

Proposed Land Classification - 895-901 Bourke Street, Waterloo

File No: 2024/652434

Summary

The purpose of this report is to obtain Council approval to notify a proposed resolution to classify proposed Lot 103 in the Plan of Subdivision of Lot 1 in DP 1304819 as operational land on a temporary basis. This land will shortly be transferred by City West Housing Pty Ltd (the Developer) to the City in accordance with the registered Planning Agreement AQ833762.

On 17 February 2021, the City entered into registered Planning Agreement AQ833762 with the Developer in relation to the development at 895-901 Bourke Street, Waterloo.

It is essential that this parcel of land (Proposed Lot 103) be classified as operational land on an interim basis, to facilitate the temporary use by waste vehicles and the construction of the shared zone in the future. Upon completion of the works, part of Lot 103 will be dedicated as road and the remaining part will be reclassified as community land to preserve the land for the community's use.

This report seeks Council's endorsement to notify a proposed resolution to classify the above-mentioned parcel (Proposed Lot 103) as operational land under the Local Government Act 1993 (NSW) until the works are completed and the land can be re-classified as community land.

Recommendation

It is resolved that Council:

- (A) endorse the public notification of the proposed resolution: "It is resolved to classify proposed Lot 103 in in the Plan of Subdivision of Lot 1 in DP 1304819 at 895-901 Bourke Street, Waterloo NSW 2017 which is to be transferred to Council for future public purposes, as operational land in accordance with section 31 of the Local Government Act 1993 (NSW)", on the basis that:
 - (i) the classification is an interim measure to support operational management of the land until works are completed and part of proposed Lot 103 can be dedicated as a road reserve; and
 - (ii) the remainder of the land comprising Lot 103 can then be reclassified as community land, incorporated into a Generic Plan of Management and categorised as 'General Community Use'; and
- (B) note that a further report to Council, to inform of the outcomes of the public notification and recommendation on classification, will follow the notification period.

Attachments

Attachment A. Identification Plans

Background

1. On 24 April 2018, development consent was granted for the demolition of existing structures and construction of a new residential flat building containing 72 units with a ground floor commercial tenancy, landscaping and stormwater works (D/2015/941) at 895-901 Bourke Street, Waterloo.
2. On 17 February 2021, the City entered into registered Planning Agreement AQ833762) with City West Housing Pty Limited in relation to the development consent.
3. The development includes the demolition of existing structures and construction of a new residential apartment building containing 72 units with a ground floor commercial tenancy, landscaping and stormwater works.
4. In accordance with the registered Planning Agreement, the Developer will construct and dedicate a 3m footway widening to the Bourke Street frontage and transfer a 12m setback at the rear of the development to the City. The land at the rear will be known as Lot 103.
5. Part of Lot 103 will be dedicated as a road reserve. The remaining part of Lot 103 will be embellished by the City and used as a shared zone. The shared zone will be surrounding a park. Once works are completed, part of Lot 103 will then be dedicated as a road reserve while the remainder of Lot 103 will be re-classified as community land, incorporated into a Generic Plan of Management and categorised. The exact boundaries of these spaces are yet to be decided and will be considered when the next subdivision of the land is created. The proposed boundaries are illustrated in Attachment A.
6. The subdivision and transfer of land is in line with the Sydney Development Control Plan 2012. The land dedication requirements and final concept design plan is illustrated in Attachment A.
7. A Plan of Subdivision of Lot 1 in DP 1304819 has been lodged for pre-examination with NSW Land Registry Services (LRS) to create three new parcels of land. Lot 101 for the Bourke Street setback, Lot 102 for the building development and Lot 103 for future road and a shared community zone at the rear. The Developer's works are nearing completion, and the Developer will soon register the Plan of Subdivision and transfer the rear land to the City.
8. As part of the Development Consent, the rear land (Lot 103) has approval to be used as a temporary turning area for waste vehicles servicing the development. An Access Licence over the land will be in place during this temporary use.
9. To facilitate the temporary use of Proposed Lot 103 as a turning bay by waste vehicles servicing the building development, and the construction and dedication of the shared zone by the City in the future, it is essential that an interim operational land classification be applied.

Financial Implications

10. The classification of land under the Local Government Act 1993 does not have any direct budgetary implications. Once the proposed Lot 103 is transferred to the City, it will be recognised as in-kind contributions income, and held as land asset in accordance with the City's Infrastructure, Property, Plant and Equipment (IPPE) Asset Recognition and Capitalisation Policy.

Relevant Legislation

11. 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 not less than 28 days.

Critical Dates / Time Frames

12. The land needs to be classified within 3 months of land transfer to the City or the land automatically reverts to a community classification.
13. As the land is proposed to be transferred to the City in December 2024, the classification would need to be endorsed no later than March 2025.

Options

14. Allowing the land to default to community land will hinder the development of the area.

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 the classification.

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Chief Operating Officer

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