

Council Meeting

14/07/2021

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| Item No | 8.8 |
| Subject | Proposed Classification of Affordable Housing Units at Eastgardens as Operational Land |
| Report by | Craig Dalli, Development Manager |
| File | F21/9 |

Summary

This report relates to the proposed operational classification of the Affordable Housing strata units to be transferred to Council under terms of a Planning Agreement with Karimbla Properties (No 39 Pty Ltd) i.e. Meriton at the BATA II site – 128 Bunnerong Road and 120 Banks Avenue, Eastgardens.

Specifically, this report seeks endorsement to undertake the statutory advertising that is required prior to a formal resolution to classify the initial 5 strata units to be transferred to Council being Lots 346, 356, 366, 373 and 395 in SP 97435 as operational land. A further report to Council is to be submitted post the completion of the public notification period.

Officer Recommendation

- 1 That in accordance with Section 34 of the Local Government Act 1993, Council undertakes public notification of its intention to classify strata units being Lots 346, 356, 366, 373 and 395 in DP 97435 as Operational Land in accordance with Section 31 (2) of the same Act.
 - 2 That a further report is submitted to Council post the completion of the public notification period.
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Background

Council will shortly commence taking possession of 45 Affordable Housing properties secured through a Planning Agreement with Karimbla Properties (No 39 Pty Ltd) i.e. Meriton at the BATA II site – 128 Bunnerong Road and 120 Banks Avenue, Eastgardens. The Affordable Housing will be in the form of units with the first 5 units available for management under the Program from the end of July 2021. The remainder of the units will be transferred to Council in tranches of approximately 10 properties under the terms of the Planning Agreement with Meriton.

The initial 5 properties to be transferred to Council under the Planning Agreement are described as follows;

1. Unit 438 = Lot 346 SP 97435;
2. Unit 545 = Lot 356 SP 97435;
3. Unit 643 = Lot 366 SP 97435;

4. Unit 739 = Lot 373 SP 97435; and

5. Unit 939 = Lot 395 SP 97435.

The Local Government Act 1993 requires all land to be classified as either operational or community. If a newly acquired lot is to be classified as operational land (as the first classification) Council can resolve to do this within 3 months of receipt of the parcel and any time prior to its receipt. Statutory advertising is required before this resolution can occur.

Given the operational nature of the Affordable Housing program which involves leasing of residential properties to eligible participants at a discount to market rates, it is deemed that an operational classification is appropriate. To this end, this report seeks endorsement to commence the process to classify the initial 5 strata units as operational land.

Relevant Legislation

Below is a summary of the sections within the Local Government Act 1993 that are relevant to the classification process:

- (a) *Section 25 requires all public land to be classified as either community or operational;*
- (b) *Section 31 (2) permits Council to resolve to classify land prior to or within three months after its acquisition of the land;*
- (c) *Section 34 requires public notice to be given of classification or reclassification by Council resolution; including:*
 - *Terms of proposed resolution and description of the land concerned; and*
 - *A period of not less than 28 days during which submissions can be made to Council.*

Statutory Advertising and Proposed Council Resolution

Pursuant to Section 34 it is proposed that post Council's endorsement of this report the statutory advertising will commence thereafter. The statutory advertising will allow for submissions to be made on the proposed resolution below:

- 1 *That Council considers the submissions received relating to the statutory advertising of its intention to classify Lots 346, 356, 366, 373 and 395 in SP 97435.*
- 2 *That Council reconfirms by way of resolution to classify the Lots 346, 356, 366, 373 and 395 in SP 97435 as Operational in accordance with Section 31(2) of the Local Government Act 1993.*

Financial Implications

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| Not applicable | <input type="checkbox"/> |
| Included in existing approved budget | <input checked="" type="checkbox"/> |
| Additional funds required | <input type="checkbox"/> |

Community Engagement

Community engagement arising from this report is addressed in the section titled '*Statutory Advertising and Proposed Council Resolution*'.

Attachments

Nil