



KEMPSEY
Shire Council

DIRECTOR CORPORATE SERVICES REPORT

12th September 2006

DCS6	RECLASSIFICATION OF COUNCIL LAND AT 29-33 ELBOW STREET, WEST KEMPSEY FILE: LA944 PJH
-------------	---

SUMMARY:

Reporting on the need to formally resolve to re-classify land at Elbow Street, West Kempsey, following advertising of Council's intention to re-classify this land from operational land to community land.



DESCRIPTION:

At Council's extra-ordinary meeting of 20th June 2006 it resolved to retain land at Elbow Street, West Kempsey, containing Council's public amenities, as parkland and re-classify it as community land.

Proposal advertised

Section 34 of the Local Government Act requires that where Council decides to re-classify its land from operational to community, the proposal must be advertised for not less than 28 days and submissions invited.

An advertisement was placed on 27th June 2006 and submissions closed on 28th July 2006.

Council received seven (7) submissions within the advertising period. All submissions commended and/or supported the decision of Council and listed the benefits of retaining the public park in West Kempsey. Copies of the submissions are attached at [\(Appendix F\)](#).

Council is also advised that there were eight (8) other letters received on retention of this park between August 2005 and February 2006 and a petition containing 320 signatures was presented to Council through Mr Andrew Stoner MP Member for Oxley in January 2006.

REPORT IMPLICATIONS:

- *Environmental*

Council's proposal to re-classify to community land ensures the continuation of the park for community purposes and the classification cannot be changed in the future without public consultation.

- *Social*

The community benefit and use of the park has been summarised in the submissions received. While there are other open space recreation areas in the Kempsey town area a specific West Kempsey site is beneficial to the shoppers and workers in West Kempsey.

- *Economic (Financial)*

This land was purchased by Council in 2003 as it was surplus to the needs of the State Government and was purchased as an investment and classified operational to allow for future re-sale as an opportunity for Council to gain non-rate income. Retention as community parkland will eliminate this land as a potential income source through sale.

- *Policy or Statutory*

Section 33 of the Local Government Act states that a Council may resolve to re-classify its land from operational to community. Section 34 requires the advertising of such proposals to allow submissions.

- *Directors Review*

The Recommendation needs to be adopted to formalise the intention of Council that the subject land be classified as Community Land.

RECOMMENDATION:

1. That Council re-classify Lots 1 and 2, Section 6 DP102403, Elbow Street, West Kempsey, from operational land to community land.
2. That the persons who forwarded a submission be advised of Council's decision and thanked for their input.

.....
G B Snape
DIRECTOR CORPORATE SERVICES