

Appendix 1

Information checklist for proposals to classify or reclassify public land through an LEP taken from practice note 16-001

Reclassification of Dunara Reserve, Point Piper from Community to Operational land	
Property Address	Dunara Reserve, Point Piper (the site) which is located between 1 Wentworth Street and 9 Dunara Gardens.
Real property description	The site is legally described as Lot 11 in DP 27451 (Extract 1).
File reference	SC3790 Planning Proposal – Reclassification of Dunara Reserve
Reasons for the planning proposal	<p>The planning proposal has been prepared in response to a Council resolution of 24 August 2015 to reclassify the site from ‘community land’ to ‘operational land’.</p> <p>Community land has greater restrictions than operational land, including shorter leasing periods and it cannot be sold. Reclassifying the land to operational would allow the sale of the site.</p> <p>The land is currently zoned R2 Low Density Residential in Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014) as are the adjoining properties. A rezoning or changes to other planning controls are not required and the reclassification does not affect the site’s development potential.</p> <p>The land is public reserve under the LG Act. Should the reclassification proceed, it is intended that under Section 30(1) of the LG Act the local environmental plan will include a provision to the effect that the land will cease to be a public reserve on the commencement of the plan.</p>
Current Classification	Community land
Proposed Classification	Operational land
Public reserve status as defined in <i>Local Government Act 1993</i>	<p>The site is dedicated as a public reserve under Section 50(5) of the LG Act.</p> <p>The Certificate of Title Volume 7320 Folio 244 dated 15 July 1957 (Extract 2) bears the notation “being Public Garden and Recreation Space”.</p> <p>A title search (Extract 3) confirms that the site is a public reserve.</p>
Strategic and site specific merits of the reclassification and evidence to support this.	<p>The site contains no structures, and the size and shape of the land restricts the construction of a building for community use. The small frontage to Wentworth Road provides limited access, and from the public domain it does not visually present as a piece of public land.</p> <p>Despite numerous attempts to manage the site, its inaccessibility and lack of passive surveillance have resulted in the build-up of vegetation and debris over time. The ongoing site maintenance to clear the debris and vegetation is a financial burden to Council. The site is a public reserve, but it is not used as public open space or as a public facility. Visually, it appears as a heavily vegetated space.</p> <p>The site currently only offers benefits to the immediately adjoining properties. The sale of the site would allow Council to use the funds to improve services and infrastructure in the LGA, including existing usable open space in the vicinity.</p>

Reclassification of Dunara Reserve, Point Piper from Community to Operational land	
Planning proposal is the result of a strategic study or report	A report was prepared for the Council's Community and Environment Committee of 10 August 2015 which outlined the site's history and condition, and recommended that the land be reclassified and sold. Having considered this recommendation on 24 August 2015, Council resolved to prepare a planning proposal to reclassify the land from 'community land' to 'operational land'.
Planning proposal is consistent with Council's Community plan or other local strategic plan.	The planning proposal is consistent with Council's Community Strategic Plan (Woollahra 2025: Our community, our place, our plan) and Council's Resourcing Strategy.
Owner of Land	Woollahra Municipal Council
Nature of Ownership	Fee simple (Free Hold)
How and when interest in the land was first acquired	The site was transferred unencumbered to Council on 15 July 1957 pursuant to Section 340A of the <i>Local Government Act 1919</i> as part of the subdivision of the Dunara Estate.
Reason Council acquired an interest in the land	<p>The Dunara Estate was subdivided in the 1950s. During the process the applicant was advised that:</p> <p>'favourable consideration will be given to the proposal subject to the proposed public garden and recreation space to be dedicated to Council being increased to a minimum of 4,000sq feet with a suggestion that such space be provided from lot 9 of the proposed subdivision' (WMC minutes 11 June 1956, pp.355-6).</p> <p>On 25 June 1956 Dunara Estate was subdivided into 11 lots. Lot 11 is noted on the deposited plan as "Public Garden and Recreation Space" and is approximately 400m² (The equivalent of 4000sq feet is 370m²).</p> <p>The ownership of the site was transferred to Council on 15 July 1957 pursuant to Section 340A of the <i>Local Government Act 1919</i>.</p>
Details of interest in the land proposed to be extinguished	The land is public reserve under the LG Act. Should the reclassification proceed, it is intended that under Section 30(1) of the LG Act the local environmental plan will include a provision to the effect that the land will cease to be a public reserve on the commencement of the plan.
Reasons why such interests are to be extinguished	The public reserve status restricts the future sale and use of the site.
Current uses of the land	<p>The site contains a range of trees and understorey plants. There are no structures on the site, and the size and shape of the land restricts the construction of a building for community use.</p> <p>The site is a public reserve, but it is not used as public open space or as a public facility. Visually, it appears as a heavily vegetated space.</p> <p>Despite numerous attempts to replant the site, its inaccessibility has resulted in the build-up of vegetation and debris over time. Site maintenance to clear the debris and vegetation is a financial burden to Council, particularly as there are no tangible public benefits.</p> <p>There are currently no unauthorised uses on the land.</p>
Details of any leases or agreements over the land	There are no leases or agreements for the land.

Reclassification of Dunara Reserve, Point Piper from Community to Operational land	
Whether there has been an agreement to sell or lease the land	There is no agreement to sell the land.
Rezoning associated with the reclassification	No zoning change is proposed. The site is currently zoned R2 Low Density Residential under Woollahra LEP 2014.
Potential financial gain to Council through reclassification	As at July 2015 the Valuer General placed a value of \$245,000 on the land. The estimated financial gain from the land being appended to an adjoining owner's lot; would be between \$2000 and \$5000 per square metre (based on comparable land sales in the area).
Asset management objectives being pursued	By disposing of the subject land Council can use the funds to upgrade other Council services and infrastructure which will benefit the broader community. This can include existing usable open space in the vicinity of the site.
How Council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification	Subject to the land reclassification proceeding, a further report will be presented to Council's Corporate and Works Committee addressing how the proceeds from any future sale of the land are committed to public open space, recreation and community facility projects.
Land Reclassification Map (if land to be reclassified does not apply to the whole lot)	Nil. Land to be reclassified applies to the whole lot.
Preliminary comments from relevant government agency, including an agency in which the land is vested or held	Nil. The land is owned and managed by Council.

Extract 2 – Folio created at subdivision

Primary Appn. No. 26476

Reference to Last Title

Vol. 6160 Fol. 171

New South Wales.



[CERTIFICATE OF TITLE.]

REGISTER BOOK.

Vol. 7320 Fol. 244

DW Issued on Transfer No. G697874

COUNCIL OF THE MUNICIPALITY OF WOOLLAHRA, is now the proprietor of an Estate in Fee Simple, subject nevertheless to the reservations and conditions, if any, contained in the Grant hereinafter referred to, and also subject to such encumbrances, liens, and interests as are notified hereon, in that piece of land in the Municipality of Woollahra Parish of Alexandria, and County of Cumberland being Public Garden and Recreation Space in Deposited Plan No.27451 and being part of 190 acres granted to John Piper on 10th February 1820.

In witness whereof I have hereunto signed my name and affixed my Seal, this

Fifteenth

day of

July

, 1957

Signed in the presence of

G. W. Moss

J. Wells

Registrar-General



See Photostat of Deed of Subdivision (DP 27451) attached hereto

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LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 11/27451

SEARCH DATE	TIME	EDITION NO	DATE
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26/5/2017	3:53 PM	1	5/9/2011

LAND

LOT 11 IN DEPOSITED PLAN 27451
LOCAL GOVERNMENT AREA WOOLLAHRA
PARISH OF ALEXANDRIA COUNTY OF CUMBERLAND
TITLE DIAGRAM DP27451

FIRST SCHEDULE

THE COUNCIL OF THE MUNICIPALITY OF WOOLLAHRA (T G697874)

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 THE LAND WITHIN DESCRIBED IS PUBLIC RESERVE

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***