

Public Hearing Report

to Georges River Council
in relation to the

Proposed Categorisation for

Hurstville Oval and Timothy Reserve



Prepared for Georges River Council

by

Andrew Ginns
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23 June, 2020

Statement of Report Purpose and Compliance

This Public Hearing Report has been prepared and submitted by:

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in relation to a Public Hearing, held digitally on Thursday 11th June 2020, into the proposed categorisation of Hurstville Oval and Timothy Reserve as Sportsground and Park. This report has been prepared for Georges River Council.

Certification:

I certify that I acted in the role of Independent Chairperson at the above mentioned Public Hearing, have prepared this Report myself, and that the contents of this Report are a true and fair account of the Public Hearing in all material particulars and do not (by the presentation or omission of information) materially mislead.

A handwritten signature in black ink, appearing to be 'AG', written over a horizontal line.

Andrew Ginns
Director - Gondwana Consulting Pty Ltd

23 June 2020

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1. INTRODUCTION

Georges River Council is in the processing of preparing a “plan of management” for Hurstville Oval and Timothy Reserve.

Plans of management are important documents that guide the use, development and management of areas of land that a local council owns, or has an interest in, or manages on behalf of and for the benefit of the community (defined as “community lands”).

The *Local Government Act 1993* (LG Act 1993) governs the preparation of plans of management, setting out how a plan is to be prepared and what they are required to contain. Section 36 of the Act requires the “categorisation” of the lands covered by a plan of management, according to a set of specific categories set out in the Act. These categories in turn provide objectives and broad directions for the management of an area.

The *Crown Land Management Act 2016* commenced on 1 July 2018, introducing a consolidated, modern piece of legislation to govern the management of Crown Land in NSW. The CLM Act introduces significant changes to the management of Crown Land by Councils. Specifically, Councils are now required to manage dedicated or reserved Crown Land as if it were public land under the Local Government Act 1993, including provisions relating to categorisation.

As required by the LG Act 1993, Georges River Council placed the Draft Plan of Management for Hurstville Oval and Timothy Reserve on public exhibition to allow members of the community to provide comment and feedback. The Draft Plan of Management was placed on public exhibition from 22 January until 4 March 2020.

The public hearing, that is the subject of this report, is part of that public exhibition process. A public hearing into the proposed recategorisation of Hurstville Oval and Timothy Reserve was initially scheduled for 1 April 2020 at Council’s Hurstville Service Centre. This hearing was postponed as a result of social distancing requirements of the COVID 19 coronavirus pandemic.

The public hearing was rescheduled to 11 June 2020 as an online meeting and was promoted on Council’s website.

1.1 Requirement for a Public Hearing

Section 40A of the *Local Government Act 1993* requires (with some limited exclusions in relation to lands categorised as a natural area) that where a draft plan of management would have the effect of altering the current categorisation of an area of community land, or categorising an area of community land not previously categorised, then a “public hearing” is to be held in respect of the draft plan and its proposed categorisation.

Hurstville Oval and Timothy Reserve are currently managed under the dual categories of ‘Sportsground’ and ‘Park’ within a Generic Plan of Management for Sportsgrounds adopted in 2006. When the amendments to the Crown Land Management Act came into effect on 1 July 2018, Council was required to categorise all Crown lands managed by Council. In the case of the Crown Reserve at Hurstville Oval Council provided advice to the Crown that this

area be categorised as Park. This advice effectively superseded the categorisation in the Generic Plan of Management for Sportsgrounds.

The current Draft Plan of Management for Hurstville Oval and Timothy Reserve categorises the area as Sportsground and Park (with no overlap of the two categories).

Section 47G of the Act requires (for any public hearing required to be held in relation to “Part 2 Public Land” of the Act) that “the person presiding at a public hearing must not be:

- a councillor or employee of the council holding the public hearing, or
- a person who has been a councillor or employee of that council at any time during the 5 years before the date of his or her appointment.”

Gondwana Consulting’s Director, Andrew Ginns, meets this definition of an “independent person” under the Act (despite Gondwana Consulting having prepared the Hurstville Oval and Timothy Reserve Draft Plan of Management). Accordingly Andrew Ginns was the “independent” chairperson presiding over the public hearing, and responsible for preparation of this Public Hearing Report for Council’s consideration.

Section 47G of the Act also requires that a council makes a copy of the public hearing report available for inspection by the public no later than 4 days after it receives the report from the independent person presiding at the public hearing.

2. BACKGROUND

2.1 The Draft Plan of Management

The planning process for preparing the Plan of Management is summarised below in Figure 1 below.

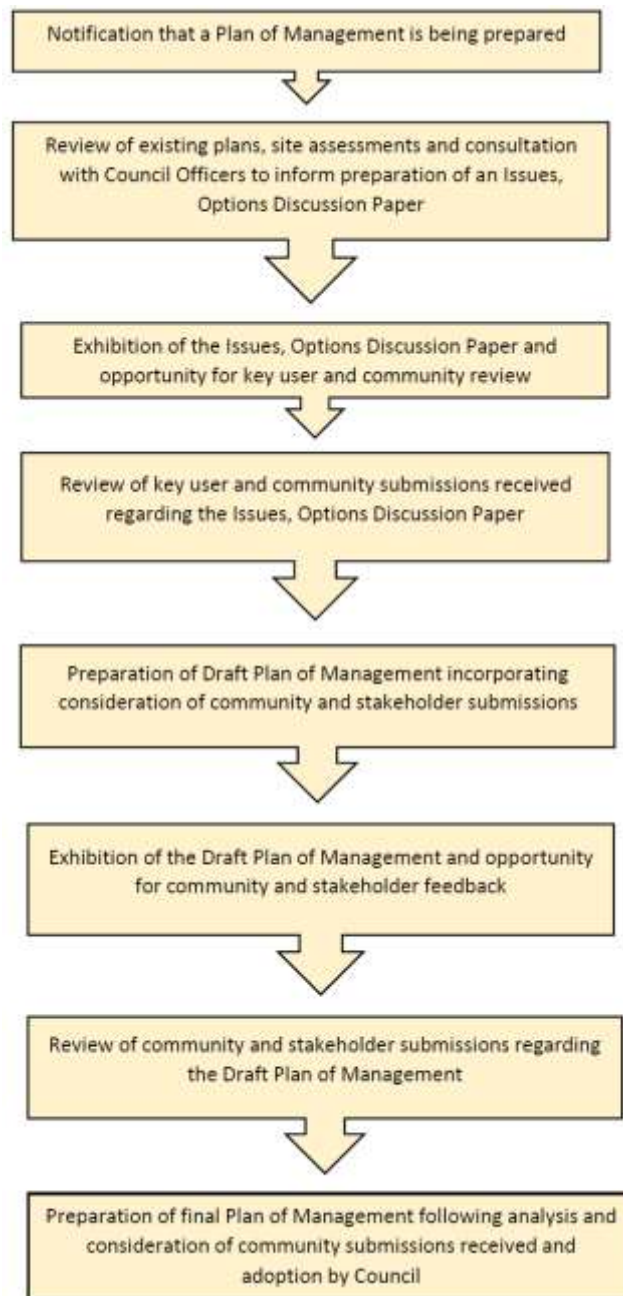


Figure 1 - Plan of Management planning process

The vision as set out in the Draft Plan of Management is that -

Hurstville Oval and Timothy Reserve as an integrated site is an established State level sports facility with a capacity to hold local and interstate fixtures across a variety of sports, predominantly cricket and cycling. For the broader community, it provides a significant integrated open space and associated facilities supporting a diverse range of passive and active recreation, leisure and cultural user opportunities.

2.2 Subject Land

Hurstville Oval and Timothy Reserve includes two parcels of land, one being Community Land owned by Georges River Council and the other a Crown Land parcel dedicated in 1899 extending across the bulk of the site being managed as Reserve Trust by Georges River Council.

The Draft Plan of Management applies across both parcels of land which are zoned Public Recreation under the Hurstville Local Environmental Plan 2012.

The landholdings that comprise Hurstville Oval and Timothy Reserve are listed in Table 1 and shown on Figure 2.

Description	Address	Title Reference	Owner	Land Classification
Hurstville Oval	30 Dora Street	Lot 1 DP 919317	Crown/State of NSW – CR500461 Gazetted 28/6/1899 Public Park	Crown Reserve for purpose of “Public Park”
Timothy Road Reserve	30D Dora Street	Lot 53 DP9355	Georges River Council	Community

Table 1 – Subject Land Description (Source – Georges River Council Land Register)



Figure 2 – Hurstville Oval and Timothy Reserve (Source – Google Earth)

2.3 Proposed Categorisation

Hurstville Oval and Timothy Reserve are currently managed under the dual categories of 'Sportsground' and 'Park' within a Generic Plan of Management for Sportsgrounds adopted in 2006. When the amendments to the Crown Land Management Act came into effect on 1 July 2018, Council was required to categorise all Crown lands managed by Council. In the case of the Crown Reserve at Hurstville Oval Council provided advice to the Crown that this area be categorised as Park. This advice effectively superseded the categorisation in the Generic Plan of Management for Sportsgrounds.

It is proposed under the Draft Plan of Management that Hurstville Oval and supporting built structures, as well as the site of the proposed new pavilion, be categorised and managed as 'Sportsground' and the remaining areas of the site be categorised and managed as 'Park'.

Dual categorisation will apply to the Crown Land parcel (Lot 1 DP919317). All of Hurstville Oval and associated current and proposed built structures will be managed in accord with the core objectives of 'Sportsground', whilst remaining areas of the park will be managed in accord with the core objectives of 'Park'.

The spatial extent of the proposed categorisation of land for Hurstville Oval and Timothy Reserve is shown in Figure 3 (overleaf).

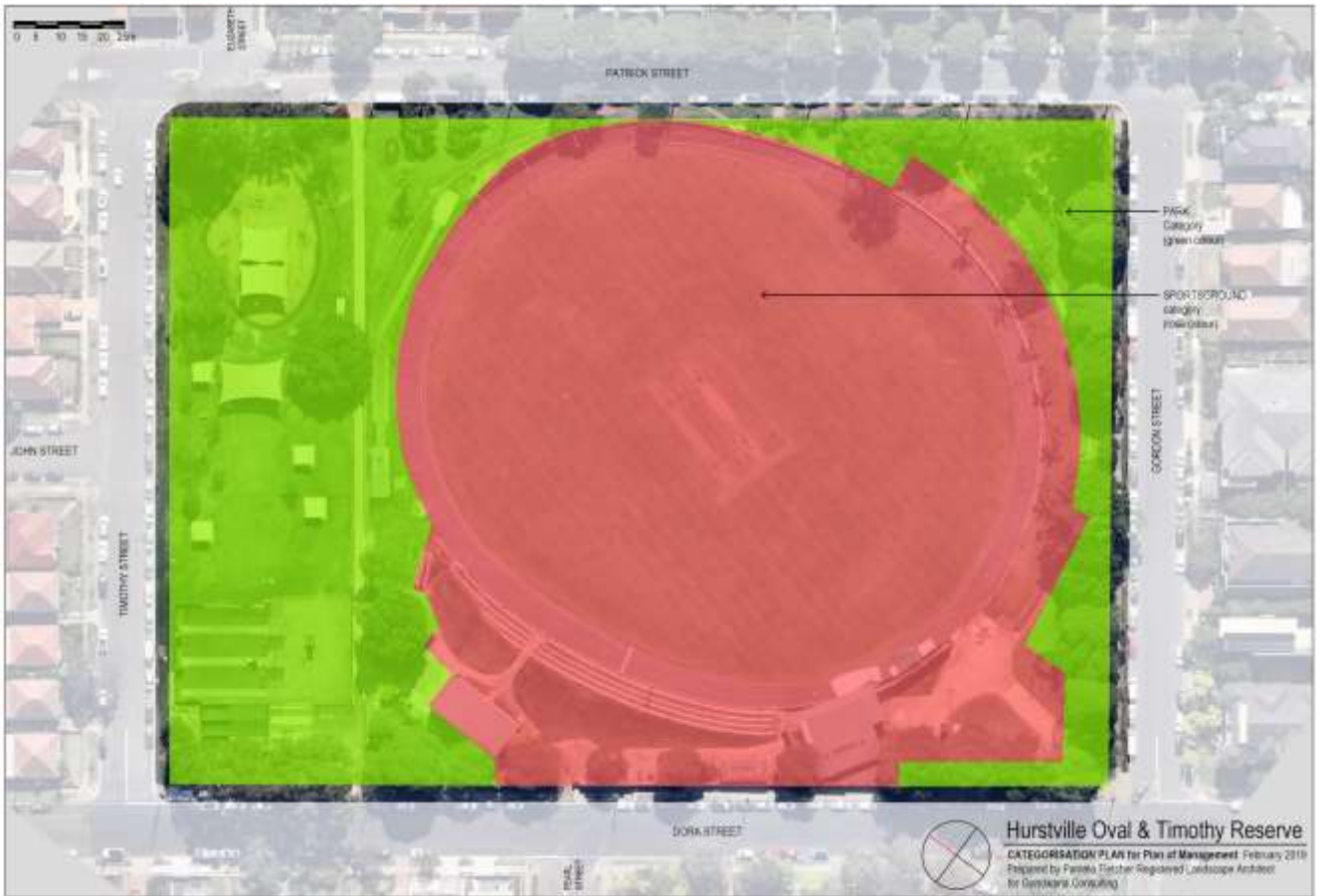


Figure 3 – Land Categorisation as per the LG Act – Hurstville Oval and Timothy Reserve

Table 2 below compares both the categorisation of community land under the existing Generic Plan of Management for Sportsgrounds (2006) and Council’s advice to the Crown regarding categorisation of Crown Land in 2018 with the categorisations proposed in the Plan of Management.

Land Parcel	Initial categorisation advice to Crown	Category in Generic Sportsground PoM, 2006	Proposed category in Hurstville Oval and Timothy Reserve PoM	Public Hearing Required
Lot 1 DP 919317 Crown	Park	Not applicable (superseded by 2018 advice to the Crown)	Part Sportsground Part Park	Yes
Lot 53 DP9355	N/A	Sportsground and Park	Park	Yes

Table 2 – Comparison of Land Categorisation

The objectives for each category give a broad strategic direction for management of this land, which is the same for all categories across NSW.

The core objectives for management of Community land categorised as Sportsground are:

- (a) to encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games, and
- (b) to ensure that such activities are managed having regard to any adverse impact on nearby residences.

The core objectives for management of Community land categorised as Park are:

- (a) to encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities;
- (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.

3. THE PUBLIC HEARING PROCESS

3.1 Promoting the Public Hearing

A public hearing into the proposed recategorisation of Hurstville Oval and Timothy Reserve was initially scheduled for 1 April 2020 at Council's Hurstville Service Centre.

The Public Hearing was advertised or promoted via

- the "Your Say" page on Council's website, under the "Draft Plan of Management for Hurstville Oval and Timothy Reserve" item, and
- Council's Facebook Page;

This hearing was postponed as a result of social distancing requirements of the COVID 19 coronavirus pandemic.

The public hearing was rescheduled to 11 June 2020 as an online meeting and was promoted as previously. Intending attendees were asked to register by 9 June. No registrations were received.

3.2 The Hearing Process

The public hearing was held at 5 p.m. on Thursday 11th June 2020 as an online meeting using the Skype platform/application.

No persons had registered their intention to attend the hearing. Despite this, Catherine McMahon (Manager Strategic Planning) and Michelle Fawcett (Strategic Planner) of Georges River Council and Gondwana Consulting's Andrew Ginns (Independent Chairperson) and Alan Ginns (scribe) attended the online hearing. No other persons attended.

On several occasions after the scheduled start of the online hearing, Catherine McMahon attended at the front counter of Council's Hurstville Service Centre to direct any unregistered intending participants to the Council Meeting Room from where the online hearing was being managed.

A presentation had been prepared to guide the Independent Hearing, and is provided as Attachment 1 to this report.

Independent chairperson, Andrew Ginns from Gondwana Consulting, discussed the process of managing the hearing in the absence of any attendees.

The public hearing closed at 5.15 pm.

3.3 Attendees

Nil.

3.4 Public Submissions

Nil.

4. Report Recommendations

On the basis of the preceding sections of this Public Hearing Report, it is recommended that:

1. This *Public Hearing Report –Proposed Categorisation for Hurstville Oval and Timothy Reserve*, dated 23 June 2020, be received and noted.
2. Council proceed with the categorisation of Hurstville Oval and Timothy Reserve as Sportsground and Park as proposed in the Draft Plan of Management.
3. A copy of this Public Hearing Report be made available for public inspection at a location within the Council area, as required by Section 47G(3) of the *Local Government Act 1993*.