

Land Classification - Various Lots, Macdonald Street Erskineville

File No: X025360

Summary

On 9 March 2020, Council resolved to publicly notify a proposed resolution to classify parts of Macdonald Street, Erskineville, being Lots 9, 10, 12 and 13 in Deposited Plan 1251243, as operational land under the Local Government Act 1993.

The proposed resolution to classify the land was publicly notified on Friday 13 March 2020 for a period of 33 days. Submissions closed 14 April 2020. No submissions were received.

The application of an operational land classification for Lots 9, 10, 12 and 13 in Deposited Plan 1251243 at Macdonald Street, Erskineville, enables the City, subject to transfer completing, to commence construction of the Macdonald Street extension on Lot 12 and construction of a new pedestrian link on Lots 9, 10 and 13.

The application of an operational classification for the duration of the construction will facilitate the construction of the road and pedestrian link by the City.

Upon completion, Lots 9, 10 and 13 will be dedicated as public reserve and incorporated into a generic plan of management following its reclassification as community and categorisation as park. Upon completion, Lot 12 will be dedicated as road.

Recommendation

It is resolved that Council:

- (A) classify four land parcels within Macdonald Street, Erskineville (Ashmore Precinct), to be transferred to Council for future public purposes as road and pedestrian link, being Lots 9, 10, 12 and 13 in Deposited Plan 1251243, as operational land in accordance with section 31 of the Local Government Act 1993; and
- (B) note that upon completion of the public works over Lots 9, 10 and 13, a further report will follow to reclassify these lots as community with the categorisation of park.

Attachments

Attachment A. Identification Plan

Background

1. Ashmore will be a sustainable neighbourhood that offers a variety of dwelling types and will be well integrated with new residential development and the surrounding conservation areas of Erskineville and Alexandria.
2. Development will be complemented with a high quality public domain, including new streets, a central public park and bike links to facilitate pedestrian and cycle movement throughout Ashmore, and integrated with the surrounding street network and open spaces.
3. Ashmore will have a strong landscaped character, with new development being set back from the street to provide a landscape buffer between the new buildings and the public domain. New development will be designed to ensure it brings life to the street with individual entries to ground floor dwellings, to provide passive surveillance and opportunities for social interactions.
4. In April 2016, a Stage One development consent was given to a 93 residential apartment development and public domain works, including a pedestrian walkway and pocket park at 74 Macdonald Street, Erskineville.
5. Concurrent to the development consent, the City entered into a Planning Agreement with the owner, B1 Shiyong Ashmore Pty Ltd. The Planning Agreement provides for the construction and dedication of a new road (Zenith Street), the embellishment and transfer of land for the extension of Macdonald Street and pedestrian link, and a monetary contribution towards the future road extension and pedestrian link.
6. In January 2020, the City approved a plan of subdivision providing for the creation of six lots, as per the following schedule:
 - (a) Lot 8, development lot;
 - (b) Lot 9, future pedestrian link of 305.4m²;
 - (c) Lot 10, future pedestrian link of 117.5m²;
 - (d) Lot 11, road dedication for Zenith Street;
 - (e) Lot 12, future extension of Macdonald Street of 677.9m²; and
 - (f) Lot 13, future pedestrian link of 37.6m².
7. Lots 9, 10, 12 and 13 are presently owned by B1 Shiyong Ashmore Pty Ltd (the Developer) and are due to be remediated, embellished and transferred to the City in accordance with the Planning Agreement, in late April 2020.
8. Lots 9, 10 and 13 will become a pedestrian link across the former Ashmore Estate linking Pearl Street to Macdonald Street. The link will be constructed by the City and then dedicated as public reserve.
9. Lot 12 will become a continuation of Macdonald Street. The road extension will be constructed by the City and then dedicated as a public road.
10. The Developer has also provided a monetary contribution of \$807,095.12 towards the cost of constructing the future road extension and pedestrian link.

11. An interim operational land classification is to be applied to facilitate the construction of the road and pedestrian link by the City.

Key Implications

Organisational Impact

12. There is no organisational impact arising from Council resolving to classify these lots as operational land.

Budget Implications

13. The classification of land under the Local Government Act 1993 does not have any direct budgetary implications. Once the abovementioned parcels of land are transferred to the City, they will be recognised as in-kind contributions income, and held as land assets in accordance with the City's Infrastructure, Property, Plant and Equipment (IPPE) Asset Recognition and Capitalisation Policy.

Relevant Legislation

14. 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 at least 28 days.

Critical Dates / Time Frames

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

Public Consultation

16. The proposed resolution was publicly notified for a period of 33 days.
17. The report was publicly accessible on the City's website and at the City's One Stop Shop, Town Hall House (until Town Hall House was closed to the public due to the Covid-19 pandemic).
18. No submissions were received.

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