

## APPENDIX 1

### Hawkesbury City Council Ordinary Meeting Report and Meeting Minutes – 11 March 2008

## ORDINARY MEETING

Meeting Date: 11 March 2008

### SUPPORT SERVICES

Item: 52                      SS - Classification of Land - Properties at Londonderry - (95496)

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#### REPORT:

Between the years of 1997 and 2000, Hawkesbury City Council acquired a total of seven properties in the vicinity of Council's Waste Management Facility at Londonderry for the purposes of creating a buffer around this Facility.

The seven properties acquired by Council were:

1 Reynolds Road, Londonderry	(Lot 24 in Deposited Plan 25020)
2 Reynolds Road, Londonderry	(Lot 1 in Deposited Plan 25981)
50-56 The Driftway, Londonderry	(Lot 18 in Deposited Plan 25020)
42 The Driftway, Londonderry	(Lot 19 in Deposited Plan 25020)
34-40 The Driftway, Londonderry	(Lot 20 in Deposited Plan 25020)
26-32 The Driftway, Londonderry	(Lot 21 in Deposited Plan 25020)
18-24 The Driftway, Londonderry	(Lot 22 in Deposited Plan 25020)

These seven properties are located within the Penrith City Council Local Government Area.

Section 31(2) of the Local Government Act 1993 states that:

*"31(2) Before a council acquires land, or within 3 months after it acquires land, a council may resolve (in accordance with the Part) that the land be classified as community or operational land"*

A recent review of Council's records indicates that at the time of acquisition, no action was taken for the properties to be classified as "Operational" land for the purposes of the Local Government Act, 1993 and have, therefore, by default, been classified as "Community" land.

However, it has been assumed, for several years, that the properties were classified as "Operational" upon acquisition. Currently, four of the seven properties are subject to continuation agreements of the Residential Tenancy Agreements entered into by Council several years ago.

It has always been Council's intention to lease the properties where possible, whilst the Waste Management Facility is in operation. Additionally, upon closure of the Waste Management Facility, it has been Council's intention to develop and/or sell the properties. Accordingly, the classification of the properties as "Operational" land is considered necessary.

The subject properties are located outside the Hawkesbury City Council Local Government Area, within the Penrith City Council Local Government Area and cannot, therefore, be reclassified by a Local Environmental Plan by Hawkesbury City Council. Instead, the reclassification of these properties will need to form part of a Local Environmental Plan prepared by Penrith City Council. Council's Solicitors have advised that this course of action would be required to reclassify these properties.

In this regard, discussions have been held with staff at Penrith City Council to include these properties in a Penrith City Council Local Environment Plan. Staff from Penrith City Council have advised that they would prefer the subject properties be dealt with as part of the 'Penrith LEP - Stage 1'. This Plan has been endorsed by Penrith City Council and has been lodged with the Department of Planning. Penrith City

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Council is currently waiting for permission to exhibit the Plan and anticipates permission may be granted in the next two months. Therefore, there would be an opportunity for Hawkesbury Council to make a submission requesting that the subject properties be reclassified as "Operational" land under the Local Government Act, 1993.

Accordingly, it is considered that Council should make a submission to Penrith City Council, requesting that the subject properties be reclassified from "Community" land to "Operational" land under the Local Government Act, 1993.

### Conformance to Strategic Plan

The proposal is deemed to conform with the objectives set out in Council's Strategic Plan i.e:

*"Objective: Implementation of opportunities identified within the property development strategy and subsequent resolution of Council regarding property sales."*

*"Objective: Process Miscellaneous Property Matters"*

### Funding

The proposal to reclassify the properties will enable the existing lease arrangements to continue, thus allowing Council to receive a regular income from the properties.

### RECOMMENDATION:

That a submission be lodged with Penrith City Council for the following properties to be reclassified from "Community" land to "Operational" land in accordance with the Local Government Act, 1993:

1 Reynolds Road, Londonderry	(Lot 24 in Deposited Plan 25020)
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### ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

**SUPPORT SERVICES**

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**MOTION:**

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Stubbs.

*Refer to RESOLUTION*

**69    RESOLUTION:**

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Stubbs

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