

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 15 August 2016

**PE1 – Transfer of Reedy Place Reserve at Camden Park to Council**

**PLANNING AND ECONOMY**

**PE1**                    **Transfer of Reedy Place Reserve at Camden Park to Council**                    TRIM 8255  
263081

**EXECUTIVE SUMMARY**

- This report seeks a resolution from Council to accept ownership of land known as Lot 899 in Deposited Plan 1104396, (No 5) Reedy Place, Camden Park.
- The land, also known as Reedy Place Reserve, is currently owned by Stockland Developments Pty Ltd. It is located adjacent to Cubbitch Barta Reserve, which is being transferred to Council through a Planning Agreement.
- The transfer of Reedy Place Reserve is broadly consistent with Council's Dedication of Land Policy. The Proponent has agreed to undertake certain works on the site before transfer occurs and pay all of Council's reasonable legal costs associated with the transfer.
- It is recommended that:
  - Council accept the transfer of the land pending satisfactory completion of a Contract of Sale.
  - The land be classified as Community Land under the Local Government Act 1993.

**REPORT**

**BACKGROUND**

At its Ordinary Meeting on 21 March 2016, Council resolved to adopt a Planning Agreement which provided for the transfer of Cubbitch Barta Reserve to Council ownership. The Planning Agreement between Council and Stockland Corporation Limited ('Stockland') has since been executed.

Stockland also own vacant land adjacent to Cubbitch Barta Reserve on the opposite side of Macarthur Circuit. This land is known as Reedy Place Reserve.

The various internal stakeholders have been consulted and the issues associated with the possible transfer of the land have been examined.

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**SITE DESCRIPTION**

A map and aerial photograph showing the location of Reedy Place Reserve is included as Attachment 1. Most of the land, which serves as a drainage corridor, is low lying with associated riparian vegetation. Water from the stormwater ponds in Cubbitch Barta Reserve discharge to the Reserve by way of a culvert under Macarthur Circuit, and then drain away from Camden Park. As shown in the attached photographs there is also some flatter areas.

Although not included in the Planning Agreement for transfer of Cubbitch Barta Reserve to Council, Reedy Place Reserve is zoned RE1 - Public Recreation implying an intention that Council would take on ownership of the land for the purposes of public recreation use.

Council's Environmental Services Branch has advised that the land would be a good location to construct a shed in which to store equipment to be used for the maintenance of the adjoining Cubbitch Barta Reserve.

**MATTERS FOR CONSIDERATION**

In deciding whether or not to accept the site, the following matters are relevant:

- **Views of Council's Land and Property Panel**  
The Panel considered the matter at its meeting held 5 July 2016, where it was agreed that the land be accepted by Council for a cost of \$1.00.
- **Easements, Caveats etc**  
The site is burdened by a number of easements and caveats, some of which appear redundant. Stockland has agreed to ensure the removal of all those that can be removed prior to transferring the land to Council. Those that remain are not considered likely to impose inappropriate restrictions on the use of the land.
- **Dedication of Land Policy**  
The transfer of the land to Council is generally consistent with the Dedication of Land Policy. The transfer does not need to be accompanied by a monetary contribution for maintenance purposes.

As noted above the site is low lying and may be prone to flooding. As a result any Council shed should be built on the higher elevations of the site, and with an appropriate floor level and provisions for storage of hazardous goods. This can be managed through the consent process. Stockland agree to provide a report to establish that the land is fit for the intended purpose pursuant to Clause 7 of SEPP 55 - Remediation of Land.

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▪ **Environmental considerations**

Council's Environmental Assessment Planner has advised that there are no significant environmental concerns associated with the site apart from the potential for weed growth which may have minor resource implications.

▪ **Works required prior to handover**

Council's Environmental Services staff have requested that Stockland undertake some works in the Reserve to prepare it for handover. These include:

- Slashing the land
- Ensuring the removal of a gravel stockpile
- Ensuring the culvert under Macarthur Circuit is functioning
- Clearing of vegetation within the channel including some trees if necessary.

Stockland has advised that it will undertake these works prior to handover if required by Council.

▪ **Process for acquisition**

It is proposed that the ownership of the land be transferred to Council through a Contract of Sale process, which would involve acquiring the land from Stockland for \$1. The completion of the Contract of Sale may require further advice provided by Stockland regarding any information that may pose a risk to Council. If so, it is proposed that any such matters that may arise be resolved by the General Manager (with advice from relevant Council staff).

▪ **Classification under the Local Government Act**

Once the land comes into Council ownership it must be classified as either Community Land or Operational Land under the Local Government Act. It is recommended the land be classified as Community Land. This classification better suits the RE1 Public Recreation zoning. As Community Land a Plan of Management would need to be prepared to guide future use of the site.

**FINANCIAL IMPLICATIONS**

The direct financial implications in accepting this land will be minimal and will only involve maintenance costs. These are likely to involve slashing on a few occasions per year and control of weeds in the riparian areas. Costs involved in processing the transfer will be nil as Stockland has agreed to pay all of Council's legal and associated fees.

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**ATTACHMENTS**

1. Reedy Place Reserve – Site Plan and Aerial Photograph

**RECOMMENDATION**

1. That Council agree to accept ownership of land described as Lot 899 in Deposited Plan 1104396 (No 5) Reedy Place, Camden Park also known as Reedy Place Reserve.
2. That Council resolve to classify the site as Community Land under the Local Government Act, 1993 once the site is in Council ownership.
3. That the transfer occur through a Contract of Sale process by which Council purchase the land from Stockland Corporation Limited for \$1.00.
4. That Council authorise the General Manager to process the transfer once any additional information required has been provided by Stockland Corporation Limited and assessed by Council staff as adequate.
5. That once the Contract of Sale is finalised, that the Mayor and General Manager be authorised to execute all necessary documents, including those requiring the Common Seal of Council.

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**ATTACHMENT 1 – 8255 – 15 AUGUST 2016**

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