

## Proposed Land Classification of Six Lots - Lachlan and Ashmore Precincts

File No: S116804

### Summary

In accordance with the relevant planning agreements, ownership of six parcels of land will be transferred to the City for future roads and footways within the Lachlan and Ashmore Precincts. The purpose of this report is to obtain Council's endorsement to notify a proposed resolution to classify the six lots as operational land, under the Local Government Act 1993.

During 2015 and 2016, the City entered into planning agreements with several developers to deliver new public roads and pedestrian links, including an obligation to transfer the following land to the City:

Lachlan Precinct:

- (a) Lot 2 DP 1208467 for future road (Sam Sing Street). 869.3m<sup>2</sup> formerly part of 40A & B O'Dea Avenue, Waterloo
- (b) Lot 1 DP 1236976 for future road (Gadigal Avenue and Tung Hop Street). 1,456m<sup>2</sup> formerly part of 13-17 Lachlan Street, Waterloo
- (c) Lot 4 DP 1236976 for future road widening (Lachlan Street). 776m<sup>2</sup> formerly part of 13-17 Lachlan Street, Waterloo

Ashmore Precinct:

- (a) Lot 4 DP 1233713 for future pedestrian link. 480.5m<sup>2</sup> formerly part of Units 39-41/1A Coulson Street, Erskineville
- (b) Lot 3 DP 1241416 for future pedestrian link. 191.9m<sup>2</sup> formerly part of Units 21-34/1A Coulson Street, Erskineville
- (c) Lot 101 DP 1240458 for future road (Macdonald Street). 713.3m<sup>2</sup> formerly part of Units 1-15/1A Coulson Street, Erskineville

The developments associated with the identified six lots are currently nearing completion, enabling the transfer of land to the City in accordance with the planning agreements. To ensure that the City meets the community's requirements regarding the connecting public roads and pedestrian links, it is essential that Council endorses the proposed classification of the six lots as operational land. This is required within three months of transfer to the City, as per section 31 of the Local Government Act 1993.

## Recommendation

It is resolved that:

- (A) Council endorse public notification of the proposed resolution: "It is resolved to classify the following six lots of proposed land for road in the Lachlan and Ashmore Precincts as operational land in accordance with section 31 of the Local Government Act 1993" for the following parcels of land:
- (i) Lot 2 DP 1208467 for future road (Sam Sing Street). 869.3m<sup>2</sup> formerly part of 40A&B O'Dea Avenue, Waterloo;
  - (ii) Lot 1 DP 1236976 for future road (Gadigal Avenue and Tung Hop Street). 1,456m<sup>2</sup> formerly part of 13-17 Lachlan Street, Waterloo;
  - (iii) Lot 4 DP 1236976 for future road widening (Lachlan Street). 776m<sup>2</sup> formerly part of 13-17 Lachlan Street, Waterloo;
  - (iv) Lot 4 DP 1233713 for future pedestrian link. 480.5m<sup>2</sup> formerly part of Units 39-41/1A Coulson Street, Erskineville;
  - (v) Lot 3 DP 1241416 for future pedestrian link. 191.9m<sup>2</sup> formerly part of Units 21-34/1A Coulson Street, Erskineville; and
  - (vi) Lot 101 DP 1240458 for future road (Macdonald Street). 713.3m<sup>2</sup> formerly part of Units 1-15/1A Coulson Street, Erskineville; and
- (B) Council note that a further report to Council, to inform of the outcomes of public notification and recommendation of land classification, will follow the notification period.

## Attachments

- Attachment A.** Draft Plans of Subdivision
- Attachment B.** Extract of Section 5.4 Lachlan Precinct, Sydney Development Control Plan 2012
- Attachment C.** Extract of Section 5.5 Ashmore Precinct, Sydney Development Control Plan 2012

## Background

### Planning Context

1. The Ashmore Precinct in Erskineville and the Lachlan Precinct in Waterloo are two of the City's largest urban renewal precincts which are transitioning from industrial and warehouse uses to a mixed use residential neighbourhood with high quality buildings and public spaces.
2. New streets are being delivered progressively as development occurs. These will break up the existing large industrial lots and allow for movement within and through the precincts by pedestrians, cyclists and vehicles.
3. The network of new public roads and pedestrian links are outlined in the Sydney Development Control Plan 2012 (DCP). Extracts of Section 5.4 Lachlan (Attachment B) and of Section 5.5 Ashmore (Attachment C) are attached.
4. The DCP requires landowners to construct and dedicate this public infrastructure in association with redevelopment of their properties. To provide for the delivery of the infrastructure, the City has entered into Planning Agreements with each of the land owners. Those Agreements obligate the owners to transfer or dedicate the necessary land at no cost to the City, as part of their development.

### Detailed Descriptions

5. The specific circumstances of each lot are discussed further below:

- (a) Lot 2 DP 1208467 for future road (Sam Sing Street)

Sam Sing Street is being delivered by three adjoining landowners. The first stage was delivered by Crown Group as part of D/2008/531 for 30-36 O'Dea Avenue. The second stage is being delivered by JQZ Six Pty Ltd as part of D/2014/895 for 40A&B O'Dea Avenue. The final stage will be delivered by the owner of 42 O'Dea Avenue when that property is re-developed in the future. Until the street is completed to its full extent, the land cannot be dedicated and managed under the Roads Act as a public road.

- (b) Lot 1 DP 1236976 for future road (Gadigal Avenue and Tung Hop Street)

Gadigal Avenue and Tung Hop Street are being delivered by Mirvac Ping An Residential Developments Pty Ltd as part of D/2015/570 and D/2015/782 for 13-17 Lachlan Street. As part of the agreed staging, the land has been created as a lot and may be transferred to the City's ownership temporarily, prior to being dedicated as public road.

- (c) Lot 4 DP 1236976 for future road widening (Lachlan Street)

The widening of Lachlan Street is being delivered by Mirvac Ping An Residential Developments Pty Ltd as part of D/2015/570 and D/2015/782 for 13-17 Lachlan Street. As part of the agreed staging, the land has been created as a lot and may be transferred to the City's ownership temporarily, prior to being dedicated as public road.

- (d) Lot 4 DP 1233713 for future pedestrian link

The pedestrian link between Pearl Street and Macdonald Street will be constructed by the City once all of the land along the route has been transferred to the City by the existing property owners. This is happening progressively. The land known as Lot 4 is being subdivided and transferred by B1 Shiyang Ashmore Pty Ltd as part of D/2014/1703 for Units 39-41/1A Coulson Street. The owner has also provided a monetary contribution of \$307,736 towards the cost of constructing the future link.

- (e) Lot 3 DP 1241416 for future pedestrian link

The pedestrian link between Pearl Street and Macdonald Street will be constructed by the City once all of the land along the route has been transferred to the City by the existing property owners. This is happening progressively. The land known as Lot 3 is being subdivided and transferred by Golden Rain Development Pty Ltd as part of D/2015/154 for Units 21-34/1A Coulson Street. The owner has also provided a monetary contribution of \$91,200 towards the cost of constructing the future link.

- (f) Lot 101 DP 1240458 for future road (Macdonald Street)

A continuation of Macdonald Street will be constructed by the City once all of the land along the route has been transferred to the City by the existing property owners. This is happening progressively. The land known as Lot 101 is being subdivided and transferred by Ablin Erskineville Pty Ltd as part of D/2015/865 for Units 1-15/1A Coulson Street. The owner has also provided a monetary contribution of \$214,268 towards the cost of constructing the future road.

## Key Implications

### Strategic Alignment - Sustainable Sydney 2030 Vision

6. 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 transfer of land to the City and its classification is aligned with the following SS2030 strategic directions and objectives:
- (a) Direction 3 - Integrated Transport for a Connected City – planning agreements are used to deliver new and enhanced streets and public transport corridors.
  - (b) Direction 4 - A City for Walking and Cycling – planning agreements are used to delivery new and improved pedestrian and cycling infrastructure.
  - (c) Direction 9 - Sustainable Development, Renewal and Design – planning agreements are used to deliver public infrastructure in urban renewal areas conjunction with redevelopment.
  - (d) Direction 10 - Implementation through Effective Governance and Partnerships – planning agreements are voluntary agreements between developers and the City.

**Risks**

7. If the land is not classified as operational within three months of transfer to the City, it will revert to a community classification under the Local Government Act 1993. This would restrict the City in undertaking work on the land to construct the public infrastructure and unnecessarily complicate the ultimate dedication as public roads or footways.

**Budget Implications**

8. The classification of land under the Local Government Act does not have any direct budgetary implications. Once the abovementioned parcels of land are dedicated to Council, they will be recognised as in-kind contributions income, and held as land assets in accordance with Council's Infrastructure, Property, Plant and Equipment (IPPE) Asset Recognition & Capitalisation Policy.

**Relevant Legislation**

9. The following sections of the Local Government Act 1993 are relevant:
  - (a) Section 25 requires all public land to be classified as either community or operational land;
  - (b) Section 31(2) permits Council to resolve to classify land prior to acquisition;
  - (c) 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; and
  - (d) 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.

**Critical Dates / Time Frames**

10. The land needs to be classified within three months of land transfer to the City or the land automatically reverts to a community classification.

**Options**

11. If Council does not classify the land as operational then it will default to community land, meaning unnecessary regulatory and administrative burden on the City in order to complete the public infrastructure.

**Public Consultation**

12. Subject to Council endorsing the recommendation, the proposed resolution will be publicly notified as soon as possible for a minimum period of 28 days.
13. All submissions will be considered in the subsequent Council report to endorse.

**AMIT CHANAN**

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