
Report of the General Manager - 28 April 2015

ITEM 6.6	Property Matter - Classification of Council Lots situated at 10-14 Padstow Pde, Padstow
DELIVERY PROGRAM (2013-2017)	TA 19. Council is strategically and effectively managing its public land and property portfolios.
AUTHOR	Corporate and Financial Services

ISSUE

Given its approaching completion, Council is required to consider certain regulatory aspects and potential uses associated with its land within the newly constructed Commuter Carpark development located in the Padstow Town Centre.

RECOMMENDATION That -

1. Following its acquisitions, Council proposes to classify its lots situated at 10-14 Padstow Parade, Padstow, as Operational Land, in accordance with the Local Government Act 1993.
2. Council prepare the required public notice of its proposal and submit a further report on the matter for Council's consideration.
3. A further report be provided to Council following the Expression of Interest process and recommended uses of council's commercial space.

BACKGROUND

As Councillors will recall, in March 2013, Council resolved to agree to Transport for NSW's (TfNSW) proposal to purchase and construct a multi-level car parking facility at 10-12/14 Padstow Parade, Padstow (Attachment A).

Subsequently, in April 2014, Council further considered and resolved to accept the final Deed of Agreement, approval to construct an additional level of public car parking as part of the facility and that a further report be prepared outlining feasible options for the future use of the commercial shell/space located on the ground floor (Attachment B).

This report provides Councillors with a general update of the project and certain elements requiring Council's consideration.

REPORT

Project Update

As Councillors may be aware, the construction of the car park situated in Padstow Parade is nearing completion. Council understands that the car park will be opened in May/June 2015 and fully operational shortly thereafter.

Council is working closely with TfNSW's to finalise Council's components of the facility, being the commercial shell/space, public toilet facilities, Council's component of the car park and footpaths surrounding the facility.

Once completed, Council's lawyers will finalise all required documentation and associated maintenance agreements for the structure, particularly the ownership of the commercial shell/space and car park lease.

In addition, Council will shortly be carrying out an expression of interest process for a suitable Agent to both assist Council in sourcing interested tenants and ongoing management of our commercial space. A further report will be provided outlining details of interested tenants and associated details (eg. financial return) once the relevant information is available.

Classification of Land

Once completed, the agreement between Council and TfNSW provides for the commercial shell/space and public toilet facilities to be transferred into Council's ownership whilst the car park will be leased by way of a ninety-nine year lease for \$1 per annum.

Given that Council will be acquiring these components of the facility, it will need to carry out the required process to appropriately classify the lots (ie. either Community or Operational Land), as required under the Local Government Act 1993 (LGA).

By way of a brief summary, the two options available to Council are:

- **Community Land:** - land that should generally be kept for use by the general public, such as recreational and sporting parks/fields, community buildings and aquatic facilities. Community Land must be regulated by way of a Plan of Management, which specifies the nature and use of the land and cannot be sold.
- **Operational Land:** - land that is generally used and/or facilitates the carrying out of councils functions (eg. depots and administration building) and its investment properties.

Given the intended use of the commercial shell/space and toilet facilities, it is proposed that in accordance with the LGA, the land be classified as Operational Land and that the necessary process (ie. public notification) be undertaken to reflect this.

Once the required regulatory steps are completed, a further report, including all public comments, will be submitted for Councillors consideration.

POLICY IMPACT

This report ensures that Council complies with relevant provisions of the Local Government Act 1993, when acquiring land. Once completed, it will allow for Council to lease the commercial shell/space and generate important income, which in turn will be made available for the purposes of ongoing development and management of the Padstow Town Centre.

FINANCIAL IMPACT OF RECOMMENDATIONS

There are no direct financial impacts associated with this resolution.

RECOMMENDATION That -

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ATTACHMENTS

- A. Padstow Car Park Classification Map

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