

ITEM 15. COMPULSORY ACQUISITION BY RMS OF 9 CUMBERLAND STREET, MILLERS POINT (PART) FOR THE PURPOSE OF INSTALLING AN ACCESSIBLE LIFT LINK TO SYDNEY HARBOUR BRIDGE

FILE NO: X011699

SUMMARY

In 2014, Roads and Maritime Services (RMS) met with City representatives to introduce the Sydney Harbour Bridge – Step Free Pedestrian Lift Access project, and the site investigation phase of this project.

In August 2016, RMS contacted the City to request further discussions regarding findings from their site investigations for the pedestrian lift.

In February 2017, RMS informed the City of their proposal to acquire Part Lot 108, DP 264104 within King George V Memorial Park for the installation of passenger lifts to service the pedestrian walkway of Sydney Harbour Bridge. This proposal affects City-owned community land on which the Cumberland Street Depot is located. Under the State Environmental Planning Policy (Infrastructure) 2007, RMS are required to consult with the City due to the potential impacts on the footpath and direct impact on land and structures owned by the City.

After significant investigations, RMS found the most appropriate site for the pedestrian lift is the City owned Cumberland Street Depot site. Accordingly, RMS has indicated its intention to compulsorily acquire approximately 72 square metres (subject to final survey) of Cumberland Street Depot, under Section 30 of the NSW Land Acquisition (Just Terms Compensation) Act 1991.

The City and RMS are currently in negotiations to achieve the best outcome for both the City and RMS, which at this time is RMS acquisition of a portion of the Depot site and the refurbishment of the Cumberland Street Depot, which will ensure the continued operation of this strategically located depot, post-lift construction.

The City will draft a Deed, which will detail the terms of the compulsory acquisition of a portion of the Depot site, RMS refurbishment of the Cumberland Street Depot, acquisition-related costs incurred by the City and a balance payment in exchange for the commercial sales value of this parcel of land.

To ensure this pedestrian lift is in full operation prior to the commencement of the Invictus Games in October 2018, RMS released their Report of Environmental Factors in October 2017, which details Cumberland Street Depot as the proposed location for the accessible pedestrian lift.

RECOMMENDATION

It is resolved that:

- (A) Council approve the compulsory acquisition of Part Lot 108 in DP 264104 by Roads and Maritime Services, as shown at Attachment A to the subject report, provided this land is used by Roads and Maritime Services for the installation of an Accessible Lift to provide access to Sydney Harbour Bridge, as shown at Attachment B to the subject report; and

- (B) authority be delegated to the Chief Executive Officer to:
- (i) negotiate, execute and administer a deed with Roads and Maritime Services, which provides, amongst other matters:
 - (a) Roads and Maritime Services' obligations relating to the refurbishment of the Cumberland Street Depot;
 - (b) details of any associated works to be undertaken by Roads and Maritime Services in exchange for the value of the parcel of land compulsorily acquired by Roads and Maritime Services for the purpose of the installation of the accessible lift; and
 - (c) for Roads and Maritime Services to consult the Chief Executive Officer in relation to any works undertaken by them on the Cumberland Street Depot's design, materials and layout and surrounding landscaping; and
 - (ii) execute any other reasonably necessary documentation relating to clause (A) above.

ATTACHMENTS

Attachment A: Site Plan

Attachment B: Current Depot Plan and Revised Plan of Accessible Lift and Depot Location

Attachment C: Budget Implications (Confidential)

(As Attachment C is confidential, it will be circulated separately from the Business Paper and to Councillors and relevant senior staff only.)

BACKGROUND

1. In 2014, Roads and Maritime Services (RMS) met with City representatives to introduce the Sydney Harbour Bridge – Step Free Pedestrian Lift Access, and provided an update on the site investigation phase of this project.
2. In August 2016, RMS contacted the City to request further discussions regarding findings from their investigations.
3. In February 2017, Roads and Maritime Services (RMS) informed the City of their proposed installation of Sydney Harbour Bridge Step Free Access Pedestrian Lifts to link the pedestrian walkway of the Sydney Harbour Bridge, which affects City-owned community land upon which the Cumberland Street Depot is located.
4. Under the State Environmental Planning Policy (Infrastructure) 2007, RMS are required to consult with the City due to the potential impacts on the footpath and direct impact on land and structures owned by the City.
5. The property is recorded as Lot 108, Deposited Plan 264104, classified as Community Land and is described as a Public Reserve.
6. RMS has indicated its intention to compulsorily acquire approximately 72 square metres (subject to final survey) of the Cumberland Street Depot site, in accordance with Section 30 of the NSW Land Acquisition (Just Terms Compensation) Act 1991, under separate title. The City will seek an easement for right of access across the pedestrian way.
7. The provisions of Section 30 permit the compulsory acquisition of land if the owners have agreed in writing on all relevant matters concerning the compulsory acquisition and the compensation to be paid for the acquisition.
8. The Cumberland Street Depot is utilised by the Cleansing and Waste team and is a strategically important depot for key City events such as New Year's Eve and Vivid. RMS is currently working with the City on determining the best alternative location for the Cleansing and Waste team during the ten-month access lift construction and Depot refurbishment program.
9. The City and RMS are finalising negotiations to achieve the best outcome for both the City and RMS, which at this time is RMS acquisition of a portion of the Depot site and the refurbishment of the Cumberland Street Depot, which will ensure the continued operation of this strategically located depot, post lift construction.
10. The current condition of the building interior is near the end of its serviceable life and this proposition would upgrade this building with fit for purpose amenities and storage that would improve conditions for staff.
11. The City's appointed valuer has provided an estimated cost of the land being acquired by RMS and this sum will be offset by the costs incurred by the City in processing this acquisition, plus the refurbishment of the Depot to be undertaken by RMS, which is required post-acquisition.

12. To ensure this pedestrian lift is in full operation prior to the commencement of the Invictus Games in October 2018, RMS released their Report of Environmental Factors in October 2017, which details Cumberland Street Depot as the proposed location for the Accessible Lift.
13. The Accessible Lift construction works will include:
 - (a) demolition of part of the depot;
 - (b) installation of one lift shaft with a connecting bridge link to the Sydney Harbour Bridge pedestrian walkway, and landing area on the street level footpath west of Cumberland Street;
 - (c) provision of new paved areas as part of the connection to the lift entry;
 - (d) upgraded lighting and possible CCTV cameras;
 - (e) changes to street parking in Cumberland Street and provision for a second lift to address potential future demand;
 - (f) regrading of the Sydney Harbour Bridge pedestrian walkway and street level footpath in the immediate area of the proposed lifts; and
 - (g) removal of a balustrade on the Sydney Harbour Bridge to facilitate connection of the bridge link.
14. The City will draft a Deed which will detail the terms of the compulsory acquisition, RMS' refurbishment of the Cumberland Street Depot, an easement for right of way across the pedestrian way, and associated acquisition costs incurred by the City in exchange for the commercial sales value of this parcel of land. The Deed will detail the apportionment of risk, the distribution of the value of the land in "cash and kind", noting that the depot refurbishment will represent value for money for the City.

KEY IMPLICATIONS

Strategic Alignment - Sustainable Sydney 2030 Vision

15. *Sustainable Sydney 2030* is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. The RMS Sydney Harbour Bridge Step Free Access Pedestrian Lifts program aligns with the following *Sustainable Sydney 2030* strategic directions and objectives:
 - (a) Direction 4 - A City for Walking and Cycling –
 - (i) providing safe access to the Sydney Harbour Bridge for people with impaired mobility; and
 - (ii) providing an opportunity for people with disability to participate in recreational and cultural activity; and
 - (b) Direction 6 - Vibrant Local Communities and Economies –
 - (i) preserving the heritage aspects of the Sydney Harbour Bridge while improving access; and

- (ii) equitable access to Sydney Harbour Bridge will attract more visitors to The Rocks and neighbouring precincts.

Organisational Impact

16. The City's Cleansing and Waste team that utilises this Depot will need to relocate their depot operations, including amenities and storage for the 10-month construction period. RMS are working with the City on alternative locations for this depot facility in the Millers Point area, at the cost of RMS.

Social / Cultural / Community

17. RMS is planning to install lifts at Kirribilli and The Rocks to ensure everybody can enjoy the experience of being on one of Australia's most recognisable landmarks.
18. Step-free access to the footpath does not exist which prevents people with impaired mobility (including people with a disability, wheelchair users, people with prams and the elderly) from easily accessing the pedestrian footpath. RMS plans to build step-free access to the Sydney Harbour Bridge, from street level to the pedestrian footpath on the bridge, by buildings lifts near the stairs at each end.
19. RMS has configured the Accessible Lift design to allow for the integration of a second lift, if required in the future.

Environmental

20. Tree management for this site has been considered to ensure that the lift location and construction will have a minimal impact on the trees in this area, i.e. that they are retained and protected. In consultation with the City's Arborist, it has been agreed to remove one Cocos Palm from the site. The Cocos Palm is not subject to the City's Tree Management Controls (exempt species) and there is no objection to the proposed removal.

BUDGET IMPLICATIONS

21. The Budget Implications at Attachment C feature the commercial value of the parcel of land being acquired by RMS, prepared by the City's appointed valuer, Urbis, plus details of the City's costs incurred due to the compulsory acquisition, the cost of RMS refurbishment of the Cumberland Street Depot and associated landscaping works, resulting in a balance to be paid to the City by RMS including GST.

RELEVANT LEGISLATION

22. Local Government Act, 1993.
23. NSW Land Acquisition (Just Terms Compensation) Act 1991.

CRITICAL DATES / TIME FRAMES

24. RMS will take possession of the Depot site for the purpose of lift construction and depot refurbishment from 18 January 2018.

25. It is RMS's intention to have the Accessible Lift installed and operational, plus the completion of the Depot refurbishment, prior to the opening of the Invictus Games, which will take place on 20 October 2018.

OPTIONS

26. RMS undertook an Accessible Lift options study to find a location that: maximises accessibility to provide for disabled access, visual integration with the bridge structure and the surrounding environment, integration with existing uses, and safety for users; and provides a cost effective solution while minimising heritage impacts on the Sydney Harbour Bridge and surrounding environment, construction impacts and maintenance requirements.
27. RMS investigated 14 locations along the southern end of Sydney Harbour Bridge to determine the best lift location based upon criteria including: heritage impacts, ease of pedestrian access, potential conflicts with other uses and level of passive surveillance. This investigation found that the City-owned site at 9 Cumberland Street was one of two suitable sites, the other being the site next to the Sydney Harbour Bridge stairs. RMS found that 9 Cumberland Street presented the least heritage impact on the Sydney Harbour Bridge, compared with the site next to the Sydney Harbour Bridge stairs.

PUBLIC CONSULTATION

28. RMS commissioned a Review of Environmental Factors to examine the potential impact of the proposed Accessible Lift installation and outline measures to reduce and manage these impacts. The Review of Environmental Factors and concept design for the proposal were placed on display in October 2017 for community and stakeholder feedback and closed on 12 November 2017. The majority of the 11 responses received by RMS have been favourable towards the installation of the Accessible Lift.

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