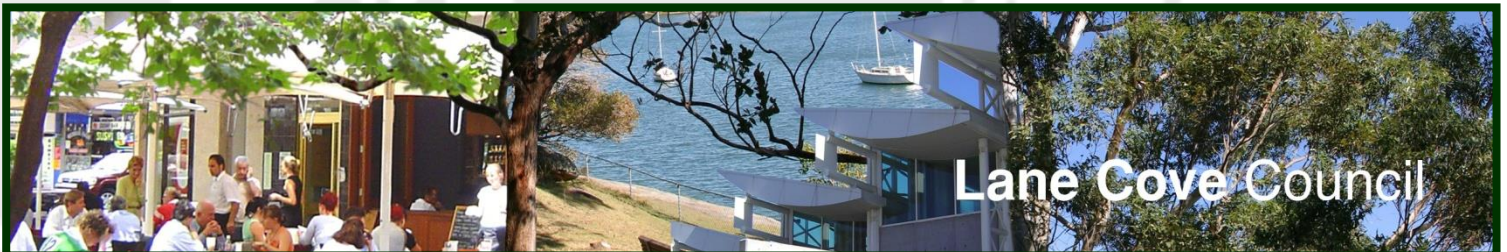


Late Agenda Ordinary Council Meeting 23 March 2023

Council will commence consideration of
all business paper agenda items at 7.00 pm.



OFFICER REPORTS FOR DETERMINATION

1. BUSHLAND ACQUISITION - 14 GAY STREET, LANE COVE	3
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Ordinary Council Meeting 23 March 2023
BUSHLAND ACQUISITION - 14 GAY STREET, LANE COVE

Subject: Bushland Acquisition - 14 Gay Street, Lane Cove
Record No: SU8218 - 14590/23
Division: General Managers Unit
Author(s): Rachel Hensman; Craig Wrightson

Executive Summary

On 23 February 2023, Council resolved in closed session to acquire the property at 14 Gay Street, Lane Cove as part of its Bushland Expansion Program. The purchase was finalised on 17 March 2023.

Council is currently considering options for the land, including the sub-division and sale of the front portion of the property to partially recover the cost of acquisition. In accordance with sections 25 and 26 of the *Local Government Act 1993*, all public land must be classified as either community or operational land. Due to the lengthy and complex process required to reclassify community into operational land, it is recommended to initially classify the land as operational pending finalisation of the preferred option for future use and management of the site.

This report recommends Council give public notice for a period of 28 days that it intends to classify the land known as 14 Gay Street as operational land pending further investigation at its meeting of 23 March 2023 with a subsequent report to come back to Council on the future use and management of the land.

Background

At its meeting on 23 February 2023, Council resolved to proceed with the Bushland Expansion Program in accordance with the recommendation of Closed Committee.

The report received in closed session referred to the acquisition of the property at 14 Gay Street, Lane Cove. The property was considered by many in the community to be a significant piece of land that should be acquired by Council for inclusion into Council's bushland preservation areas and on 23 February 2023, Council resolved to acquire the property. The purchase of 14 Gay Street was finalised on 17 March 2023 at \$3,333,000 plus acquisition costs.

Discussion

The property at 14 Gay Street has a total area of some 2801 square metres (sqm) and includes a significant strand of mature trees including Sydney Blue Gums, Sydney Red Gums, Blackbutts and Turpentine. The bushland at the rear of the property extends into Stringybark Creek Reserve, past the rear boundaries of its neighbouring properties. This extension into the reserve has led to the bushwalking track in the reserve encroaching into the property as the rear of the property has never been fenced.

Council having acquired the property, now needs to determine the future use and management of the property. The key option for consideration by Council is whether to subdivide a portion of the front of the property to partially recover the acquisition cost or to retain the whole site as open space bushland. The retention of the whole site would incur further cost to Council due to the required demolition of the existing property which is currently uninhabited.

Alternatively, the potential sub-division of the portion of the land facing Gay St lends itself to continued residential occupation albeit on a smaller parcel that does not impact the natural bushland, whilst simultaneously delivering a contiguous strip of bushland inside the established

Stringybark Creek Reserve that delivers considerable community benefit. The preservation of the natural bushland setting to the rear of this property, coupled with an opportunity for Council to partly recover the expense made for purchase, would likely be the preferred option for Council, pending additional investigation.

In accordance with the *Local Government Act 1993* ss.25, 26, all public land must be classified as either community or operational land. Depending on circumstances, the classification or reclassification of land is undertaken by a local environment plan or by a resolution of the council under sections 31, 32 or 33 of the Act.

Under section 31(2) of the LG Act, *“before a council acquires land, or within 3 months after it acquires land, a council may resolve (in accordance with this Part) that the land be classified as community land or operational land.”* Under section 31(2A), any land not classified within 3 months is taken to have been classified as community land. Council must give public notice of a proposed resolution to classify or reclassify public land (s.34).

Community Land

Community land is land council makes available for use by the general public such as parks, sports grounds or reserves. Once an area has been classified as community land, Council must prepare a draft plan of management detailing the specific uses of the land. The plan must identify the category of the land, which for community land can be a natural area, sportsground, park, area of cultural significance or general community use. Prior to the adoption of the plan, no changes can be made to the nature and use of the land. Community land must not be sold, exchanged or otherwise disposed of by a council and restrictions apply to the granting of leases and licenses.

Operational Land

Operational land is land which facilitates the functions of a council or land which may not be open to the general public such as a works depot. It may also comprise land held as a temporary asset or investment. There are no special restrictions on council to manage, dispose or change the nature and use of operational land.

Reclassification

Once the initial classification has been determined, to reclassify community land into operational land requires a Local Environment Plan. Reclassification of public land through an LEP is subject to both the local plan-making process in the Environmental Planning & Assessment Act 1979 (EP&A Act). Under section 56 of the EP&A Act and section 29 of the LG Act, Council must also hold a public hearing when reclassifying public land from community to operational.

The reclassification of operational land as community land may be completed through a resolution of Council, with public notification for a period of 28 days prior to the resolution. As outlined earlier, as an interim measure the whole site will initially be classified as operational land. Clearly, the bushland component of the site will ultimately be best categorised as ‘Community Land’ and this can be the subject of a future resolution.

Community Consultation

Statement of Intent

The consultation is designed to seek feedback on the classification of the newly acquired bushland being classified as operational land (in the interim). Suggestions for future use of the land will also be considered. Any comments received will be reviewed and evaluated to determine whether to proceed with the classification of the land as operational and future use and management of the land.

Method

Level of Participation	Inform	Inform	Consult
Form of Participation	Open	Targeted	Open
Target Audience	Lane Cove Community and community groups	BMAC Lane Cove Bushland and Conservation Society Property owners in gay Street	Lane Cove Community
Proposed Medium	Advertisement and eNewsletter	Notification Letters	Website Exhibition and Survey
Indicative Timing	March/April 2023, 6 weeks	March/April 2023, 6 weeks	March/April 2023, 6 weeks

Conclusion

Council needs further time to determine what to do with the recently acquired 14 Gay Street, with options available including the subdivision of a portion of the front of the property to partially recover the acquisition cost or retain the whole site as open space. The current arrangement of the property does not include fencing to correctly identify the property line so that it appears to be part of the reserve, which means there is no impact on community use in the interim.

Should there be no resolution of Council within three months of the acquisition date, the land will automatically be classified as community land, requiring a complex and lengthy process to reclassify it into operational land at a later date should Council wish to proceed with the option of subdivision and partial recovery of costs.

It is therefore recommended to give public notice for a period of 28 days of Council's intention to initially classify 14 Gay Street as operational land and concurrently receive suggestions for future use of the land.

RECOMMENDATION

That:

1. Council undertake consultation as outlined in the Consultation Strategy contained in the report, regarding Council's intention of passing the following resolution at the Council Meeting 18 May 2023:-
"That Lane Cove Council classify the recently acquired property 14 Gay Street, Lane Cove, Lot A DP 360196 as operational land, pursuant to s31 of the Local Government Act.
2. Subsequent to the May 2023 Council Meeting, a report be submitted to Council on the proposed future use and management of the property, 14 Gay Street, including consideration of the suggestions for future use of the land obtained through the consultation process.

Craig Wrightson
General Manager
General Managers Unit

ATTACHMENTS:

There are no supporting documents for this report.