

# PUBLIC EXHIBITION

## **Classification of Purchased Land**

Council at its Meeting on 26 April 2016, recommended classifying land it proposed to purchase as Operational Land under s31 of the Local Government Act 1993, for the purposes of constructing the road cul-de-sac at the end of Homedale Rd, Bankstown. The land recently purchased is known as No. 28 Homedale Rd, Bankstown (Lot 102 DP 1228873).

As detailed in the attached Report Recommendations, Council is required to classify the land as Operational Land, as described by the Local Government Act. This exhibition is also being notified in the local newspaper.

This exhibition is open for public viewing from Wednesday 12 July to Thursday 10 August 2017. Further information is available on Council's website and also at Council's Administration Centre in Rickard Rd, Bankstown.

Should you wish to make a submission, Council must receive it by close of business on 10 August 2017, and it should be addressed to:

General Manager  
Bankstown City Council  
PO Box 8  
Bankstown, NSW, 1885  
Att: Project Manager Special Projects.

Alternatively, phone Council's Project Manager Special Projects on (02) 9707 9097 to further information.

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1. Council Report – 24 June 2014 (Item 6.11).
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3. Deposited Plan of Subject Site.
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Extract.
5. Concept Design Plan: Proposed new Cul-de-sac Plan.
6. Local Government Act 1993 (extract) of Exhibition  
Clauses.
7. Public Exhibition: Newspaper Notification Add.

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## Report of the General Manager - 24 June 2014

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### ITEM 6.11                      Property Matters - Homedale Road

#### DELIVERY PROGRAM (2013-2017)

TA 19. Council is strategically and effectively managing its public land and property portfolios.

### AUTHOR                      Corporate and Financial Services

#### ISSUE

To consider a number of outstanding infrastructure and property issues relating to Homedale Road Bankstown and proposed approach to addressing the matters.

#### RECOMMENDATION              That –

1. Council agree to carry out a detailed assessment of the property and infrastructure solutions outlined in this report.
2. The General Manager be authorised to carry out any necessary negotiations pursuant to item 1.
3. A further report(s) be submitted to Council outlining relevant options for Councils consideration.

#### BACKGROUND

Homedale Road is a dead end street located in the Bankstown Industrial Precinct. It provides access to a number of industrial developments, which rely on a significant number of heavy vehicle movements.

Situated at the end of Homedale Road, is large parcel of land, which is owned by both Council and Sydney Water.

Councils component of the land is;

- Classified as operational land and zoned light industrial,
- Partly being occupied by an adjoining owner with no formal agreement, and
- Partly being leased (lease has expired and currently on a monthly holdover) to an advertising company, who have erected/placed a large advertising sign on our site,

Similarly, Sydney Water's component of the land is an unimproved/unsurfaced parcel of land, which is currently being used as an informal turning bay by vehicles.

In recent times, Council has re-initiated previous discussions with relevant/associated stakeholders, with the view to resolve the certain property issues associated with the site and provide an effective infrastructure outcome.

This report outlines some of the key aspects and proposed options/approaches to address the matter, for Council's consideration.

## **REPORT**

Whilst over the years Council has endeavoured to facilitate an acceptable outcome on issues associated with its land, the key element and/or difficulty to achieving a broader and/or optimal solution, has been the need to acquire Sydney Water land and convert it to a roadway (cul-de-sac). In part, this issue has also prevented Council from effectively addressing/resolving the various property related matters associated with the site.

In light of our recent discussions, Sydney Water has suggested that Council again formally approach them to commence negotiations for the part sale of their site to Council.

Given the above, Council now has an opportunity to assess the acquisition more broadly, particularly to ensure we achieve the appropriate infrastructure, environmental and property outcome for the area.

It is proposed that a detailed assessment/feasibility study be carried out and that a further report be submitted to Council for its consideration around the possible options and/or outcomes for the site.

The study will include an assessment of the;

- Negotiated purchase price of the Sydney Water land,
- The design of the proposed cul-de-sac and its expected costing,
- Addressing the various property matters, including the opportunity to subdivide Council's site and in turn lease and/or sell them, as determined by Council,
- Satisfy any environmental issues/considerations associated with the site, and
- The financial impact of the likely option(s).

The above will provide a holistic evaluation of the surrounding issues and ensure that we achieve a positive outcome for the area.

## **POLICY IMPACT**

This matter has a number of policy implications, of which each will be assessed and outlined in its subsequent report, for Councils consideration.

## **FINANCIAL IMPACT OF RECOMMENDATIONS**

There is no immediate and/or direct financial impact resulting from this recommendation. A complete financial assessment of the proposed outcome/option will be provided in a subsequent report for Councils consideration.

**RECOMMENDATION**      That –

1. Council agree to carry out a detailed assessment of the property and infrastructure solutions outlined in this report.
2. The General Manager be authorised to carry out any necessary negotiations pursuant to item 1.
3. A further report(s) be submitted to Council outlining relevant options for Councils consideration.

**ATTACHMENTS**

- A. Land Ownership Plan

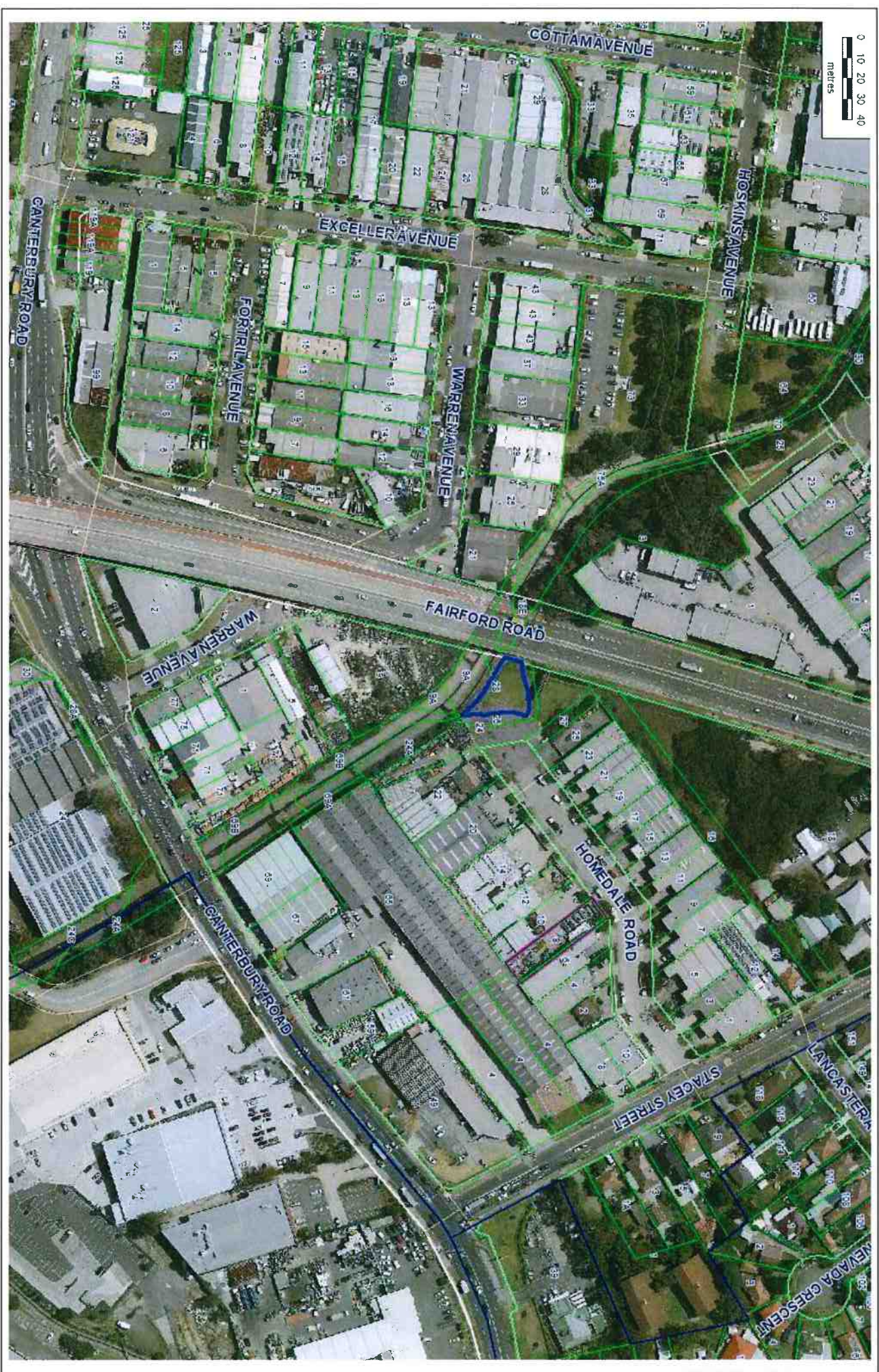


MAP 1: HOMEDALE RD BANKSTOWN (Subject site in Blue)





MAP 2: HOMEDALE RD BANKSTOWN (Subject site in Blue)





WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

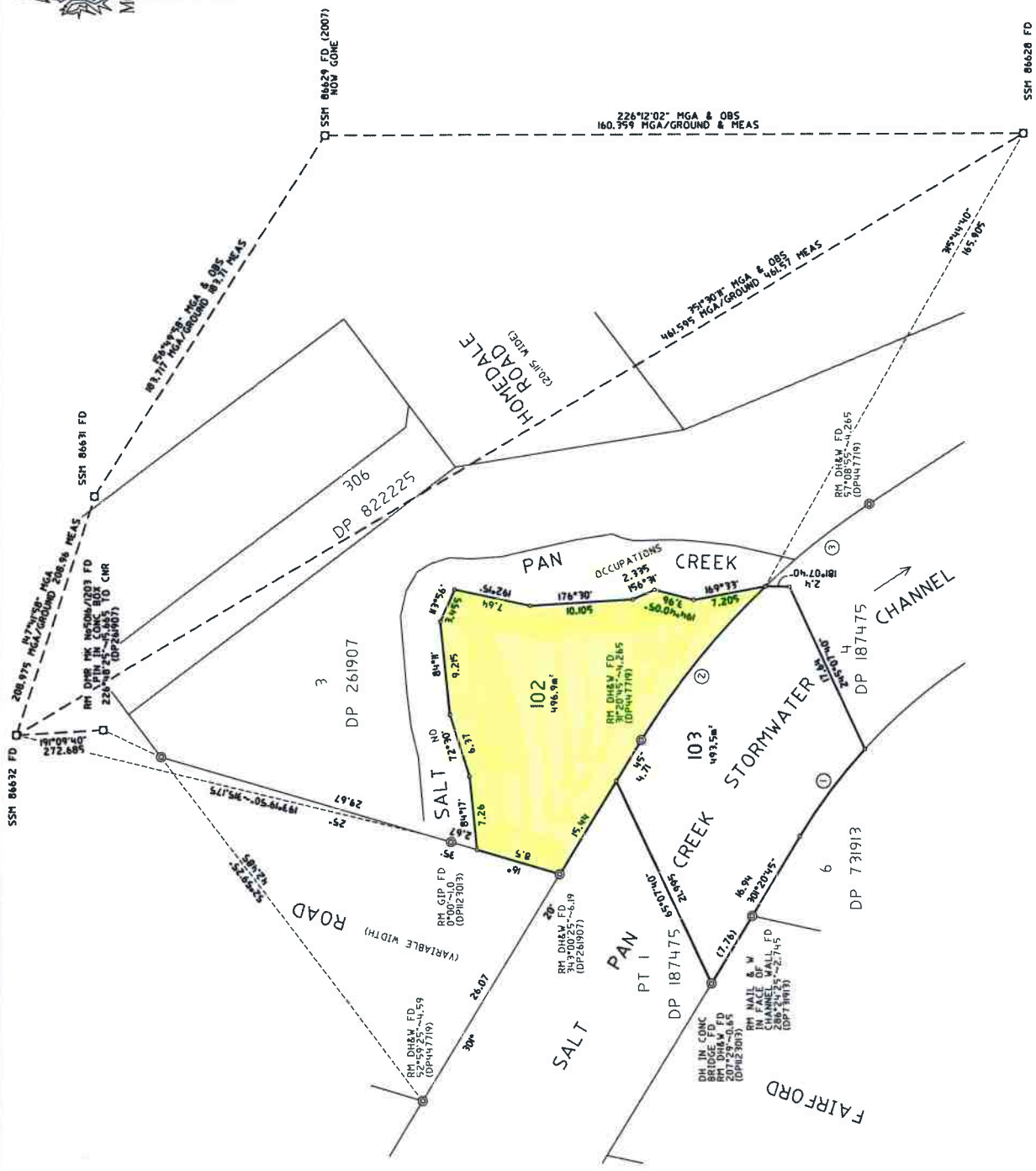


SCHEDULE of SHORT & CURVED BOUNDARIES

No.	BEARING	CHORD	ARC	RADIUS
1	307° 04' 05"	10.72	10.74	54.25
2	309° 05' 15"	19.445	19.505	72.54
3	141° 50' 15"	13.105	13.12	72.54

SURVEYING AND SPATIAL INFORMATION REGULATION 2012  
SECTION 4(2) - MGA CO-ORDINATES  
COMBINED SCALE FACTOR 1.00000 (MEAN)

MARK	EASTING	NORTHING	ZONE	CLASS	ORDER	SOURCE	DATE
SSM 86428	310727.052	624344.009	54	B	2	SCMS	08-12-2016
SSM 86429	310802.794	624355.899	54	B	2	SCMS	08-12-2016
SSM 86431	310798.517	624375.101	54	B	2	SCMS	08-12-2016
SSM 86432	310878.849	624392.538	54	B	2	SCMS	08-12-2016



PLAN OF  
ACQUISITION OF  
PART OF LOTS 2 & 3 IN DP 187475  
AND LOT 4 IN DP 261907

Surveyor: MICHAEL JOHN GORDON  
Date of Survey: 08-12-2016  
Surveyor's Ref: 16128(ACO1)DP (ISSUE 4)

LGA: BANKSTOWN  
Locality: BANKSTOWN  
Subdivision No:  
Lengths are in metres. Reduction Ratio: 1:300

DP

Registered:



**BANKSTOWN CITY COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN COUNCIL CHAMBERS**  
**ON 26 APRIL 2016**

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Item 11.3 T36-16 Marion Street Footpath Upgrade

*This report is considered to be confidential in accordance with Section 10A(2)(d)(i) of the Local Government Act, 1993, as it relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.*

- CARRIED

**COUNCIL RESOLVED INTO CONFIDENTIAL SESSION AT 7.25 PM  
AND REVERTED BACK TO OPEN COUNCIL AT 7.34 PM.**

**ITEM 11.1**  
**(1498)**

**PROPERTY MATTER - 28 HOMEDALE RD, BANKSTOWN**

**CLR. WINTERBOTTOM:/CLR. NAJJAR**

RESOLVED that

1. Council acquires 28 Homedale Road, Bankstown, being Lot 2 DP 1123013, for the sum of \$115K (plus GST) and associated legal costs.
2. Council classifies the lot as Operational Land and that the matter be publicly exhibited in accordance with the Local Government Act 1993.
3. The Mayor and General Manager be delegated authority to complete the acquisition process, execute all relevant documentation and use of the common seal, as required.

- CARRIED

**ITEM 11.2**  
**(1499)**

**T35-16 GREENACRE TOWN CENTRE IMPROVEMENT (TIER 1) AT  
WATERLOO ROAD**

**CLR. GOLLEDGE:/CLR. NAJJAR**

RESOLVED that

1. Council accepts the tender received from KJ Civil & Paving Pty Ltd for an amount of \$607,390.00 (excluding GST) for Greenacre Town Centre Improvement Project.
2. The General Manager be authorised to enter into a contract and sign all documentation in accordance with Council's resolution, as required.
3. Council notifies the unsuccessful tenderers in writing and thank them for tendering.

- CARRIED



## Local Government Act 1993 No 30 - EXTRACT

Current version for 4 April 2017 to date (accessed 29 June 2017 at 14:31)

Chapter 6 > Part 2 > Division 1

### Division 1 Classification and reclassification of public land

#### 25 All public land must be classified

All public land must be classified in accordance with this Part.

#### 26 What are the classifications?

There are 2 classifications for public land—"community" and "operational".

**Note.** On the commencement of this Part, certain land that is vested in or under the control of a council is taken to have been classified as community land by the operation of clause 6 of Schedule 7.

#### 27 How are the classifications made?

- (1) The classification or reclassification of public land may be made by a local environmental plan.
- (2) The classification or reclassification of public land may also be made by a resolution of the council under section 31, 32 or 33.

#### 28 Forwarding of planning proposals to Minister for Planning

- (1) A council may not forward a planning proposal to the Minister for Planning under section 56 of the *Environmental Planning and Assessment Act 1979* which includes a proposal to classify or reclassify public land that is not owned by the council unless the council has obtained the consent of the owner to the proposed classification or reclassification of public land.
- (2) A local environmental plan that classifies or reclassifies public land may apply to one or more areas of public land.

#### 29 Public hearing into reclassification

- (1) A council must arrange a public hearing under section 57 of the *Environmental Planning and Assessment Act 1979* in respect of a planning proposal under Part 3 of that Act to reclassify community land as operational land, unless a public hearing has already been held in respect of the same matter as a result of a determination under section 56 (2) (e) of that Act.
- (2) A council must, before making any resolution under section 32, arrange a public hearing in respect of any proposal to reclassify land as operational land by such a resolution.

#### 30 Reclassification of community land as operational

- (1) A local environmental plan that reclassifies community land as operational land may make provision to the effect that, on commencement of the plan, the land, if it is a public reserve, ceases to be a public reserve, and that the land is by operation of the plan discharged from any trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except for:
  - (a) any reservations that except land out of a Crown grant relating to the land, and
  - (b) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).



- (2) A provision referred to in subsection (1) has effect according to its tenor, but only if the Governor has, before the making of the local environmental plan, approved of the provision.

### 31 Classification of land acquired after 1 July 1993

- (1) This section applies to land that is acquired by a council after the commencement of this Division, other than:
- (a) land to which the *Crown Lands Act 1989* applied before the acquisition and continues to apply after the acquisition, and
  - (b) land that is acquired for the purpose of a road.
- (2) Before a council acquires land, or within 3 months after it acquires land, a council may resolve (in accordance with this Part) that the land be classified as community land or operational land.
- (2A) Any land acquired by a council that is not classified under subsection (2) is, at the end of the period of 3 months referred to in that subsection, taken to have been classified under a local environmental plan as community land.
- (2B) While the land remains unclassified:
- (a) the land may not be used for any purpose other than that for which it was being used immediately before it was acquired, and
  - (b) the council may not dispose of any interest in the land.
- (3) A council must not resolve under this section that land be classified as operational land if:
- (a) the land is classified as community land immediately before its acquisition, or
  - (b) the resolution would be inconsistent with any other Act, the terms of any trust applying to the land or the terms of any instrument executed by the donor or transferor of the land.

### 32 Reclassification of land dedicated under sec 94 of the *Environmental Planning and Assessment Act 1979*

- (1) A council may resolve that land dedicated in accordance with a condition imposed under section 94 of the *Environmental Planning and Assessment Act 1979* is to be reclassified as operational land.
- (2) A council may make such a resolution only if it is satisfied that the land has been found to be unsuitable for the provision, extension or augmentation of public amenities and public services because of any one or more of the following:
- the size of the land
  - the shape of the land
  - the topography of the land
  - the location of the land
  - the difficulty of providing public access to the land.
- (3) The council must specify in the resolution the grounds on which it is satisfied the land is unsuitable.
- (4) Before making the resolution, the council must give public notice of the resolution. The public notice must specify a period of not less than 28 days during which submissions may be made to the council.

- (5) The net proceeds of sale by a council of any land dedicated in accordance with a condition imposed under section 94 of the *Environmental Planning and Assessment Act 1979* must be dealt with under that section as if those net proceeds were a monetary contribution paid instead of the dedication.

### **33 Reclassification of operational land as community land**

- (1) A council may resolve that public land classified as operational land is to be reclassified as community land.
- (2) (Repealed)

### **34 Public notice to be given of classification or reclassification by council resolution**

- (1) A council must give public notice of a proposed resolution to classify or reclassify public land.
- (2) The public notice must include the terms of the proposed resolution and a description of the public land concerned.
- (3) The public notice must specify a period of not less than 28 days during which submissions may be made to the council.
- (4) (Repealed)

## Public Exhibition – Newspaper Add Notification

### Classification of Purchased Land

Council at its Meeting on 26 April 2016, resolved to purchase a parcel of land from Sydney Water Corporation at 28 Homedale Rd Bankstown (Lot 102 DP 1228873). The land purchased on 30 June 2017 is to facilitate the construction of the road cul-de-sac of Homedale Rd.

This public notification confirms Council's intention to classify the land as Operational Land, under the s31 of the Local Government Act 1993. This notification is open for public viewing until 10 August 2017. Further information is available on Council's website and also at Council's Administration Centre in Bankstown. Should you wish to make a submission, it must be addressed to: The General Manager, Canterbury Bankstown Council, PO Box 8, Bankstown, NSW, 1885, Att: Project Manager Special Projects, by close of business on 10 August 2017.

### Notes:

In Paper: *The Torch - Wednesday 12 July 2017.*

Exhibition Period from: 12 July to 10 Aug 2017.