

Proposed Land Classification - South Sydney Rotary Park, 53A Henderson Road, Eveleigh

File No: X118406.001

Summary

The purpose of this report is to obtain Council approval to notify a proposal to classify Lot 22 in Deposited Plan 835061, commonly known as South Sydney Rotary Park at 53A Henderson Road, Eveleigh, as operational land. This will be on a temporary basis.

The land in question, known as the South Sydney Rotary Park, is due to be transferred to the City of Sydney from Homes NSW in accordance with the Planning Agreement entered into in relation to a Public Benefit Offer.

A Public Benefit Offer (non-standard type) was received in conjunction with the State-led re-zoning proposal at Explorer Street (53 and 53A Henderson Ave), South Eveleigh. It was progressed by the Department of Planning, Housing and Infrastructure (the Department).

No Plan of Subdivision will be necessary as the land will be transferred in its entirety.

The land, being Lot 22 in Deposited Plan 835061, will be upgraded and embellished by the City under the Capital Works Program as a City-owned park.

While the land is being upgraded, it will need to have an operational classification to support the City's development and use of the land. Once the works are complete, the land will be reclassified as community land, categorised and incorporated into a Generic Plan of Management.

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

Recommendation

It is resolved that Council:

- (A) endorse public notification of the proposed resolution: "it is resolved to classify Lot 22 in Deposited Plan 835061 as operational land in accordance with section 31 of the Local Government Act 1993 (NSW)", on the basis that:
 - (i) the primary future use is for a park; and
 - (ii) the classification is an interim measure to support operational management and use of the land to facilitate upgrading the park until the upgrade works are completed and it can be included within the Generic Plan of Management and classified as community and categorised as park; and
- (B) note that a further report to Council, to inform of the outcomes of the public notification and recommendation of land classification, will follow the notification period.

Attachments

Attachment A. Identification Map

Background

1. An existing low density social housing development at Explorer Street, South Eveleigh, has been identified for rezoning for additional housing as part of the NSW Government's Rezoning Pathways Program.
2. The subject site for rezoning is owned by the Homes NSW (formerly Land and Housing Corporation) and currently contains 46 social housing dwellings (one and two storey townhouses).
3. Forming part of the site to the south is the South Sydney Rotary Park, that is about 6,800sqm in size. It is owned by Homes NSW, with maintenance by the City. In addition, there is a small area of public open space in the north-eastern corner of the site that is owned and maintained by the City. The development site is accessed and serviced by Explorer Street and Aurora Place. The roads are owned by the City.
4. The Department has led the rezoning of the site and changes to the planning controls are expected to come into effect imminently. The changes will facilitate redevelopment of the site for:
 - (a) about 400 dwellings, across three buildings, ranging from 4 to 13 storeys and
 - (b) no less than 20% affordable housing and 30% social housing (subject to review).
5. A Public Benefit Offer from Homes NSW outlines that ground investigations on the suitability of the land for a park have been undertaken and it has been determined the site is suitable for continued use as a publicly accessible park for passive recreational activity in its current state.
6. Homes NSW are offering to dedicate the park to the City, in exchange for a development contributions credit (offset) of \$200/sqm against future redevelopment on the residential part of the Explorer Street site. This equates to an offset of approximately \$1,376,000 from contributions payable for the estimated 6,880sqm of the park.
7. The park will be transferred to the City in its entirety and will be upgraded as a capital works project by the City in future years. To facilitate these works, it is proposed to temporarily classify the land as operational land. Once the works are complete, the land can be reclassified as community land, categorised and incorporated into a Generic Plan of Management.

Organisational Impact

8. There is no organisational impact arising from this proposed resolution to classify this parcel of land as operational land on a temporary basis.

Risks

9. There is a minimal appetite for risk when considering the classification of land within the City's Local Government Area. Classifying land correctly ensures compliance with all applicable laws and regulations associated with land management.
10. The existing park has been maintained by the City. The land is being transferred under the Planning Agreement on an "as is" basis, meaning that the City will be responsible for remediating the site prior to any future park upgrades should that be necessary.

Financial Implications

11. The classification of land under the Local Government Act 1993 does not have any direct budgetary implications at this point of time. 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.
12. The land is being transferred under the Planning Agreement on an "as is" basis, meaning that the City will be responsible for remediating the site prior to any future park upgrades should that be necessary.

Relevant Legislation

13. 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; In satisfaction of section 31(3), the proposed resolution is not inconsistent with the planning agreement (as registered and varied on title) nor any other Act or the terms of any trust applying to the land.
 - (c) Section 34 requires the proposed resolution to classify land to be publicly notified and made available for inspection by the public for a period of not less than 28 days.

Critical Dates / Time Frames

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

Options

16. Allowing the land to default to community land will hinder the ongoing management of the land.

Public Consultation

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

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