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### 3 FUTURE USE OF UNNAMED PARK ON LANE COVE ROAD

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**Report prepared by:** Senior Coordinator - Park Planning  
**File No.:** GRP/21/7 - BP21/292

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#### REPORT SUMMARY

Over a number of years Council has received multiple requests from the strata committee of 1-15 Fontenoy Road, Macquarie Park to utilise an adjoining lot known as 'Unnamed Park – Lane Cove Rd' for car parking. This use would be from vehicles associated with occupants and visitors to the residential apartments. To date these requests have not been formalised as the use would be inconsistent with the land zoning, land classification and categorisation, as per the Local Government Act, 1993.

The proposal to utilise the Park as a car park does not align to the zoning objectives of RE1 land nor the core objectives of Park categorised land. As such, Council is unable lease or license the land as a car park.

Within the body of this report, staff outline the background to the site, current planning and legislative controls, and the proposed future use of the site identified in the Local Strategic Planning Statement (LSPS). The report then considers three options available to Council.

1. Maintain the existing land classification, land categorisation and use
2. Reclassification of the Park to enable parking for private benefit
3. Divest the Park to enable parking for private benefit

Formalising the use of the site for car parking may limit Council's ability to deliver the identified connection within Council's adopted Local Strategic Planning Statement (LSPS). The future use of the Park is identified in Council's (LSPS) for the purposes to 'investigate open space link' along the M2 corridor – Figure 7 in the body of the report. This link would connect North Ryde and South Turramurra.

The development approval to construct 1-15 Fontenoy Rd would have considered the planning controls in place at the time to establish the required number of car spaces per unit. The approved number of car spaces provided would have been consistent with other similar developments at that time. The provision of additional car parking spaces for this particular strata development would not be equitable to other developments constructed under the same planning controls.

For these reasons the recommendation is to maintain the existing land classification and categorisation and undertake tree plantings in the future when funds are identified for this purpose. This report further recommends that Council can undertake vegetation planting to gain an ecological benefit from the Park until the LSPS project is realized when funding becomes available.

**ITEM 3 (continued)****RECOMMENDATION:**

- (a) That Council proceeds with Option 1: Maintain the existing land classification and use of the Park and undertakes improvements as outlined in this report when funding is available.
- (b) That Council writes to the strata committee of 1-15 Fontenoy Road, Macquarie Park informing them of this decision.

**ATTACHMENTS**

There are no attachments for this report.

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### ITEM 3 (continued)

#### Context

The purpose of this report is to determine the future use of Lot 320 DP1184817 (the Park). This lot is classified as Community Land and categorised as Park. Over a number of years, the strata body and residents of an adjoining lot 1-15 Fontenoy Road, Macquarie Park have requested access to the Park to use as a car park for their private vehicles. This request has been denied by Council Officers to date due to it being inconsistent with the land zoning, classification and categorisation. Council has also received complaints from residents of the development regarding the use of the land for car parking.

#### The Lot

Lot 320 DP1184817 (the Park) is located within Macquarie Park. It is located between the M2, Lane Cove Road and 1-15 Fontenoy Road. The lot size is 1,489.21m<sup>2</sup>. Refer to Figures 1 and 2.

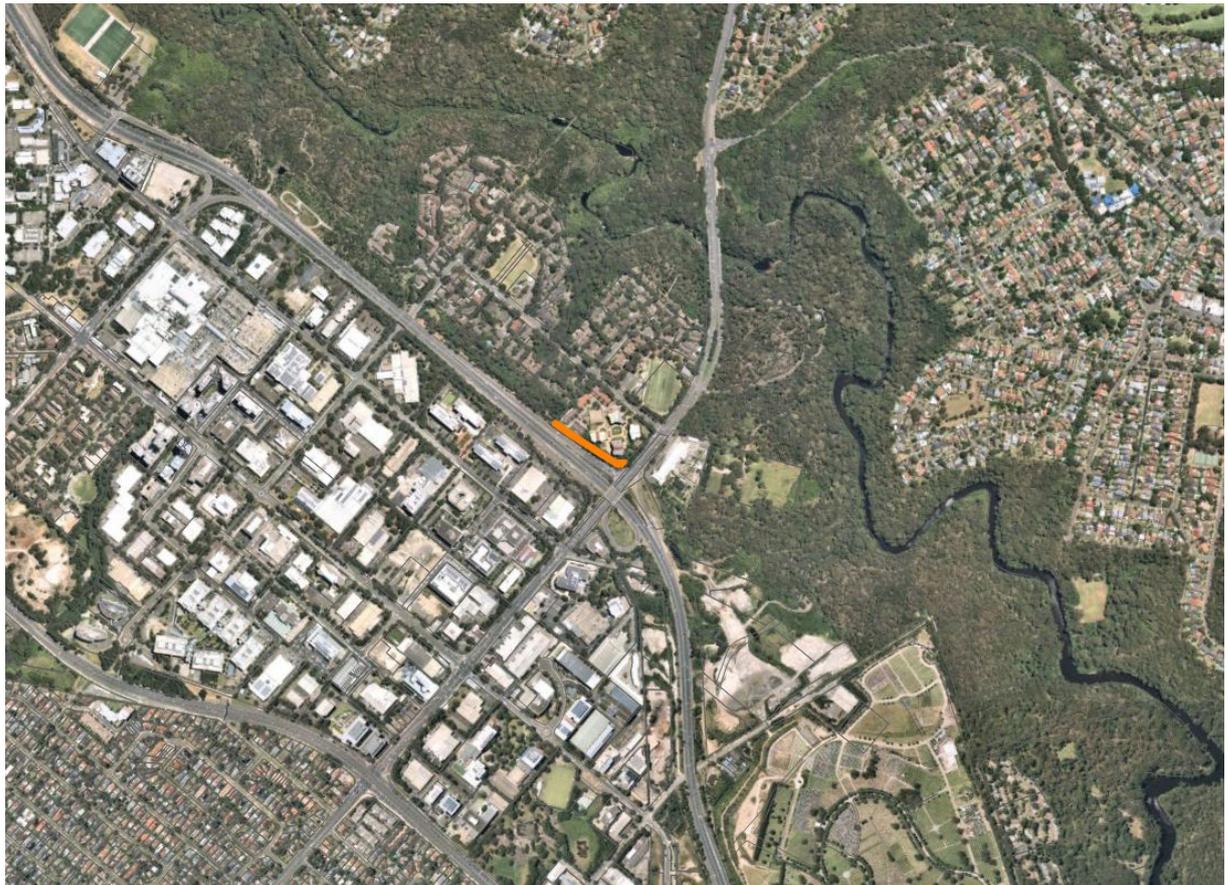


Figure 1: Site Context

### ITEM 3 (continued)

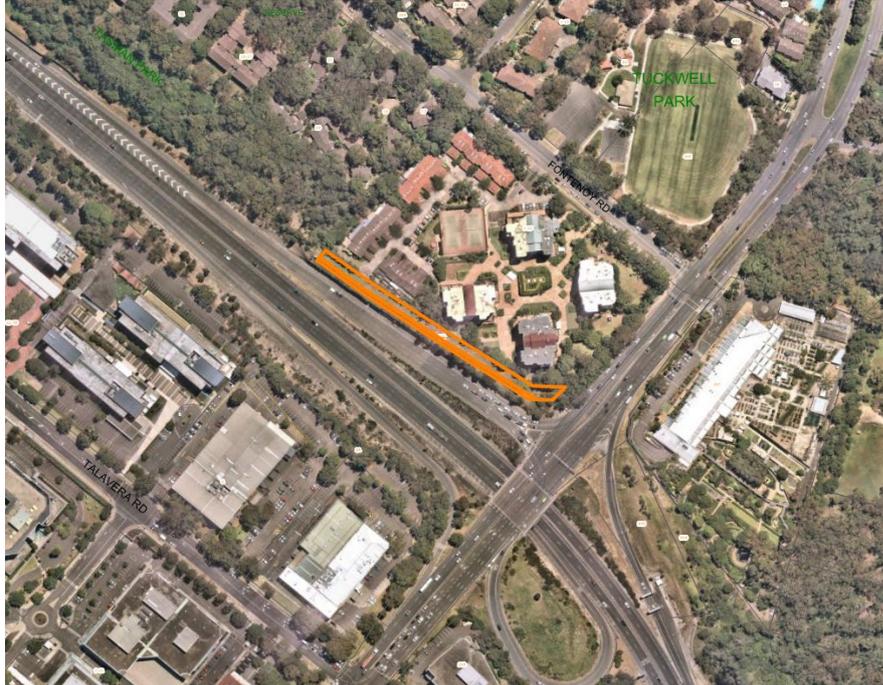


Figure 2: Site Location

### History of the Park

The 1948 Cumberland Planning Scheme proposed to create an express way connecting what is now the Pacific Freeway in Wahroonga and the Sydney CBD. The Park adjoins the lands that were reserved for the creation of this road. Through a series of design refinements and subsequent subdivisions, the land was identified as surplus to the requirements of the motorway and dedicated to Council in the late 1990s following construction of the M2 motorway. In the 2001 Generic Plan of Management, the land was categorised as Park. In 2013, Transport for NSW (Roads and Maritime at the time) acquired a portion of the Park for the purposes of constructing a sound barrier.

Recently the strata body representing 1-15 Fontenoy Rd have raised with Council a desire to park visitor and resident vehicles with the Park. This is due to increased vehicle ownership within the development. To date, these requests have been denied due to the zoning of the land and the core objectives of the land categorisation.

The development approval to construct 1-15 Fontenoy Rd would have considered the planning controls in place at the time to establish the required number of car spaces per unit. It appears that the request to use the Park as car parking is the result of evolving trends in vehicle ownership.

### Current Use

**ITEM 3 (continued)**

The Park is zoned RE1 in RLEP2014 – Figure 3. The objective of this zoning is;

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes

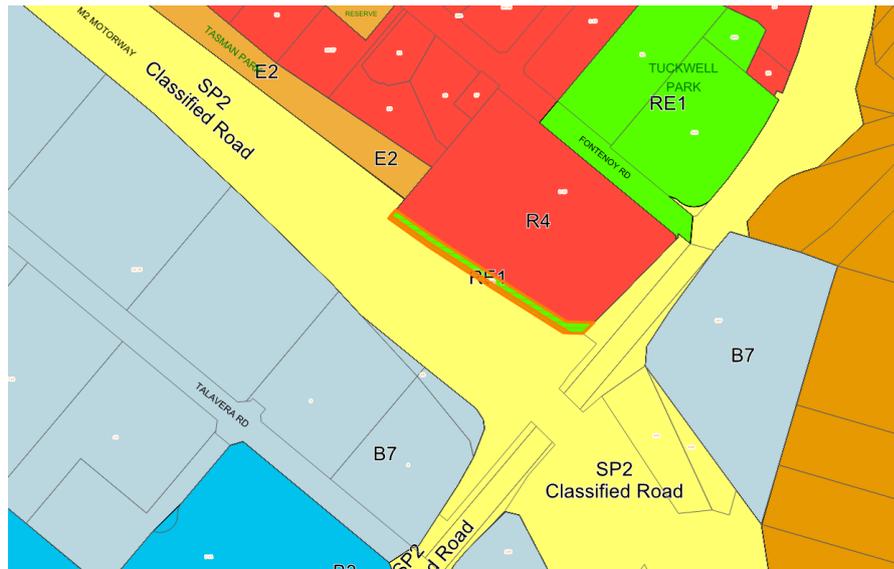


Figure 3: RLEP2014 Zoning

The Park is classified as Community Land. It is categorised as Park in the 2020 Generic Plan of Management Appendix C – Figure 4. The core objectives of Park categorisation is:-

- (a) to encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities, and
- (b) to provide for passive recreational activities or pastimes and for the casual playing of games, and
- (c) to improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.

**ITEM 3 (continued)**



Figure 4: Lane Cove Rd – Unnamed Park, 2020 Generic Plan of Management, Appendix C

The Park is currently a strip approximately 7 metres wide and 200 metres long. It is primarily mown grass with minimal trees – Figure 5.



Figure 5: Photo of the Park looking west from Lane Cove Road.

The Park is located within the proximity of Tasman Park to the west and Tuckwell Park to the north – Figure 6. The Park does not share a common boundary with any other Council owned land.

**ITEM 3 (continued)**



Figure 6: Plan showing location of nearby parks

The Park is currently maintained by Council having successfully negotiated with the strata of 1-15 Fontenoy Rd access to the Park through their land. Should this agreement be rescinded, Council will have very limited ability to access the site with vehicles (construction, maintenance or otherwise) due to the vegetation growing along the Lane Cove Rd frontage.

**Future Use**

The future use of the Park is identified in Council's Local Strategic Planning Statement (LSPS). The LSPS identifies Council to 'investigate open space link' along the M2 corridor – Figure 7. This link would connect North Ryde and South Turramurra.

**ITEM 3 (continued)**

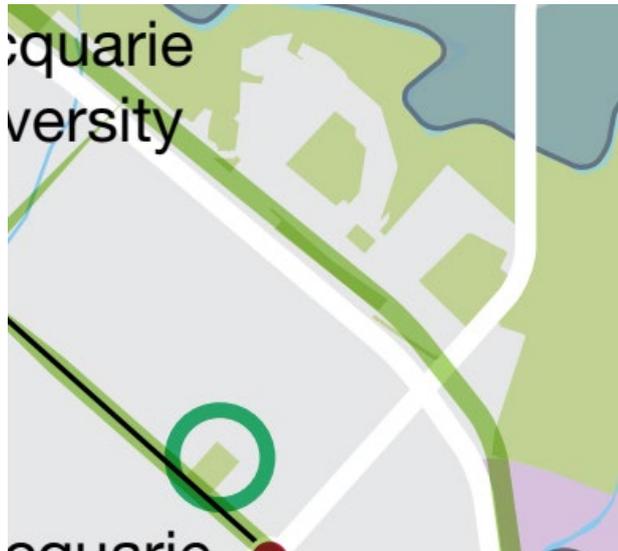


Figure 7: Inset map from Open Space Structure Plan, LSPS 2020

The Park is not located within local or regional connectivity corridors identified in the Biodiversity Plan 2016.

**Discussion**

The proposal to utilise the Park as a car park does not align to the zoning objectives of RE1 land nor the core objectives of Park categorised land. As such, Council is unable lease or license the land as a car park.

The following options are available to Council;

OPTION 1: Maintain the existing land classification, categorisation and use

**This is the recommended option**

Description: Council maintains ownership of the Park and will seek ecological and environmental outcomes through tree plantings and alike until the future open space link is delivered. The Park would not be used as a car park.

Advantages:

- Maintains Council ownership of the Park.
- Provides ecological outcomes.
- Increase in tree canopy within the City.
- Allows for a future project to connect North Ryde and South Turramurra.
- Complies with zoning and the core objectives of the Park.

Disadvantages:

- Nil

**ITEM 3 (continued)****OPTION 2: Reclassification of the Park to enable parking for private benefit****This is not the recommended option**

Description: Council undertakes a Planning Proposal including legislative requirements for public hearing and public exhibition to change the classification of the Park from Community Land to Operational Land and change the zoning. Council would then be able to lease and or license the land as a car park subject to the required planning approval.

## Advantages:

- Limited financial benefit to Council.
- Maintains Council ownership of the Park.
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## Disadvantages:

- Limited number of parties would be interested in the tenure of the Park due to restricted access from a road. Access would need to be negotiated with 1-15 Fontenoy Rd if an alternate tenant was identified. This would limit the number of potential tenants and therefore further reduce the likely small rental return for Council.
- Potential loss of the opportunity to deliver the LSPS open space link.
- Likely community opposition to the reclassification which has limited community benefit.

**OPTION 3: Divest the Park to enable parking for private benefit****This is not the recommended option**

Description: To enable divestment of the Park, Council would need to undertake a Planning Proposal to change the classification of the Park from Community Land to Operational Land and change the zoning. Council would then be able to divest the land through an auction.

## Advantages:

- Potential financial benefit to Council.
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## Disadvantages:

- Limited number of parties would be interested in the Park due to its 7m width and limited access from a road. This could result in limited participants in the auction and therefore a smaller financial benefit to Council.
- Loss of opportunity to deliver the LSPS open space link.
- Likely community opposition to the divestment which has limited community benefit.

**ITEM 3 (continued)****Conclusion**

Following consideration of the three options available to Council, it is recommended Council implements Option 1: Maintain the existing land classification, categorisation and use as Council maintains ownership of the Park. It further recommends that Council undertake vegetation planting when funds are available to gain an ecological benefit from the Park until the LSPS project is realised.