

OFFICERS REPORTS**7 RECLASSIFICATION OF COUNCIL OWNED LAND -
CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012 STAGE 2****FILE NO: T-29-160****REPORT BY: DIRECTOR CORPORATE SERVICES**

Summary:

- On 23 May 2013 Council adopted the Strategic Property Portfolio Plan and Property Portfolio Policy and resolved that a broader review be undertaken to identify properties that might be surplus to our needs.
- It is recommended that a planning proposal be prepared and submitted to the Minister of Planning (under Section 55 of the Environment Planning and Assessment Act 1979) to amend the Canterbury Local Environment Plan 2012 to reclassify the four identified properties.
- The proposed course of action will facilitate Council being legally able to dispose of the properties. However, should the properties eventually be reclassified and further investigations support the sale of some or all of the parcels of land, further reports will be prepared seeking Council's approval for the sale of each parcel of land.

Council Delivery Program and Budget Implications:

The adoption of the report's recommendation will have no immediate implications for the budget. The actions recommended are administrative in nature and involve a process of public participation on the prospect of changing the status of land to facilitate its sale. This report supports our Community Strategic Plan long term goal of Healthy Finances.

Background

On 23 May 2013 Council adopted the Strategic Property Portfolio Plan and Property Portfolio Policy. Council resolved to implement this process to identify properties as being surplus to our requirements. Council also resolved that the review of assets should continue for the purpose of identifying further opportunities for improved functionality and potential financial gain, in line with the Property Portfolio Policy.

As a result of ongoing review and assessment additional properties have been identified that require reclassification from community land to operational land. This report is seeking to commence the process to lift the prohibition of dealing with community land and allow us to deal with the land, by having it reclassified as Operational land.

Description of Properties to be reclassified

The strategic review of our properties has identified four community-classified, Council-owned properties that appear to be surplus to our needs and therefore capable of being sold or licenced. Those properties are as follows:

RECLASSIFICATION OF COUNCIL OWNED LAND - CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012
STAGE 2 (CONT.)

- **9 Dunkeld Avenue, Hurlstone Park**

This site comprises of two lots; Lot 9 Deposited Plan 23043 & Lot 5 Deposited Plan 23316 with a total land area of 453 m².

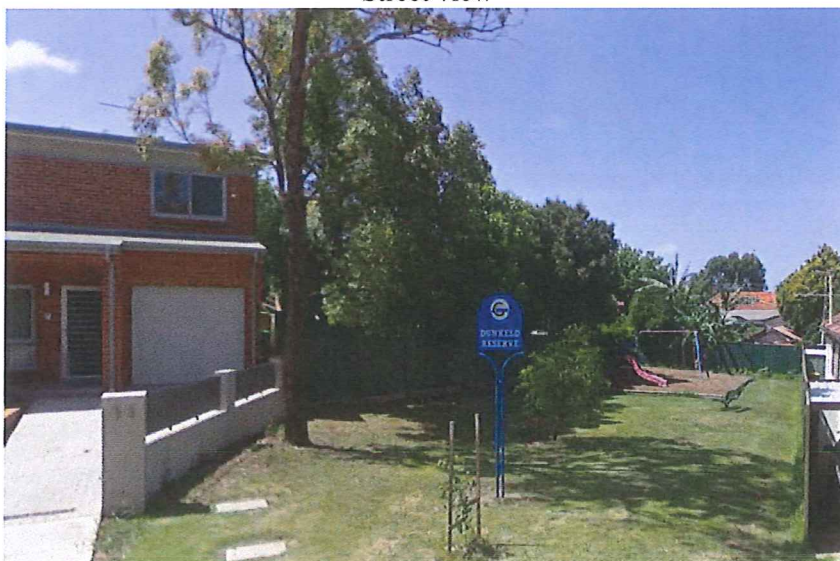
Council resolved on 20 June 1968 to purchase Lot 5 DP 22316 from JM Holdings Pty Limited for the sum of \$5,400.

An additional small splay was purchased on the 19 January 1974 pursuant to a Council resolution on 2 March 1972 for a sum of \$100. The site was converted to passive recreation at a later date. This site has been identified in the Playground Study as a site that could be divested. It is classified as community land and zoned R3 Medium Density Residential.

Aerial view



Street view



RECLASSIFICATION OF COUNCIL OWNED LAND - CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012
STAGE 2 (CONT.)

- **1a Calbina Road, Earlwood**

This site comprises a single parcel of land identified as Lot 110 in Deposited Plan 10987 with a total land area of 1300 m². The drainage reserve was created in 1921 as part of a major subdivision bounded by Bexley Road, Northcote Street and William Street.

This drainage reserve adjoins 13 parcels of private land. A number of owners have enclosed their property with Council land. It is classified as community land and zoned R3 Medium Density Residential. In order to allow us to licence the land for occupation by adjoining owners or sell it at later date this parcel must be reclassified as Operational.

Aerial view



Street frontage



RECLASSIFICATION OF COUNCIL OWNED LAND - CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012
STAGE 2 (CONT.)

- **13a Ryrie Road, Earlwood**

This site comprises a single parcel of land identified as Lot 111 in Deposited Plan 10987 with a total land area of 1300 m². This drainage reserve adjoins 14 parcels of land. A number of owners have enclosed their property with Council land.

The drainage reserve was created in 1921 as part of major subdivision bounded by Bexley Road, Northcote Street and William Street, Hurlstone Park.

It is classified as community land and zoned R3 Medium Density Residential. In order to enable Council to licence the property to the adjoining owners or sell at later date it must be reclassified as Operational.

Aerial view



Street frontage



RECLASSIFICATION OF COUNCIL OWNED LAND - CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012
STAGE 2 (CONT.)

- **44a Cornelia Street , Wiley Park**

This site comprises a single parcel of land identified as Lot 170 in Deposited Plan 7298 with a total land area of 102.2 m². The drainage reserve was created in 1913 as part of major subdivision between Punchbowl Road, Cornelia Street and Defoe Street creating new lots and drainage reserves. The adjoining owner is interested in purchasing this drainage reserve. It is classified as community land zoned R3 Medium Density Residential. In order to enable Council to sell or licence this drainage reserves to the adjoining owner it must be reclassified as Operational land.

Aerial view



Street frontage



RECLASSIFICATION OF COUNCIL OWNED LAND - CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012
STAGE 2 (CONT.)**Procedure**

The above properties are classified as community land for the purposes of the public land management provisions of the Local Government Act, 1993. The effect of this classification is to prohibit dealing with the land in the nature of a title transfer (either wholly or in part). However Council has discretion to attempt to “lift” this prohibition in respect of the land. The way for the prohibition to be lifted is for Council to follow the process for public land reclassification (as set out in the Local Government Act) which involves the following general steps:

1. Resolve to initiate the preparation of a draft Local Environmental Plan, which provides for reclassification of the identified land.
2. Prepare and exhibit (as a catalyst for eliciting expressions of public opinion from interested parties) the draft LEP, observing the requirements also of Section 29 of the Local Government Act, 1993, requiring a public hearing (pursuant to Section 57 of the Environmental Planning and Assessment Act) in respect of the reclassification proposal inherent in the draft LEP.
3. Following closure of both the exhibition period and the period for public submissions; and the holding of the public hearing, consider a report detailing the submissions received (and our position relative to each) and the outcome of the public hearing and then decide whether to either:
 - (a) Abandon the proposition (to reclassify) in the draft LEP; or
 - (b) Continue with the proposition by resolving to seek the “making” of the LEP by the Minister (by means of formal gazettal).

Conclusion

Council on 23 May 2013 adopted the Property Portfolio Policy. The policy requires that we review each parcel of property that we own and assess its value to Council in terms of the services we provide and our statutory responsibilities. Should any parcel be identified as surplus to our needs or not meeting our requirements, it would be recommended for sale and proceeds of the sale placed in a Property Fund and used to purchase assets that better meet our needs and provide a continuing income stream for Council. Our initial investigations have shown that the properties identified in this report may be surplus to our needs and therefore capable of being sold or licenced.

The process to determine whether these properties can be divested or licenced commences with their re-classification. It is recommended that a planning proposal be prepared and submitted by Council to the Minister of Planning under section 55 of the Environmental Planning and Assessment Act 1979 to commence the reclassification process. This process will include extensive public consultation, including the conduct of a public hearing that will be chaired by a person that is independent of Council.

Council’s authority to sell the land is not being sought at this point. The sale/licence of each parcel of land or licence will be the subject of further reports to Council, should the parcels be reclassified. Support of the report’s recommendation will provide for the commencement of the reclassification process that will require extensive public consultation and a further report back to Council.

RECLASSIFICATION OF COUNCIL OWNED LAND - CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012
STAGE 2 (CONT.)**RECOMMENDATION:**

THAT Pursuant to Section 55 of the Environmental Planning and Assessment Act 1979, a draft Local Environmental Plan be prepared in respect of those parcels of land described in Schedule 1 hereto, so as to reclassify the land in Schedule 1 from "community land" to "operational land" under the Local Government Act 1993 and to provide in the said draft Local Environmental Plan that, upon commencement of the Plan, the land described in the first schedule being public reserve and community classified land shall cease to be public reserve and community classified land and the land will by operation of the Plan be discharged from any trusts, estates, interests, dedications, conditions and covenants affecting the land (or any part) except for those kinds set out in Section 30(1) of the Local Government Act 1993.

SCHEDULE 1

- 9 Dunkeld Avenue, Hurlstone Park with legal description of Lot 9 DP 123043 & Lot 5 DP 23316
- 1a Calbina Road, Earlwood with legal description of Lot 110 in DP 10987
- 13a Ryrie Road, Kingsgrove with legal description of Lot 111 in DP 10987
- 44a Cornelia Street, Kingsgrove with legal description of Lot 170 in DP 7298

COUNCIL MEETING**RESOLUTION - 27 NOVEMBER 2014****7 RECLASSIFICATION OF COUNCIL OWNED LAND - CANTERBURY**
LOCAL ENVIRONMENTAL PLAN 2012 STAGE 2

FILE NO: T-29-160

Min. No. 465 RESOLVED (Councillors Hawatt/Kebbe)

THAT Pursuant to Section 55 of the Environmental Planning and Assessment Act 1979, a draft Local Environmental Plan be prepared in respect of those parcels of land described in Schedule 1 hereto, so as to reclassify the land in Schedule 1 from "community land" to "operational land" under the Local Government Act 1993 and to provide in the said draft Local Environmental Plan that, upon commencement of the Plan, the land described in the first schedule being public reserve and community classified land shall cease to be public reserve and community classified land and the land will by operation of the Plan be discharged from any trusts, estates, interests, dedications, conditions and covenants affecting the land (or any part) except for those kinds set out in Section 30(1) of the Local Government Act 1993.

SCHEDULE 1

- 9 Dunkeld Avenue, Hurlstone Park with legal description of Lot 9 DP 123043 & Lot 5 DP 23316
- 1a Calbina Road, Earlwood with legal description of Lot 110 in DP 10987 ✓
- 13a Ryrie Road, Kingsgrove with legal description of Lot 111 in DP 10987 ✓
- 44a Cornelia Street, Kingsgrove with legal description of Lot 170 in DP 7298 ✓

Councillor Eisler requested that her name be recorded as having voted against the resolution.