

**ITEM 5. PROPOSED LAND CLASSIFICATION – PITTSWAY ARCADE, 303-305 PITT STREET, SYDNEY**

**FILE NO: X006753**

**SUMMARY**

On 25 July 2016, Council resolved to acquire 303-305 Pitt Street, Sydney as part of the City's acquisitions to create the future Town Hall Square and is due to settle the property on 30 November 2016.

Under the Local Government Act 1993, all Council-owned land must be classified as either community or operational within three months. The community classification is intended to support the management of recreational open space and reserves.

The application of a community classification to 303-305 Pitt Street would be inconsistent with other City-owned land acquired and intended to form part of the future Town Hall Square. The operational classification enables the City to manage this income-producing asset up until the implementation of the future square and fulfil the City's long term objectives.

This reports seeks Council's endorsement to notify a proposed resolution to classify the property as operational land which will enable the City to effectively manage this asset

This proposed resolution to classify is to be publicly notified and made available for inspection by the public for an extended period of 45 days. A further report, to inform the outcomes of public notification and for Council to resolve to endorse the classification will follow the notification period.

**RECOMMENDATION**

It is resolved that Council:

- (A) endorse the proposed resolution: 'It is resolved to classify the City acquired property at 303-305 Pitt Street, Sydney being Lot 1 in Deposited Plan 66011 as operational land in accordance with section 31 of the Local Government Act 1993' be publicly notified; and
- (B) 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:** Identification Plan

**BACKGROUND**

1. The assembly of properties to create Sydney's first new civic square commenced in the mid-1980s from planning concepts first put forward in 1971.
2. On 18 July 1984, Council resolved to adopt the concept for a Park Street Square (Town Hall Square) and associated low rise development for the purpose of:
  - (a) extending the Town Hall Civic Precinct; and
  - (b) extending the Pitt Street pedestrian spine to provide a north-south pedestrian priority route through the Central Business District.
3. Council's standing resolution included the adoption of a proposal to acquire properties that could form part of a new Sydney Square in the future, in recognition of the importance of a suitable civic and ceremonial place directly opposite Town Hall.
4. On 22 August 2011, Council endorsed supporting in principle the continued acquisition of the property required for the future development of Town Hall Square and requested that the Chief Executive Officer notify Council of any opportunities to acquire these properties, noting that each purchase requires the approval of Council;
5. The City has acquired the properties in Attachment A: Identification Plan by commercial negotiation, as and when these properties have become available for sale.
6. The City is due to settle the acquisition of 303-305 Pitt Street, Sydney on 30 November 2016.

**RELEVANT LEGISLATION**

7. Section 25 of the Local Government Act 1993 requires all public land to be classified as either community or operational land.
8. Section 31 of the Local Government Act 1993 requires Council to classify newly acquired land as operational or community land within three months from the date of acquisition of the land. The following sections of the Local Government Act 1993 are relevant:
9. Section 31(2) permits Council to resolve to classify land prior to acquisition.
10. Section 34 requires the proposed resolution to classify be publicly notified and made available for inspection by the public for a period of 28 days.
11. In satisfaction of section 31(3), the proposed resolution is not inconsistent with the planning agreement (as registered on title) nor any other Act or the terms of any trust applying to the land.

**CRITICAL DATES / TIME FRAMES**

12. Upon Council endorsing the recommendation, the proposed resolution would be publicly notified for a minimum 45 days. The additional 17 days beyond the minimum 28 day period gives allowance for the holiday period.
13. The outcomes of this process are to be reported back to Council at the earliest opportunity.

**OPTIONS**

14. The property could not be classified as community under the Local Government Act, as it would constrain the City's ability to exercise its obligations, duties and rights in the management and future redevelopment of this asset.

**PUBLIC CONSULTATION**

15. Subject to Council endorsing the recommendation, and at the earliest opportunity thereafter, the proposed resolution will be publicly notified for a minimum period of 28 days.
16. All submissions will be considered in the subsequent Council report to endorse

**AMIT CHANAN**

Director City Projects and Property

Nicholas Male-Perkins, Commercial Manager