CM13.5. Closure of Unused Part of Road Reserve at Boundary Road for Maker Space at Historic Pumphouse

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Purpose of Report

To obtain Council consent for the closure of an unformed road reserve and vesting as Crown Land, to facilitate the establishment of the Creative Space at Boundary Road, East Albury.

Background

On 22 March 2021, Council endorsed the allocation of funds for the Creative Enterprise, Maker Space and Artist Workshop at the historic Pumphouse building, Boundary Road, East Albury.

The establishment of a Maker Space and Residency program is a direct outcome of the Creative Economy Strategy. This Strategy, adopted by AlburyCity in 2017, is grounded in significant local consultation and national industry research. *Action 3.1 of the Strategy is to "Create and/or support the establishment of co-working spaces with a social enterprise model to provide tools, resources and shared workspaces."*

Albury 2030 features several outcomes which this project also aligns with:

1.2 Improve visitor and residents' experiences.
1.2.8 Ensure venues and facilities attract visitation and improve the lifestyle offer of the city.
1.5 Promote Albury for industry and business.
1.5.5 Support and promote business and business opportunities across all sectors to continue to foster economic diversity.
3.1 Albury offers access to a diverse range of educational opportunities.
3.1.7 Develop and implement cultural education programs.
3.4 Albury offers a diverse and accessible range of facilities and activities for all ages.
3.4.3 Promote and encourage healthy lifestyles through development and efficient use of sporting, recreational, educational and cultural facilities and infrastructure.
3.7 Increased participation in a diverse range of art and cultural activities in Albury.
3.7.4 Ensure provision of accessible, high quality and innovative cultural facilities and services.

The Creative Enterprise project also aligns with a number of goals from the Two Cities One Community Strategic Plan:

Section 1: Our Economy 1.3 We promote business, investment and jobs; and

Section 3: Our Community 3.1 We are recognised as a cultural and creative region.

Development Consent permitting change of use and outlining the concept design, including an amenity building fitted with administration space, toilets and sealed carparking was endorsed on 9 July 2018.

Issues

Attachment 1 shows the locality of the Historic Pumphouse building. The building straddles the boundaries of Lots 6 & 8 in DP1068693. Lot 6 is Crown Land, being a Reserve for Water and Community Purposes, managed by Albury City Council as Operational Land. Lot 8 is Public Road reserve, being part of the original Boundary Road reservation.

The Development Consent issued on 9 July 2018 contains the following condition required to be met before an Occupation Certificate can be endorsed.

(D4) Boundary Adjustment

The Community Facility is to be fully located within a single lot and compliant with the requirements of the Building Code of Australia in regard to distance from lot boundaries. Evidence is to be provided prior to the issue of an Occupation Certificate.

As Lot 6 is Crown Land, and Lot 8 is Public Road reserve, they cannot be consolidated in their current status.

Council officers have liaised with Crown Lands, who have agreed with the following steps to resolve the issue:

- Council closes the road reserve status of Lot 8. As Lot 8 is not constructed for road or road infrastructure purposes, the title to Lot 8 will vest as Crown Land (as per Section 38E *Roads Act 1993)*.
- Crown Lands will extend the reserve for water and community purposes (currently encompassing Lot 6) to include the entirety of Lot 8.
- Crown Lands will gazette Albury City Council as the manager of Lot 8 as Operational Land (as per Lot 6).
- Crown Lands will consolidate Lots 6 & 8 into a single Title.

This will satisfy condition (D4) above and enable the Occupation Certificate to be issued. This will also resolve the existing anomaly whereby part of the Albury City Council Water Filtration Plant infrastructure, and the associated residence are located on Public Road reserve.

Risk

- **Business Risk** – The principal component of this project has significant financial risk implications. The consolidation of Land Titles is required in order to complete the project.

- **Corporate Risk** – This project has considerable stakeholder interest and potential for significant risk to AlburyCity's reputation, credibility and public image. The delivery of the Creative Enterprise Maker Space at the Pumphouse building has been widely publicised. Delivery of this project in some form would offset the risks and expectations of Albury's Creative Community and NSW Government. The Pumphouse building is a historically recognised asset. AlburyCity has a responsibility to maintain this community heritage asset.
- **WHS and Public Risk** – The change of Lot 8 from Public Road reserve to Reserve for Water and Community Purposes resolves any current anomalies regarding public risk.
- **Environmental Risk** – The change in status of the land makes no change to current environmental requirements.
- **Delivery Program Risk** – The delivery of the Creative Enterprise at the Pumphouse is scheduled for December 2021. The consolidation of Land Titles is required prior to the issuing of an Occupation Certificate and is integral to meeting delivery timelines of the project.

Community Engagement

The closure of any part of Public Road reserve requires notifications and advertising under Section 38B of the *Roads Act 1993*. Any public submission or objection must be considered under Section 38C of the *Roads Act 1993*.

Options

1. That Council approves the closure of the Public Road reserve identified as Lot 8 in DP1068693, and its consequent vesting as Crown Land; or
2. That Council refuses the closure of the Public Road reserve. This option would place the Creative Enterprise, Maker Space and Artist Workshop at the historic Pumphouse building project at risk as it would not meet the conditions to receive an Occupation Certificate.

Conclusion

The establishment of a Creative Enterprise, Maker Space and Artist Workshop at the historic Pumphouse building was endorsed by Council at the 22 March 2021 Council meeting.

Part of the existing building straddles the property boundary and is located on Public Road reserve. The Development Consent for this project issued on 9 July 2018 contained a condition that required the building to be fully located within a single lot and be compliant with the requirements of the Building Code of Australia.

In consultation with Crown Lands, AlburyCity has agreed to a number of steps that will consolidate the land, extend the reserve for water and community purposes and gazette Albury City Council as the manager of the lot as Operational Land.

This will satisfy the conditions of the Development Consent and enable the Occupation Certificate to be issued. This will also resolve the existing anomaly whereby part of the Albury City Council water filtration plant infrastructure, and the associated residence are located on Public Road reserve.

Recommendation

That Council:

a. Approves the closure of the Public Road reserve identified as Lot 8 in DP1068693, and its consequent vesting as Crown Land; and

b. Endorses any documents required to achieve the above.

Attachments

1. Historic Pumphouse locality map.