

**ITEM 5. CLASSIFICATION OF LAND AT 95C PORTMAN STREET ZETLAND
(LOT 31 IN DP 1201559)**

FILE NO: S100178 and S100179

SUMMARY

In March 2013, the Central Sydney Planning Committee approved a Development Application (DA) for the Green Square Town Centre (the Town Centre) Essential Infrastructure works which includes roads and utilities.

In August 2013, the City of Sydney (the City) entered into a planning agreement with Mirvac Green Square and UrbanGrowth NSW which established the land transfer requirements for 95C Portman Street, Zetland (Lot 31 in DCP 1201559).

Under the planning agreement, UrbanGrowth NSW must transfer land at 95C Portman Street to the City for use as future roads in the Town Centre, as shown marked on the plan, Attachment A.

On 10 August 2015, Council resolved to publicly notify the proposed classification of Lot 31 as operational. Attachment B is the Resolution of Council of 10 August 2015.

The proposed resolution to classify Lot 31 as operational was publicly notified for a period of 30 days from Tuesday 18 August 2015 until Friday 18 September 2015 (refer to public notice in Attachment C). No submissions were received.

UrbanGrowth NSW still owns the land and will shortly transfer Lot 31 to the City. A classification of proposed Lot 31 as operational will provide the City with the flexibility to open the road once adjoining development sites in the Town Centre have been completed.

RECOMMENDATION

It is resolved that Council classify Lot 31 in DP 1201559, as shown marked on Attachment A to the subject report, as operational land in accordance with section 31 of the NSW Local Government Act 1993.

ATTACHMENTS

Attachment A: Identification Plan – Land classification map

Attachment B: Resolution of Council of 10 August 2015

Attachment C: Public Notice

Attachment D: Subdivision Plan

BACKGROUND

1. On 1 July 2014, the City, Mirvac Green Square and UrbanGrowth NSW entered into a works deed for the Consortium to undertake stage 1 of the Green Square Town Centre essential infrastructure works covering most of proposed Ebsworth Street, Tweed Place and Barker Street in the Town Centre which includes land at 95C Portman Street Zetland (Lot 31 in DP 1201559).
2. In October 2014, Council approved a section 96 modification to D/2013/1489 which subdivided Lot 3 in DP 1199127 into five lots (refer Attachment B), which include:
 - (a) Lot 31 DP 1201559 proposed future public road;
 - (b) Lot 33 DP 1201559 proposed future public road; *
 - (c) Lot 34 DP 1201559 proposed future public road; *
 - (d) Lot 2 DP 1199427 (future Public Plaza and open space); and *
 - (e) Lot 32 DP 1201559*.

* Lots transferred to Council in late 2014.
3. In December 2014, Council endorsed a recommendation to classify lands in the Town Centre as operational following a period of public notification. The Council resolution covered the following lands:
 - (a) Lot 33 DP 1201559 proposed future public road;
 - (b) Lot 34 DP 1201559 proposed future public road;
 - (c) Lot 2 DP 1199427 (future Public Plaza and open space); and
 - (d) Lot 32 DP 1201559 and covers land for plaza, open space and public roads.
4. Land at 95C Portman, Street Zetland (Lot 31 DP 1201559) is presently owned by UrbanGrowth NSW and is due to be transferred to the City in late 2015.

KEY IMPLICATIONS

Strategic Alignment - Sustainable Sydney 2030 Vision

5. The proposed classification of Lot 31 is consistent with Sustainable Sydney 2030. In particular, the classification is aligned with the following strategic direction and objective:
 - (a) Direction 6 - Vibrant Local Communities and Economies – the proposed road is Ebsworth Street which will be the primary retail “high street” in the Town Centre.
6. The proposed classification is consistent with Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.

Risks

7. Without an operational classification, there is a requirement to open the land as a public road for immediate use by the community while it is still being used for construction.

Social / Cultural / Community

8. Land at 95C Portman Street, Zetland will serve as the retail “high street” of the Town Centre and provide access to mixed use developments (Development Site 16A and 16B) to be completed before it opens as a public road in late 2016.

FINANCIAL IMPLICATIONS

9. Upon completion of the transfer the land will be recognised as an asset by the City at its fair value in accordance with Australian Accounting Standards.

RELEVANT LEGISLATION

10. Section 25 of the NSW Local Government Act 1993 – requires all public land to be classified as either community or operational land.
11. Section 31(2) of the NSW Local Government Act 1993 – allows Council to resolve to classify land prior to Council acquiring the land.
12. Sections 34 and 705 of the NSW Local Government Act 1993 – require the proposed resolution to classify land to be publicly notified and made available for inspection by the public for a period of not less than 28 days.
13. Part 2 of the NSW Roads Act 1993 – methods of opening public roads.

CRITICAL DATES / TIME FRAMES

14. Under the proposed construction access licence, the Ebsworth Land (as shown in Attachment A) is to be transferred by UrbanGrowth NSW to the City in late 2015, and gazetted as public road before issue of the first occupation certificate of development sites 16A and 16B, expected to be late 2016.
15. The land needs to be classified within three months of land transfer (late 2015) or the land automatically reverts to a community classification.

PUBLIC CONSULTATION

16. The proposed classification of Lot 31 was publicly notified in accordance with the requirements of the NSW Local Government Act 1993.
17. No submissions have been received.

KIM WOODBURY

Chief Operating Officer

David White, Senior Development Planner