Land Classification - 10 Parcels of Land

File No: X113600.003

Summary

On 25 November 2024, Council endorsed the public notification of the proposal to reclassify the following parcels of 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) 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) Watchful Harry Square, 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)

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

The proposed resolution to reclassify the land identified in Attachment A was publicly notified for a period of 28 days commencing 28 January 2025 and ending on 25 February 2025. No submissions were received.

This land was temporarily classified as operational land to facilitate further development. 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.

The land will be used for parks, open civic spaces, and pedestrian access through development sites. The land will be incorporated into a Generic Plan of Management to ensure its effective management for the community.

Recommendation

It is resolved that Council reclassify the following parcels of operational land to community land in accordance with section 33 of the Local Government Act 1993:

(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 to the subject report);

(B) Zenith Street, Erskineville, being Lots 9 and 10 in Deposited Plan 1251243 (Reference C in Attachment A to the subject report);

(C) 74D MacDonald Street, Erskineville, being Lot 13 in Deposited Plan 1251243 (Reference D in Attachment A to the subject report);

(D) The Drying Green, 103 Portman Street, Zetland, being Lot 3 in Deposited Plan 1280012 (Reference E in Attachment A to the subject report);

(E) Watchful Harry Square, 847A South Dowling Street, Waterloo, being Lot 65 in Deposited Plan 1038380 (Reference F in Attachment A to the subject report);

(F) Watchful Harry Square, 14 Broome Street, Waterloo, being Lot 64 in Deposited Plan 1038380 (Reference G in Attachment A to the subject report);

(G) Crown Park, 22A Crystal Street, Waterloo, being Lot 53 in Deposited Plan 1038380 (Reference H in Attachment A to the subject report);

(H) Crystal Park, 7A Crystal Street, Waterloo, being Lot 51 in Deposited Plan 1038380 (Reference I in Attachment A to the subject report);

(I) Gadigal Avenue Reserve, 2A Gadigal Avenue, Waterloo, being Lot 63 in Deposited Plan 1038380 (Reference J in Attachment A to the subject report); and

(J) Wimbo Reserve, 3 Olivia Lane, Surry Hills being Lots 2, 3 and 8 in Deposited Plan 1272206 (Reference K in Attachment A to the subject report).

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 parcels identified within Attachment A were 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 now reclassifying each piece of land as community land.

8. Reclassifying the land as community land will safeguard the land to ensure that it is used by the community and not sold or closed-off for operational use.

9. These parcels of land will be incorporated into a Generic Plan of Management.

Key Implications

Strategic Alignment – Sustainable Sydney 2030-2050 Continuing the Vision

10. 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 report 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

11. 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

12. The classification of land under the Local Government Act 1993 does not have any direct budgetary implications.

Risks

13. This approach is within the City's risk appetite, which states:

- We recognise the critical importance of environmental protection and sustainability in our operations and decision-making.
- We are committed to the health, safety and wellbeing of our workers, residents, visitors and others who interact with our assets, operations and services.
- We acknowledge our responsibility to protect and enhance the social and environmental wellbeing of our community.

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 33(1) permits Council to resolve that public land classified as operational land is to be reclassified as community land.

    (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.

Public Consultation

15. As the notification period is complete with no submissions received, it is recommended that Council endorse the reclassification of these 10 parcels of land from operational land to community land, to ensure the land is preserved for use by the community.

KIM WOODBURY

Chief Operating Officer

Mary Ghaly, Public Lands Coordinator