



Planning Proposal No. 14 – Reclassification of Community land at 86 Dangar Street, Armidale, NSW

Lot 101 DP 1237922

May 6, 2019

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INTRODUCTION

Armidale Regional Council, as the planning proposal authority, has prepared this Planning Proposal to amend *Armidale Dumaresq Local Environmental Plan 2012* (the ‘LEP’). The Planning Proposal has been prepared in accordance with Division 3.4 of the *Environmental Planning and Assessment Act 1979* (‘EP&A Act 1979’), *A Guide to Preparing Planning Proposals* and *A Guide to Preparing Local Environmental Plans* (August, 2016) issued by the NSW Department of Planning & Environment (‘DPE’).

The subject site of Planning Proposal No. 14 is 86 Dangar Street, Armidale, known as Lot 101 DP 1237922 (the ‘Site’) – see **Attachment 1**. The Site is currently zoned B4 Mixed Use, and is used as a carpark by Armidale Ex Services Memorial Club (the ‘Club’), located in central Armidale. Council owns the Site and leased to the Club for minimal rent. The Site is bordered to the north by Dumaresq Creeklands and a public walking track, and adjoins 137 Dumaresq Street (Lot 102 DP 1237922) containing the Club building to the south:

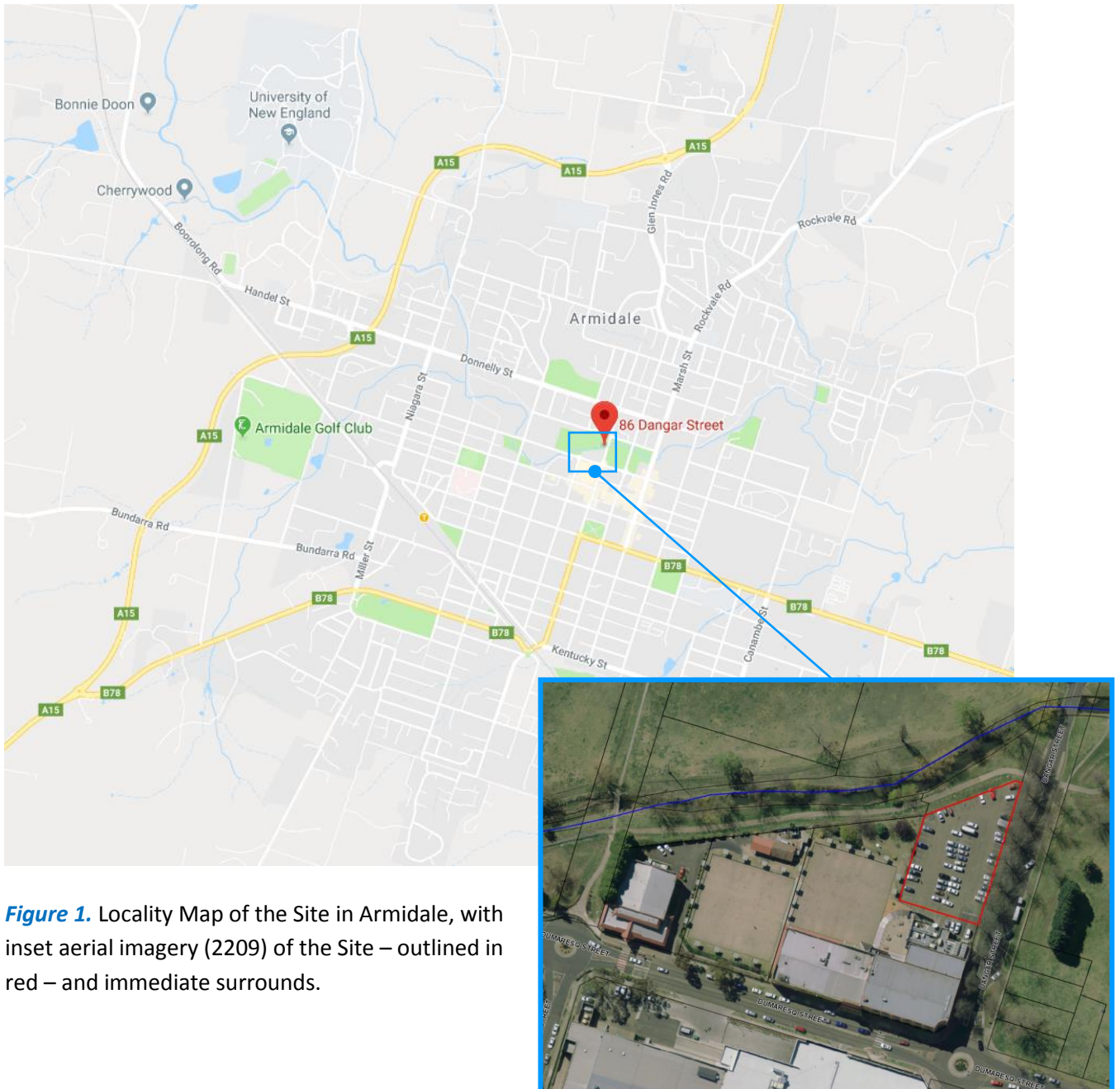


Figure 1. Locality Map of the Site in Armidale, with inset aerial imagery (2209) of the Site – outlined in red – and immediate surrounds.

The Site is mostly sealed, and contains approximately 77 vehicular parking spaces for patrons and staff of the Club. Despite the long-standing lease arrangement of the Site, the land is identified as ‘community land’ under the *Local Government Act 1993* (‘LG Act 1993’). It is proposed to reclassify the Site to ‘operational land’ within the meaning of the LG Act. In reclassifying the land, Council will have the potential to sell the Site to the Club or to adjust the lease amount based on recent land valuation. Part of the funds from the future sale or lease of the Site is intended to be internally restricted and to go towards Council purchasing 84B Dangar Street (Lot 105 DP 1237922) from the Club, as this Lot contains part of the Creeklands public walking track (see **Figure 2**). Council agreed to this arrangement at its meeting held on April 26, 2018 (minute no. 77/18) – refer to **Attachment 2**.

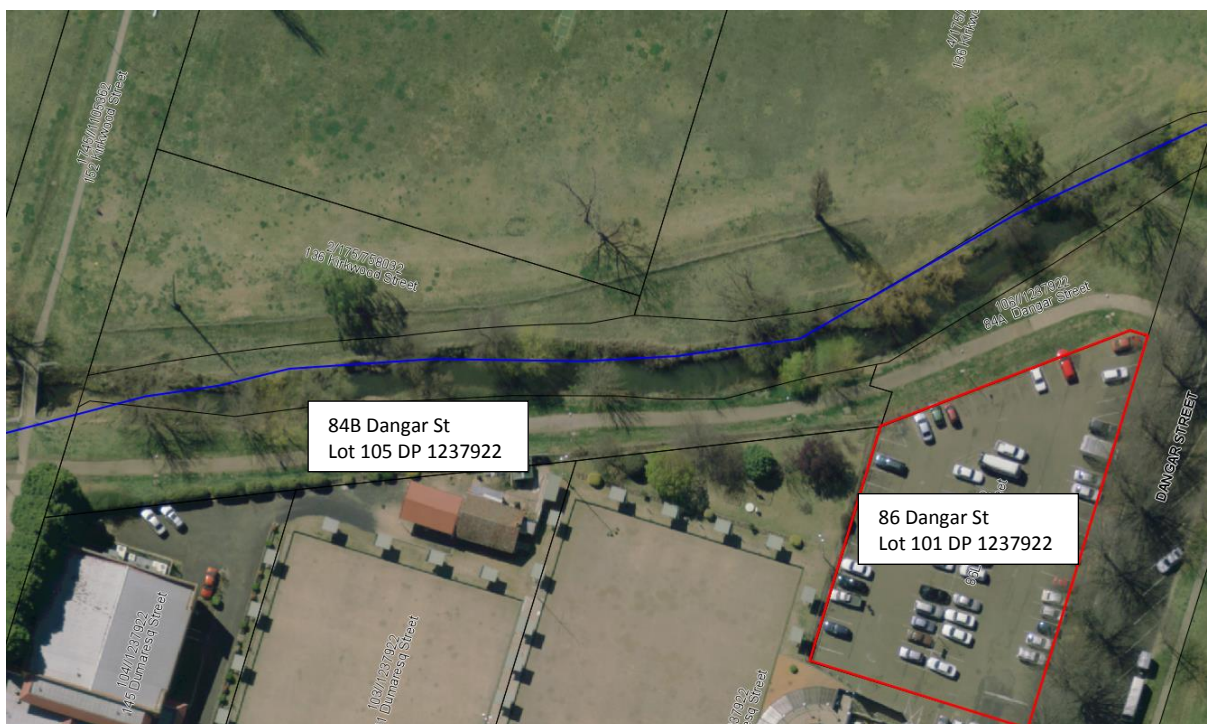


Figure 2. Location of the Site (Lot 101 DP 1237922) and Lot 105 DP1237922.

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of the Planning Proposal is to formalise use of Lot 101 DP 1237922, 86 Dangar Street, Armidale (the Site) by the Armidale Ex Services Memorial Club. The Site is owned by Council and the Planning Proposal will enable Council to commercially lease or sell the Site to the Club.

PART 2 - EXPLANATION OF PROVISIONS

In order to achieve the objective of the Planning Proposal, it is proposed to reclassify the Site from community to operational land in accordance with the Local Government Act 1993 (LG Act), by amending **Part 2 in Schedule 4** of the LEP, as follows:

Insert the following under 'Locality' of 'Column 1' of 'Part 2 Land classified, or reclassified as operational land – interests changed' of 'Schedule 4 Classification and reclassification of public land' of 'Armidale Dumaresq Local Environmental Plan 2012':

Armidale

Insert the following under 'Description' of 'Column 2' of 'Part 2 Land classified, or reclassified as operational land – interests changed' of 'Schedule 4 Classification and reclassification of public land' of 'Armidale Dumaresq Local Environmental Plan 2012':

Lot 101, DP 1237922, 86 Dangar Street

PART 3 - JUSTIFICATION

Section A. Need for the planning proposal

Q1. Is the planning proposal a result of any strategic study or report?

No.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Under the LG Act 1993, public land is identified to mean any land (including a public reserve) vested in or under the control of the council. All public lands must be classified by council as either 'community' or 'operational' (ss. 25, 26 of LG Act 1993). The purpose of classification is to identify clearly land made available for use by the general public (community), and land which is not (operational).

Land classification restricts the alienation and use of the land. Community land must not be sold, exchanged or otherwise disposed of by council. It can be leased, but there are restrictions on the grant of leases and licences, and also on the way community land can be used. There are no special restrictions on council powers to manage, develop, dispose or change the nature and use of operational land.

It is proposed to address a long-term use anomaly and provide greater flexibility in the future use of the Site, including appropriate commercial leasing or potential future sale by Council to the Armidale Ex-Services Memorial Club. In order for this to occur the Site needs to be reclassified from community to operational. The Site is not able to be reclassified to operational land by Council resolution, as the land and how or when it was acquired does not satisfy the relevant requirements of the LG Act (i.e. sections. 27, 31, 32, and 33 of the LG Act 1993). The Planning Proposal is considered the appropriate and best means of reclassifying the Site to operational land.

Furthermore, reclassification of land through an LEP may include removal of interests applying to the land, including trusts, estates, dedications, conditions, restrictions and covenants. **Table 1** summarises the extent of interests applying to the Site and whether it is proposed to extinguish these interests as part of the reclassification.

Table 1. Interests and restrictions pertaining to Lot 101 DP 1237922		
Referenced in Title Deed (see Attachment 1)	Interest	Interest to be extinguished?
1.	Reservations and conditions in the Crown Grant.	No
2.	Land excludes minerals (s536AA Local Government Act 1919) – see memorandum W347940 within the part shown so indicated in the title diagram.	No
3.	Qualified title. Caution pursuant to s28J of the Real Property Act, 1900. Entered 16/2/2009 as regards the part in BK 2427 No. 345.	No – see Part 3 ‘Other’
4.	DP 1237922 – Easement for drainage of sewage 3 metre(s) wide affecting the part(s) shown so burdened in the title diagram.	No
Not referenced in Title Deed	Potential interest (see Part 3 ‘Other’)	Interest to be extinguished?
-	Public reserve	Yes

Section B. Relationship to strategic planning framework

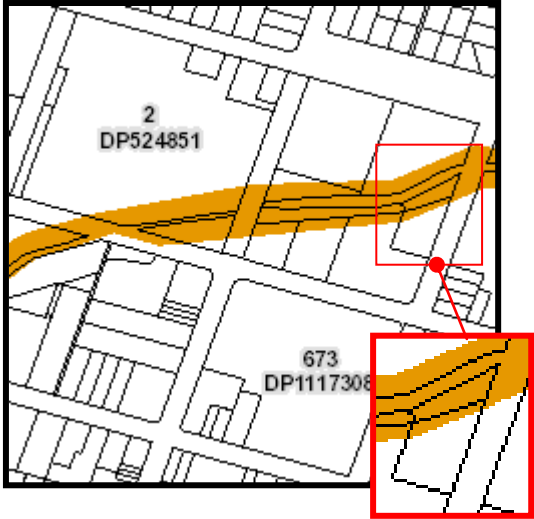
Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including exhibited draft strategies)?

The *New England North West Regional Plan 2036* (August, 2017) by DPE (‘NENW Regional Plan’) will guide the NSW Government’s land use planning priorities and decisions in the region up to 2036. The NENW Regional Plan provides an overarching framework to guide subsequent and more detailed land use plans, development proposals and infrastructure funding decisions and is accompanied by an Implementation Plan.

The goals of the NENW Regional Plan are:

1. A strong and dynamic regional economy
2. A healthy environment with pristine waterways
3. Strong infrastructure and transport networks for a connected future
4. Attractive and thriving communities.

For each goal the NENW Regional Plan identifies directions and associated actions to assist in achieving the goal. [Table 2](#) (beginning over the page) summarises the relevant goals, directions and actions of the NENW Regional Plan, provides comment on these goals, directions and actions, and indicates whether the Proposal is considered to be consistent or inconsistent with the NENW Regional Plan.

Table 2. New England North West Regional Plan		
Goal 1: A strong and dynamic regional economy		Planning Proposal response – is the Proposal consistent with the Strategy?
DIRECTIONS & APPLICABLE ACTIONS	TIMEFRAME OF IMPLEMENTATION	COMMENTS
D7: Build strong economic centres.	<i>Ongoing</i>	Consistent. The purpose of this Direction is to promote clustering of employment precincts, reinforce the primacy of town commercial centres, and protect employment lands from inappropriate encroachment. Broadly, the Proposal aligns with the Direction as it will support the ongoing use of commercial land in the Mixed Use zone bordering the Commercial Core.
Goal 2 : A healthy environment with pristine waterways		Planning Proposal response – is the Proposal consistent with the Strategy?
DIRECTIONS & APPLICABLE ACTIONS	TIMEFRAME OF IMPLEMENTATION	COMMENTS
D11: Protect areas of potential high environmental value.	<i>Ongoing</i>	<p>Consistent. The Site is identified on the <i>Biodiversity Values Map</i> (undated) by DPE. The highlight along Dumaresq Creek and its riparian zone is wide enough to capture the northern boundary of the Site:</p>  <p>Figure 3. Extract from the <i>Biodiversity Values Map</i> (undated) and enlarged inset of the Site.</p> <p>The Lot is mostly sealed for use as a car park, and no riparian vegetation occurs within the Site. It is therefore considered that the Proposal is consistent with this Direction.</p>

<p>D12: Adapt to natural hazards and climate change.</p> <p>A12.1 Minimise the risk from natural hazards and the projected effects of climate change by identifying hazards, managing risks and avoiding vulnerable areas, particularly when considering new urban release areas.</p> <p>A12.2 Incorporate new knowledge on regional climate projections, including flooding and bushfire risk, related cumulative impacts, and findings of the New England North West Enabling Regional Adaptation Project in local plans for new development.</p>	<p><i>Ongoing to long term</i></p>	<p>Consistent.</p> <p>Climate change projections for the region in the near future (2020 – 2039) and far future (2060 – 2079) include warmer spring and summer days, less winter rainfall, but more overall annual rainfall (particularly in autumn) (NSW Office of Environment & Heritage (OEH), 2014).</p> <p>The Site is not identified as bush fire prone land, but it is identified as flood prone land. The <i>Armidale Flood Study Review and Update – Stage 3</i> (July 17, 2014) by BMT WBM Pty Ltd endorsed by Council includes allowances for climate change. The Site is currently used for car parking. In reclassifying the Site to operational land, the potential for development of the Site increases. Any development would need to be in accordance with the Land Use Table and clause 6.2 Flood planning of the LEP. Flooding and flood affectation of the Site is discussed in further detail under Question 8.</p> <p>The <i>Western Enabling Regional Adaptation – New England North West Region Report</i> (June, 2017) by OEH (‘WERA NENW Report’) builds on local knowledge to understand climate vulnerabilities in the Region and identify opportunities to respond, enabling regional decision-makers to enhance government service delivery and planning at a regional and subregional scale. The Planning Proposal does not relate to or detract from identified transition pathways in the WERA NENW Report, particularly regarding the “communities” and “major regional centres” systems. As the WERA NENW Report was released in April 2018, a Town Development Network has not yet been established for input into strategic planning processes (p. 29). Furthermore, the Water, Environment, and Technology (WET) working group has not been established and so was not consulted in relation to the Proposal.</p>
<p>Goal 4: Attractive and thriving communities.</p>		<p>Planning Proposal response – is the Proposal consistent with the Strategy?</p>
<p>DIRECTIONS & APPLICABLE ACTIONS</p>	<p>TIMEFRAME OF IMPLEMENTATION</p>	<p>COMMENTS</p>
<p>D19: Support healthy, safe, socially engaged and well connected communities.</p> <p>A19.2 Facilitate more recreational walking</p>	<p><i>Immediate to short term to ongoing</i></p>	<p>Consistent. The Proposal will not detract from existing recreational walking and cycling paths. A Recreational walking and cycling path occurs north of the Site, alongside Dumaresq Creek. The Site is currently classified as community land, but has not been used in this way. Furthermore, the Site does</p>

<p>and cycling paths, linkages with centres and public transport, and expand inter-regional and intra-regional walking and cycling links.</p>		<p>not have any relationship with the walking/cycling path to the north; the use of the Site for a car park purely services the Club and is <u>not</u> used for public parking associated with the Creeklands.</p>
<p>D23: Collaborate with Aboriginal communities to respect and protect Aboriginal culture and heritage.</p> <p>A23.4 Undertake Aboriginal cultural heritage assessments to inform the design of planning and development proposals so that impacts to Aboriginal cultural heritage are avoided and appropriate heritage management mechanisms are identified.</p>	<p><i>Immediate to ongoing</i></p>	<p>Consistent. OEH’s <i>Aboriginal Heritage Information Management System (AHIMS) Web Services Search Result</i> (April 4, 2018) concluded that within 200m of the Site, no Aboriginal sites are recorded (see Attachment 4). The Site is located in the centre of Armidale, and has been heavily modified/disturbed. Currently the Site is mostly sealed for use as a car park, and no old growth trees are present. Dumaresq Creek is nearby. Based on these factors, the potential of the Site to contain Aboriginal sites or items of significance is considered to be low.</p> <p>For more details, refer to Question 9.</p>
<p>D24: Protect the region’s historic heritage assets.</p>	<p><i>Ongoing</i></p>	<p>Consistent. A portion of the adjoining Club site (137 Dumaresq St) is listed as having local archaeological significance in the LEP Schedule 5 (A028). The old New England Flour Mill is believed to have been located on former Lot B DP 157581 and former Lot 22 DP 869146, which are incorporated into Lots 102, 103, 104, and 105 in DP 1237922 (refer Attachment 5). Site investigations have been undertaken as part of previous development applications being lodged for 137 Dumaresq Street, which confirm the local significance of that property adjoining the Site. The approximate location of archaeological remains associated with A028 is clear of the Site by about 30m – see Question 9 for more details.</p>

Q4. Is the planning proposal consistent with a Council’s local strategy or other local strategic plan?

The *New England Development Strategy* (April, 2010) by WorleyParsons Ltd (‘NEDS’) was prepared for Armidale Dumaresq, Guyra Shire, Uralla Shire and Walcha Councils. The Strategy outlines key land use policies and principles for the four council areas and provided the planning context for the preparation of the Standard LEP Instruments for each local government area. The Strategy, which has a timeframe up to 2032, was adopted by the four councils and endorsed by the Director-General of the Department of Planning & Infrastructure.

The general aims and objectives of the NEDS are:

- (a) to provide a coordinated approach to land use planning within the LGAs of Armidale Dumaresq, Guyra, Uralla and Walcha (the Sub-region), which is expected to include implementation of a single LEP, or alternatively a number of consistent LEPs.*
- (b) to facilitate stimulation of demand for a range of residential, enterprise and employment opportunities.*
- (c) to ensure that development is sensitive to both the economic and social needs of the community and the environmental capacity of the area.*
- (d) to provide a choice of living opportunities and types of settlements.*
- (e) to encourage the proper management, development and conservation of resources within the Sub-region by protecting, enhancing and conserving:*
 - (i) land currently used for agricultural production*
 - (ii) native vegetation, biodiversity, minerals, soils, water and other natural resources*
 - (iii) areas of high scenic or recreational value*
 - (iv) places and buildings of heritage significance, including Aboriginal places and relics.*
- (f) to ensure that development has regard to the principles of ecologically sustainable development.*
- (g) to minimise the Sub-region’s contribution to the causes of global climate change.*
- (h) to adapt to major social, economic and environmental changes affecting the Sub-region such as climate change.*

It is appropriate to provide comments against objectives (c) and (e). In relation to (c) and as outlined in **Table 2** of **Question 3**, the reclassification of the Site to operational land will not detract from the nearby community use of the Creeklands or walking/cycling path. The Site is mostly sealed and subject to inundation from Dumaresq Creek. The Proposal does not seek to develop the Site in such a way that exceeds the environmental capacity of the land. With regards to (e), **Table 2** of **Question 3** addresses the question of biodiversity values protection. It is further noted that the Site has no particular ecological significance, scenic or recreational value. It is intended that part of the proceeds from the sale or lease of the Site will be used by Council to purchase Lot 105 DP 1237922 which is currently used as a public walking path through the Creeklands. This will ensure proper ongoing management of this recreational land. A portion of the adjoining Club site (137 Dumaresq

St) is listed as having local archaeological significance in the LEP Schedule 5 (A028) – see comments under [Table 2](#) of [Question 3](#).

Q5. Is the planning proposal consistent with applicable state environmental planning policies?

Yes. See [Attachment 6](#).

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s9.1 Directions)?

On the whole, yes. Those matters that are inconsistent have been justified. Refer [Attachment 7](#).

Section C. Environmental, social, and economic impacts

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

There is no critical habitat or threatened species, populations or ecological communities on the Site which has been used as the Armidale Ex Services Memorial Club main car park for over 45 years. The DPE's *Biodiversity Values Map* (undated) has identified the Site as containing a sliver of biodiversity value land (refer [Figure 3](#) included earlier in [Table 2](#) of [Question 3](#)). This appears to be an anomaly that is likely due to the width of the Map highlight, along Dumaresq Creek and its riparian corridor. No such riparian corridor, nor waterway, is located on the Lot in question:



Figure 4. *LEFT:* Looking west across Dangar St to the Creeklands path that is north of the Site.
CENTRE: Looking south-west along the path and to the south-western portion of the Site.
RIGHT: Looking south from the path to the eastern boundary of the Site.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Flooding

The *Armidale Flood Study Review and Update – Stage 3* (July 17, 2014) by BMT WBM Pty Ltd (the ‘Flood Study’) modelled flood behaviour for a range of tributaries of Dumaresq Creek and Dumaresq Creek itself, identifying 1 in 100 year ARI (1% AEP) and other flood events whilst incorporating potential climate change impacts in the model. The Flood Study was prepared in accordance with the Floodplain Development Manual 2005, and other statutory requirements. The Flood Study was adopted by Council on 28 September 2015. To date, a consequent Floodplain Risk Management Study and Floodplain Risk Management Plan has not been prepared for or adopted by Council.

The entirety of the Site is identified as flood prone land, originating from Dumaresq Creek. As can be seen in [Figure 5](#), the Site is located well within the 1 in 20 year ARI (4.9% AEP) and 1 in 100 year ARI (1% AEP) flood events. The 1% AEP flood event for the Site is modelled to have varying depths and velocities across the Site, with deepest points calculated in the north-east corner of the Site (2.0 – 4.53m) and highest velocities modelled to occur in the northern and south-western portion of the Site (1.5 – 3.0m/s). These factors indicate that the Site is significantly flood prone land.

It is not proposed to rezone the Site. The land zoning applying currently to the Site is B4 Mixed Use. Environmental protection works, home occupations, and roads are permissible without development consent in this zone. Some land uses that are permitted with development consent in the zone include centre-based child care facilities, commercial premises, community facilities, hotel/motel accommodation, light industries, medical centres, residential accommodation such as dwelling houses and multi dwelling housing. The Site is to be reclassified to operational land, and as such the Site may be sold in the future and may be developed more intensely than what is the usually the case for community land. Should any future development of the Site be proposed, it would be subject to clause 6.2 Flood planning of the LEP and other relevant environmental planning instruments (‘EPI’) that may apply to the type of development proposed, with respect to development on flood prone land. Any proposed development of the Site would need to demonstrate that it is compatible with the flood affected nature of the land and solutions would need to be put forward to mitigate adverse impacts on the proposed development and surrounding properties, as stipulated in the LEP, other EPI, or relevant documents (e.g. Floodplain Development Manual 2005).

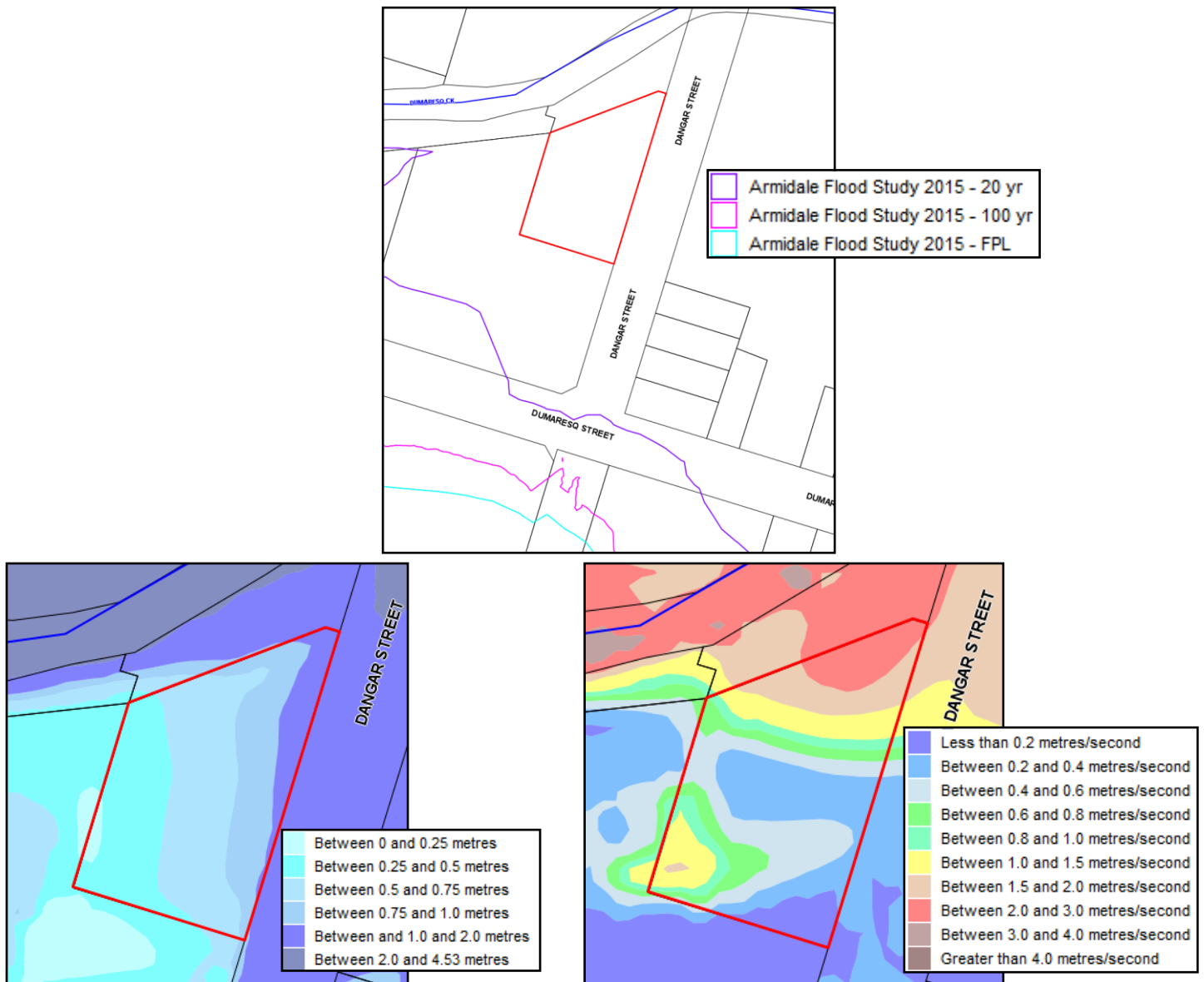


Figure 5. TOP: The Site as overlaid by the 4.9% AEP (“20 yr”), 1% AEP (“100 yr”), and Flood Planning Level 1% AEP + 500mm freeboard (FPL).
 BOTTOM LEFT: The Site as overlaid by the 1% AEP flood depths.
 BOTTOM RIGHT: The Site as overlaid by the 1% AEP flood velocities.

Contamination

The Site is currently mostly sealed with bitumen and used for car parking.

The current Lot comprises part of former Lot 1 in DP 1136216, which was formerly a portion of land in the Old System Titles that had a history of dealings indicating it had been used for commercial purposes. Prior to being known as Lot 1, the portion appears to have been in ownership of commercial operators, such as steam laundry operators, intermittently since 1924 (see [Attachment 8](#)). ‘Armidale Steam Laundry Ltd’ transferred ownership in 1924, and presumably owned the land again before transferring it in 1944. The land was conveyed to ‘New England Launderers & Dry Cleaners Pty Ltd’ in 1946, and was on sold to an individual in 1949.

The Site is not presently identified in Council’s potentially contaminated land register, unlike surrounding land at 137, 141, and 145 Dumaresq Street and 84B Dangar Street. These properties were listed due to suspected contaminated fill, originating from the former Armidale Gasworks, being imported to the area. It is understood that a Remedial Action Plan (RAP) was prepared for the area in 2010, but it is assumed that remedial works were not undertaken as the development application that the RAP supplemented was refused.

Based on the above information, a preliminary site investigation for potential land contamination associated with historic dry cleaning operations and historic fill being imported from the old Gasworks would likely be required if development were proposed on the Site.

The Planning Proposal to reclassify the Site to operational land does not in of itself result in the environmental effect of potentially contaminating land, or disturbing potentially contaminated land.

Traffic

Additional traffic generation as a result of the Proposal is unlikely. The capacity of the Site to accommodate extra car spaces will not be increased directly as a result of reclassifying the land from community to operational.

Noise

Additional noise generation as a result of the Proposal is unlikely. The capacity of the Site to generate extra noise nuisance will not be increased directly as a result of reclassifying the land from community to operational.

Visual

Visual impacts as a result of the Proposal are negligible. No physical changes to the Site are necessary in order to facilitate the reclassification of land from community to operational.

Q9. Has the planning proposal adequately addressed any social and economic effects?

European and Aboriginal Heritage

A portion of the adjoining Club site (137 Dumaresq St) is listed as having local archaeological significance in the LEP Schedule 5 (A028). The old New England Flour Mill is believed to have been located on former Lot B DP 157581 and former Lot 22 DP 869146, which are incorporated into Lots 102, 103, 104, and 105 in DP 1237922 (refer [Attachment 5](#)). Site investigations have been undertaken as part of previous development applications being lodged for 137 Dumaresq Street, which confirm the local significance of that property adjoining the Site. The approximate location of archaeological remains associated with A028 is clear of the Site by about 30m:

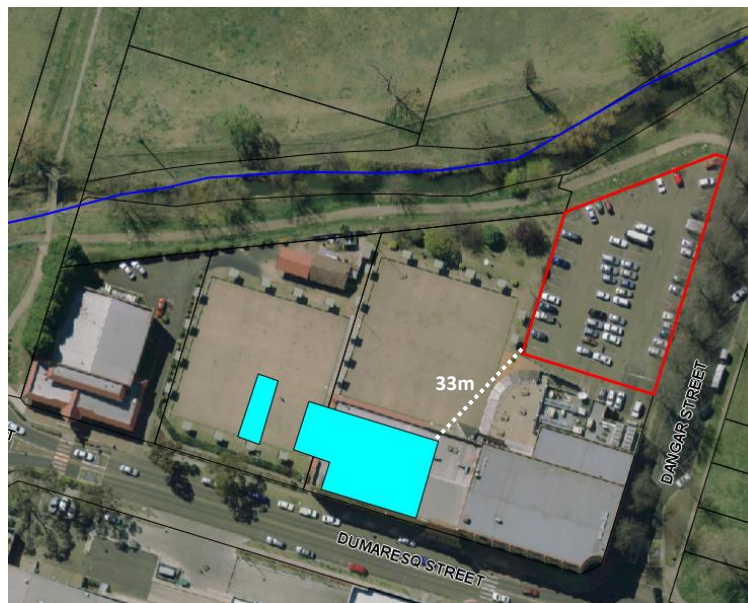


Figure 6. Local archaeological item (heritage) shown in blue, nearby the Site.

OEH’s *Aboriginal Heritage Information Management System (AHIMS) Web Services Search Result* (April 4, 2018) concluded that within 200m of the Site, no Aboriginal sites are recorded (see [Attachment 4](#)). The Site is located in the centre of Armidale, and has been heavily modified/disturbed. Currently the Site is mostly sealed for use as a car park, and no old growth trees are present. Dumaresq Creek is nearby. Based on these factors, the potential of the Site to contain Aboriginal sites or items of significance is considered to be low-moderate. Any future development (including excavation) of the Site that requires consent will be subject to development assessment procedures.

Employment

The Proposal is likely to have a negligible outcome on jobs growth, although the reclassification of land to operational will contribute to the overall stock of employment lands in central Armidale.

Social Infrastructure

The Site is currently not used for parklands/community facilities/open space, despite its community land classification and proximity to the Dumaresq Creeklands. Reclassifying the Site to operational land will align the classification of the land with its actual use.

Section D. State and Commonwealth interests

Q.10 Is there adequate public infrastructure for the planning proposal?

Utilities

The Site is able to serviced by all utilities, where it is not already connected – refer [Attachment 9](#). Reticulated water occurs in the Dangar Street road reserve to the immediate east of the Site. Reticulated sewer traverses the Site and is contained in an easement. This sewerage piping is a large collector and merges with the trunk main further east of the Site. Stormwater run-off from the Site currently discharges overland to Dumaresq Creek, north of the Site. There is nearby electricity cabling (below ground) within 50m of the Site that could be extended to the Site. The National Broadband Network main cable is located approximately 60m south of the Site.

Public Transport

Bus transport routes 481, 482, 483, and 484 all occur within 200m of the Site. It is not anticipated that the Planning Proposal will generate additional demand for the bus service.

Waste Management and Recycling Services

The Site is currently used in conjunction with the Armidale Ex Services Memorial Club, which has its own waste and recycling management program for dealing with its commercial waste and recyclables. It is not likely that the reclassification of land per the Proposal will unduly strain the existing waste and recycling management program of the Club.

Emergency Services provision

There are adequate emergency service systems in central Armidale to respond timely to emergencies. The Proposal is not anticipated to generate additional demand on emergency services provision.

Q.11 What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination?

The views of any State or Commonwealth agency have not been obtained prior to preparing this Planning Proposal. **Table 3** identifies the state and Commonwealth agencies to be consulted and outlines the particular land use issues or site conditions which have triggered the need for the referral.

Table 3. Agencies to be Consulted	
State or Commonwealth agency	Need for referral?
Governor of NSW	The Site may comprise land that is a ‘public reserve’ within the meaning of the LG Act 1993. See Part 3 ‘Other’ in this Planning Proposal for more details.
NSW Department of Planning & Environment	Section 9.1 Direction – 6.2 Reserving Land for Public Purposes.

Other. Mandatory matters to be addressed in reclassifying land

In reclassifying public land from community to operational, there are certain matters that need to be addressed per *LEP Practice Note 16-001: Classification and reclassification of public land through a local environmental plan* (October 5, 2016) and *A Guide to Preparing Local Environmental Plans* (August, 2016) issued by DPE.

(a) The current and proposed classification of the land.

The Site is currently classified as community land and is proposed to be reclassified to operational land.

(b) Whether the land is a ‘public reserve’ (defined in the LG Act).

The Site arguably forms part of a ‘public reserve’ as defined by the LG Act 1993 as part of the Site was resumed by Council in 1953 “for the purpose of providing, controlling and managing a park” (see **Attachment 10**). The Site, being Lot 101 DP 1237922, was formerly part of Lot 1 DP 1136216 and Lot 3 DP 1131420 (see **Attachment 11a** and **11b**). A development application for boundary adjustment affecting the Site and the Club (137 Dumaresq St) was approved, and the new Lot 101 DP 1237922 – wholly containing the car park – was registered in late 2017.

Lot 3 in DP 1131420 was part of a portion of land in the Old System that was ‘resumed’ by Council (City of Armidale) “for the purpose of providing, controlling and managing a park” in 1953 (see **Attachment 10**). This portion of land, as resumed by Council, was likely to have formerly been Crown land, as evidenced in **Attachment 10** and **11b**. It is presumed that former Lot 3 was at least partially a public reserve within the meaning of ‘public reserve’ under the LG Act 1993. Therefore the Site, being current Lot 101 in DP 1237922 which comprises part of former Lot 3, is similarly presumed to at least partially be a public reserve under the LG Act 1993, even if such a declaration that the land is a public reserve is not included on the current Lot 101 DP 1237922 title deed. **The Planning Proposal seeks to remove the interest being ‘public reserve’ status that applies to part of the Site.**

(c) The strategies and site specific merits of the reclassification and evidence to support this.

The Site has been leased to the Armidale Ex Services Memorial Club for over 45 years and has been used as the Club's main car park. Despite being classified as community land within the meaning of the LG Act 1993, the Site does not contribute to the stock of functional community land in Armidale. Records do not indicate that a Plan of Management has applied or currently applies to the Site.

The Site will remain zoned B4 Mixed Use under the LEP and will continue to be used as a car park at least in the short term. The Site is within the 1 in 20 year ARI (4.9% AEP) flood event, and so is prone to inundation from nearby Dumaresq Creek. Any future development of the Site in accordance with the Mixed Use zoning will need to have regard to the flood affected nature of the land. See **Question 8** for more details.

(d) Whether the planning proposal is a result of a strategic study or report.

No.

(e) Whether the planning proposal is consistent with council's community plan or other local strategic plan.

The *Community Strategic Plan 2017 – 2027* (the 'CSP') was adopted as the final CSP by Council on May 17, 2017. The Planning Proposal is considered to align with the following relevant Community Outcomes:

E1: "The unique climate, landscape and environment of the region is protected, preserved and made accessible"

The proposed reclassification of the Site to operational land will not necessarily further this Community Outcome; however, the reclassification of the Site is part of an overall approach to formalise the use of land in proximity to Dumaresq Creek. For example, the reclassification of the Site will allow for long-term commercial lease options to be entered into with the Club, or sale of the [Site to the Club](#). In either circumstance, part of the funds from the lease/sale will be used to purchase 84B Dangar Street (walkway through Creeklands) from the Club, to ultimately preserve access to and use of the Creeklands walking and cycle path.

L2: "Council exceeds community expectations when managing its budget and operations"

The proper categorisation and management of Council owned land feeds into financially sustainable outcomes that reflect the community's expectations. Currently, the peppercorn rent levied at the Club for the use of the Site is not considered to reflect its actual land or market value.

P2: "Community programs, services and facilities meet the needs of the community and provide a safe place to live"

The Site, despite being classified as community land, does not actually serve the needs of the public. There is adequate community classified land in proximity to the Site that is used and valued by the public.

(f) *A summary of council's interests in the land, including:*

- *How and when the land was first acquired;*

Refer to information contained in (b).

- *If council does not own the land, the land owner's consent;*

The Site is owned by Armidale Regional Council. See **Attachment 1**.

- *The nature of any trusts, dedications etc.*

See (b) and (k) for further comments.

(g) *Whether an interest in land is proposed to be discharged, and if so, an explanation of the reason why.*

As the land is presumed to be a public reserve, it is proposed to remove this status. No other interests/easements/restrictions are to be discharged from the Site.

Legal advice was obtained about the caution on the Title Deed of qualified title. This caution (qualified title) is not able to be removed through the Planning Proposal process. It is not clear what the extent of the caution may include, **but it is reasonable to assume that a latent interest to which the caution relates is that the land is a public reserve, despite a notation to that effect not being included on the Title Deed.**

The status of public reserve, if it relates to the land, is to be removed as the Site has not been used as a public reserve for many decades and if that status still pertains to the land, it should be removed.

(h) *The effect of the reclassification (including, the loss of public open space, the land ceases to be a public reserve or particular interests will be discharged).*

The reclassification affects approximately 2,108m² of land which has been used as a car park for over 45 years. As a result of the car park use, the Planning Proposal will not reduce the amount of public open space currently available and will not have an impact on the adjacent open space or cycleway running along Dumaresq Creek.

The reclassification will address a long term use anomaly and provide Council with greater flexibility in the future use of the land, including long term commercial leasing or potential future sale to the Club. The proceeds from any future lease or sale of the land will be **PART** used to purchase Lot 105 DP 1237922 from the Club. This land is currently used as a public walkway through the Creeklands and it is intended that its future use will continue to be for that purpose. **THE RESIDUAL PROCEEDS OF THE SALE WILL BE SPENT ON A HYDROTHERAPY POOL AT ARMIDALE'S MONKTON AQUATIC CENTRE.**

(i) *Evidence of public reserve status or relevant interests, or lack thereof applying to the land.*

Refer to point (b) and (g).

(j) *Current use(s) of the land, and whether uses are authorised or unauthorised.*

The Site has been used as a car park for the Armidale Ex Services Memorial Club since January 1972-

The Site is zoned B4 Mixed Use under the LEP with “car park” being a use permitted with consent. Any changes to the use of the land will be required to be in accordance with relevant environmental planning instruments and local plans.

(k) Current or proposed lease or agreements applying to the land, together with their duration, terms and controls.

The use of the Site was formalised by way of a number of lease agreements between Council (lessor) and the Club (lessee). Currently, the Site is leased on a year by year basis, whilst Council undertakes the reclassification process. The 2016/17 rent was a nominal ‘peppercorn’ rent. The lessee is also responsible for outgoings such as Council ordinary rates and annual charges. The Site was valued by a Consultant in June 2017. The rental value ascribed to the Site per annum was significantly higher than the current peppercorn arrangement.

A lease agreement dated 31 December 1971 was granted for a period of 21 years from the 1 January 1972 for the purposes of parking motor vehicles at a licence fee of \$1 per annum – see [Attachment 12a](#). This agreement refers to certain individuals as the ‘Trustees’ of the land, on behalf of the Club. Nonetheless, it is not apparent from any other documentation that these individuals were formalised as Trustees of the Site, and the land was not conveyed to the Trustees as would ordinarily be the case when a Trust is established.

A lease agreement dated 20 October 1993 ran from 1 January 1992 for a period of 21 years at a licence fee of \$1 per annum. This agreement did not make any reference to Trustees or the establishment of a Trust. Council granted the lease to the Club to “use and occupy and enjoy the lands... for the purposes of parking motor vehicles” (see [Attachment 12b](#)). The lease required the Club to, among other things:

- seal with bitumen the surface of the land at the expense of the Club and also to maintain the surface in a proper condition,
- maintain the entrance and exit to the area licensed for parking,
- plant and maintain shrubs and trees on the northern boundary of the land and on Dangar Street frontage, and
- pay Council rates annually.

The lease applied to what was identified as Lot 1A and part Lot C as shown in [Attachment 12b](#). This land now forms the Site.

Upon reclassification of the land, Council is likely to negotiate a new lease and/or look to sell the Site to the Armidale Ex Services Memorial Club.

(l) Current or proposed business dealings.

As identified in point (k) above, Council will renegotiate the lease or sell the Site to the Club, following its reclassification to operational land. Council is seeking to maximise the use of this land economically but in balance with the community’s environmental and social expectations.

(m) Any rezoning associated with the reclassification.

There is no proposed rezoning associated with the reclassification. The Site will remain zoned B4 Mixed Use under the LEP.

(n) How council may or will benefit financially, and how these funds will be used.

The sale or leasing of the car park will be based on recent commercial valuation in contrast to the peppercorn rent obtained over the past 45 years. The Consultant referred to in *(k)* undertook market valuation of the Site and 84B Dangar Street in June 2017. The market value of the Site (86 Dangar Street) was approximately double that of the market value ascribed to 84B Dangar Street. It is proposed for Council to acquire 84B Dangar Street, using the funds from the commercial leasing or sale of the Site (refer [Attachment 2](#)). Any remaining funds will be internally restricted for the purposes of improvements to Council’s recreational reserves, open spaces, or community facilities. A Masterplan is currently being developed for the Creeklands area, and it is likely that internally restricted excess funds will be used to implement the future Masterplan.

(o) How council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal.

Net income derived from either the sale or lease of the Site will be internally restricted for the purposes of improvements to Council’s recreational reserves, open spaces, or community facilities. Refer *(n)* above.

(p) A land reclassification (part lots) map, in accordance with any standard technical requirements for spatial datasets and maps, if land to be reclassified does not apply to the whole.

The reclassification will apply to the whole of Lot 101 DP 1237922. A map showing the extent of the Site to be reclassified has been included ([Attachment 13](#)).

(q) Preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.

Preliminary comments have not been sought from any government agencies. Refer to [Question 11](#). A search of Council’s records indicates that the Site was not dedicated to Council by a government agency.

PART 4 – MAPPING

The reclassification will apply to the whole of Lot 101 DP 1237922 – refer [Attachment 13](#). No LEP Maps will need to be amended or added as a result of the Proposal. The text of the LEP will need to be amended in accordance with [Attachment 3](#).

PART 5 – COMMUNITY CONSULTATION

LEP Practice Note 16-001: Classification and reclassification of public land through a local environmental plan (October 5, 2016) issued by DPE requires Planning Proposals that aim to reclassify public land are to be publicly exhibited for a least 28 days.

The proposed community consultation to be undertaken for this Planning Proposal includes:

- Public exhibition entailing notification in a newspaper circulation in Armidale, on Council’s website, and in writing to adjoining landowners.
- Public exhibition of the Planning Proposal will be carried out in accordance with the requirements of the EP&A Act 1979, EP&A Regulations and the Gateway determination.
- Public hearing – a public hearing will be conducted following the exhibition period in accordance with section 29 of the LG Act. Notice of the public hearing will be given after the public exhibition period and at least 21 days before the date of the hearing. In accordance with section 47G of the LG Act 1993, the public hearing will be chaired by an independent person with a report being prepared and made publicly available following the hearing.

PART 6 – PROJECT TIMELINE

The anticipated project timeline for completion of the Planning Proposal is outlined in [Table 4](#):

Table 4. Anticipated timeline for Proposal	
Task	Anticipated timeframe
Date of Gateway Determination.	by 30 June 2019
Completion of required technical information (if required).	
Government agency consultation (pre and post exhibition - if required by Gateway Determination).	by 31 July 2019
Any changes that may be required to the Planning Proposal resulting from technical studies and government agency consultations. If required resubmit altered Planning Proposal to Gateway for consideration and issuing of revised Gateway determination.	mid-August 2019
Commencement and completion dates for public exhibition (28 days).	mid-August to mid-September 2019
Public hearing, preparation of public hearing report with report being made publicly available (21 days from completion of public exhibition).	November/December 2019
Consideration of submissions, and outcome of public hearing (for Council meeting).	February 2020
Date of submission of proposal to Department of Planning and Environment to finalise the LEP.	29 February 2020

LIST OF SOURCES

BMT WBM Pty Ltd. (July 17, 2014). *Armidale Flood Study Review and Update – Stage 3*.

NSW Government: Office of Environment & Heritage. (April 4, 2018). *Aboriginal Heritage Information Management System (AHIMS) Web Services Search Result*.

NSW Government: Office of Environment & Heritage. (November, 2014). *New England North West: Climate Change Snapshot*. Available from
<http://climatechange.environment.nsw.gov.au/Climate-projections-for-NSW/Climate-projections-for-your-region/New-England-North-West-Climate-Change-Downloads>

NSW Government: Planning & Environment. (August, 2016). *A Guide to Preparing Local Environmental Plans*. Available from
<http://www.planning.nsw.gov.au/Plans-for-your-area/Local-Planning-and-Zoning/~media/FC9BDEEC8CFA4BCD85FFDAAF7BFCBE63.ashx>

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<http://www.planning.nsw.gov.au/Plans-for-your-area/Local-Planning-and-Zoning/~media/0DC6DBBCCED34FAD8CFFF87174928B44.ashx>

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<https://www.lmbc.nsw.gov.au/Maps/index.html?viewer=BVMap>

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<http://www.planning.nsw.gov.au/~media/Files/DPE/Plans-and-policies/new-england-north-west-final-regional-plan-2017-09.ashx>

WorleyParsons Ltd. (April, 2010). *New England Development Strategy*. Available from
<http://www.armidaleregional.nsw.gov.au/development/planning-controls---guidelines/planning-strategies-and-documents>

ATTACHMENTS

Attachment 1. Lot 101 DP 1237922 Title Deed and Plan.

**BOX 1W
(DP1237922)**

NEW SOUTH WALES

CERTIFICATE OF TITLE

REAL PROPERTY ACT, 1900

TORRENS TITLE REFERENCE
101/1237922


EDITION	DATE OF ISSUE
1	13/12/2017

CERTIFICATE AUTHENTICATION CODE
CMXD-66-9SZ3

I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries as appear in the Second Schedule and to any additional entries in the Folio of the Register.

ANY ATTEMPT TO ALTER THIS CERTIFICATE COULD RESULT IN HEAVY FINES OR IMPRISONMENT (S.141 REAL PROPERTY ACT).

REGISTRAR GENERAL



LAND

LOT 101 IN DEPOSITED PLAN 1237922
AT ARMIDALE.
LOCAL GOVERNMENT AREA: ARMIDALE REGIONAL.
PARISH OF ARMIDALE COUNTY OF SANDON
TITLE DIAGRAM: DP1237922

FIRST SCHEDULE

ARMIDALE REGIONAL

SECOND SCHEDULE

1. RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
2. LAND EXCLUDES MINERALS (S.536AA LOCAL GOVERNMENT ACT, 1919) - SEE MEMORANDUM W347940 WITHIN THE PART SHOWN SO INDICATED IN THE TITLE DIAGRAM
3. QUALIFIED TITLE. CAUTION PURSUANT TO SECTION 28J OF THE REAL PROPERTY ACT, 1900. ENTERED 16.2.2009 AS REGARDS THE PART IN BK 2427 NO 345
4. DP1237922 EASEMENT FOR DRAINAGE OF SEWAGE 3 METRE(S) WIDE AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM

**** END OF CERTIFICATE ****

WARNING: BEFORE DEALING WITH THIS LAND. SEARCH THE CURRENT FOLIO OF THE REGISTER

7327245

Attachment 2. Minute no. 77/18 from Council’s 26 April 2018 meeting, with relevant action underlined in red.

Armidale Regional Council
Ordinary Council Meeting
Thursday, 26 April 2018

Page 15

77/18

- a) That Council endorse the recommendations detailed in the report;
- b) That the CEO be delegated authority to dispose of the following properties based on the Reserve Prices detailed in the report:
- Lot 24 DP 1166745
 - Lot 41 DP 1166745
 - Lot 53 DP 1166745
 - Lot 50 DP 732610
 - Lot 15 DP 237379
 - Lot 16 DP 237379
- c) That the Council seal be affixed to the documents associated with the Contracts of Sale for the above Lots; and
- d) That a status report on the Land Portfolio Divestment Strategy be submitted to Council in July and December 2018.

The Motion on being put to the vote was CARRIED.

Attachment 3.

Amending **Part 2 in Schedule 4** of the LEP, as follows:

Insert the following under ‘Locality’ of ‘Column 1’ of ‘Part 2 Land classified, or reclassified as operational land – interests changed’ of ‘Schedule 4 Classification and reclassification of public land’ of ‘Armidale Dumaresq Local Environmental Plan 2012’:

Armidale

Insert the following under ‘Description’ of ‘Column 2’ of ‘Part 2 Land classified, or reclassified as operational land – interests changed’ of ‘Schedule 4 Classification and reclassification of public land’ of ‘Armidale Dumaresq Local Environmental Plan 2012’:

Lot 101, DP 1237922, 86 Dangar Street

Attachment 4. AHIMS search result.

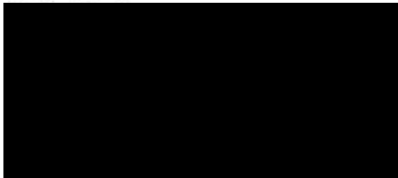


AHIMS Web Services (AWS) Search Result

Purchase Order/Reference : 86 dangar

Client Service ID : 336991

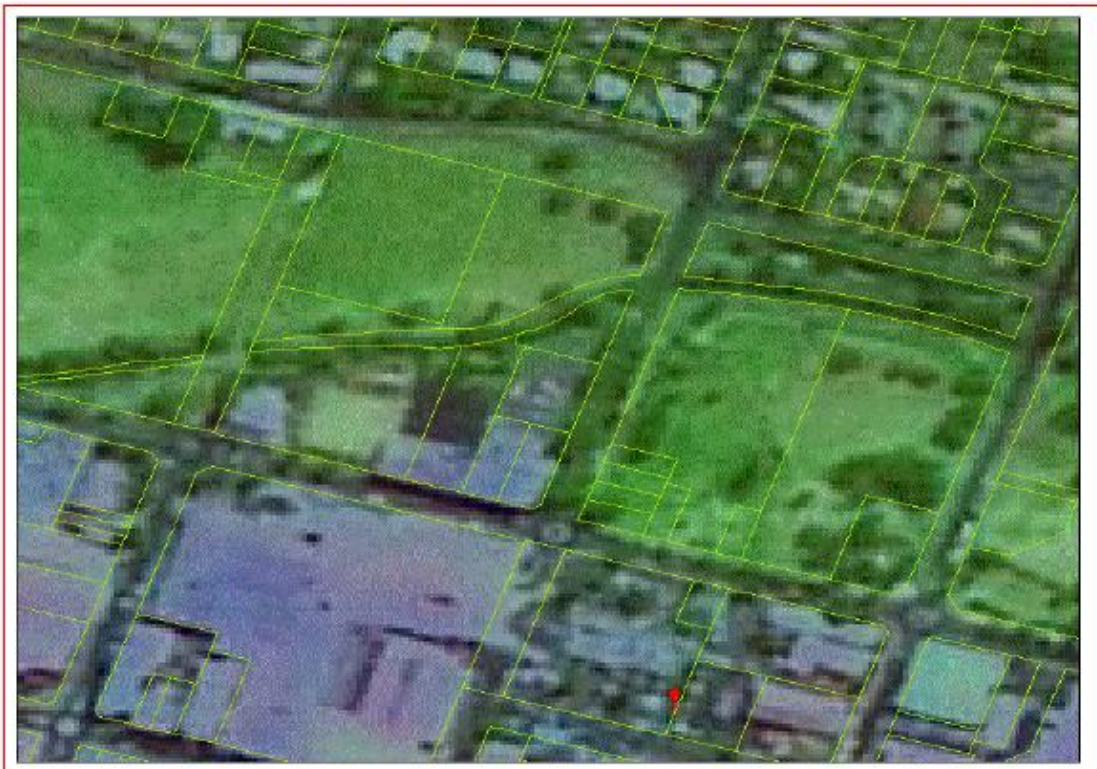
Date: 04 April 2018



Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 1, DP:DP1136216 with a Buffer of 200 meters, conducted by Kayla Clanchy on 04 April 2018.

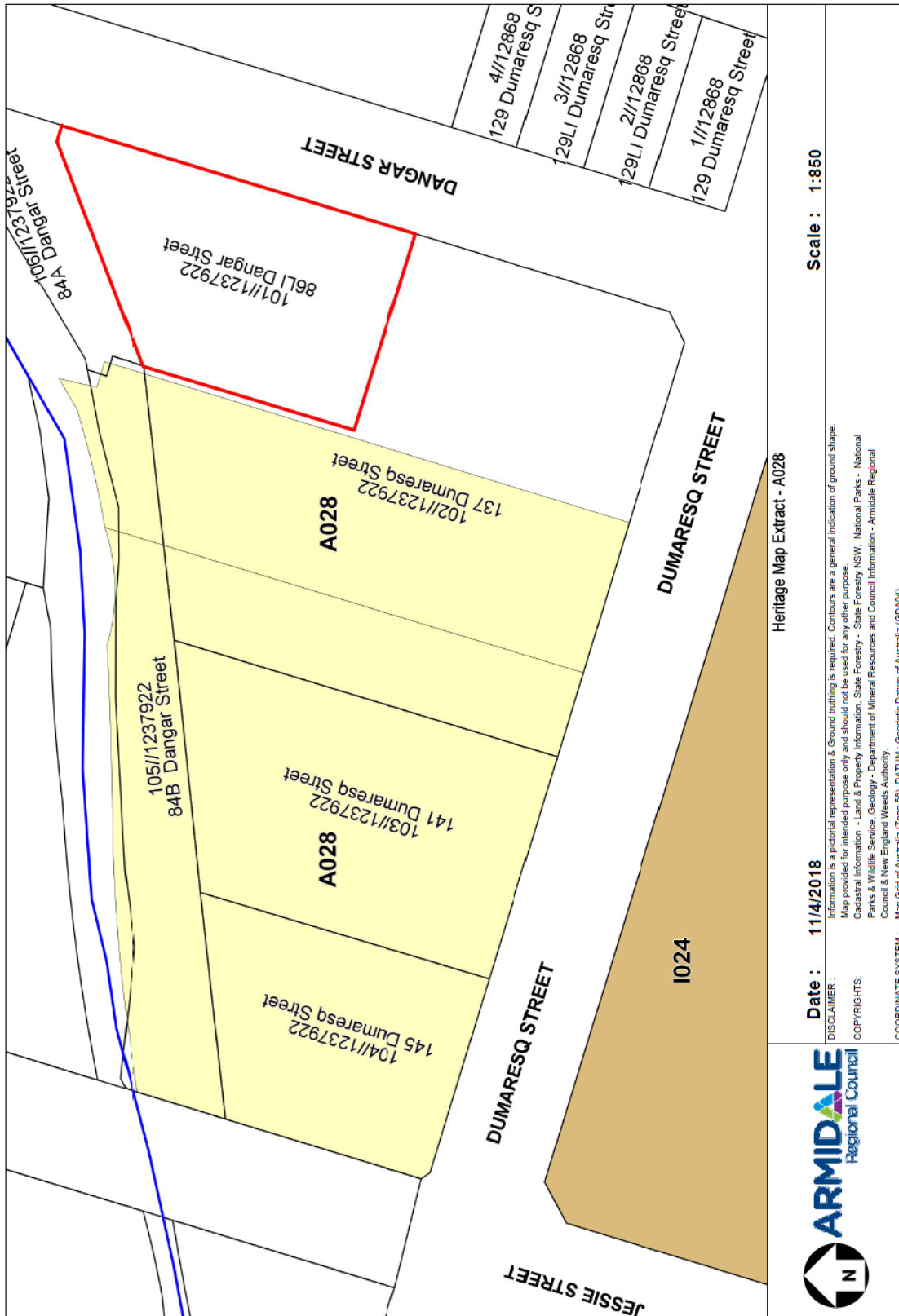
The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

Attachment 5. Extent of archaeological site (A028) listed in the LEP.



NB: AHIMS search was performed on the former legal description of the Site (Lot 1 DP 1136216) as the search function did not recognise the relatively new legal description of the Site being Lot 101 DP 1237922.

Attachment 6. Applicable State Environmental Planning Policies (SEPPs).

SEPP	Consistent?	Comment
No. 33 Hazardous and Offensive Development	Yes	The Planning Proposal is not inconsistent with this SEPP. This SEPP overrides any other environmental planning instrument (such as the LEP) definitions relating to hazardous, offensive, and storage facilities (hazardous or offensive) development. The SEPP also stipulates matters for consideration when determining whether consent should be granted for these types of development.
No. 55 Remediation of Land	Yes	The Planning Proposal is not inconsistent with the SEPP. This SEPP introduces State-wide planning controls for the remediation of contaminated land. Contaminated land and remediation is to be considered for zoning and rezoning proposals (Planning Proposal). The Planning Proposal does not propose to rezone the land, only reclassify the land from community to operational. The B4 Mixed Use zone per the LEP will continue to apply to the land. Any future development proposed for the Site that requires consent will need to have proper regard to whether or not the land is potentially contaminated. It is noted that there are surrounding sites which have been listed as potentially contaminated land on Council’s register, and part of the Site may have historically used for dry cleaning and laundering – see Question 8 for more details. These factors, combined with the current use of the Site for car parking, may trigger the need for a preliminary site investigation into the land’s potential for being contaminated, per clause 7 of the SEPP.
No. 64 Advertising and Signage	Yes	The Planning Proposal is not inconsistent with this SEPP. This SEPP aims to improve the amenity of urban and natural settings by managing the impact of outdoor advertising. Signage is permitted with consent in B4 Mixed Business zone.
No. 65 Design Quality of Residential Apartment Development	Yes	The Planning Proposal is not inconsistent with this SEPP. This SEPP raises the design quality of residential apartment development across the State through the application of a series of design principles. Residential flat buildings are permitted with consent in B4 Mixed Use zone.
Affordable Rental Housing 2009	Yes	The Planning Proposal is not inconsistent with this SEPP. This SEPP aims to provide a consistent planning regime for the provision of affordable rental housing in the State and provides requirements for permissibility as well as development standards for such housing.
Building Sustainability Index: BASIX 2004	Yes	The Planning Proposal is not inconsistent with this SEPP. This SEPP operates in conjunction with the <i>Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004</i> to ensure the effective introduction and consistent implementation of BASIX in NSW by overriding competing provisions in other environmental planning instruments and development control plans.

Attachment 6. (cont.)

Educational Establishment and Child Care Facilities 2017	Yes	The Planning Proposal is not inconsistent with this SEPP. Exempt and complying development provisions for educational establishments and child care facilities are contained in this SEPP. Other controls and matters for consideration are included in the SEPP for land uses requiring a development application to be approved. There is nothing contained in the Planning Proposal that would contravene the intent and application of the SEPP to the Site, in particular.
Exempt and Complying Development Codes 2008	Yes	The Planning Proposal is not inconsistent with this SEPP. This SEPP aims to provide streamlined assessment processes for development that complies with specified development standards by providing exempt and complying development codes that have State-wide application.
Housing for Seniors or People with a Disability 2004	Yes	The Planning Proposal is not inconsistent with this SEPP. This SEPP applies to land that is zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes to encourage the development of high quality accommodation for aging populations and for people who have disabilities. Residential Accommodation is permitted in B4 Mixed Use zone.
Infrastructure 2007	Yes	The Planning Proposal is not inconsistent with this SEPP. This SEPP permits certain infrastructure and services that are exempt development or development that may be carried out with or without consent where specific development standards and criteria are met. The reclassification of the Site to operational land will not contravene any of the provisions of the SEPP.
Mining, Petroleum Production and Extractive Industries 2007	Yes	The Planning Proposal is not inconsistent with this SEPP. This SEPP makes permissible with or without consent certain activities related to mining, petroleum production and extraction – regardless of any other EPI (the LEP, for instance) prohibiting such land uses in certain zones. The SEPP does not contain any direct provisions related to making or amending LEPs. Nonetheless, clause 8 of the SEPP circumvents any LEP requirements that may be in place (or will be in place through a Planning Proposal) for matters to be satisfied in determining development consent for mining, petroleum production, or extractive industries.
State and Regional Development 2011	Yes	The Planning Proposal is not consistent with this SEPP. This SEPP identifies classes of regional development (to be determined by Joint Regional Planning Panels) and classes of development that are State Significant, State Significant infrastructure and critical State Significant infrastructure (to be determined by the Minister of Minister’s delegate).
Vegetation in Non-Rural areas 2017	Yes	The Planning Proposal is not inconsistent with this SEPP. The purpose of this SEPP is to regulate the clearing/disturbance of vegetation in predominantly urban areas. The provisions of the SEPP mostly relate to tree removal applications as required in a Council’s Development Control Plan, and where referral of such applications to the Native Vegetation Panel is required. The Planning Proposal does not seek to amend the LEP in such a way that would be inconsistent with the SEPP.

Attachment 7. Applicable Ministerial Directions.

1. Employment and Resources

Direction	Consistent?	Comments
1.1 Business and Industrial Zones	Yes	The Planning Proposal does not propose to rezone the B4 Mixed Business land, rather reclassify the land from community to operational land. This reclassification will essentially support the objectives of this Direction, by enhancing the functionality of existing employment land in the B4 Mixed Use zone. The Planning Proposal is considered to be consistent with this Direction.

2. Environment and Heritage

Direction	Consistent?	Comments
2.3 Heritage Conservation	Yes	The LEP includes provisions from the Standard Instrument for the protection of environmental, historical, European and/or Aboriginal cultural or archaeological heritage. The Planning Proposal does not propose to alter these provisions. The Site is not identified as a heritage item or being located within a heritage conservation area. As outlined in Question 9 of this Planning Proposal, the adjoining land has been identified as an archaeological site of local significance. As this Planning Proposal only proposes to reclassify the site from community to operational land within the meaning of the LG Act 1993, it is considered to be consistent with this Direction.
2.4 Recreation Vehicle Areas	Yes	The Planning Proposal does not seek to alter the Land Use Table applying to the Site or introduce any Additional Permitted Uses to the Site. The Planning Proposal is considered to be consistent with this Direction.

3. Housing, Infrastructure and Urban Development

Direction	Consistent?	Comments
3.1 Residential Zones	Yes	The Planning Proposal does not decrease the types of land uses or housing types permissible with consent on the Site. The Planning Proposal is considered to be consistent with this Direction.
3.2 Caravan Parks and Manufactured Home Estates	Yes	The Planning Proposal does not seek to alter the permissibility or rezone the land, rather reclassify the land from community to operational. The Planning Proposal is considered to be consistent with this Direction.
3.3 Home Occupations	Yes	Home Occupations are permitted without consent in the B4 Mixed Use zone. The Planning Proposal does not seek to modify the current provisions in the LEP. The Planning Proposal is considered to be consistent with this Direction.

Attachment 7. (cont.)

<p>3.4 Integrating Land Use and Transport</p>	<p>Yes</p>	<p>The Planning Proposal does not seek to alter the land zoning of the Site. The Proposal will not alter the or rezone the land, nor will the Proposal result in an outcome that is contrary to the objectives of this Direction.</p> <p>The Planning Proposal is considered to be consistent with this Direction.</p>
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4. Hazard and Risk

Direction	Consistent?	Comments
<p>4.3 Flood Prone Land</p>	<p>No</p>	<p>The Site is identified as being affected by the Flood Planning Level. Refer to Question 8 for more details.</p> <p>The Planning Proposal does not proposes to rezone the land, rather reclassify the land from community to operational. Any development will require to be compliant with Clause 6.2 Flood Planning of the LEP.</p> <p>The Flood Study (2014, BMT WMB Pty Ltd) adopted by Council modelled flood behaviour for a range of tributaries of Dumaresq Creek and Dumaresq Creek itself, identifying 1 in 100 year ARI (1% AEP) and other flood events whilst incorporating potential climate change impacts in the model. The Flood Study was prepared in accordance with the Floodplain Development Manual 2005, and other statutory requirements. The Flood Study was adopted by Council on 28 September 2015. To date, a consequent Floodplain Risk Management Study and Floodplain Risk Management Plan has not been adopted by Council.</p> <p>The Site is identified as flood prone land, originating from Dumaresq Creek. It is not proposed to rezone the land. The LEP contains provisions that regulate development of flood affected land (clause 6.2). This clause will continue to apply to the land.</p> <p>The Site is to be reclassified to operational land, and as such may be developed more intensely than what is the currently the case for community land. Therefore, it could be argued that the Planning Proposal is inconsistent with (6)(e) of this Direction. The Planning Proposal is consistent with all other aspects of this Direction.</p> <p>Justification for the Proposal’s inconsistency with (6)(e) is that the inconsistency is of minor significance. That is to say, the Proposal does not alter the application or provisions of cl. 6.2 of the LEP. Any future development application would need to be consistent with that clause of the LEP or other relevant EPI that may apply to the type of development proposed, with respect to developing flood prone land. Any proposed development that is incompatible with the flood affected nature of the land, as stipulated in the LEP or other EPI, would not be supported and the development would not proceed. This outcome is reflective of the objectives of this Direction.</p>

Attachment 7. (cont.)

5. Regional Planning

Direction	Consistent?	Comments
5.10 Implementation of Regional Plans	Yes	The NENW Regional Plan has been addressed under Question 3 . The Proposal was found to be consistent with all relevant matters contained in the NENW Regional Plan. The Planning Proposal is considered to be consistent with this Direction.

6. Local Plan Making

Direction	Consistent?	Comments
6.1 Approval and Referral Requirements	Yes	This Direction requires that a Planning Proposal minimises the inclusion of concurrence/consultation provisions and not identify development as designated development. The Planning Proposal does not include any provisions requiring concurrence/consultation or identify development as designated development. The Planning Proposal is considered to be consistent with this Direction.
6.2 Reserving Land for Public Purposes	Yes	The Planning Proposal does not seek to create, alter or reduce the B4 Mixed Use zone, however, it does propose to reclassify the Site from community to operational land to provide greater flexibility in the future use of the land, including not only the long term commercial leasing but the potential for future sale to the Club. The area identified to be reclassified to operational land applies to the car park only (2,108m ²), with the cycleway adjoining Dumaresq Creek to remain as community land. The NSW Governor has already been identified as needing to consent to the Planning Proposal (Part 3 'Other' earlier in the Planning Proposal). Per this Direction, however, DPE will similarly need to give approval. The Minister or a public authority has not directed Council as the planning authority to set aside certain lands for future acquisition for public purposes. The Planning Proposal is considered to be consistent with this Direction.
6.3 Site Specific Provisions	Yes	The Planning Proposal does not intend to allow a particular development to be carried out on the Site. The Planning Proposal is considered to be consistent with this Direction.

Attachment 8. Book 2427, no. 345 – Deed (1957).

Ad valorem duty Paid £-12/6. N.S.W. Stamp Duties Office	New South Wales Stamp Duty duly stamped 7/6 25/11/57.
No. 345 345	Book 2427.
AD VALOREM DUTY PAID 12/6 N.S.W. STAMP DUTIES OFFICE	CONVEYANCE NEW SOUTH WALES 7/6 DULY STAMPED STAMP DUTY 25.11.57.

THIS DEED made the 19th day of November One thousand nine hundred and fifty-seven **BETWEEN** LESLIE LEO HODGES of Armidale in the State of New South Wales Company Manager (hereinafter called "the Vendor") of the one part **AND** THE COUNCIL OF THE CITY OF ARMIDALE (hereinafter called "the Purchaser") of the other part **WITNESSETH** that in consideration of the sum of EIGHT POUNDS (£8) paid by the Purchaser to the Vendor (the receipt whereof is hereby acknowledged) **HE** the Vendor as beneficial owner **DOTH HEREBY CONVEY** unto the Purchaser in fee simple **ALL THAT** piece or parcel of land situate in the City and Parish of Armidale and County of Sandon and containing by admeasurement ONE ROOD and THIRTY PERCHES be the same more or less being LOT 1A of a SUBDIVISION OF CULTIVATION ALLOTMENT OR PORTION 34 covered by Council Clerk's Certificate Number 12 of 1957 COMMENCING on the western side of Dangar Street at the north-eastern corner of Lot 3A being a point distant 257.57 links Northerly from the intersection on the Western side of Dangar Street with the Northern side of Dumaresq Street and bounded thence on the South by a line Westerly at right angles to Dangar Street 190 links thence on the west by a line Northerly parallel to Dangar Street 230.93 links thence on the North by a line Easterly at right angles to Dangar Street 190 links to the Western side of Dangar Street and thence on the east by part of the Western side of that Street southerly 230.93 links to the point of commencement **AND** for the consideration aforesaid the Vendor as Covenantor **DOTH HEREBY COVENANT** with the Purchaser as Covenantee for production of the documents mentioned in the Schedule hereto.

IN WITNESS WHEREOF the Vendor hath hereunto subscribed hisname and affixed his seal the day and year hereinbefore written.

THE SCHEDULE.

31st January 1924	<u>MORTGAGE</u> Armidale Steam Laundry Ltd. to Henry J. Morae and Anor No. 175 Book 1335 with Discharge endorsed No. 547 Book 1939.
11th March 1944	<u>STATUTORY DECLARATION</u> of Douglas John McLeod.
5th July 1938	<u>CERTIFIED COPY</u> of <u>PROBATE</u> of the Will of H.W. Lane.
11th March 1944	<u>CONVEYANCE</u> Armidale Steam Laundry Ltd. to H.F. L'Assie No. 815 Book 19.

L. L. Hodges

Attachment 8. (cont.)

4th April 1945 CONVEYANCE James Walter Hayne to H.F. L'Amie No. 867 Book 1961.

16th October 1946 CONVEYANCE H.F. L'Amie to New England Launderers & Dry Cleaners Pty. Ltd. No. 773 Book 2003.

6th May 1949 CONVEYANCE New England Launderers & Dry Cleaners Pty. Ltd. to John Hughes Gibson No. 873 Book 2084.

6th May 1949 MORTGAGE J.H. Gibson to Wive Archdall Dickens and John Neil Mair No. 874 Book 2084.

10th January 1950 DISCHARGE NO. 31 Book 2120 endorsed on lastmentioned Mortgage.

8th December 1954 CONVEYANCE J.H. Gibson to L.L. Hodges No. 921 Book 2317.

SIGNED SEALED AND DELIVERED by the said }
 LRS LIE LEO HODGES in the presence of:- } L.L. Hodges

E.F. Garrahy
 Managing Law Clerk
 Armidale

ON this 2nd day of December in the year of Our Lord One thousand nine hundred and fifty-seven Shirley Ann McLennan Clerk to Messrs. Weaver Gentle & Harrison Solicitors of Armidale in the State of New South Wales being duly sworn makes oath and says as follows:-

The writing contained above and on the preceding page has been compared by me with the original and is a true copy thereof.

SWORN by the Deponent on the day and year } J. Mc Lennan
 above mentioned at Armidale, before me:-

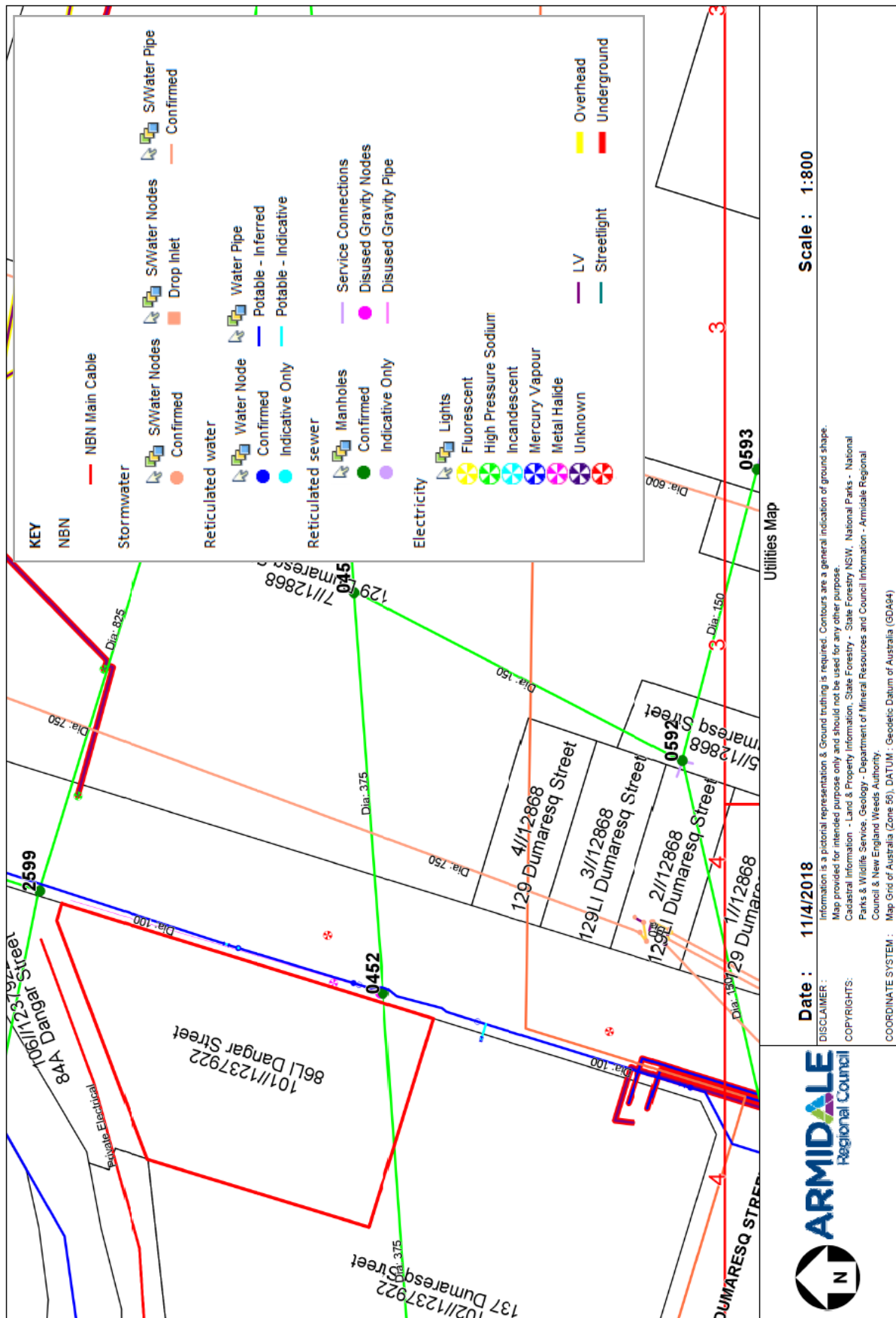
J.S. Gordon JP.

A JUSTICE OF THE PEACE.

RECEIVED into the Registration of Deeds Office at Sydney this Fifth day of December in the year One thousand nine hundred and fifty-seven at fifty minutes past ten o'clock in the fore noon from Ellen Corpse Clerk to Messrs. Reed, Hanigan & Turner Law Stationers. and Numbered ---Book.

J.M. McLaughlin.
DEPUTY REGISTRAR.

Attachment 9. Utilities Map.



Attachment 10. NSW Government Gazette No. 36 (1953).

HOMES GUARANTEE AND INVESTMENT COMPANY LIMITED.—Application has been made to the above Company to issue new share certificate in respect of 100 shares, numbered 6191 to 6290, both numbers inclusive, registered in the name of Leon Lazarus Cohen, upon a declaration that the original Certificate numbered 47 has been lost. Notice is hereby given that if no objection is lodged with the Directors of the above Company within 21 days from the date of this notice, the Directors will proceed to the issue of new certificates. C. HOWARD CROMACK, Secretary, 74 Pitt-street, Sydney, 12th February, 1953. 508—£1 Is.

IN the matter of the Companies Act, 1936, and in the matter of **JEFFS MANUFACTURING & TRADING CO. PTY. LIMITED (IN LIQ.)**.—Notice is hereby given that a second dividend is intended to be declared in this matter. The dividend will be paid only to those creditors who have proved their claims on or before the sixth day of March, 1953.—Dated the seventeenth day of February, 1953. V. C. BEAR & HORSFIELD, Agents for the Liquidators, Chartered Accountants (Aust.), 11c Castlereagh-street, Sydney. 598—14s.

IN the matter of the Companies Act, 1936, and in the matter of **SHACKLETON MASON & CO. PTY. LIMITED (IN LIQUIDATION)**.—NOTICE TO CREDITORS.—Notice is hereby given that the creditors of the abovenamed Company which is voluntarily wound up are required, on or before 23rd day of March, 1953, being the date for that purpose, fixed by me, the undersigned, the Liquidator of the Company, to send their names and addresses of their solicitors, if any, to the undersigned, and if so required by notice in writing from me are by their solicitors to come in and prove their said debts and claims at such time and place as shall be specified in such notice, or in default thereof they will be excluded from the benefit of any distribution made before such debts are proved.—Dated this 6th day of February, 1953. G. W. LINDQVIST (Liquidator), 59-75 Queen's-road, Five Dock. 533—£1 4s.

SHACKLETON MASON & CO. PTY. LTD. (IN LIQUIDATION).—At an Extraordinary General Meeting of the abovenamed Company, duly convened and held at 59-75 Queen's-road, Five Dock, on Wednesday, the twenty-eighth of January, 1953, the following Resolution was duly passed as a Special Resolution:—That the Company be wound up voluntarily. And at such lastmentioned meeting Mr. George William Lindqvist, of 59-75 Queen's-road, Five Dock, was appointed Liquidator for the purpose of the winding-up.—Dated the 6th day of February, 1953. E. H. DUNNETT, Chairman. 534—17s.

STANDARD PORTLAND CEMENT COMPANY LIMITED.—Notice is hereby given that at the expiration of twenty-one days from date hereof it is the intention of the abovenamed Company to issue certificate to John Alfred William O'Dwyer in lieu of certificate in the name of Mary O'Dwyer, now deceased, declared by the abovenamed to have been lost.—Certificate No. 2211 for five hundred (500) shares.—Dated at Sydney, this 20th day of February, 1953. R. J. RYAN, Secretary. 583—13s.

STATE ABATTOIRS CO-OPERATIVE CANTEEN LIMITED (IN LIQUIDATION).—Notice is hereby given in pursuance of section 271 of the Companies Act, 1936, that a General Meeting of the members of the abovenamed Society will be held on Thursday, the twenty-sixth day of March, 1953, at 11 o'clock in the forenoon, at 61 Hunter-street, Sydney (2nd floor), for the purpose of having an account laid before them showing the manner in which the winding-up has been conducted and the property of the Society disposed of.—Dated this nineteenth day of February, 1953. G. P. HILL, Liquidator. 599—£1

THE COMMONWEALTH WOOL & PRODUCE COMPANY LIMITED intends, after twenty-one days from the publication hereof, to deal with applications for new share certificates to replace the following declared to have been respectively stolen and lost or destroyed:—Certificate No. 3005 for 400 shares, numbered A3303-A3402, A50160-A50288, 145838-145882, 172895-172920 and 87364-87463 for re-issue in the name of Laurence Joseph Roberts; Certificates No. 1699 and 3520 for 5 shares, respectively numbered A67099-A67101 and 278754-278755, in the name of Alice Agnes Cuninghame for re-issue in the names of Clifford George McLean and Theresa Mary West. By Order of the Board, G. M. MORRIS, Secretary. 588—£1 Is.

THE NEWCASTLE AND COUNTY MUTUAL BUILDING LAND AND INVESTMENT COMPANY LIMITED.—Application has been made to the Directors to issue a duplicate certificate for 10 shares in the name of Frank Herbert Lock, upon the statement that the original certificate relating to shares numbered 9851 to 9860, both numbers inclusive, has been lost, destroyed or mislaid. Notice is hereby given that unless within twenty-one days from date hereof no claim or representation has been made to the Directors, they will proceed to deal with such application.—Dated this 20th day of February, 1953. J. J. SIMPSON, Manager. Registered office: 40 King-street, Newcastle. 591—£1

No. 36, 20 FEBRUARY, 1953—4

THE N.S.W. ASSOCIATED BLUE METAL QUARRIES LIMITED.—Notice is hereby given that, if within twenty-one days from the date hereof no claim or representation is made in respect of the following shares, the Directors will then issue duplicate certificate in lieu of the following lost certificate:—Certificate No. A.743 for 25 ordinary shares, Nos. 776287 to 776311 inclusive, in the name of Madge King Bradshaw.—Dated this 20th day of February, 1953. HARRY A. BEECH, Secretary. 584—14s.

THE Companies Act, 1936 (section 182).—**WILCOX MOFFLIN LIMITED.**—LOST STOCK CERTIFICATES.—Notice is hereby given that it is the intention of the Company to issue, at the expiration of twenty-one days from the publication of this advertisement, stock certificates for 548 stock units of 5s. each in the name of the estate of the late Margaret Helen Raley, in lieu of stock certificates 789 and 790 for 400 and 148 (respectively) stock units of 5s. each, which certificates are said to have been lost. By order of the Board, K. G. SAPSFORD, Secretary. Dated at Sydney, 19th February, 1953. 581—14s.

IN the matter of the Companies Act, 1936, and in the matter of **X.L. ENGINEERING CO PTY. LIMITED (IN LIQUIDATION)**.—NOTICE OF DECLARATION OF DIVIDEND.—Notice is hereby given that a second and final dividend has been declared in the abovementioned matter today and that dividend orders may be obtained from us on 13th February, 1953, or on any subsequent week day between the hours of 9 a.m. and 5 p.m.—Dated at Sydney, this 13th day of February, 1953. HUNGERFORD, SPOONER AND CO., Dalton House, 115 Pitt-street, Sydney. 531—16s.

IN the matter of the Companies Act, 1936, and in the matter of **X.L. ENGINEERING CO. PTY. LIMITED (IN LIQUIDATION)**.—Notice is hereby given that a General Meeting of creditors of the abovenamed Company will be held at the offices of Messrs. Hungerford, Spooner and Co., Dalton House, 115 Pitt-street, Sydney, on Tuesday, the seventeenth day of March, 1953, at fifteen minutes after ten o'clock in the forenoon, for the purpose of having an account laid before it showing the manner in which the winding-up had been conducted and the property of the Company disposed of, and of determining by Extraordinary Resolution how the books and documents of the Company should be disposed of.—Dated at Sydney, this 17th day of February, 1953. HUNGERFORD, SPOONER AND CO., Dalton House, 115 Pitt-street, Sydney. 558—£1 4s.

IN the matter of the Companies Act, 1936, and in the matter of **X.L. ENGINEERING CO. PTY. LIMITED (IN LIQUIDATION)**.—Notice is hereby given that an Extraordinary General Meeting of members of the abovenamed Company will be held at the offices of Messrs. Hungerford, Spooner and Co., Dalton House, 115 Pitt-street, Sydney, on Tuesday, the seventeenth day of March, 1953, at ten o'clock in the forenoon, for the purpose of having an account laid before it showing the manner in which the winding-up had been conducted and the property of the Company disposed of, and of determining by Extraordinary Resolution how the books and documents of the Company should be disposed of.—Dated at Sydney, this 17th day of February, 1953. HUNGERFORD, SPOONER AND CO., Dalton House, 115 Pitt-street, Sydney. 559—£1 4s.

NOTICE OF RESUMPTION OF LAND BY THE ARMIDALE CITY COUNCIL (Local Government Act, 1919—Part XXV).—Whereas on the twenty first day of April, one thousand nine hundred and fifty-two the Armidale City Council (hereinafter called "the Council") resolved in pursuance of the Local Government Act, 1919, to resume the land described in the Schedule hereto for the purpose of providing, controlling and managing a park; and whereas the Council further resolved to make an application for the approval of the Governor to cause a notice of the resumption of such land together with a description of such land to be published in the Gazette and in a newspaper circulating in the area in which such land is located; and whereas on the seventh day of January one thousand nine hundred and fifty-three upon the application of the Council, His Excellency the Governor, with the advice of the Executive Council, approved of a notice of the resumption of the land described in the said Schedule, for such purpose, together with a description of such land, to be published in the New South Wales Government Gazette and a newspaper circulating in the area in which the land is located; Now therefore the Council, with the approval of His Excellency the Governor, with the advice of the Executive Council, doth hereby give notice that the land described in the Schedule hereto is hereby resumed by the Council under the provisions of the Local Government Act, 1919, aforesaid; and the Council doth hereby also give notice that a plan of such land has been deposited with the Town Clerk at the Council Chambers, Armidale, and with the Surveyor-General at the Department of Lands, Sydney, which plans are open for public inspection; and the Council doth hereby also give notice that upon the publication of this notice

Attachment 10. (cont.)

and the description in the Schedule hereto the land therein described becomes for the purposes and subject to the provisions of the said Act vested in the Council for an estate in fee simple in possession freed and discharged from all trusts, obligations, estates, interests, contracts, charges, rates, rights of way, or easements whatsoever.

W. P. RYAN, Mayor.

In witness whereof the Common Seal of the Armidale City Council was hereto affixed this eleventh day of February, one thousand nine hundred and fifty-three, in pursuance of a resolution of the Council passed on the ninth day of February, one thousand nine hundred and fifty-three.

W. H. QUIN, Town Clerk.

SCHEDULE.

All that piece or parcel of land situate in the City of Armidale, parish of Armidale and county of Sandon, being that part of allotment 1, section 175, City of Armidale, having an area of 1 rood 13½ perches, shown on plan catalogued Ms. 1654 Ae. at the Department of Lands, Sydney, and said to be in possession of Her Most Gracious Majesty Queen Elizabeth II.

539—£3 15s.

NOTICE OF RESUMPTION OF LAND BY THE WOOLLAHRA MUNICIPAL COUNCIL (Local Government Act, 1919—Part XXV).—Whereas on the twenty-eighth day of July, one thousand nine hundred and fifty-two, The Woollahra Municipal Council (hereinafter called "The Council") resolved, in pursuance of the Local Government Act, 1919, to resume the land described in the Schedule hereto, for the improvement and embellishment of the area; and whereas the Council further resolved to make an application for the approval of the Governor to cause a notice of the resumption of such land, together with a description of such land, to be published in the Gazette and in a newspaper circulating in the area in which such land is located; and whereas on the twelfth day of November, one thousand nine hundred and fifty-two, upon the application of the Council, His Excellency the Governor, with the advice of the Executive Council, approved of a notice of the resumption of the land described in the said Schedule for such purpose, together with a description of such land, to be published in the New South Wales Government Gazette and in a newspaper circulating in the area in which the land is located: Now therefore the Council, with the approval of His Excellency the Governor with the advice of the Executive Council as aforesaid, doth hereby give notice that the land described in the Schedule hereto is hereby resumed by the Council under the provisions of the Local Government Act, 1919, aforesaid; and the Council doth hereby also give notice that a plan of such land has been deposited with the Town Clerk at the Council Chambers, Double Bay, and with the Surveyor-General at the Department of Lands, Sydney, which plans are open for public inspection; and the Council doth hereby also give notice that upon the publication of this notice and the description in the Schedule hereto, the land therein described becomes for the purposes and subject to the provisions of the said Act vested in the Council for an estate in fee simple in possession freed and discharged from all trusts, obligations, estates, interests, contracts, charges, rates, rights of way or easements whatsoever.

CHESTER W. DAVIES, Mayor.

In witness whereof the Common seal of the Woollahra Municipal Council was hereto affixed this sixteenth day of February, one thousand nine hundred and fifty-three, in pursuance of a resolution of the Council passed on the ninth day of February, one thousand nine hundred and fifty-three.

J. C. LOUGH, Town Clerk.

SCHEDULE.

All that piece or parcel of Crown land situate in the Municipality of Woollahra, parish of Alexandria and county of Cumberland, being portion 1,481,—and having an area of 7½ perches or thereabouts.

572—£3 15s.

LAKE MACQUARIE SHIRE COUNCIL.—The Council of the Shire of Lake Macquarie hereby notifies, in the terms of section 121 (2) of the Local Government Act, 1919, the boundaries of several Town Improvement Districts within the Shire:—

The Council of the Shire of Lake Macquarie hereby notifies (a) that the boundaries of the Charlestown Town Improvement District as notified in Government Gazette No. 209 of 23rd November, 1951, page No. 3471 have been cancelled; and (b) that the boundaries of the Charlestown Town Improvement District are defined hereunder:—

Charlestown Town Improvement District.—Parish of Kahibah.—Commencing at the south-western corner of portion 53, parish of Kahibah, and bounded thence northerly by part of the western boundary of that portion to

the northern side of the road from Warner's Bay to Charlestown, being the southern boundary of portion 44; thence westerly by that southern boundary to Winding Creek; thence generally north-westerly by Winding Creek to the north-western corner of portion 44; thence easterly by part of that northern boundary to the western boundary of portion 82; thence northerly by part of that western boundary to the Myall-road, being road No. B 12,484-1,603; thence generally north-easterly by the said road to the north-western corner of portion 12; thence easterly by the northern boundary of portion 12, 13 and part 18 to the north-western corner of lot 2a, being the western moiety of lot 2, d.p. 7,569, and bounded thence southerly by the western boundary of the said lot 2 to the Pacific Highway; thence south-easterly to the north-western corner of part of portion 18, containing 1 acre 1 rood 35¼ perches; thence generally on the south-west by the south-western boundary of the abovementioned part portion 18 to the south-western corner; thence on the south-west by the south-western boundary of lots 31 and 1 d.p. 11,010 to the Kahibah Road; thence on the east by the western boundary of the abovementioned road to the south-western corner of lot 3, d.p. 11,010; thence generally on the south-east by a line bearing north-easterly across the Kahibah Road to the south-western corner of the land in C. T. vol. 5,269 fol. 199, and by part of the south-eastern boundary of the lastmentioned land, being a distance of 572 feet 8½ inches; thence again on the south, east and south-eastern boundaries of part of the land in C. T. vol. 2,774, fol. 83 to the southern boundary of part of the land in C. T. vol. 1,485, fol. 168; thence again on the south and east by part of the southern boundary and part of the eastern boundary of the land in C. T. vol. 1,485, fol. 168 and part of the southern boundary of the land in C. T. vol. 2,774, fol. 83, to the eastern boundary of portion 18; thence southerly by the western boundaries of that portion and the western boundaries of portions 332 and 21 to the southern boundary of portion 21; thence easterly by part of that boundary to the north-eastern corner of portion 250; thence southerly by a line to the north-western corner of portion 65; thence westerly to the south-western corner of portion 157; thence northerly by the western boundary of that portion to the southern boundary of portion 156; thence westerly by part of that southern boundary and the southern boundary of portion 206 to Boswell's road; thence generally north-westerly by that road to the Old Belmont road; thence by that road southerly to the south-eastern corner of portion 235; thence westerly by the southern boundaries of portions 235 and 236 to the eastern boundary of portion 233; thence southerly by part of that eastern boundary to the northern boundary of portion 6; thence westerly by that northern boundary to the eastern boundary of portion 240; thence southerly by part of that eastern boundary to the southern boundary of portion 240; thence westerly by the southern boundaries of that portion and portion 316; thence northerly by the western boundary of that portion and western boundaries of portions 323, 241 and 239 to the northernmost corner of portion 239; and again generally northerly by part of the eastern boundary of portion 105 to the southern boundary of portion 53; thence westerly by that southern boundary to the point of commencement. THOMAS H. HALTON, Shire Clerk, Shire Office, Speer's Point, 29th January, 1953.


549—£1.

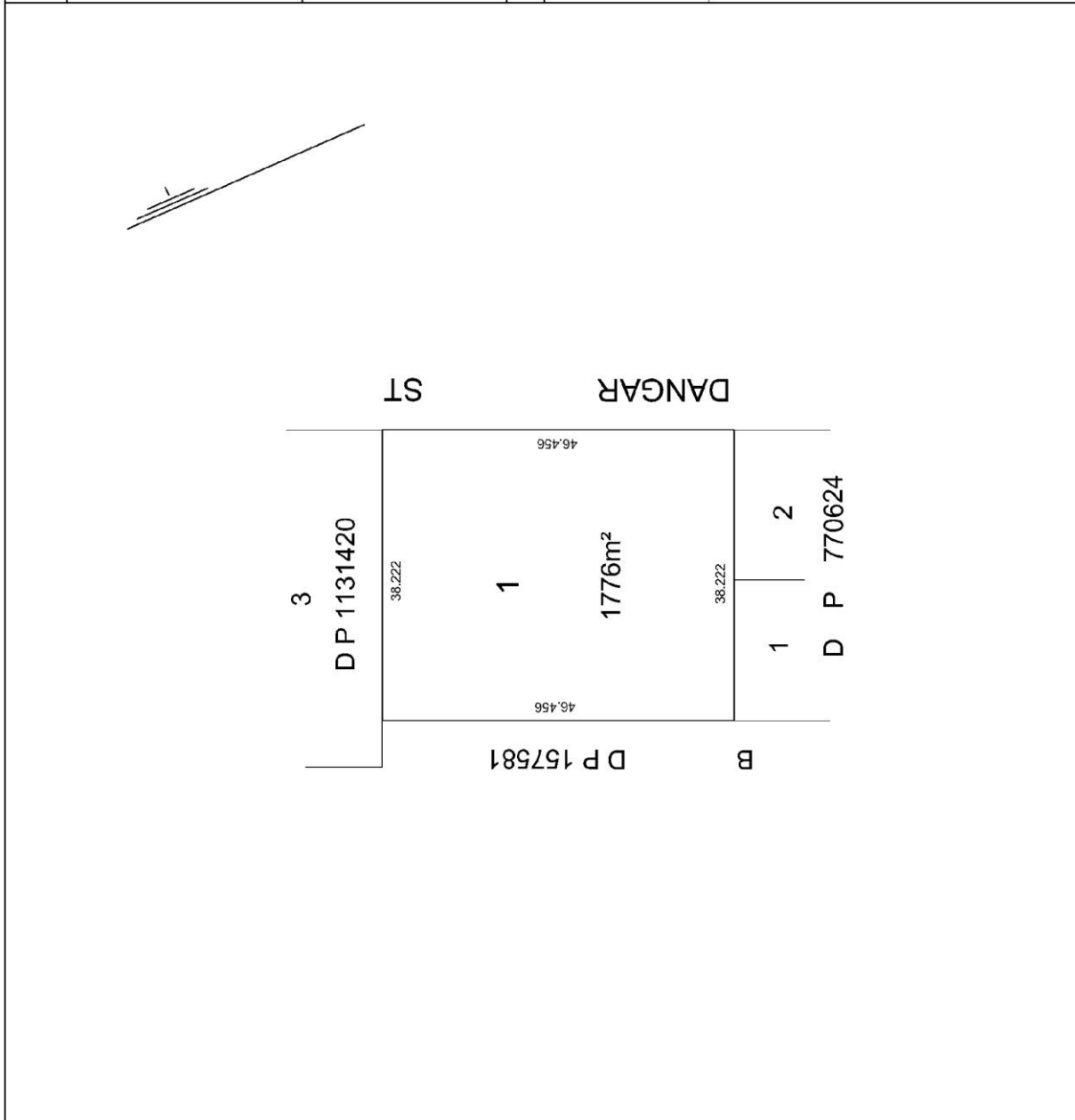
LAKE MACQUARIE SHIRE COUNCIL.—The Council of the Shire of Lake Macquarie hereby notifies in the terms of section 121 (2) of the Local Government Act, 1919, the boundaries of several Town Improvement Districts within the Shire:—

The Council of the Shire of Lake Macquarie hereby notifies (a) that the boundaries of the Gateshead Town Improvement District as notified in Government Gazette No. 209 of 23rd November, 1951, Page No. 3472, have been cancelled; and (b) that the boundaries of the Gateshead Town Improvement District are defined hereunder:—


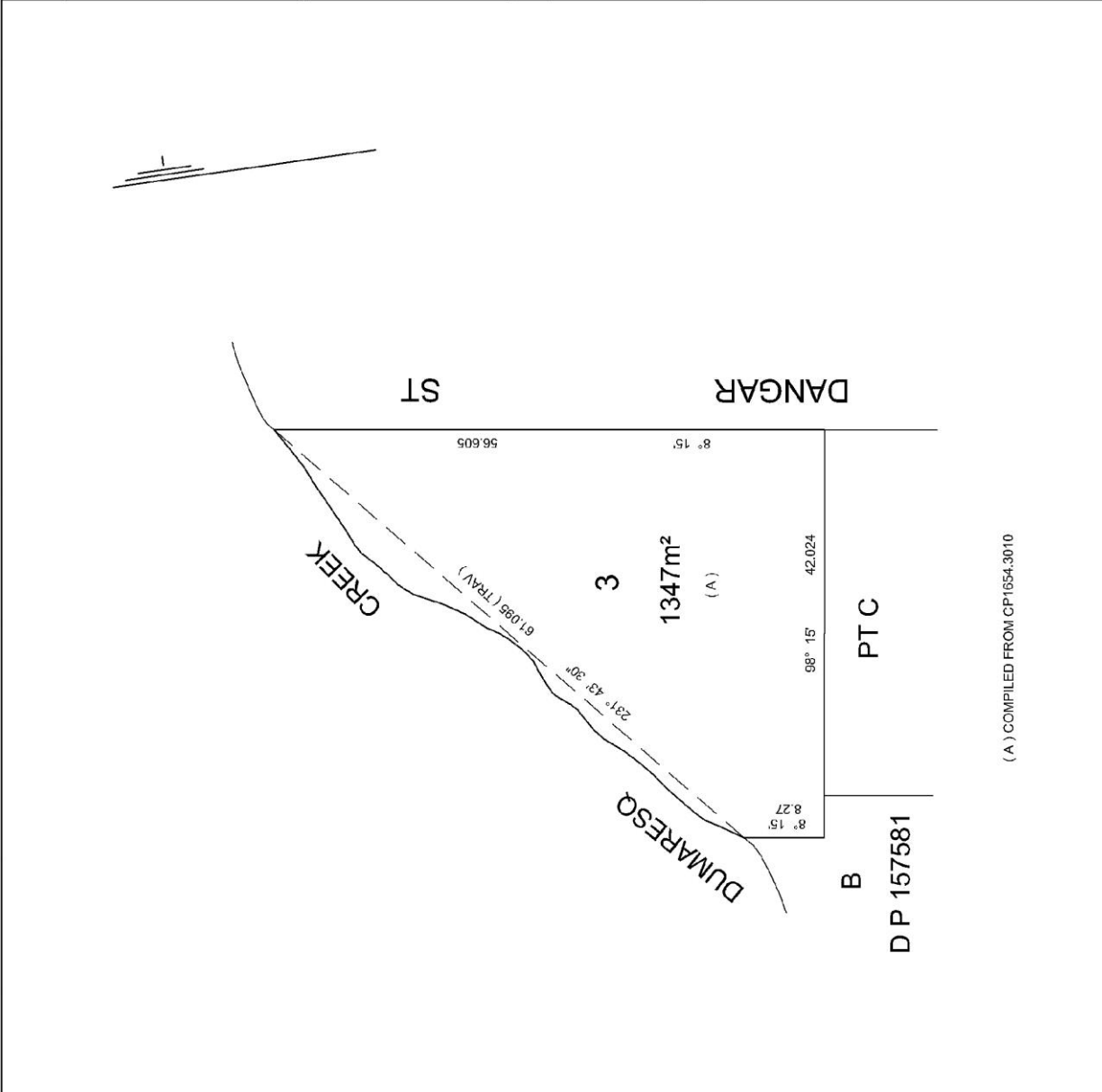
Gateshead Town Improvement District.—Parish of Kahibah.—Commencing at a point being the north-eastern corner of portion 64, and bounded thence westerly by the northern boundary of that portion to the western boundary of that portion; thence southerly by part of the western boundary of that portion to the northern boundary of portion 6; thence westerly by that northern boundary to the western boundary of that portion; thence southerly by that western boundary to the south-western corner of that portion; thence south-westerly by the south-eastern boundary of portion 119 and the south-eastern boundary of portion 51 to a creek being the north-eastern boundary of portion 52; thence generally on the south by the southern boundary of the creek to the north-western corner of portion 54; thence again generally on the south by the bank of that creek, being the northern boundary of portion 54 and 120 to the north-western boundary of the Pacific Highway; thence south-westerly along that boundary of the Pacific Highway to a point being the westerly production of the northern boundary of portion 62 where it intersects the north-western boundary of the Pacific Highway; thence again on the south by the westerly production of the northern

Attachment 11a. Former Lot 1 DP 1136216 title diagram.

e-departmental DP 1136216	Registered:  16.2.2009 Title System: OLD SYSTEM Purpose: LIMITED FOLIO CREATION Ref. Map: T6320-43 Last Plan: DP157581	C.A. 137850 PLAN OF LAND COMPRISED IN DEED BK. 2427 NO. 345	Lengths are in metres. Reduction Ratio - NTS Sheet 1 of 1 sheet
L.G.A.: ARMIDALE DUMARESQ LOCALITY: ARMIDALE PARISH: ARMIDALE COUNTY: SANDON		THIS PLAN WAS PREPARED SOLELY TO IDENTIFY THE LAND IN THE ABOVE DEED AND THE BOUNDARIES HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL THIS PLAN IS NOT A CURRENT PLAN IN TERMS OF S7A CONVEYANCING ACT 1919.	
LPI Ref.: ADP64/TCB50			



Attachment 11b. Former Lot 3 DP 1131420 title diagram.

e-departmental DP 1131420	<p>Registered:  18.92008</p> <p>Title System: OLD SYSTEM</p> <p>Purpose: LIMITED FOLIO CREATION</p> <p>Ref. Map: T6320-43</p> <p>Last Plan: 1654.3010</p> <p>C.A. 135436</p> <p>PLAN OF LAND COMPRISED IN</p> <p>GOV. GAZ. DATED 20.2.1953 FOLIO 613 BEING THE LAND RESUMED UNDER L. G. ACT, 1919</p> <p>Lengths are in metres. Reduction Ratio - NTS</p> <p>Sheet 1 of 1 sheets</p> <p>L.G.A.: ARMIDALE DUMARESQ</p> <p>LOCALITY: ARMIDALE</p> <p>PARISH: ARMIDALE</p> <p>COUNTY: SANDON</p> <p>THIS PLAN WAS PREPARED SOLELY TO IDENTIFY THE LAND IN THE ABOVE DEED AND THE BOUNDARIES HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL</p> <p>THIS PLAN IS NOT A CURRENT PLAN IN TERMS OF S7A CONVEYANCING ACT 1919.</p>
 <p style="text-align: right;">(A) COMPILED FROM CP1654.3010</p>	
LPI Ref. : TCB9/50	

Attachment 12a. Lease agreement between Council and the Club (1972).

THIS DEED made the 31st day of December, One thousand nine hundred and seventy-one BETWEEN THE COUNCIL OF THE CITY OF ARMIDALE (hereinafter called the Council) of the one part and GEORGE FREDERICK STALLARD of 138 Allingham Street Armidale HOWARD DOUGLAS WHEATON of 89 Brown Street Armidale Florist and WILLIAM PATRICK RYAN of 104 Butler Street Armidale Cordial Maker (hereinafter called the Trustees) of the other part WHEREAS

1. The Council is the holder from the Crown of the premises hereinafter described in the Schedule.
2. The Trustees are the owners of the land adjacent comprising the premises on which the Armidale Ex Servicemens' Memorial Club is erected (hereinafter called the Club).
3. The Council is desirous of allowing the Trustees the use of the premises hereinafter described for parking purposes NOW THIS DEED WITNESSETH and IT IS HEREBY AGREED AND DECLARED by all parties that in consideration of the license fee hereinafter mentioned the Council DOETH HEREBY GRANT A LICENSE to the Trustees as the Trustees for the time being of the club and to their successors in title who shall be appointed as Trustees in pursuance of the rules of the said Club TO USE OCCUPY AND ENJOY the premises hereinafter described in the Schedule TOGETHER WITH the appurtenances and for the purposes of parking motor vehicles for the period of twenty one years from and including the First day of January, One thousand nine hundred and seventy two at a license fee of ONE DOLLAR (\$1) per annum payable to the Council by the Trustees BUT subject to the following covenants conditions stipulation for provisions namely:-

1. The premises described in the Schedule shall be available fo time to time and at all times to the Trustees and the Members of the Club for the purposes of parking motor vehicles.
2. The license hereby granted shall not confer upon the Trustee nor the members of the Club the exclusive use of the said premises as the license is subject to the qualification that the Council or its officers shall be entitled the use and occupation of the premises

Attachment 12a. (cont.)

- 2 -

- common with the Trustees and the members.
3. The surface of the area hereby licensed shall be sealed with bitumen by and at the expense of the Trustees.
 4. The entrance and exit to the area licensed for parking shall be provided by the Trustees of the Club in concrete and to the satisfaction of the Council.
 5. The Council shall allow the park lane adjacent to the premises hereby licensed to be used for the maintenance and control of a small playground.
 6. The exact area of the premises shall be defined by negotiations between the two parties to this license.
 7. The northern boundary of the premises shall be defined in relation to Dumaresq Creek.
 8. The Trustees shall plant and maintain scrubs on the northern boundary of the premises hereby licensed and Dangar Street frontage.
 9. The Trustees shall pay rates annually for the premises hereby licensed.
 10. The premises should be kept in a clean and good condition free of weeds.
 11. The Council covenants and agrees with the Trustees on behalf of the Ex Servicemens' Club that if the Club shall pay the license fee hereby reserved and shall perform the provisions of this Agreement it shall and may peaceably possess and enjoy the premises without interruption of disturbance from the Council.
 12. IT IS HEREBY AGREED AND DECLARED by and between the parties hereto that these presents shall not be construed as a Lease within the meaning of the landlord & Tenant (Amendment) Act 1948 as amended and that the powers of eviction available to the Council by law may be exercised in the event of the Trustees or the Members of the Club failing to observe the provisions hereof after reasonable notice shall have been given by the Council to remedy such failure.

Attachment 12a. (cont.)

- 3 -

IN WITNESS WHEREOF the parties have set their hands and affixed their seals the day and year first hereinbefore written.

THE SCHEDULE

ALL THAT piece or parcel of land being Lot 1A/^{and Pt. Lot C.} of a resubdivision of Lot C of Section 175 Dangar Street Armidale situate in the City of Armidale Parish of Armidale County of Sandon, being the hatched area shown on the plan herewith.

THE COMMON SEAL of the COUNCIL OF THE CITY OF ARMIDALE was herewith affixed the twentieth day of December 1971 in pursuance of a resolution passed at an Ordinary Meeting of the Council held on the 29th day of November, 1971.

John W. Jenkins
.....
Mayor

D. A. Browne
.....
Town Clerk

SIGNED SEALED AND DELIVERED by the said GEORGE FREDERICK STALLARD in the presence of:-
M. Kenton

} *G. F. Stallard*

SIGNED SEALED AND DELIVERED by the said HOWARD DOUGLAS WHEATON in the presence of:-
G. F. Stallard

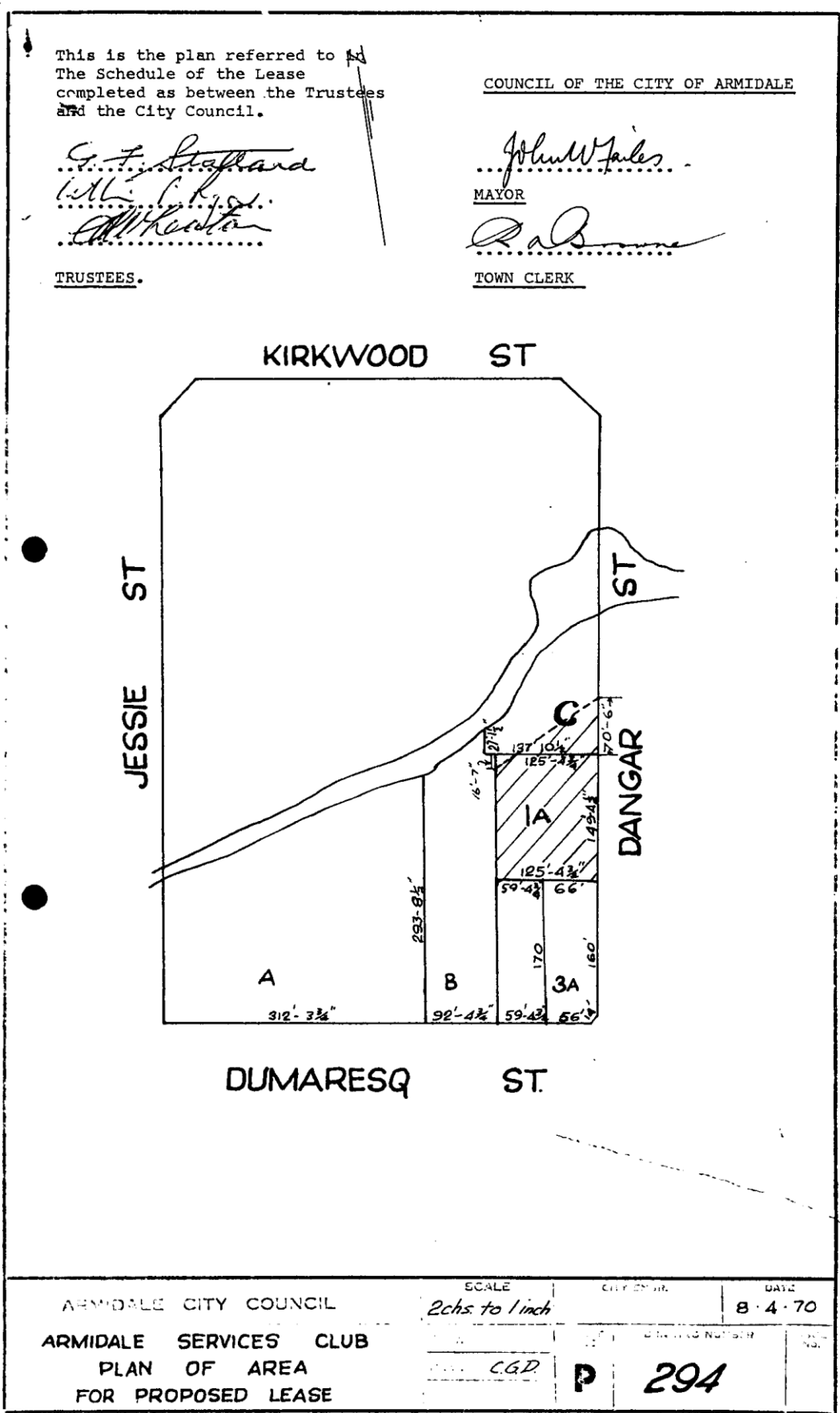
} *H. Wheaton*

SIGNED SEALED AND DELIVERED by the said WILLIAM PATRICK RYAN in the presence of:-

William P. Ryan
R. P. O'Neil

} *William P. Ryan*

Attachment 12a. (cont.)



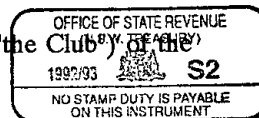
Attachment 12b. Lease agreement between Council and the Club (1992).

Clause 3(c) & 3(d) PLEASE MARK EXEMPT
THIS DEED OF LICENCE made the 20th day of October One thousand nine hundred and ninety three **BETWEEN THE COUNCIL OF THE CITY OF**

ARMIDALE (hereinafter called "the Council") of the one part **AND ARMIDALE**

EX-SERVICES MEMORIAL CLUB LIMITED (hereinafter called "the Club") of the

other part **WHEREAS:-**



1. The Council is the holder from the Crown of the lands more particularly described in the Schedule hereto.
2. The Club is the owner of the land adjacent thereto comprising the premises on which the Armidale Ex-Services Memorial Club is erected.
3. The Council is desirous of allowing the Club for its members, the use of the lands hereinafter described for the purposes of parking.

NOW THIS DEED WITNESSETH AND IT IS HEREBY AGREED AND

DECLARED by the Parties hereto that in consideration of the licence fee of **ONE DOLLAR** (\$1.00) per annum payable to the Council, the Council hereby grants a licence to the Club to use and occupy and enjoy, the lands hereinafter described in the Schedule **TOGETHER WITH** the appurtenances and for the purposes of marking motor vehicles for the period of twenty one (21) years from and including the 1st day of January, 1992 at a licence fee of **ONE DOLLAR** (\$1.00) per annum payable on the 1st day of January in each and every consecutive year, the first of such payments to be made on the 1st day of January, 1993 to the Council by the Club subject to the following covenants conditions and stipulations namely:-

1. The Council covenants with the Club as follows:-
 - (a) The Licensee its members, servants, agents, customers and persons delivering or collecting goods at the premises adjoining the lands over which this Licence shall be granted shall have access to the Club's adjoining premises and the premises described in the Schedule shall

Attachment 12b. (cont.)

be available from time to time and at all times to the Club and the members of the Club for the purposes of parking motor vehicles and the Club may peaceably possess and enjoy the lands over which this Licence is granted without interruption or disturbance from the Council.

- (b) The Council will not interfere with the Club's reasonable use and enjoyment of the premises during the term of this Licence.
- (c) The Licence hereby granted shall not confer upon the Club nor the members of the Club, the exclusive use of the said lands as the Licence is subject to the qualification that the Council or its authorised officers shall be entitled to the use and occupation of the said lands in common with the Club and its members.
- (d) The Council shall not take any responsibility for loss or damage to the property or person of the Club or its members or any person when entering leaving or being at the premises in connection with the Club's business or the use of the premises or any property left on the premises and the Council is exempted from liability for any such loss or damage however caused.

2. The Club hereby covenants with the Council as follows:-

- (a) To use the premises for parking of motor vehicles and ingress and egress from the adjoining premises of the Club and for no other purpose.
- (b) Not to assign the benefit of this Licence or to grant any sub-Licence or to cease to conduct the business personally through the officers of the Club.

Attachment 12b. (cont.)

- (c) To seal with bitumen the surface of the land comprised in the Schedule hereto over which this Licence is hereby granted by and at the expense of the Club and also to maintain the surface in a proper condition.
- (d) To maintain in concrete to the satisfaction of the Council, the entrance and exit to the area licensed for parking hereunder.
- (e) To plant and maintain shrubs and trees on the northern boundary of the lands hereby licensed and on the Dangar Street frontage thereof.
- (f) To pay to the Council rates assessed annually as they shall fall due for the lands over which this Licence is granted.
- (g) To keep the lands over which this Licence is granted in a clean and proper condition free of rubbish and weed growth.
- (h) To comply with all statutes, regulations and ordinances regarding the conduct of the Club's business and the use of the premises for parking in connection with that business.
- (i) To keep the Council indemnified against any claims or liability for damage, loss or injury which may occur to the property or person of the Club or its members or to any of the persons listed in Clause 1(d) for which the Council is exempted from liability in accordance with Clause (d) hereof.

3. The Club has a personal right of occupation for itself and its members, servants, agents, customers and persons delivering or collecting goods exercising access over the licensed premises on the terms specified in this Deed and has no interest in the said lands. The legal right to possession and control over the licensed premises remains vested in the Council throughout the term of the Licence and it is hereby agreed and declared by and between the parties hereto that these

Attachment 12b. (cont.)

presents shall not be construed as a Lease and that the powers of eviction available to the Council by law may be exercised in the event of the Club or members of the Club failing to observe the provisions hereof after reasonable notice shall have been given by the Council to the Club to remedy such failure.

4. Any notice may be served on either party by personal delivery to that party at its current business address and by leaving it with that party personally or with some person over the age of eighteen years working at that address.

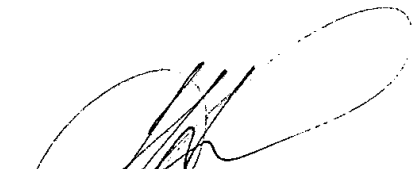
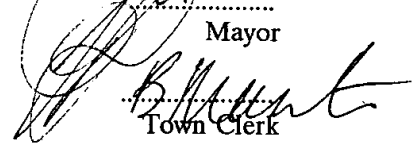
5. The Club as Licensee will pay the reasonable legal costs of the Council's Solicitor for the preparation engrossment and execution of this Deed and stamp duty thereon.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their seals the day and year first hereinbefore written.

THE SCHEDULE

ALL THAT piece or parcel of land being Lot 1A and part Lot C of a resubdivision of Lot C of Section 175 Dangar Street, Armidale situate in the City and Parish of Armidale, County of Sandon being the land hatched on the plan annexed hereto.

THE COMMON SEAL of the **COUNCIL OF THE COUNCIL OF THE CITY OF ARMIDALE** was hereunto affixed the 20th day of October 1993 in pursuance of a resolution passed at an ordinary meeting of the Council held on 11th day of October 1993, Minute No. 441/93


.....
Mayor

.....
Town Clerk

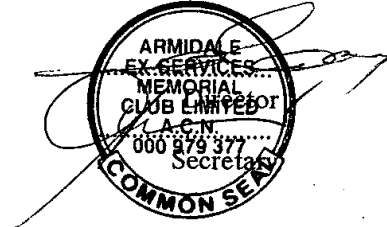
CR 
.....
Councillor


.....
Councillor

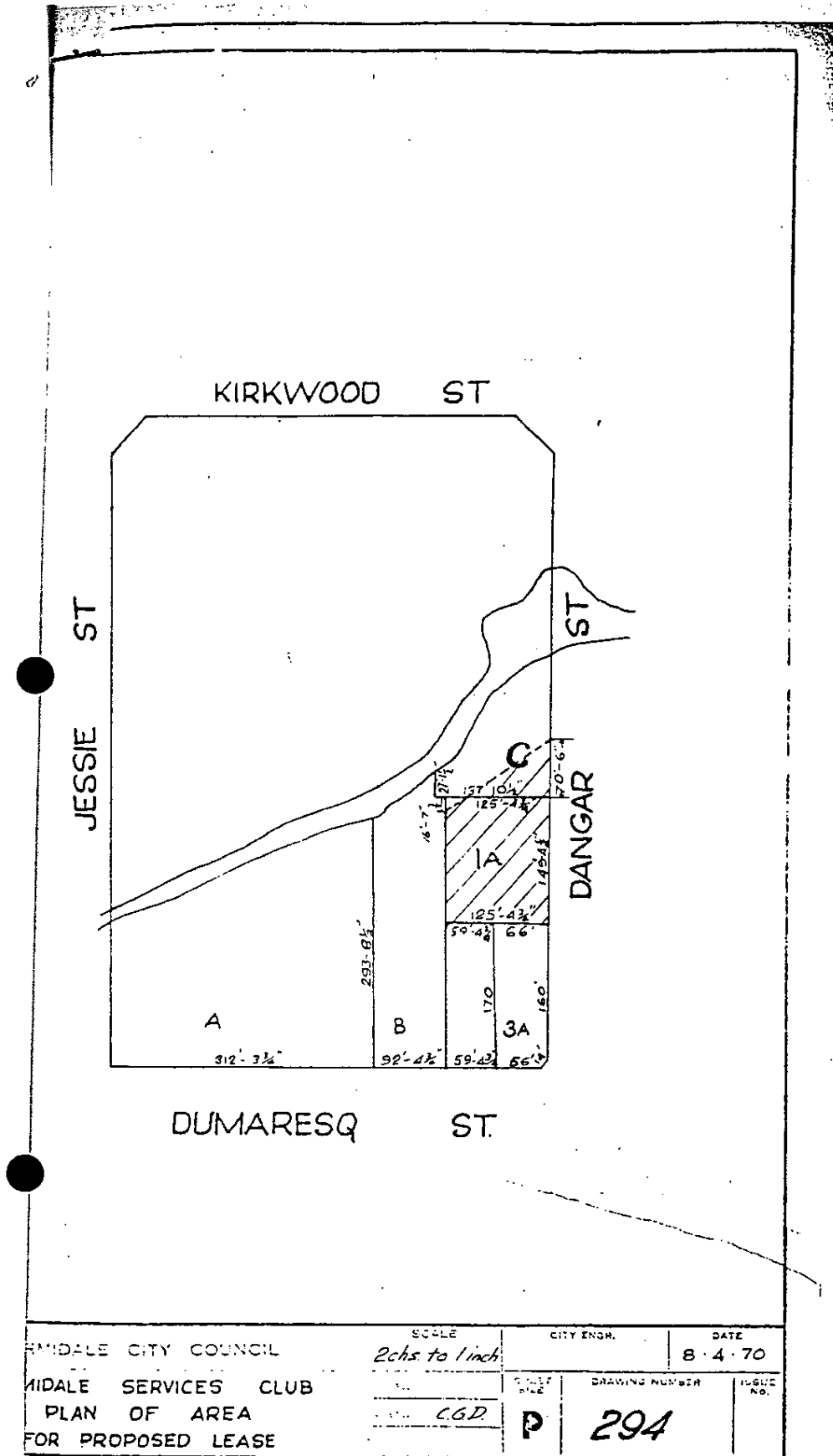
Attachment 12b. (cont.)

**THE COMMON SEAL of ARMIDALE
EX-SERVICES MEMORIAL CLUB LIMITED**

was hereunto affixed by
authority of a resolution of the
Directors in the presence of
and is attested by one of the
Directors and the Secretary.



Attachment 12b. (cont.)



Attachment 13. The Site with hatching showing whole of area to be reclassified.

