

AMENDED ITEM

12 August 2015
To the Ordinary Council Meeting

Director's Report
Property and Economic Development

3.1 Classification of Land, Lot 5 DP 1207133 at 155 Johns Road, Wadalba

TRIM REFERENCE: F2015/00629 - D12008902

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SUMMARY

Authority is sought to classify Lot 5 DP 1207133 at Johns Road, Wadalba as Operational Land.

RECOMMENDATION

- 1 ***That Council adopt the classification of Lot 5 DP 1207133 at 155 Johns Road, Wadalba as Operational Land.***
- 2 ***That Council note that:***
 - a ***Nothing in the above resolution authorises the sale of the subject land (section 377(1)(h) of the Local Government Act 1993 provides that any sale of land can only be by resolution of Council).***
 - b ***Section 31 (3) of the Local Government Act 1993 provides that Council must not resolve that land be classified as operational land if the resolution is inconsistent with the terms of any trust applying to the land.***

BACKGROUND

Rexel Pty Ltd was required to make provision for public reserve and drainage reserve as part of its development of 105 residential lots from the subdivision of Lots 229 DP 1105837 and Lot 230 DP 1105837 at 155 Johns Road, Wadalba. Lots 4 and 5 have been dedicated to Council pursuant to a condition of development consent under of DA/1082/2011/C as public reserve and drainage reserve respectively.

Lot 4 is zoned E2 Environmental Conservation and has an area of approximately 3.66 ha, forms part of the Wadalba Wildlife Corridor and, as such, is required to remain classified as community land under the Office of Environment and Heritage (OEH) Deemed Concurrence. Lot 5 is zoned E2 Environmental Conservation and has an area of approximately 7,509 square meters.

Under Section 34 of the Local Government Act 1993, Council is required to give public notice of the proposal to classify land for a period of 28 days before confirming classification. If no adverse submission is received Council may resolve to adopt the classification.

Public Notice was given on 5 June 2015 of the proposal to classify the land as Operational land and no submissions were received.

THE PROPOSAL

It is proposed to classify Lot 5 DP 1207133 as Operational Land.

The Policy for Property Transactions – Sales and Acquisitions, adopted 14 May 2014, provides that all future land purchases by Council should generally be designated as operational land irrespective of the intended or existing use. This is to maximise flexibility in the management of and use of Council's property portfolio and improve community and service delivery outcomes.

The proposed resolution to classify Lot 5 DP 1207133 as Operational land will not authorise this land to be used for any purpose that is inconsistent with the purposes for which these lands were dedicated to Council, namely public reserve and drainage reserve respectively.

OPTIONS

Council may resolve to apply either a "community land" or an "operational land" classification. Lot 5 should be classified as Operational Land in accordance with the Policy for Property Transactions – Sales and Acquisitions adopted by Council.

Budget Impact

There is no cost to Council to classify the land.

GOVERNANCE AND POLICY IMPLICATIONS

Under Section 31 of the Local Government Act 1993, land acquired by Council is taken to be classified as Community Land unless Council resolves that the particular land concerned be classified as Operational Land.



CONCLUSION

Lot 5 DP 1207133 has been dedicated to Council and require classification under the Local Government Act 1993 (Chapter 6, Part 2, s.25-34). In this instance, Operational Classification is proposed on the basis of the use of the land and in accordance with Council policy.

ATTACHMENTS

Nil.