

11 November 2024

At 1.00 pm

**Corporate, Finance, Properties and
Tenders Committee**

Agenda

- 1. Confirmation of Minutes**
- 2. Statement of Ethical Obligations and Disclosures of Interest**
- 3. 2024/25 Quarter 1 Review – Delivery Program 2022-2026**
- 4. City of Sydney State of our City 2024, 2023/24 Annual Reporting and Public Presentation of the 2023/24 Financial Statements and Audit Reports to Council**
- 5. Investments Held as at 31 October 2024**
- 6. Review of the Investment Policy and Strategy**
- 7. Proposed Land Re-Classification for Community Use**
- 8. Works Deed and Lease Approval - Taylor Square Substation and Underground Toilets**

Disclaimer, Terms and Guidelines for Speakers at Council Committees

As part of our democratic process, the City invites members of the community to speak directly to Councillors during Committee meetings about items on the agenda.

Webcast

In accordance with the *City of Sydney Code of Meeting Practice*, Committee meetings are recorded and webcast live on the City of Sydney website at www.cityofsydney.nsw.gov.au.

Members of the public attending a council or committee meeting may have their image, voice and personal information (including name and address) recorded, publicly broadcast and archived for up to 12 months.

Consent

By attending a council or committee meeting, members of the public consent to this use of their image, voice and personal information.

Disclaimer

Statements made by individuals at a council or committee meeting, and which may be contained in a live stream or recording of the meeting are those of the individuals making them, and not of the City. To be clear, unless set out in a resolution of council, the City does not endorse or support such statements.

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Guidelines

To enable the Committee to hear a wide range of views and concerns within the limited time available, we encourage people interested in speaking at Committee to:

1. Register to speak by calling Secretariat on 9265 9702 or emailing secretariat@cityofsydney.nsw.gov.au before 10.00am on the day of the meeting.
2. Check the recommendation in the Committee report before speaking, as it may address your concerns so that you just need to indicate your support for the recommendation.
3. Note that there is a three minute time limit for each speaker (with a warning bell at two minutes) and prepare your presentation to cover your major points within that time.
4. Avoid repeating what previous speakers have said and focus on issues and information that the Committee may not already know.
5. If there is a large number of people interested in the same item as you, try to nominate three representatives to speak on your behalf and to indicate how many people they are representing.

Committee meetings can continue until very late, particularly when there is a long agenda and a large number of speakers. This impacts on speakers who have to wait until very late, as well as City staff and Councillors who are required to remain focused and alert until very late. At the start of each Committee meeting, the Committee Chair may reorder agenda items so that those items with speakers can be dealt with first.

Committee reports are available at www.cityofsydney.nsw.gov.au

Item 1.

Confirmation of Minutes

Minutes of the following meetings of the Corporate, Finance, Properties and Tenders Committee are submitted for confirmation:

Meeting of 21 October 2024

Item 2.**Statement of Ethical Obligations**

In accordance with section 233A of the Local Government Act 1993, the Lord Mayor and Councillors are bound by the Oath or Affirmation of Office made at the start of the Council term to undertake their civic duties in the best interests of the people of the City of Sydney and the City of Sydney Council and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act 1993 or any other Act, to the best of their ability and judgement.

Disclosures of Interest

Pursuant to the provisions of the Local Government Act 1993, the City of Sydney Code of Meeting Practice and the City of Sydney Code of Conduct, Councillors are required to disclose and manage both pecuniary and non-pecuniary interests in any matter on the agenda for this meeting.

In both cases, the nature of the interest must be disclosed.

This includes receipt of reportable political donations over the previous four years.

Item 3.

2024/25 Quarter 1 Review – Delivery Program 2022-2026

Document to Follow

Item 4.

City of Sydney State of our City 2024, 2023/24 Annual Reporting and Public Presentation of the 2023/24 Financial Statements and Audit Reports to Council

Document to Follow

Item 5.

Investments Held as at 31 October 2024

Document to Follow

Item 6.

Review of the Investment Policy and Strategy

Document to Follow

Item 7.

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

Attachment A

**Operational Land Proposed for
Reclassification**

Reference A: Arcadia Park_137A Ross Street, FOREST LODGE NSW 2017

Reference B: Toxteth Park_137A Ross Street, FOREST LODGE NSW 2017

Reference C: 6 Zenith Street, ERSKINEVILLE NSW 2043

Reference D: 74D Macdonald Street, ERSKINEVILLE NSW 2043

Reference E: The Drying Green_103 Portman Street, ZETLAND NSW 2017

Reference F: Watchful Harry Square_ 847A South Dowling Street, WATERLOO NSW 2017

Reference G: Watchful Harry Square_ 14 Broome Street, WATERLOO NSW 2017

Reference H: Crown Park_ 22A Crystal Street, WATERLOO NSW 2017

Reference I: Crystal Park_ 7A Crystal Street, WATERLOO NSW 2017

Reference J: Gadigal Avenue Reserve_ 2A Gadigal Avenue, WATERLOO NSW 2017

Reference K: Wimbo Park Reserve_ 3 Olivia Lane, SURRY HILLS NSW 2010

Operational Land Proposed for Reclassification



Reference A & B: Arcadia Park and Toxteth Park_137A Ross Street,
FOREST LODGE NSW 2017

Operational Land Proposed for Reclassification



Reference C: 6 Zenith Street, ERSKINEVILLE NSW 2043

Operational Land Proposed for Reclassification



Reference D: 74D Macdonald Street, ERSKINEVILLE NSW 2043

Operational Land Proposed for Reclassification



Reference E: The Drying Green_103 Portman Street, ZETLAND NSW 2017

Operational Land Proposed for Reclassification



Reference F & G: Watchful Harry Square_ 847A South Dowling Street & 14
Broome Street, WATERLOO NSW 2017

Operational Land Proposed for Reclassification



Reference H & I: Crown Park and Crystal Park_ 22A Crystal Street
and 7A Crystal Street, WATERLOO NSW 2017

Operational Land Proposed for Reclassification



Reference J: Gadigal Avenue Reserve_ 2A Gadigal Avenue,
WATERLOO NSW 2017

Operational Land Proposed for Reclassification



Reference K: Wimbo Park Reserve_3 Olivia Lane, SURRY HILLS
NSW 2010

Item 8.

Works Deed and Lease Approval – Taylor Square Substation and Underground Toilets

Document to Follow