

Land Classification - Various Properties - Transport for NSW Light Rail Land Transfers to the City

File No: X081018

Summary

On 26 July 2021, Council endorsed the terms of a section 29 agreement under the Land Acquisition (Just Terms Compensation) Act 1991 for the acquisition of City owned land by Transport for NSW required for the Sydney Light Rail Project, and a Land Transfer Agreement transferring land to the City from Transport for NSW.

Council also endorsed the granting of a 25-year licence for carparking to South Eastern Area Health Service over lots 4, 5 and 6 in proposed plan of subdivision (PPN.1272206) as part of the conditions inherited from Transport for NSW from the Sydney Light Rail Project consent.

Council also endorsed an operational land classification for proposed lots 2, 3 and 8 to facilitate the City's planned renewal of Wimbo Park, noting that upon completion of the park the City will reclassify this land as community to be included within an adopted plan of management for Wimbo Park.

This report informs the outcomes of the public notification and recommends Council's endorsement to the operational land classifications to support the City's interim and ongoing management.

Recommendation

It is resolved that Council

- (A) endorse the classification of the City acquired property being a subdivision of Lot 10 in Deposited Plan 817603 and Lot 2 in Deposited Plan 1194942, being proposed Lots 2, 3, 4, 5, 6 and 8 in proposed plan of subdivision no.1272206, as operational land in accordance with section 31 of the Local Government Act 1993; and
- (B) note that upon completion of the Wimbo Park upgrade, Lots 2, 3 and 8 in proposed plan of subdivision 1272206 will be re-classified to community land with a categorisation of park and included within a plan of management for Wimbo Park for public exhibition and adoption by Council.

Attachments

- Attachment A.** 26 July 2021 Council Resolution and Report to the 19 July 2021 Corporate, Finance, Properties and Tenders Committee (including Attachment A 'Identification Plans' and excluding Confidential Attachment B)

Background

1. In December 2013, Council approved a Development Agreement with Transport for NSW (TfNSW) which included the City's public domain requirements and Transport for NSW's requirements for construction, testing, commissioning, and operation of the light rail.
2. A key City objective of the Development Agreement was to achieve an integrated high-quality public domain. This has been achieved through consensus to set aside compensable matters in respect of the acquisition of City's land (Acquisition Land) and interests over City's land balanced against the transfer of surplus project land to the City at no cost (Compensation Land), inclusive of any interests created as a result of the Project.
3. The City and Transport for NSW have entered into a section 29 agreement under the Land Acquisition (Just Terms Compensation) Act 1993 for the acquisition of City owned land required for the Light Rail project and a Land Transfer Agreement to transfer land, surplus to the Project, to the City's ownership.
4. In respect of the land being transferred to the City at Wimbo Park, a portion of this land is affected by a condition of consent for the Light Rail Project to provide parking for the adjoining South Eastern Area Health Service.
5. The Council endorsed the granting of a 25-year licence for carparking to South Eastern Area Health Service over lots 4,5 and 6 in proposed plan of subdivision (PPN.1272206) as part of the conditions inherited from Transport for NSW from the Sydney Light Rail Project consent.
6. Additionally, the City is planning to undertake a significant upgrade of Wimbo Park and to facilitate these works the Council endorsed an interim operational land classification for lots 2, 3 and 8 in proposed plan of subdivision 1272206 to facilitate the City's works in respect of the upgrade of the park.
7. At the completion of the upgrade works for Wimbo Park this land will be reclassified as community land and included within a plan of management for Wimbo Park to be publicly exhibited and adopted by Council.
8. The Land Transfer Agreement acknowledges Transport for NSW's agreement for the City to classify this specific land as operational to enable the City to manage the licence to South Eastern Sydney Local Health District and the works to upgrade Wimbo Park.

Relevant Legislation

9. The following sections of the Local Government Act 1993 (NSW) are relevant:
 - (a) Sections 25 and 26 require all public land to be classified as either community or operational land.
 - (b) Section 31 requires Council to classify newly acquired land as operational or community land before the date of acquisition of the land or within three months after the date of acquisition of the land.
 - (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.

Public Consultation

10. The proposal to classify the land as operational was notified for 28 days from 5 August and closing 5:00pm on 1 September 2021.
11. No submissions were received.

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