

Proposed Land Transfers from the Department of Planning, Industry and Environment - Various Sites

File No: X022185.007

Summary

In May 2013, Council resolved to accept the transfer of eleven parcels of land located within Jacksons Landing, Pyrmont (Pyrmont Land), as a result of the completion of the Jackson's Landing development, which had previously been dedicated to the Minister for Planning and Infrastructure (the Minister) – see Attachment A.

The City has recently finalised an agreement on the due diligence prerequisites to effect transfer of the Pyrmont Land, and additional land which is the subject of this report, with the Department of Planning, Infrastructure and Environment and the Office of Strategic Lands, acting on behalf of the Minister.

The Department of Planning, Infrastructure and Environment and the Office of Strategic Lands have recently proposed to expand the land transfer program to include, in addition to the Pyrmont Land, non-Pyrmont parks historically under the care, control and management of the City, which are listed below and identified in Attachment B. These parks are together identified as the 'Non-Pyrmont Land':

- (a) Blackwattle Bay Park, Glebe: 6,546m² being Lot 4 in Deposited Plan 260204;
- (b) Blackwattle Playground, Glebe: 1,522m² being Lot 2 in Deposited Plan 597314;
- (c) Wilson Street Reserve #2, Newtown: 95.56m² being Lot 5 in Deposited Plan 718234;
- (d) Fanny Place Playground, Surry Hills: 202m² being Lot 2 Deposited Plan 82; and
- (e) Southern Cross Drive Reserve, Moore Park: 11,319.3m² being Lot 3 Deposited Plan 240490 and Lot 24 in Deposited Plan 248025.

The City, Department of Planning, Infrastructure and Environment and Office of Strategic Lands have agreed in principle to transfer the Pyrmont Land and the Non-Pyrmont Land in three tranches, subject to satisfactorily meeting the due diligence requirements of the City. The properties to be transferred within each tranche are identified in Attachments B and C and generally described as:

- Tranche 1 – Parks currently under the care, control and management of the City (Non-Pyrmont Land) identified in Attachment B;
- Tranche 2 – Pyrmont sites (excluding cliff walls) identified in Attachment C; and
- Tranche 3 – Pyrmont sites (cliff walls) identified in Attachment C.

The subject of this report is the proposed land transfer of the Non-Pyrmont Land, the proposed resolution to classify and categorise the Non-Pyrmont Land, which are parks currently managed by the City, and a brief discussion of the intended transfer process with the Department of Planning and Office of Strategic Lands.

Recommendation

It is resolved that:

- (A) subject to clause (B), Council endorse the transfer of land listed below from the Minister for Planning and Infrastructure to the City of Sydney for nil or nominal consideration:
 - (i) Blackwattle Bay Park, Glebe being Lot 4 in Deposited Plan 260204 (Map reference "A" on Attachment B);
 - (ii) Blackwattle Playground, Glebe being Lot 2 Deposited Plan 597314 (Map reference "B" on Attachment B);
 - (iii) Wilson Street Reserve #2, Newtown being Lot 5 in Deposited Plan 718234 (Map reference "C" on Attachment B);
 - (iv) Fanny Place Playground, Surry Hills being Lot 2 in Deposited Plan 82 (Map reference "D" on Attachment B); and
 - (v) Southern Cross Drive Reserve, Rosebery being Lot 3 in Deposited Plan 240490 and Lot 24 in Deposited Plan 248025 (Map reference "E" on Attachment B);
- (B) the proposed land transfers described in clause (A) be subject to:
 - (i) completion of technical and legal due diligence to the satisfaction of the Chief Executive Officer;
 - (ii) confirmation from the Department of Planning, on behalf of the Minister, that all conditions of consent in relation to the relevant sites have been met; and
 - (iii) as part of the transfers, unencumbered freehold title, subject only to existing easements and tenancies, being transferred to the City;
- (C) Council endorse public notification of a proposed resolution: "It is resolved to classify the following land parcels to be transferred to Council for public recreation purposes including:
 - (i) Blackwattle Bay Park, Glebe being Lot 4 in Deposited Plan 260204;
 - (ii) Blackwattle Playground, Glebe being Lot 2 in Deposited Plan 597314,
 - (iii) Wilson Street Reserve #2, Newtown being Lot 5 in Deposited Plan 718234,
 - (iv) Fanny Place Playground, Surry Hills being Lot 2 in Deposited Plan 82; and

- (v) Southern Cross Drive Reserve, Rosebery being Lot 3 in Deposited Plan 240490 and Lot 24 in Deposited Plan 248025 as community land with a park categorisation in accordance with sections 31 and 36(1) and (4)(c) of the Local Government Act 1993";
- (D) Council note that a further report to inform the outcomes of public notification and a recommendation on the classification to Council will follow a public notification period of 28 days; and
- (E) authority be delegated to the Chief Executive Officer to finalise the due diligence and negotiate and finalise the terms of and enter into all documents necessary to give effect to the terms of this resolution in relation to the proposed transfers of land described in clause (A).

Attachments

- Attachment A.** Resolution of Council - 13 May 2013 - Proposed Land Transfer - Jacksons Landing, Pyrmont
- Attachment B.** Proposed Land Transfer - non-Pyrmont Land (Tranche 1)
- Attachment C.** Proposed Land Transfer - Pyrmont Land (Tranches 2 and 3)
- Attachment D.** Dedication History - Blackwattle Bay Park and Blackwattle Bay Playground, Glebe
- Attachment E.** Dedication History - Wilson Street Reserve #2, Newtown and Fanny Place Playground, Surry Hills
- Attachment F.** Dedication History - Southern Cross Drive Reserve, Rosebery

Background

1. The City, the Department of Planning, Infrastructure and Environment and the Office of Strategic Lands, both acting on behalf of the Minister, have reached agreement on the sequencing of transfers and technical and legal due diligence prerequisites for land within Jacksons Landing, Pyrmont, as endorsed by Council in May 2013.
2. The Department of Planning, Infrastructure and Environment and the Office of Strategic Lands have subsequently identified non-Pyrmont lands that are proposed to be transferred to the City's ownership. The background to these lands follow.

Chronological History - Blackwattle Bay Park and Blackwattle Bay Playground

3. On 3 August 1984, a Government Gazette was issued placing the land known as Blackwattle Bay Park and Blackwattle Playground under the care, control and management of the Council of the Municipality of Leichhardt for use as a public park, public reserve or public recreation area for passive recreational purposes – see Attachment D.
4. On 19 February 2003, a proclamation was issued under the Local Government Act 1993, declaring a boundary adjustment and transfer of land between the Municipality of Leichhardt and the City of Sydney, resulting in the City of Sydney acquiring the management responsibilities of Blackwattle Bay Park and Blackwattle Playground (see Attachment D).

Chronological History - Wilson Street Reserve #2 and Fanny Place Playground

5. Historically, the land known as Wilson Street Reserve #2, Newtown and Fanny Place Playground, Surry Hills, was held in trust by the City of Sydney, and under a Resolution of Council dated 27 May 1985, both parks were resumed by the Department of Environment and Planning – see Attachment E.
6. On 6 June 1986, a Government Gazette was issued notifying the resumption of land in the City of Sydney. The land known as Wilson Street Reserve #2, Newtown and Fanny Place Playground, Surry Hills, was vested in the Minister administering the Environmental Planning and Assessment Act 1979 for the purpose of promoting and co-ordinating environmental planning and assessment in particular for County Open Space purposes (see Attachment E).
7. On 24 December 1986, a Government Gazette was issued placing the land known as Wilson Street Reserve #2, Newtown and Fanny Place Playground, Surry Hills, under the care, control and management of the Council of the City of Sydney for use as a public park, public reserve or public recreation area for passive recreational purposes - see Attachment E.

Chronological History - Southern Cross Drive Reserve

8. On 21 July 1995, a Government Gazette was issued placing the land known as Southern Cross Drive Reserve, Rosebery, under the care, control and management of the Council of the City of South Sydney for use as a public park, public reserve or public recreation area for passive recreational purposes – see Attachment F.
9. On 6 February 2004, a proclamation was issued under the Local Government Act 1993, declaring an amalgamation of the councils of the Cities of Sydney and South Sydney, constituting a new area to be known as the City of Sydney (see Attachment F). All land management responsibilities of the former South Sydney Council were transferred to the newly formed City of Sydney.

Non-Pyrmont Land - Ongoing Maintenance and Capital Works

10. Throughout the above periods of management, the City has been responsible for providing annual maintenance for each park / reserve and has periodically delivered capital works programs constituted by park renewals and playground upgrades to ensure continued enjoyment by the community.

Proposed Transfers and Process - Non Pyrmont and Pyrmont Lands

11. A stream of communication and meetings have occurred between the City, the Department of Planning, Infrastructure and Environment and the Office of Strategic Lands to resolve the long-standing transfer of the sites located within Jacksons Landing, Pyrmont, as identified within the Resolution of Council dated 13 May 2013 - see Attachment A.
12. The focus of recent discussions has been structured around an agreeance of the prerequisite due diligence requirements to effect the transfer and a proposal to expand the transfer to include parks historically under the care, control and management of the City.
13. The parties have agreed in principle to complete the transfers in three tranches, subject to the satisfactory delivery of the City's due diligence requirements to be met by the Department of Planning, Infrastructure and Environment and the Office of Strategic Lands.
14. The tranches have been structured based on a risk assessment of each land parcel and will commence first with the five parks identified within Attachment B, as this transfer has minimal impact to the organisation and operational management of the relevant business units.
15. The second tranche will focus on those sites in Jacksons Landing, Pyrmont, excluding the cliff walls, which will proceed in the third and final tranche, subject to satisfactory remediation and certification.

Key Implications**Organisational Impact**

16. The proposed transfer of the sites identified in Attachment B will have no greater organisational impact on the City's Parks Services Unit, as they have been historically maintaining each park for the last several years.

Risks

17. The City accepts that the land is remediated but may include capped contamination subject to environmental management plans.
18. Defects on title such as encroachments or of assets such as parkland may require rectification prior to transfer which could delay the transfer of land.

Social / Cultural / Community

19. There will be no impact on community accessibility of parks as existing arrangements will continue unchanged after transfer. However, the City's ownership will enable consistent management of public assets to the City's standards, as well as provide clarity for the community in terms of responsibility and available services. The City's ownership and management will also enable better integration with the City's social and cultural programs.

Environmental

20. Full ownership by the City will make it possible for parks to be maintained, managed, and modified to achieve the same environmental standard as other parks under City's ownership and as directed by Council.

Budget Implications

21. The City's Park Services Unit have, as in past years, included funding in the annual operating budget and future year forward estimates for the management and maintenance of each park proposed for transfer.
22. The Pymont land, as identified within Attachment C, was the subject of a financial review in the Council report dated 13 May 2013, focusing on an indicative projection of capital and operational expenditure. A revised review will be required to ascertain what additional funding is required before accepting these transfers.

Relevant Legislation

23. The following sections of 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) 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. The outcome of the notification process and recommendation on classification and categorisation will be subsequently reported to Council;
 - (d) Section 35 requires community land to be used and managed in accordance with a plan of management; and
 - (e) Section 36 provides that Council must prepare draft plan of management for community land and the plan of management must categorise the land. The land will be included within the City's Generic Plan of Management and be managed in accordance with Section 36(G) Core objectives for management of community land categorised as a park. This will be formalised in a proposed amendment of the Generic Plan of Management – Parks, Sportsgrounds and General Community Uses which will include a public exhibition.

Critical Dates / Time Frames

24. 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.

Public Consultation

25. 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.
26. All submissions will be considered in the subsequent Council report to endorse the classification.

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