

15.6. RECLASSIFICATION OF COUNCIL CONSERVATION RESERVES TO COMMUNITY LAND - REVIEW OF SUBMISSIONS

REPORT INFORMATION

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Date of Meeting	22 November 2023
Authorising Director	Paul De Szell - Director Liveable Communities

SUMMARY OF REPORT

The proposal to reclassify three of Council's conservation reserves from 'operational' to 'community' land under the Local Government Act was placed on public exhibition for 28 days from 5 September to 12 October 2023.

23 submissions were received from the community which are summarised in this report.

As none of the issues raised in the submissions are impacted by the reclassification it is recommended that the proposed land reclassification proceed as exhibited.

RECOMMENDATION

That Council reclassify the land identified in Attachment 1 from 'operational' to 'community' land under Section 33 of the Local Government Act 1993.

FINANCIAL / RESOURCE IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

The relevant sections of the Local Government Act 1993 (LG Act) are reproduced below:

"33 Reclassification of operational land as community land

(1) A council may resolve that public land classified as operational land is to be reclassified as community land.

(2) (Repealed)

34 Public notice to be given of classification or reclassification by council resolution

(1) A council must give public notice of a proposed resolution to classify or reclassify public land.

(2) The public notice must include the terms of the proposed resolution and a description of the public land concerned.

(3) The public notice must specify a period of not less than 28 days during which submissions may be made to the council.

(4) (Repealed)"

RISK IMPLICATIONS

Nil.

BACKGROUND

All public land must be classified by Council as either 'community' or 'operational' land under the Local Government Act 1993 (LG Act). Under section 33 of the LG Act Council can reclassify land

from 'operational' to 'community' by resolution. However, prior to doing this Council must give at least 28 days public notice of the proposed reclassification to allow for public submissions.

In September 2023 Council gave public notice that it intended to reclassify three of Council's conservation reserves from 'operational' to 'community' land to ensure the classification reflected the purpose of the reserve, to provide greater protection for the environmental values of these lands and to secure the continued use of these reserves by the community.

DISCUSSION

Summary of Submissions

23 submissions were received during the public exhibition period (see Attachment 2).

While the majority (20) of submissions were in support or did not specifically object to the proposed reclassification, a number of issues surrounding the management of the reserves at Smiths Lake were raised. These issues included:

- Bushfire risk management
- Stormwater management
- Provision of walking and mountain bike tracks
- Weed control
- Funding for ongoing maintenance
- Community involvement in management planning
- Rezoning the land to Environmental Conservation (C2)

Three submissions objected to the reclassification of the reserves at Smiths Lake due to concerns that it would impose restrictions "over the purpose, use and maintenance" of the reserve and would prevent Council from adequately managing the bushfire risk on the land. One submission suggested reclassification be deferred until such time as management plans addressing bushfire risk, presence of weeds, recreational assets and bushfire management and stormwater infrastructure were in place.

Issues surrounding bushfire management, 'nature-focussed' recreational assets, fire trails and opportunities to improve stormwater management were canvassed and described in the original report to Council that authorised the purchase of the land. Since that time, substantial work has been delivered by Council staff and contractors to provide enhanced residential bushfire protection through the creation of Asset Protection Zones on the land as well as strategic bushfire hazard reduction, improved access for fire management through fire trail construction, weed control activities, and stormwater management planning for the reserve. The construction of a new fire station on the reserve is also about to commence.

Management of the above issues are not related to the reclassification of the land. The proposed reclassification would not limit, confine, restrict or prevent positive bushfire, weed and stormwater management within this specific reserve. Bushfire management and the provision of recreational assets and stormwater management infrastructure are all permitted and capable of being delivered on the reserve under the proposed 'community' land classification.

A number of strategic planning and community engagement programs are currently underway to consider many of the issues raised in these submissions, which will culminate in a Plan of Management for the reserve to be undertaken in close consultation with the community. Deferring reclassification pending the development of this management plan would be unreasonable.

Similar to the above, the intention to rezone the land from Rural (RU2) to Environmental Conservation (C2) in the new LEP is proposed to better reflect the reserve's primary purpose. This will also not impede Council's ability to manage the bushfire risk associated with the land. It should be noted that all of Council's high conservation value natural area reserves are zoned, or are proposed to be rezoned to C2, as agreed to by Council.

As a result, it is recommended that the reserves identified in the land schedule contained in Attachment 1 are reclassified from 'operational' to 'community' land as proposed.

ALIGNMENT WITH COMMUNITY PLAN/OPERATIONAL PLAN

The land reclassification is consistent with the following outcome and strategic objectives of the MidCoast Community Strategic Plan:

Community Outcome 2 - An integrated and considered approach to managing our natural resources

2.1: We protect, manage and restore our natural environment and our biodiversity

2.1.1: Protect, maintain and rehabilitate natural areas.

LIST OF ATTACHMENTS

The following attachments are available on the meeting page of Council's website under the 'Attachments to Agenda' heading.

Attachment 1 - Schedule of land to be reclassified to community under the Local Government Act 1993 (1 page)

Attachment 2 - Reclassification of Council Conservation Reserves - Submissions (65 pages)

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