

Proposed Land Classification - 59-99 Belmont Street, Alexandria

File No: X101725.005

Summary

The purpose of this report is to obtain Council approval to notify a proposed resolution to classify as operational land Proposed Lot 101 in the Plan of Subdivision of Lot 100 in Deposited Plan 1290374, which is to be transferred to the City by Aqualand Belmont Pty Ltd (the Developer) in accordance with registered Planning Agreement AS335823.

On 21 September 2021, the City entered into registered Planning Agreement AS335823 with the Developer in relation to a development application at 59-99 Belmont Street, Alexandria.

The Planning Agreement requires the Developer to provide public benefits including:

- the construction and dedication of a widened pedestrian and cycling shared path and
- a monetary contribution towards community infrastructure in Green Square.

A subdivision application has been lodged with the City to subdivide Lot 100 in DP1290374 to create two new parcels of land being Proposed Lot 100 (Building) and 101 (Pedestrian and Cycle Shared Path). The Developer is now proceeding to register the Plan of Subdivision and transfer the above-mentioned lands to the City.

Proposed Lot 100 (Building) will remain in private ownership.

Proposed Lot 101 (Pedestrian and Cycle Shared Path) will be embellished by the Developer to create a widened pedestrian and cycling shared path.

While Proposed Lot 101 will be embellished by the developer, it will need to have an operational classification to support the City's ongoing management and use of the land.

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

Recommendation

It is resolved that Council:

- (A) endorse public notification of the proposed resolution: "It is resolved to classify Proposed Lot 101 (Pedestrian and Cycle Shared Path) in the Plan of Subdivision of Lot 100 in DP1290374 at 59-99 Belmont Street, Alexandria, which is to be transferred to Council for public purposes, as operational land in accordance with section 31 of the Local Government Act 1993 (NSW)"; and
- (B) note that a further report to Council, to inform of the outcomes of public notification and recommendation of land classification, will follow the notification period.

Attachments

Attachment A. Identification Map

Background

1. On 23 September 2020, development consent was granted for a development at 59-99 Belmont Street, Alexandria, comprising demolition of existing buildings excluding the front façade, tree removal, and construction of a new 4-storey residential development with 23 apartments, basement parking, private rooftop open space and landscaping (D/2019/1249).
2. On 21 September 2021, the City entered into registered Planning Agreement AS335823 with Aqualand Belmont Pty Ltd, which provided for land dedication and embellishment works for a widened pedestrian and cycle shared path, and a monetary contribution towards community infrastructure in Green Square.
3. The existing pedestrian and cycle shared path connects from Belmont Street to Buckland Street, adjacent to the Alexandria Park Community School.
4. The shared path is part of the City's network of bike routes identified in the Cycling Strategy and Action Plan 2018-2030.
5. The shared path is partly made up of a 2m wide easement for public access over the school land, and publicly dedicated land from the development of 92-94 Buckland Street. The land from 59-99 Belmont Street will result in a total width of approximately 3.6m for the length of the shared path.
6. An easement for drainage will be required over the shared path to accommodate stormwater drainage infrastructure constructed on the land that services the new development at 59-99 Belmont Street. This easement will be created by the Developer as part of the subdivision process.
7. Stormwater infrastructure for 55-88 Belmont Street is contained entirely underneath this lot, being proposed lot 101. The lot is also adjacent to land with an existing easement to facilitate the use of the shared path. A classification of the land as 'operational' will support the City's management and use of the land.
8. A subdivision application has been lodged with the City to subdivide Lot 100 in DP1290374 into two new lots being proposed Lot 100 (Building) and 101 (Pedestrian and Cycle Shared Path).
9. Proposed Lot 100 (Building) will remain in private ownership.
10. Following completion of the embellishment works to the pedestrian and cycle shared path, and the creation of the new lots through subdivision, proposed Lot 101 in will be transferred to the City.
11. The development at 59-99 Belmont Street is nearing completion and the transfer of the land for the shared path is expected in June 2025.

Key Implications

Organisational Impact

12. There is no organisational impact arising from this proposed resolution to classify this parcel of land as operational land.

Risks

13. 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.

Financial Implications

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

Risks

15. This approach is within the City's risk appetite, which states:
 - We manage our assets, infrastructure and property in accordance with established service levels.
 - We are committed to conducting our activities in full compliance with applicable laws, regulations and relevant industry standards.

Relevant Legislation

16. 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
 - (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

17. The land needs to be classified within 3 months of land transfer to the City or the land automatically reverts to a community classification.

18. As the land is proposed to transfer to the City in June 2025, the classification would need to be endorsed no later than September 2025.

Public Consultation

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

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Chief Operating Officer

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