

## **8.16. Proposed Community Garden French Street McMahons Point**

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**ENDORSED BY:** Rob Emerson, Director Open Space and Environmental Services

**ATTACHMENTS:** Nil

### **PURPOSE:**

Community garden proposal French Street McMahons Point. Outcomes of negotiations with Transport for NSW.

### **EXECUTIVE SUMMARY:**

The matter has been before Council on two previous occasions that resulted in a Council resolution for the State Member of North Shore to negotiate with Transport for NSW for a long term lease on a parcel of land in French Street McMahons Point for a proposed community garden. The State Member put Council staff in direct contact with Transport for NSW that resulted in a refusal for any lease on the parcel of land and an offer for Council to purchase the land at a commercial rate.

### **FINANCIAL IMPLICATIONS:**

The Operational Plan for 2021/22 has no budget for the Transport for New South Wales proposed sale price of \$6.5 million. Further the Operation Plan has no budget for the estimated \$310,000 remediation and establishment cost of the gardens. If the proposal was to proceed this would need to be addressed in future budgets.

### **RECOMMENDATION:**

**1. THAT** Council not pursue the purchase of the land from Transport for NSW for the French Street McMahons Point site due to the likely high purchasing, remediation and establishment costs associated with the proposed community garden use.

## **LINK TO COMMUNITY STRATEGIC PLAN**

The relationship with the Community Strategic Plan is as follows:

1. Our Living Environment
- 1.3 Quality urban greenspaces
- 1.4 Public open space and recreation facilities and services meet community needs

## **BACKGROUND**

Council at its meeting on 14 February 2020 resolved:

*“THAT the Mayor make representations to the State Member of North Shore, Ms Felicity Wilson to negotiate with Transport for NSW for a longer-term lease and more cost effective remediation mechanisms to enable the French Street McMahons Point vacant land proposed to be used for a community garden.”*

The subsequent Mayoral letter to the State Member of North Shore resulted in Council staff being put in direct contact with representatives of Transport for NSW to negotiate directly with regards to the future use of the site.

The main issues with the parcel of land proposed to be used for a community garden was that the ownership of the land rested with Transport for NSW and the land contamination affecting the soil on the site.

## **CONSULTATION REQUIREMENTS**

Community engagement is not required.

## **DETAIL**

The 1600 m<sup>2</sup> site is currently vacant, with the parcel of land characterized as a sloping (east to west) block with grass and vegetation cover. The site is surrounded by residential development to the north, south and east with the rail corridor to the northwest. It is currently fenced. The land is contaminated and would require remediation to be utilized for public open space or in this case for a community garden purpose. This is consistent with the land occupier’s obligations under the *NSW Contaminated Land Management Act 1997*.

Negotiations have been ongoing with staff from Transport for NSW requesting a long term community license for the land. Initial offers of a license on the land only amounted to a twelve month lease. It was Council’s argument that in order to justify the costs associated with remediation of the land together with the costs of establishing a community garden that a long term lease in the order of 10-15 years would be appropriate.

In July 2021, Council was informed by Transport for NSW that they “now believed that it was not appropriate to offer a community license on this site”. They did, however, offer for Council to purchase the parcel of land. In October 2021, Transport for NSW provided an approximate valuation should Council wish to purchase the land. Based on a square meter \$ rate, to fully purchase the land would equate to \$6.5 million.

Other costs, not including the above purchase cost, associated with the establishment of a community garden includes initial verification of the land contamination assessment, subsequent remediation of the soil and establishment of the garden is estimated at \$310,000.

Given the above costs and the general unsuitability of the site, it is believed that Council should not pursue the purchase of the site from Transport for NSW and abandon any plans to establish a community garden on this parcel of land.