

Proposed Land Re-classification for Community Use

File No: 2024/595805

Summary

This report seeks Council's approval to reclassify 10 parcels of land from operational land to community land in accordance with the land classification provisions of the Local Government Act 1993. This change will ensure that these areas are preserved for the enjoyment of the general public.

By designating this land as community land, we can ensure that it is preserved for use by the community. Community land cannot be sold or closed-off from the general public. This land was temporarily classified as operational land to facilitate further development.

Each of these parcels of land have been embellished with parks and open spaces for the community to enjoy. Now that these public works have been finalised, the land is proposed to be re-classified as community land. If endorsed, and following a public notification period, these parcels of land will be incorporated into a Generic Plan of Management.

Recommendation

It is resolved that Council:

- (A) endorse the proposed resolution for public notification: It is resolved to reclassify the following operational land to community land in accordance with section 33 of the Local Government Act 1993:
- (i) Arcadia Park and Toxteth Park, 137A Ross Street, Forest Lodge, being Lot 302 in Deposited Plan 1183176 (Reference A and B in Attachment A);
 - (ii) 6 Zenith Street, Erskineville, being Lots 9 and 10 in Deposited Plan 1251243 (Reference C in Attachment A);
 - (iii) 74D MacDonald Street, Erskineville, being Lot 13 in Deposited Plan 1251243 (Reference D in Attachment A);
 - (iv) The Drying Green, 103 Portman Street, Zetland, being Lot 3 in Deposited Plan 1280012 (Reference E in Attachment A);
 - (v) 847A South Dowling Street, Waterloo, being Lot 65 in Deposited Plan 1038380 (Reference F in Attachment A);
 - (vi) Watchful Harry Square, 14 Broome Street, Waterloo, being Lot 64 in Deposited Plan 1038380 (Reference G in Attachment A);
 - (vii) Crown Park, 22A Crystal Street, Waterloo, being Lot 53 in Deposited Plan 1038380 (Reference H in Attachment A);
 - (viii) Crystal Park, 7A Crystal Street, Waterloo, being Lot 51 in Deposited Plan 1038380 (Reference I in Attachment A);
 - (ix) Gadigal Avenue Reserve, 2A Gadigal Avenue, Waterloo, being Lot 63 in Deposited Plan 1038380 (Reference J in Attachment A); and
 - (x) Wimbo Reserve, 3 Olivia Lane, Surry Hills being Lots 2, 3 and 8 in Deposited Plan 1272206 (Reference K in Attachment A); and
- (B) note that a further report to Council, to inform the outcomes of public notification and recommendation on classification will follow the notification period.

Attachments

Attachment A. Operational Land Proposed for Reclassification

Background

1. Land managed by the Council of the City of Sydney includes Public Roads, Public Land and Crown Land. Each are governed by their respective acts, the Roads Act 1993, the Local Government Act 1993 and the Crown Land Management Act 2016.
2. Land owned or under the control of Council under the Local Government Act is known as 'public land'. Under the Local Government Act, all public land must be classified as either 'community' or 'operational'. This requirement does not apply to roads under the control of Council.
3. Operational land may be used for a wide range of purposes, including community and administrative purposes (e.g., community centres, civic buildings and depots), or as a commercial investment.
4. Community land is intended to be managed for use by the community for recreational, cultural, social and educational purposes. It is to be retained by Council to benefit the community, both now and in the future, and cannot be sold.
5. Prior to acquiring land, Council may resolve to temporarily classify the land as operational to facilitate developer or City of Sydney capital works, with the intention of reclassification at a later date.
6. The land identified within Attachment A was acquired via these planning mechanisms and temporarily classified as operational land for this purpose.
7. As the relevant capital works on each piece of land have been completed, and the land is in use as open space, the City of Sydney is proposing to reclassify each piece of land to community land.
8. Council have endorsed the classification and reclassification of this land in their respective Council reports and resolutions of Council outlined in Attachment B.
9. Reclassifying the land to community land will safeguard the land to ensure that it is used by the community and not sold or closed-off for operational use.
10. As a requirement of the Local Government Act 1993 (NSW) (Local Government Act), a public notice is required on the proposed reclassification of land during which submissions can be made to Council.
11. The outcome of the notification process and recommendation on classification will be subsequently reported to Council.

History of the Acquired Land

12. The land previously referenced, as A(i)-(x) above, have been acquired by similar means. Each parcel of land has its respective resolution of council outlining the endorsed Council decision to classify the land as operational land, as well as to re-classify the land as community land upon completion of the development plans. Those details are outlined below:

- (a) Arcadia Park and Toxteth Park, 137A Ross Street, Forest Lodge, being Lot 302 in Deposited Plan 1183176 (Reference A and B in Attachment A);

These 2 parcels of land are grouped together and were transferred to the City via a Voluntary Planning Agreement (VPA) with Mirvac in 2011. Mirvac developed the area and agreed to transfer the land that was reserved for open space to the City. Council endorsed the classification of this land in the Resolution of Council of 24 February 2014.

- (b) 6 Zenith Street, Erskineville, being Lots 9 and 10 in Deposited Plan 1251243 (Reference C in Attachment A);

- (c) 74D MacDonald Street, Erskineville, being Lot 13 in Deposited Plan 1251243 (Reference D in Attachment A);

These 2 parcels of land were transferred to the City as part of VPA with Leightons in 2013. These parcels of land form part of The Ashmore Development Control Plan (DCP) which was approved by Council in 2006 and outlines a network of new roads, parks and pedestrian links. Council endorsed the classification of this land in the Resolution of Council of 18 May 2020.

- (d) The Drying Green, 103 Portman Street, Zetland, being Lot 3 in Deposited Plan 1280012 (Reference E in Attachment A);

This parcel of land was transferred to the City as part of VPA. In 2013, the City entered into a Planning Agreement with Green Square Consortium Pty Ltd and Landcom in relation to the Green Square Town Centre. As part of this agreement, The Drying Green was transferred to the City and dedicated as a public reserve. Council endorsed the classification of this land in the Resolution of Council 08 December 2014.

- (e) 847A South Dowling Street, Waterloo, being Lot 65 in Deposited Plan 1038380 (Reference F in Attachment A);

- (f) Watchful Harry Square, 14 Broome Street, Waterloo, being Lot 64 in Deposited Plan 1038380 (Reference G in Attachment A);

- (g) Crown Park, 22A Crystal Street, Waterloo, being Lot 53 in Deposited Plan 1038380 (Reference H in Attachment A);

- (h) Crystal Park, 7A Crystal Street, Waterloo, being Lot 51 in Deposited Plan 1038380 (Reference I in Attachment A);

- (i) Gadigal Avenue Reserve, 2A Gadigal Avenue, Waterloo, being Lot 63 in Deposited Plan 1038380 (Reference J in Attachment A);

These 5 parcels of land (e-i) were transferred to the City as part of a VPA with Meriton. These were part of the South Sydney City Council (SSCC) legacy and are outlined in the South Sydney City Council Resolution of Council of 28 August 2002.

- (j) Wimbo Reserve, 3 Olivia Lane, Surry Hills being Lots 2, 3 and 8 in Deposited Plan 1272206 (Reference K in Attachment A).

This parcel of land was transferred to the City from Transport for NSW (TfNSW). It was part of former Olivia Gardens site which Transport for NSW agreed to dedicate to the City after completion of the CBD and South East Light Rail (CSELR) project. Council endorsed the classification of this land in the Resolution of Council of 15 November 2021.

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

13. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. This [choose an item] is aligned with the following strategic directions and objectives:
 - (a) Direction 1 - Responsible governance and stewardship - Reclassifying this land will demonstrate a transparent approach to public land management. The City of Sydney has drawn upon extensive community feedback on open space and community facilities to ensure that the community has an opportunity to participate in decisions that shape the city through the completion of the public notifications, giving the community a chance to submit their feedback.
 - (b) Direction 3 - Public places for all - The reclassification of land to community land highlights the importance of community facilities, civic spaces, parks and recreational facilities in supporting social connection and community wellbeing in daily life. If endorsed, the City will ensure that these spaces are welcoming, equitably accessible and activated for community use both now and in the future.
 - (c) Direction 5 - A city for walking, cycling and public transport - Reclassifying this land will protect areas that have created welcoming, safe and connected open space and community facilities to help promote walking and cycling for leisure and recreation.
 - (d) Direction 6 - An equitable and inclusive city - Reclassifying this land will ensure that it is maintained and activated for the whole community to enjoy.
 - (e) Direction 7 - Resilient and diverse communities - The outcomes of past community consultation have reinforced that the community values open space as a place of respite and social wellbeing. Reclassifying this land will protect these spaces.

- (f) Direction 8 - A thriving cultural and creative life - The City recognises that all open spaces are capable of playing a role in increasing places and precincts of cultural and creative activation. Reclassifying this land will protect these spaces.

Environmental

- 14. Reclassifying this land will assist in preserving and increasing green space within the local government area. The City can ensure that vegetation, and tree canopies are preserved, maintained and enhanced across these open spaces.

Financial Implications

- 15. 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

- 16. 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 33(1) permits Council to resolve that public land classified as operational land is to be reclassified as community land; and
 - (c) Section 34 requires the proposed resolution to reclassify to 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 will be subsequently reported to Council.

Critical Dates / Time Frames

- 17. If endorsed, public notification will take place for the required 28 days. All submissions will be addressed.

Options

- 18. As previous Council resolutions have contemplated this reclassification, no other options are recommended.

Public Consultation

19. The operational land proposed for reclassification will be publicly notified and made available for comment.
20. The outcomes of the proposed reclassification of operational land will be the subject of a further report to Council.

KIM WOODBURY

Chief Operating Officer

Mary Ghaly, Public Lands Coordinator