and the condition and upkeep of the amenities' building are contained within the Plan of Management for Elliott Park. In this regard no changes to the exhibited draft plan of management needs to be made.

CONCLUSION

The public hearing held on Wednesday, 16 December 2020 was conducted in a manner that satisfied the procedural requirements of the Local Government Act, 1993 and no actions arise as a consequence of that hearing. On this basis the plan of management for Crown Reserve No. 9983 which seeks to re-categorise part of Elliott Park for *general community use* can be supported.

RECOMMENDATION

Given that no submissions were received objecting to the exhibited plan of management, and in response to the outcome of the public hearing, the following recommendation is made to Murrumbidgee Council:

1. The Plan of Management for Elliott Park, which includes the re-categorisation of part of Lot 7017 DP 1019596 being Crown Reserve No. 9983 should proceed and be adopted.



STEVEN PARISOTTO, MPIA

PRINCIPAL, PARISPLAN URP

17 December 2020

APPENDIX A – NOTIFICATION OF DRAFT PLAN OF MANAGEMENT & PUBLIC HEARING

Figure A – Public appearing in Southern Riverina News on 28 October & 18 November 2020



Figure B – Notice of Public Hearing appearing in Southern Riverina News on 25 November 2020



APPENDIX B – MINUTES OF PUBLIC HEARING HELD ON 16 DECEMBER 2020

**MINUTES OF THE PUBLIC HEARING OF THE DRAFT PLAN OF MANAGEMENT FOR ELLIOTT PARK
HELD IN THE MURRUMBIDGEE COUNCIL CHAMBERS, JERILDERIE
ON WEDNESDAY 16 DECEMBER 2020 COMMENCING AT 5.30PM**

PRESENT

Present were Steven Parisotto (Chair), Councillors Ruth McRae (Mayor) and Faith Bryce, John Scarce, Vicki Sutton, Carina Rorato & Tony Maslen.

MINUTES

Heidi Bryce

APOLOGIES

Apologies were received from Kelly Tyson.

ACKNOWLEDGEMENT OF COUNTY

5.30pm - The Chair opened the meeting acknowledging the traditional custodians of the land.

PRESENTATION

5.31pm - The Chair welcomed staff, Councillors and the members of the public and made a short power point presentation explaining the requirement of the public hearing and background and overview of the Plan of Management for Elliott Park.

5.32pm - No written submissions were received during the period of exhibition of the plan.

The Chair invited attendees to make an oral public submission highlighting instructions to do so.

5.33pm - Tony Maslen joined the meeting, the Chair invited oral submissions again.

5.34pm - Tony Maslen spoke regarding Elliott Park, commenting on his desire to have is restored to former presentation of nice gardens particularly where a plaque is situated. He also commented that he thought the area will look quite nice once the Preschool/ Long Day Care Centre is established.

5.35pm - The Chair responded confirming the Plan of Management allows for garden works and such to be undertaken by Council at the Park.

5.36pm - Carina Rorato requested the site plan be shown on the screen again to who Tony Maslen. The Chair briefly explained the layout of the proposed Centre in relation to the Park.

5.38pm - Tony Maslen commented on the Public Toilets needing upgrading.

5.38pm - The Mayor responded highlighting the other facilities in town, however his suggestion would be noted.

5.39pm - The Chair confirmed the Plan of Management allows for the Public Toilets and keeping them in good usable condition.

5.39pm - The Mayor asked for a timeframe and asked if the Plan of Management could be taken to Council meeting tomorrow for adoption.

5.40pm - The Chair confirmed he would have his report to Council in the morning. Council will then be in the position to give owners consent for the Long Day Care Centre development application.

There being no further submissions or questions, the meeting closed at 5.42pm