

Proposed Land Classification - Lots 7 and 8 in DP 1275276, being 2A Reed Street and 1A Tung Hop Street, Waterloo

File No: X101724.005

Summary

The purpose of this report is to obtain Council approval to notify a proposed resolution to classify as operational land 2A Reed Street, Waterloo (Lot 7 in DP1275276) and 1A Tung Hop Street, Waterloo (being Lot 8 in DP1275276), which are to be transferred by The Trust Company (Australia) Limited (the new Developer) to the City, in accordance with a registered Planning Agreement AM637491.

On 8 August 2017, the City entered into registered Planning Agreement AM637491 with the Developer in relation to development at 44-48 O'Dea Avenue Waterloo. The Planning Agreement requires the Developer to provide public benefits being the dedication and embellishment of approximately 6,656m² of land for roads, footway widening and pedestrian links. These will include all of the internal roads (Archibald Avenue, Reed Street, Hatbox Place, Tung Hop Street), pedestrian link (Lachlan Place North) and footway widening (O'Dea Avenue).

A Plan of Subdivision was approved by the City on 17 July 2020, creating ten new parcels of land. At completion of the Developer's works, the Developer will dedicate Lots 9, 10 and 11 as public roads and transfer Lots 7 and 8 to the City.

Following the transfer of Lots 7 and 8, vehicles will be prevented from accessing the land by the erection of temporary barriers, until the completion of new roads on adjoining developments which will allow through passage of vehicles.

It is essential that these parcels of land be classified as operational until such time as they are capable of accepting vehicles.

This report seeks Council's endorsement to notify a proposed resolution to classify the above-mentioned parcels as operational land under the Local Government Act 1993 (NSW).

Recommendation

It is resolved that:

- (A) Council endorse public notification of the proposed resolution: "It is resolved to classify 2A Reed Street, Waterloo (being Lot 7 in DP1275276) and 1A Tung Hop Street, Waterloo (being Lot 8 in DP1275276), both which are proposed to be transferred to Council for future public purposes as road as operational land in accordance with section 31 of the Local Government Act 1993 (NSW)"; 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. Identification Plans

Background

1. On 28 April 2017, Council granted consent for a Stage 1 Development Application for subdivision and preparatory works (including demolition of existing structures, land remediation, excavation and road, public domain and civil works), and concept approval of building envelopes for five mixed use buildings of up to 20 storeys for residential, retail and commercial land uses (D/2016/1450).
2. On 8 August 2017, the City entered into registered Planning Agreement AM637491 with Crown 48 Pty Limited and The Owners – Strata Plan No. 44338 in relation to the Stage 1 Development Consent. The Planning Agreement provides for the dedication of 6,656m² of land and the construction of new roads, shared zones and pedestrian links including roadway, footpaths, lighting, landscaping, drainage and other infrastructure on the land prior to the issue of the first Occupation Certificate for the Development. This will include all of the new roads (Archibald Avenue, Reed Street, Hatbox Place, Tung Hop Street), pedestrian link (Lachlan Place North) and footway widening (O'Dea Avenue). These various new public roads form a network of internal roads and pedestrian links to service the Lachlan Urban Renewal Precinct.
3. On 17 July 2020, the City approved the Plan of Subdivision to create five lots for the building development (Lots 12-16) and five lots for the new roads, shared zones and pedestrian links (Lots 7-11).
4. The development of the site has been progressing, however the original owner, Crown W48 Pty Limited, has gone into liquidation and the development has temporarily stalled.
5. The Appointed Administrator to Crown W48 Pty Ltd is in the process of entering into a Deed of Novation to transfer the obligations of the Planning Agreement to a new owner, being The Trust Company (Australia) Limited. The Deed of Novation will be executed and the new owners in place before the completion of works and land transfers occur. No changes to the Planning Agreement are proposed as part of this process.
6. At completion of the Developer's works, due to the adjoining developments being incomplete, Lot 7 (future Hatbox Place - 352m²) and Lot 8 (future Tung Hop Street - 231m²) will not be able to accept through traffic of vehicles. Temporary barriers will be erected to restrict vehicle access.
7. To facilitate the temporary management of these two lots (7 and 8) and restrict vehicle access, it is recommended that an interim operational land classification be applied.
8. After completion of the relevant adjoining new roads, Lots 7 and 8 will be dedicated as public roads.
9. Attachment A: Identification Plans shows the development site in the context of the wider area and the approved plan of subdivision showing the lot(s) to be transferred.

Key Implications

Organisational Impact

10. There is no organisational impact arising from this proposed resolution to classify these lots as operational land. The land may be classified as operational prior to transfer to the City.

Financial Implications

11. The classification of land under the Local Government Act 1993 (NSW) 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

12. The following sections of the Local Government Act 1993 (NSW) 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 not less than 28 days.

Critical Dates / Time Frames

13. 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

14. A community classification for the land would restrict and impede the City's temporary management of the lots until such time as they can be opened to vehicles and dedicated as road reserves.

Public Consultation

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

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