
Gallans Road - land classification

Responsible Officer: Group Manager People & Performance (Helen McNeil)

Recommendation

That Council note the advertisement for a period of 28-days ('Notice Period') regarding the proposed classification of the land known as and located at 57 Gallans Road, Ballina being Lot 57 in DP 1045745 (the 'land') as Operational Land, and:

- a) if no material submissions are received during the Notice Period, the land is classified as Operational Land for the purposes of section 31(2) of the *Local Government Act 1993* without a further report being made to the governing body; or
- b) if material submissions are received during the Notice Period, Council will consider those submissions at its February 2022 meeting.

Background

Council resolved at its meeting on 16 June 2021 to acquire a parcel of land [37/21]. That land is known as and located at 57 Gallans Road, Ballina being Lot 57 in DP 1045745 ('Gallans Road Site'). The purpose of this report is to seek Council's endorsement for the Gallans Road Site to be classified as Operational Land for the purposes of the *Local Government Act 1993* ("the Act"). The land is not intended to be used for community purposes. Council will use the site to conduct its operational activities including housing its corporate and administration centre.

Governance

- **Finance**

The classification of the Gallans Road Site as Operational Land means that Council will be able to deal with the land without the need for a Plan of Management or consent from the Minister for Local Government or the need to meet the requirements set out at sections 35-47F of the Act (including Plans of Management). This represents a cost and time saving in the use and administration of the Gallans Road Site.

- **Legal**

Sections 25 and 26 of the Act require all public land to be classified as either "community" or "operational".

Aligning with the policy position adopted by Council in the [Land Management Policy](#), all Council land holdings are classified as Operational Land.

As Rous is a county council, it is not operationally necessary to provide open space or public amenities. Noting the specialised service functions of Council, it is important for Council to have the ability to prevent public access to operational work sites.

The classification of Operational Land does not prevent Council from allowing the use of a site by the public (for example, Rocky Creek Recreation Area is Operational Land), it simply allows the site to be used for operational purposes as a main priority.

Ballina Shire Council is the local government authority obliged to provide and maintain public amenities and open space for the local government area in which the Gallans Road Site is located. Within this vicinity there are several open space and recreation areas available to the community, including:

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- Ballina Heights Sports Fields,
 - Cummings Park at Ballina Heights,
 - Bicentennial Gardens, and
 - River Oaks/Ferngrove open space and children's park area.

The classification of the Gallans Road Site as Operational Land is not expected to be detrimental to the community and will allow Council staff the flexibility to open and close various parts of the site in accordance with operational needs.

Sections 31(2) and 34 of the Act stipulate that the Council resolution classifying the Gallans Road Site needs to occur, following a 28-day public notice period, within three months of the land acquisition date.

If a classification is not resolved by the Council within this timeframe, then the Gallans Road Site will revert to Community Land and will require Plans of Management and compliance with sections 35-47F of the Act.

In consideration of the various factors related to the current COVID-19 pandemic impacting Council's ability to hold meetings and to assist in complying with the statutory timeframe for classifying land, public notice of the intention to classify the Gallans Road Site as Operational Land was advertised on 30 September 2021 and will remain in place for a period of 28 days. Any submissions received during this period will be provided to the governing body with staff comment via the General Manager.

Provided no material submissions are received during the public notice period, the Gallans Road Site will be considered to have been resolved as Operational Land without a further report being provided to the governing body.

In the event that one or more material submissions are received in relation to the classification of the Gallans Road Site as Operational Land, the submission(s) and a report will be provided to the next Council meeting for consideration. The next Council meeting is currently expected to be held in February 2022.

Consultation

Rous Councillors were consulted prior to the governing body's resolution to acquire the site. All Council land holdings have been acquired for operational purposes and are currently classified as Operational Land. The classification of the Gallans Road site as Operational Land would be consistent with that approach and Council's Land Management Policy.

Conclusion

Given the intended use of the land is predominantly for operational purposes, it is recommended that Council resolve to classify the Gallans Road Site as Operational Land without a further report being made to the governing body, provided no material submissions are received during the public notice period.