

**ITEM 6. LAND CLASSIFICATION CHANGE - 200 GEORGE STREET,
SYDNEY**

FILE NO: S121300

SUMMARY

The land situated at 200A and 200B George Street, Sydney (Lots 3 and 2 in DP 1213767 respectively) is currently owned by Mirvac George Street Pty Limited and AMP Capital Investors Limited. This land forms part of the Alfred, Pitt, Dalley and George Streets (APDG) Block and is in the process of being transferred to the City as part of a planning agreement between the City and Mirvac George Street Pty Limited and AMP Capital Investors Limited.

On completion of the transfers, the City then plans to transfer Lots 3 and 2 to Lend Lease as part of a proposed planning agreement between the City and Lend Lease (currently being negotiated) for the development of an adjacent site, being 174-186 George Street and 33-35 Pitt Street, Sydney. In exchange, the City will receive from Lend Lease land to be dedicated to the City as a public plaza fronting George Street and Lend Lease will dedicate land back to the City as a public road (generally being Lot 3).

To enable these land transfers to be completed, both Lots 3 and 2 must be classified as operational land in accordance with the relevant provisions of the Local Government Act.

On 21 March 2016, Council resolved to publicly notify a proposed resolution to classify land situated at 200B George Street, Sydney (Lot 2 in DP 1213767) as operational land. The proposed resolution was publicly notified on 1 April 2016 for a period of 28 days. No submissions were received.

A similar public notification process must now be undertaken for 200A George Street, Sydney (Lot 3 in DP 1213767).

This report recommends that:

- as no submissions were received from the public notification process, Council resolve to classify 200B George Street, Sydney (Lot 2 in DP 1213767) as operational land; and
- the proposed classification of 200A (Lot 3 in DP 1213767) as operational land be publicly notified in accordance with the Local Government Act 1993 (with a further report on the outcomes of the notification process to be provided to Council).

RECOMMENDATION

It is resolved that Council:

- (A) classify 200 George Street, Sydney, being Lot 2 in DP 1213767, as Operational in accordance with section 31 of the Local Government Act 1993;

- (B) publicly notify that "The Council intends to acquire land at 200A George Street, Sydney, being Lot 3 in DP 1213767 as shown at Attachment B and classify the acquired land, detailed herein as operational land in accordance with Section 31 of the Local Government Act 1993"; and
- (C) note that a further report, to inform the outcomes of public notification and recommendation on land classification, will follow the notification period.

ATTACHMENTS

Attachment A: Location Plan

Attachment B: Published Notice

Attachment C: Plan of Survey

BACKGROUND

1. The APDG Block is defined in the Sydney Local Environmental Plan 2012 as the block of land bound by Alfred Street, Pitt Street, George Street and Dalley Street, Sydney.
2. The development of this block of land is envisaged by the APDG Planning Controls and includes both the development of the parcel of land owned by Mirvac George Street Pty Limited and AMP Capital Investors Limited at 200 George Street, Sydney (including the land situated at 200A and 200B George Street, as shown at Attachment A) and the parcel of land owned by Lend Lease, at 174-186 George Street and 33-35 Pitt Street.
3. The land situated at 200A and 200B George Street, Sydney, (being stratum Lots 3 and 2 in DP 1213767 respectively, as shown at Attachment C) is currently in the process of being transferred to the City as part of the approved planning agreement between the City and Mirvac George Street Pty Limited and AMP Capital Investors Limited.
4. The City plans to transfer both stratum Lots 2 and 3 in DP 1213767 to Lend Lease as part of a proposed planning agreement between the City and Lend Lease (currently being negotiated) for the development of the adjacent site, being 174-186 George Street and 33-35 Pitt Street, Sydney. In exchange, the City will receive from Lend Lease land to be dedicated to the City as a public plaza fronting George Street and Lend Lease will dedicate land back to the City as a public road, generally being Lot 3 in DP1213767.
5. The intended land transfers associated with both developments are envisaged for the APDG Block.

Classification of Lot 2 in DP 1213767

6. On 21 March 2016, Council resolved to publicly notify a proposed resolution to classify Lot 2 in DP 1213767, known as 200B George Street, Sydney, as operational land under the NSW Local Government Act 1993.
7. The operational classification is required, as it is the City's intention to transfer Lot 2 in DP 1213767 to Lend Lease as part of the land transfers envisaged in the proposed planning agreement between the City and Lend Lease for the development of the adjacent site, being 174-186 George Street and 33-35 Pitt Street, Sydney.
8. On 1 April 2016, public notification of the proposed resolution to classify Lot 2 in DP 1213767 was given for a period of 28 days.
9. To date, no submissions have been received.
10. This report recommends that Council resolve to classify Lot 2 in DP 1213767 as operational land.

Proposed Public Notice to Classify Lot 3 in DP 1213767

11. Lot 3 in DP 1213767 was originally intended to be dedicated to the City by Mirvac George Street Pty Limited and AMP Capital Investors Limited as public road. However, the preferred way forward is for the City to have Lot 3 transferred to us by Mirvac George Street Pty Limited and AMP Capital Investors Limited as operational land to enable the subsequent transfer of Lot 3 to Lend Lease.
12. Lot 3 is proposed to form part of the Lend Lease development site for the duration of their development works and will generally be transferred back to the City on completion of these works as a public road in accordance with the planning agreement between the City and Lend Lease.
13. Under the Local Government Act 1993, all Council-owned land must be classified as either community or operational land. The Local Government Act 1993 requires the Council to notify its proposed resolution to classify and subsequently resolve to classify the land within 90 days of transfer. The transfer of Lots 2 and 3 in DP 1213767 from Mirvac George Street Pty Limited and AMP Capital Investors Limited to the City should occur in May 2016.
14. This report recommends the proposed classification of Lot 3 in DP 1213767 as operational land be publicly notified in accordance with the Local Government Act 1993.

RELEVANT LEGISLATION

15. The following sections of the Local Government Act 1993 are relevant and have been satisfied:
 - (a) section 25 requires all public land to be classified as either community or operational;
 - (b) section 31(2) permits Council to resolve to classify land prior to or within three months after its acquisition of the land;
 - (c) section 34 requires public notice to be given of classification or reclassification by Council resolution; and
 - (d) section 34(3) requires the public notice to specify a period of not less than 28 days during which submissions may be made to the Council.

CRITICAL DATES / TIME FRAMES

16. Section 31 of the Local Government Act 1993 places a time restriction on the Council resolution to classify the land.
17. The Act requires Council to pass a resolution to classify a property within three months of acquisition (settlement); otherwise, the land automatically reverts to community classification.

PUBLIC CONSULTATION

18. Public notification of the proposed resolution to classify Lot 2 in DP 1213767 was given on 1 April 2016 for a period of 28 days, closing on 29 April 2016.

19. To date, no submissions have been received.
20. The classification of Lot 3 in DP 1213767 as operational land is required within three months of acquisition of the land.
21. City Property propose to undertake the above public consultation process for Lot 3 in DP 1213767. On endorsement of this report in order to meet that time frame.

AMIT CHANAN

Director City Projects and Property

Samantha Urquhart, Property Manager