

Item 5.

Land Classification - 895-901 Bourke Street, Waterloo

File No: 2025/485329

Summary

On 16 December 2024, Council endorsed the public notification of the proposed resolution to classify 895-901 Bourke Street, Waterloo (being proposed Lot 103 in the Plan of Subdivision of Lot 1 in DP 1304819) as operational land on a temporary basis. The land will shortly be transferred by City West Housing Pty Ltd (the Developer) to the City in accordance with the registered Planning Agreement AQ833762.

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 proposed 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.

The proposed resolution to classify the land was publicly notified for a period of 28 days commencing 28 May 2025 and closing on 25 June 2025.

No submissions were received.

This report seeks Council's endorsement to temporarily classify 895-901 Bourke Street, Waterloo (being proposed Lot 103 in the Plan of Subdivision of Lot 1 in DP 1304819) as operational land under the Local Government Act 1993 (NSW).

Recommendation

It is resolved that Council:

- (A) endorse the classification of 895-901 Bourke Street, Waterloo (being proposed Lot 103 in the Plan of Subdivision of Lot 1 in DP 1304819), 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); and
- (B) note that the operational classification is an interim measure to support operational management until the land can be re-classified as community land and included within the Generic Plan of Management.

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 a registered Planning Agreement (AQ833762) with City West Housing Pty. Limited in relation to the development consent.
3. The development included the demolition of existing structures and the 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 proposed Lot 103 will be dedicated as a road reserve. The remaining part of proposed Lot 103 will be embellished by the City and used as a shared zone. The shared zone will be surrounding a park. Once the works are completed, part of proposed 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 3 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 (proposed 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.

Risks

10. There is a minimal appetite for risk when considering the classification of land within the City's local area. Classifying land correctly ensures compliance with all applicable laws and regulations associated with land management.

Financial Implications

11. 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

12. The following sections of the Local Government Act 1993 are relevant:
 - (a) Section 25 requires that 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.
 - (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 3 months of land transfer to the City or the land automatically reverts to a community classification.

Options

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

Public Consultation

15. The proposed resolution to classify the land was publicly notified for a period of 28 days commencing 28 May 2025 and closing on 25 June 2025.
16. No submissions were received.

KIM WOODBURY

Chief Operating Officer

Mary Ghaly, Public Lands Coordinator