

PLANNING PROPOSAL

Final Version

Reclassification of Community Land to Operational Land at Various Sites

Town Centres Amendment

**Amendment to
Lake Macquarie Local Environmental Plan 2014**

**Prepared by
LAKE MACQUARIE CITY COUNCIL**

Subject lands:

94A & 100A The Boulevarde, Toronto

209, 211A, part 201 & part 205 Brighton Avenue, Toronto

Part 20 The Boulevarde, Toronto

40, 42 & 56 Maude Street & 2 Edgar Street, Belmont

39 George Street, Belmont

23A & 25 John Street, Warners Bay



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Planning Proposal

Town Centres Amendment

Draft Amendment F2017/00657 to Lake Macquarie Local Environmental Plan 2014

Final Version

Local Government Area:	Lake Macquarie City Council (LMCC)
Name of Draft LEP:	Draft Amendment F2017/00657 to Lake Macquarie Local Environment Plan 2014
Subject Land:	<p>The planning proposal includes the following 11 items:</p> <ul style="list-style-type: none"> Item 1: 94A & 100A The Boulevard TORONTO Lot 12 & Lot 17 DP 1002630 Item 2: 209, 211A, part 201 & part 205 Brighton Avenue TORONTO Lots 13 & 15 DP 1002630, Lots 103, 101, & 100 DP 243194 Item 3: 20 The Boulevard, TORONTO Lot 1 DP 915793 Item 4: 40, 42 & 56 Maude Street & 2 Edgar Street BELMONT Lots 23, 24, 31 & 32 Sec I DP 2374 Item 5: 39 George Street BELMONT Lot 1 DP 334449 Item 6: 23A & 25 John Street WARNERS BAY Lot 1 & 3 DP 719621 <p><i>(Refer to Appendix A for further details)</i></p>
Land Owners:	<ul style="list-style-type: none"> Lake Macquarie City Council (LMCC)
Applicant:	Lake Macquarie City Council (LMCC)
Department of Planning and Environment reference number:	PP_2017_LAKEM_006_00
Council Reference Number:	F2017/00657
Date:	May 2018
Author:	Joanne Marshall – Statutory Property Officer

INTRODUCTION

This Planning Proposal provides an explanation of the intended effect and justification for the following proposed amendments to the Lake Macquarie Local Environmental Plan:

Reclassification of the following Council owned sites from Community Land to Operational Land for the purpose of future planning for town centre sites:

- Item 1: 94A & 100A The Boulevarde TORONTO
Lot 12 & Lot 17 DP 1002630
- Item 2: 209, 211A, part 201 & part 205 Brighton Avenue TORONTO
Lots 13 & 15 DP 1002630, Lots 103, 101, & 100 DP 243194
- Item 3: 20 The Boulevarde, TORONTO
Lot 1 DP 915793
- Item 4: 40, 42 & 56 Maude Street & 2 Edgar Street BELMONT
Lots 23, 24, 31 & 32 Sec I DP 2374
- Item 5: 39 George Street BELMONT
Lot 1 DP 334449
- Item 6: 23A & 25 John Street WARNERS BAY
Lot 1 & 3 DP 719621

Council resolved at its meeting on the 24 July 2017 to support the preparation and lodgement of this Planning Proposal to the Department of Planning and Environment. A copy of the Council resolution is attached in Annex D.

The Planning Proposal has been prepared in accordance with section 3.33 (previously s55) of the *Environmental Planning and Assessment Act 1979* and the format specified within the relevant Department of Planning Guidelines including 'A Guide to Preparing Local Environmental Plans', 'A Guide to Preparing Planning Proposals' and LEP Practice Note PN 16-001.

A Gateway Determination was issued by the Department of Planning on 21 September 2017, and forms part of the current exhibition.

In accordance with the Gateway Determination, Subsidence Advisory NSW have been consulted, and have raised no objection by not responding to the notification – see Annex F.

The Planning Proposal was exhibited from 11 November to 9 December 2017 and affected and nearby land owners were notified. A Public Hearing was held at 6:00pm on 7 February 2018 in Council's offices, and the report from that meeting is attached as Annex G.

Council considered the public submissions received at its meeting on 23 April 2018 and resolved to forward the Planning Proposal to the Department of Planning & Environment with a request for the Minister of Planning to make the plan (see Annex D). This is the current proposal.

Part 1 – OBJECTIVES OR INTENDED OUTCOMES

The Planning Proposal seeks to amend Schedule 4 of the Lake Macquarie Local Environmental Plan 2014 to enable the reclassification of the Community land (detailed

in the below tables within Part 2) to Operational land. The intended outcome for the 6 items in this planning proposal are as follows:

- Items 1 to 6: reclassify the identified lands from Community Land to Operational Land for the purpose of future planning for town centre sites and include within Schedule 4 of LMLEP 2014.

Part 2 – EXPLANATION OF PROVISIONS

The provisions in this planning proposal will amend LMLEP 2014 as outlined below:

Item No.	Explanation of provisions
1	<ul style="list-style-type: none"> • Reclassify the subject land from Community to Operational Land (Include within Schedule 4)
2	<ul style="list-style-type: none"> • Reclassify the subject land from Community to Operational Land (Include within Schedule 4)
3	<ul style="list-style-type: none"> • Reclassify the subject land from Community to Operational Land (Include within Schedule 4)
4	<ul style="list-style-type: none"> • Reclassify the subject land from Community to Operational Land (Include within Schedule 4)
5	<ul style="list-style-type: none"> • Reclassify the subject land from Community to Operational Land (Include within Schedule 4)
6	<ul style="list-style-type: none"> • Reclassify the subject land from Community to Operational Land (Include within Schedule 4)

Part 3 – Justification for the Provisions

Section A - Need for the Planning Proposal

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

The Planning Proposal has not been prepared following any outcomes of a study or report relevant to the subject properties. These properties have been identified through routine administrative tasks as either administrative anomalies or being identified as no longer being required or considered appropriate for their intended purpose.

Necessary investigations were undertaken into each property to determine their appropriateness for reclassification. The outcomes of these investigations and reasoning to pursue the proposed amendments are outlined below.

- **ITEM 1: 94A & 100A The Boulevard, Toronto - Lot 12 & Lot 17 DP 1002630**
- **ITEM 2: 209, 211A, part 201 & part 205 Brighton Avenue, Toronto - Lots 13 & 15 DP 1002630, Lots 103, 101, & 100 DP 243194**

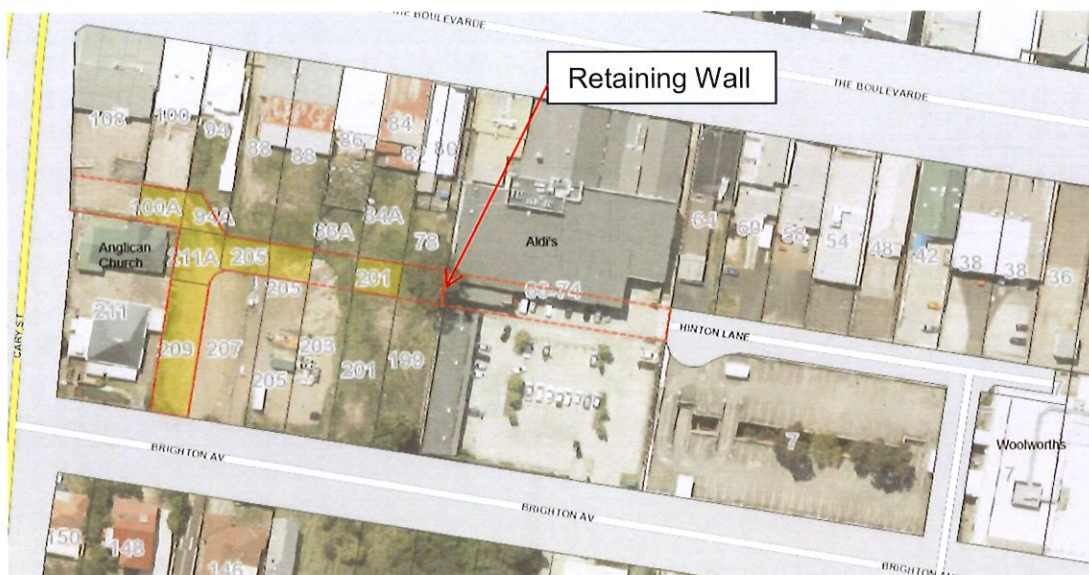
In 1972 Council had a Plan of Resumption for land at the rear of properties fronting Brighton Avenue, for an extension of Hinton Lane from the existing Woolworths car park structure to the Anglican church on the corner of Cary Street and Brighton Avenue (outlined in red dashes below).

Council acquired all this land except Lots 105-109 DP 243194, which was partly purchased privately and partly land swapped with Council. At this time, in 1989, Council abandoned the rear laneway.

This land then formed part of the Aldi's development which was approved in 2014. Unfortunately, the Aldi's development constructed a retaining wall across the Hinton Lane extension, thus making the laneway impossible to build.

The land (highlighted yellow) and currently vacant, was never dedicated as "Road" and accordingly, has become Community Land by default. Council now wishes to develop this land in conjunction with some surrounding land that it also owns, with the intention of revitalising the Toronto Town Centre.

The LG Act does not permit community land to be developed, and accordingly, the lands will require reclassification to operational for this purpose.



- **ITEM 3: Part 20 The Boulevard TORONTO - Lot 1 DP 915793**

The subject land contained a hall which was used as a community hall and library, which was transferred to Council in 1956.

Council was in the process of constructing a new library at 7 Pemell Street, when the Newcastle earthquake damaged the rear of the hall in 1989. As a development application was required to demolish/fix the hall, it was decided to call for tenders for the commercial use of the building, which was repaired and is now used as a Yoga studio, gym and commercial space.

The subject land comprises of two Lots being Lot 2 DP 4929 and Lot 1 DP 915793. In 1993 when Council had to classify its land, only one lot (Lot 2 DP 4929) was listed as Operational land, and the other lot has by default become Community land.

The LG Act does not permit community land to be leased or developed for commercial purposes, and accordingly, the lands will require reclassification to operational for this purpose.

- **ITEM 4: 40, 42 & 56 Maude Street & 2 Edgar Street BELMONT - Lots 23, 24, 31 & 32 Sec I DP 2374**

In January 1990 Council adopted Development Control Plan No 5 – Belmont Commercial Area: Herbert and Maude Streets Precinct. This Plan recommended mixed development for the block, and outlined possible car parking areas including the provision of a public car park at the western end of the block.

Since that time, Council has been slowly acquiring property as they have become available, initially with the intention of implementing this Plan, including the subject lands. The land at 40 Maude Street is currently vacant, and the other lands contain existing dwelling houses which are leased by Council.

Research of the subject lands cannot find the advertisements in the newspaper making then Operational land. Accordingly, by default, these lands have now become Community land.

Council now wishes to develop this land in conjunction with some surrounding land that it also owns, with the intention of revitalising the Belmont Town Centre.

The LG Act does not permit community land to be developed, and accordingly, the lands will require reclassification from community land to operational land for this purpose.

- **ITEM 5: 39 George Street BELMONT - Lot 1 DP 334449**

The land known as 39 George Street is contained within the Belmont Town Centre Area Plan, and was purchased in 1995 for investment purposes. Council has leased the residential building on the site since.

Unfortunately, when the land was purchased it was not advertised as Operational land, therefore by default is Community land. Community land cannot be developed for commercial purposes.

Council now wishes to develop this land in conjunction with some surrounding land that it also owns, with the intention of revitalising the Belmont Town Centre. Accordingly, the land will require reclassification from Community Land to Operational Land for this purpose.

• **ITEM 6: 23A & 25 John Street WARNERS BAY - Lot 1 & 3 DP 719621**

In 1986, Council undertook a land exchange with Australia Post who wished to build a new post office by expanding to the north of their existing site over part of Council-owned land.

The land at 25 John Street is currently being used as a road, giving rear access to the retail shops fronting King Street. Whilst 23a John Street is being used as a footpath running along the northern side of the post office building. Neither parcels of land have been dedicated as "Road".

Following the introduction of the LG Act 1993, Council was required to advertise all Operational Land. Investigations have revealed that the subject lands were not advertised in 1993 to classify them as Operational Land. Accordingly, the land has now become Community Land by default.

Council now wishes to develop this land in conjunction with some surrounding land that it also owns, with the intention of revitalising the Warners Bay Town Centre. Accordingly, the lands will require reclassification from Community Land to Operational Land for this purpose.

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

The proposed Planning Proposal amendments are considered the best means of achieving the intended outcomes for each property. All the properties are classified as Community Land under the provisions of the LG Act which possess statutory limitations on their use. To achieve the long term objective for each parcel, each must first be reclassified to Operational land.

Investigations reveal that none of the lands were dedicated to Council in lieu of section 7.11 (previously s94) contributions and therefore reclassification by way of a LEP amendment, pursuant to the provisions of the Environmental Planning and Assessment Act 1979, is the only action available to achieve the desired outcomes.

3. (a) If the provisions of the planning proposal include the extinguishment of any interests in the land, what are the reasons why the interests are proposed to be extinguished.

The proposal seeks to remove the following Public Reserve Notations, interests, covenants and restrictions pursuant to section 30 of the Local Government Act 1993:

Item No	Address	Classification of Land	Interests in land	Reason why interests are extinguished
1	94A The Boulevard TORONTO Lot 12 DP 1002630	Community change to Operational for Town Centre revitalisation	Crown Grant	Retain
			7413455 - Land required for Road Purposes	Extinguish – Road abandoned & land will now be redeveloped for commercial purposes

Item No	Address	Classification of Land	Interests in land	Reason why interests are extinguished
	100A The Boulevard TORONTO Lot 17 DP 1002630	Community change to Operational for Town Centre revitalisation	Crown Grant	Retain
			1984497 - Lease in 1998 for 5 years	Extinguish – Lease expired & not renewed, no longer required.
			7903972 - Land required for Road Purposes	Extinguish – Road abandoned & land will now be redeveloped for commercial purposes
2	201 Brighton Avenue TORONTO Lot 103 DP 243194	Community change to Operational for Town Centre revitalisation	Crown Grant	Retain
	205 Brighton Avenue TORONTO Lot 101 DP 243194	Community change to Operational for Town Centre revitalisation	Crown Grant	Retain
	205 Brighton Avenue TORONTO Lot 100 DP 243194	Community change to Operational for Town Centre revitalisation	Crown Grant	Retain
	209 Brighton Avenue TORONTO Lot 15 DP 1002630	Community change to Operational for Town Centre revitalisation	Crown Grant	Retain
	211A Brighton Avenue TORONTO Lot 13 DP 1002630	Community change to Operational for Town Centre revitalisation	Crown Grant	Retain
3	20 The Boulevard TORONTO Lot 1 DP915793	Community change to Operational for Town Centre revitalisation	Crown Grant	Retain
			AJ895839 – Lease expires 2017	Retain – Renewal option of 3 years taken
			AM610633 – Lease expires 2020	Retain
			AM610634 – Lease expires 2022	Retain
4	40 Maude Street BELMONT	Community change to	Crown Grant	Retain

Item No	Address	Classification of Land	Interests in land	Reason why interests are extinguished
	Lot 23 Sec I DP 2374	Operational for Town Centre revitalisation		
	42 Maude Street BELMONT Lot 24 Sec I DP 2374	Community change to Operational for Town Centre revitalisation	Crown Grant	Retain
	56 Maude Street BELMONT Lot 31 Sec I DP 2374	Community change to Operational for Town Centre revitalisation	Crown Grant	Retain
			A966490 – Excludes Minerals	Retain
	2 Edgar Street BELMONT Lot 32 Sec I DP 2374	Community change to Operational for Town Centre revitalisation	Crown Grant	Retain
			A966490 – Excludes Minerals	Retain
5	39 George Street BELMONT Lot 1 DP 334449	Community change to Operational for Town Centre revitalisation	Crown Grant	Retain
			B877555	Retain – Minerals & Rights to Mine
6	23A John Street WARNERS BAY Lot 1 DP 719621	Community change to Operational for Town Centre revitalisation	Crown Grant	Retain
			BK 1926 No 222	Retain –Rights to Mine
	25 John Street WARNERS BAY Lot 3 DP 719621	Community change to Operational for Town Centre revitalisation	Nil	

NOTE: Crown Grant and Mineral rights have been retained pursuant to clause 5.2(5)(b) & (c) of Lake Macquarie Local Environmental Plan 2014. Current leases have also been retained.

Please see Annex E for proposed changes to Schedule 4 of Lake Macquarie Local Environmental Plan 2014.

(b) The concurrence of the landowner, where the land is not owned by the relevant planning authority.

Pursuant to section 28 of the Local Government Act 1993, Council may not forward a Planning Proposal which includes a proposal to classify or reclassify public land, without the approval of the owner of that land.

Lake Macquarie Council is the landowner for all of the sites where reclassification is being sought.

Section B – Relationship to Strategic Planning Framework

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

Hunter Regional Plan 2036

The proposed reclassifications are consistent with the Hunter Regional Strategy 2036 (HRS), which has a focus on providing the Hunter region with a leading regional economy, a biodiversity-rich natural environment, thriving communities and greater housing choice and jobs.

The proposed reclassifications of the subject lands will enable Council to revitalise existing communities, which is a specific aim of the HRS under Goal 3 – Thriving communities, Direction 20 – Revitalise existing communities. The reclassifications will enable Council to undertake planning and place-making for these centres by developing land already in its ownership.

Vital social infrastructure, such as pedestrian links/arcades, meeting places/pedestrian malls, etc, can then be planned and undertaken within these town centres.

The centres of Toronto, Belmont and Warners Bay are all identified as centres of local significance under the HRS. Specifically they are identified to implement the Town Centres Area Plans, and to develop these centres into higher density, compact mixed use centres.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Lifestyle 2030 Strategy

Lifestyle 2030 (LS2030) provides the long-term direction for the overall development of the city and describes Council's high level policies for managing private and public development within Lake Macquarie.

Strategic Direction 3 – A well designed adaptable and liveable city, identifies in outcomes 3.6 and 3.8, the need for Local Area Plans with specific development guidelines for these town centres, as well as a stronger functional and urban design relationship between the Lake and the centres.

The proposal is consistent with the strategic plan maps in the LS2030.

Under the Strategy mapping, the land identified for reclassification is located within Toronto, Belmont or Warners Bay, which are all identified as Town Centres with surrounding core commercial and living urban areas.

6. Is the planning proposal consistent with applicable state environmental planning policies (SEPPs)?

An assessment of the proposal against the relevant State Environmental Planning Policies (SEPPs) is provided within *Appendix B*.

7. *Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?*

An assessment of the proposal against the Section 9.1 (previously s117) Ministerial Directions is provided within *Appendix C*.

Section C – Environmental, Social and Economic Impact

8. *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?*

This is highly unlikely as all the land is located within or on the edge of existing town centres. Most land has previously been used for residential purposes, and is now either vacant or still retains the existing residential houses.

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

No adverse environmental effects are anticipated as a result of the Planning Proposal due to the land being located within or on the edge of existing town centres.

10. *How has the planning proposal adequately addressed any social and economic effects?*

The proposed reclassifications will largely have positive social and economic benefits for the community in that it will:

- Enable and/or facilitate the future development of land for purposes consistent with its current zoning and strategic intent; and
- Enable the revitalisation of the mid-sized town centres which will feel the impact of increased residential growth within the region.

No negative social or economic effects are anticipated from the proposed amendments.

Section D – State and Commonwealth Interests

11. *Is there adequate public infrastructure for the planning proposal?*

The proposal will not require any changes to the delivery of public infrastructure to any of the lands included in the Planning Proposal. As most sites have previously been used for residential purposes, existing infrastructure is already available to the lands proposed to be reclassified.

12. *What are the views of State and Commonwealth Public Authorities consulted?*

Consultation with the following government agencies has been undertaken:

- Subsidence Advisory NSW
- Awabakal Land Council

in accordance with the Gateway Determination issued, who have raised no objection to the Planning Proposal by not responding to the notifications (see Annex F).

Part 4- Maps

The maps proposed to be included as part of the LEP Amendment are outlined within Part 2 of this Planning Proposal and are attached within *Annex A*.

Part 5- Community Consultation

Community consultation has been undertaken in accordance with the requirements of the Gateway determination and section 3.34 (previously s57) of the *Environmental Planning and Assessment Act 1979*, section 29 of the *Local Government Act 1993* and the Department's LEP guideline "A guide to preparing local environmental plans" (August 2016).

Exhibition

The planning proposal was exhibited for 28 days from 11 November to 9 December 2017 in accordance with section 5.5.2 of the Department's LEP guideline, as it contains reclassification of public land. The exhibition was advertised in a local newspaper, on Council's website and any identified affected landowners and adjoining landowners were notified of the proposal.

Three written submissions were received which related to the following:

- **94A & 100A The Boulevarde, Toronto** – basically in agreeance with the proposal provided the new development has some commercial entity, provides "through foot traffic" and rear vehicular access to the adjoining properties fronting The Boulevarde.
- **40, 42 & 56 Maude Street & 2 Edgar Street, Belmont** – Wished to know how the land will be developed and how this will affect the remaining properties not owned by Council.
- **23A & 25 John Street, Warners Bay** – Australia Post is concerned that its current access will not be affected in any way by the proposed reclassification and future development of the land.

The above submissions all relate to the future development of the land and not to the reclassification or loss of public land, and accordingly the concerns raised need to be addressed at Development Application stage.

Public Hearing

In accordance with section 29 of the *Local Government Act 1993*, a public hearing was held on 7 February 2018. The public hearing was undertaken in accordance with the Department's LEP Practice Note PN 16-001.

One submission was received during the public hearing, and a copy of the Public Hearing Report is contained within Annex G.

Part 6 – Project Timeline

The following table provides an indicative timeline for the Draft Local Environmental Plan:

Task	Timeline
Gateway Determination	September 2017
Public Exhibition (28 days)	October - November 2017
Public Hearing	December 2017
Consideration of submissions & prepare report on Public Hearing	January 2018
Report to Council post exhibition	April 2018
Submission to Department	May 2018
Notification of Plan Made	June - July 2018

ANNEX A – MAPS

ITEM 1: 94A & 100A The Boulevard, Toronto - Lot 12 & Lot 17 DP 1002630, &
ITEM 2: 209, 211A, part 201 & part 205 Brighton Avenue, Toronto - Lots 13 & 15
DP 1002630, Lots 103, 101, & 100 DP 243194

Figure 1 – Aerial Map



Figure 2 – Existing Zone under LMLEP 2014

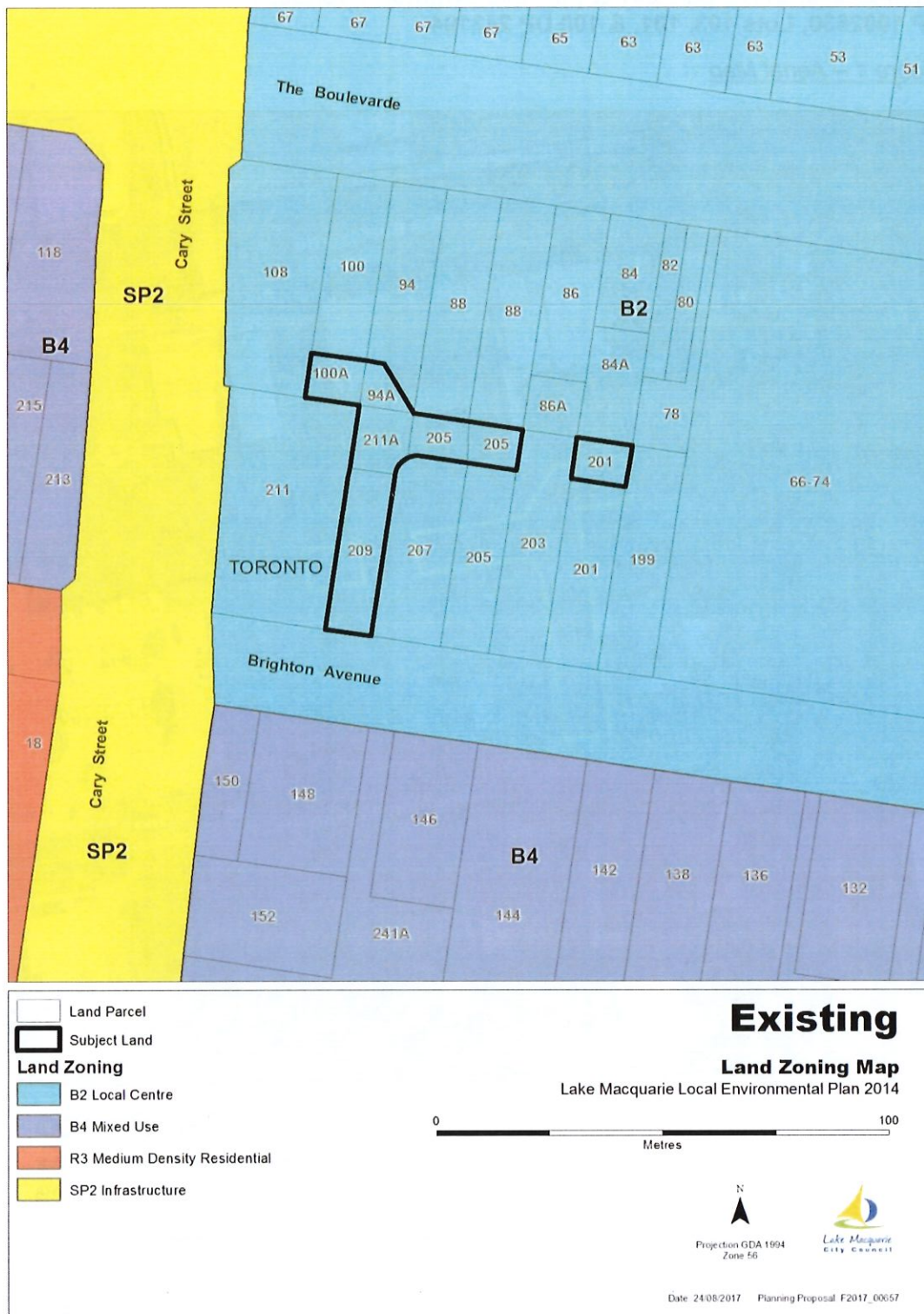


Figure 3 – Draft Land Reclassification Map under LMLEP 2014



Item 3 - Part 20 The Boulevardde TORONTO - Lot 1 DP 915793

Figure 1 – Aerial Map



Figure 2 – Existing Zone under LMLEP 2014

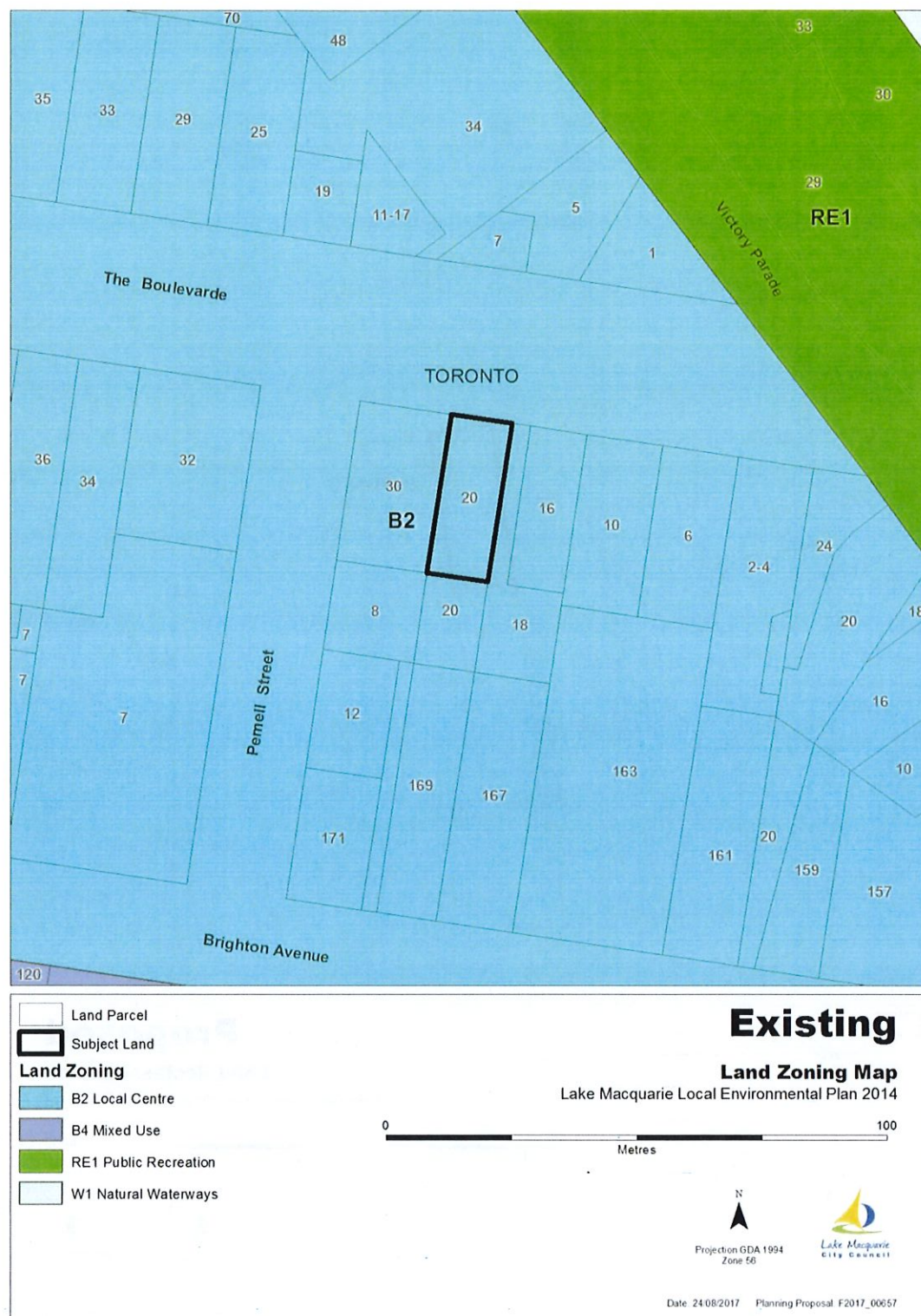


Figure 3 – Draft Land Reclassification Map under LMLEP 2014



Item 4 - 40, 42 & 56 Maude Street & 2 Edgar Street BELMONT - Lots 23, 24, 31 & 32 Sec I DP 2374

Figure 1 – Aerial Map



Figure 2 – Existing Zone under LMLEP 2014

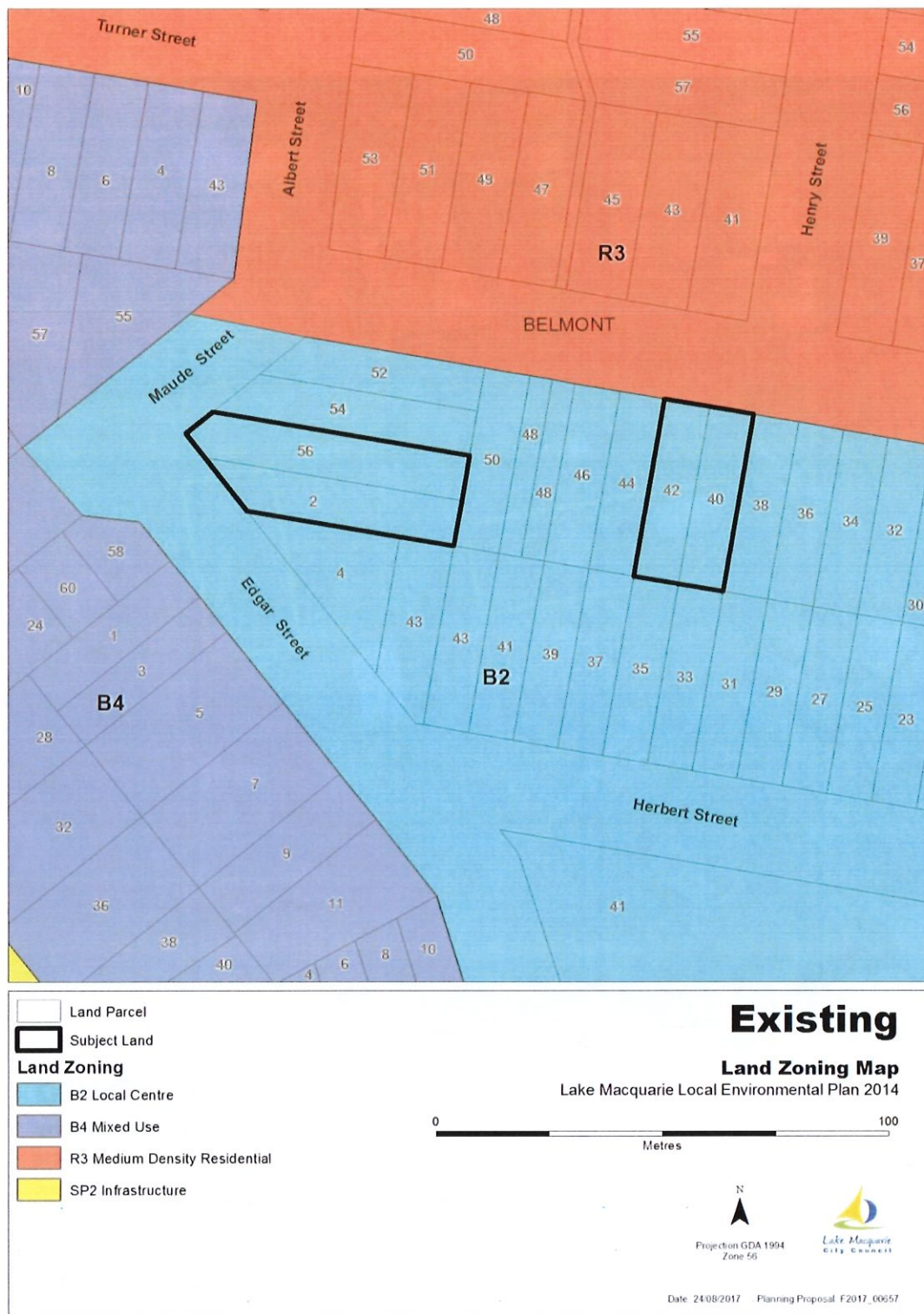
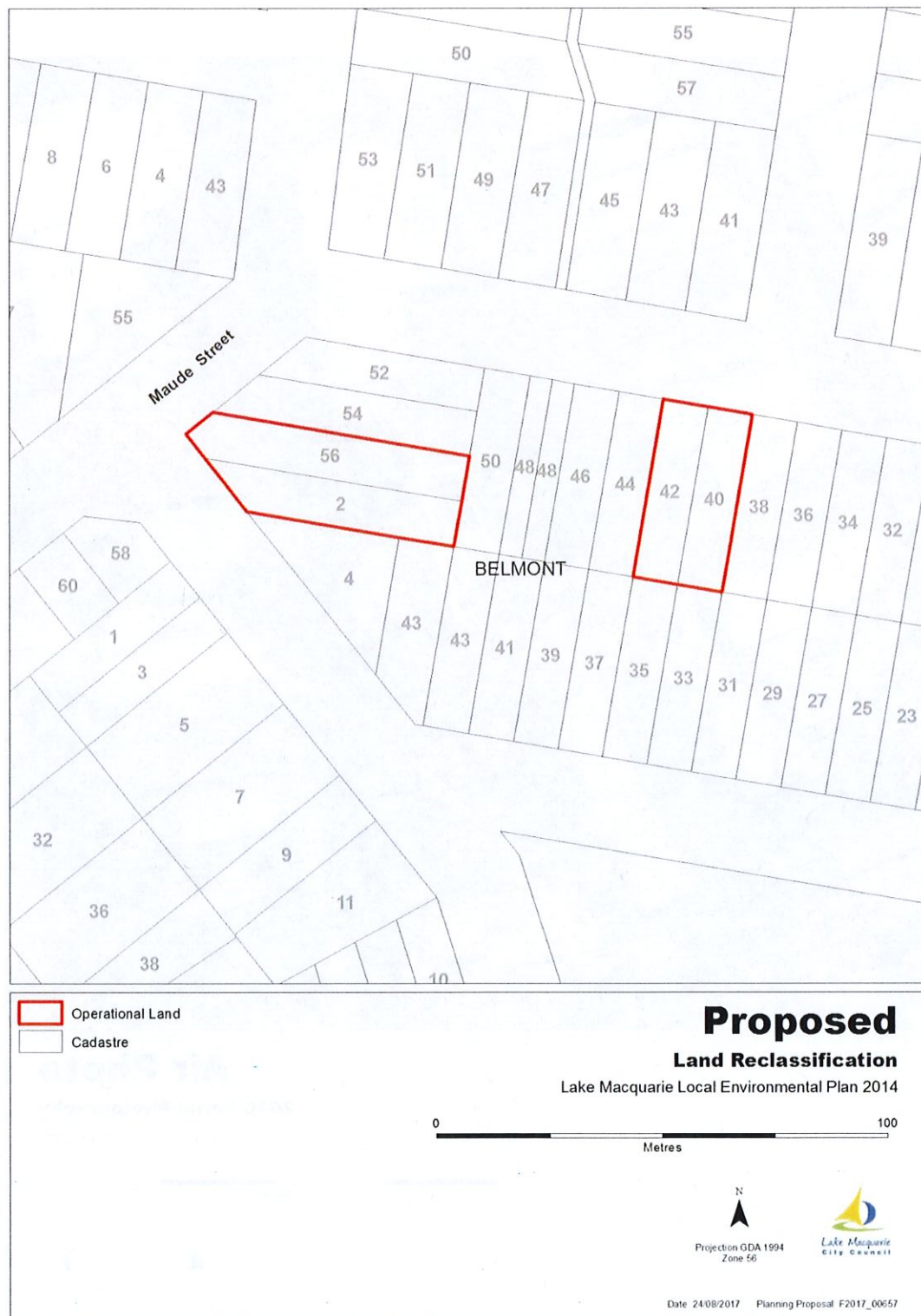


Figure 3 – Draft Land Reclassification Map under LMLEP 2014



Item 5 - 39 George Street BELMONT - Lot 1 DP 334449

Figure 1 – Aerial Map



Figure 2 – Existing Zone under LMLEP 2014

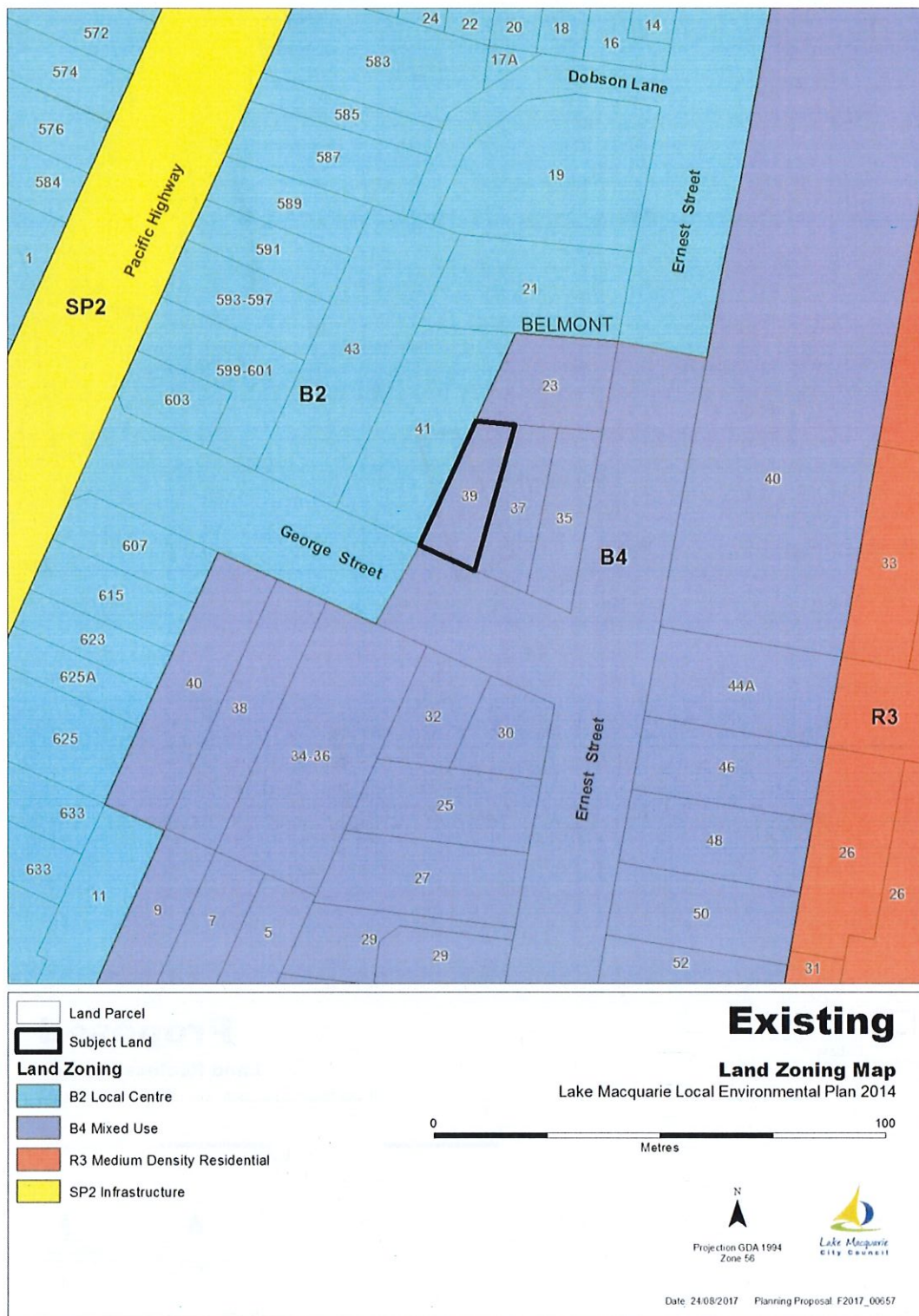
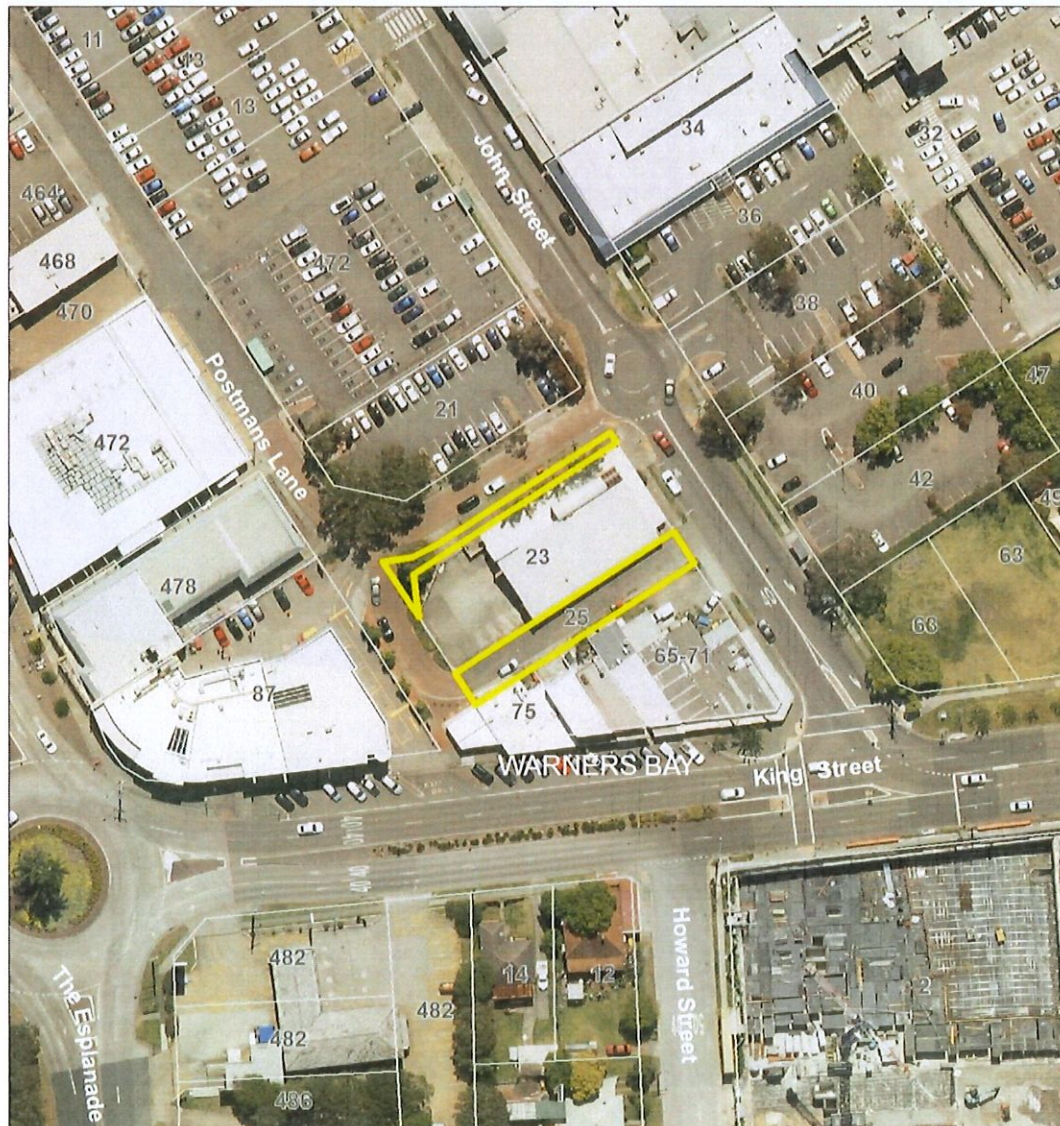



Figure 3 – Draft Land Reclassification Map under LMLEP 2014



Item 6 - 23A & 25 John Street WARNERS BAY - Lot 1 & 3 DP 719621

Figure 1 – Aerial Map



Land Parcel
 Subject Land

Air Photo

2016 Aerial Photography

© Jacobs & Aerometrex 2016

0 100
 Metres

N
 Projection GDA 1994
 Zone 56



Date 24/08/2017

Planning Proposal F2017_00657

Figure 2 – Existing Zone under LMLEP 2014

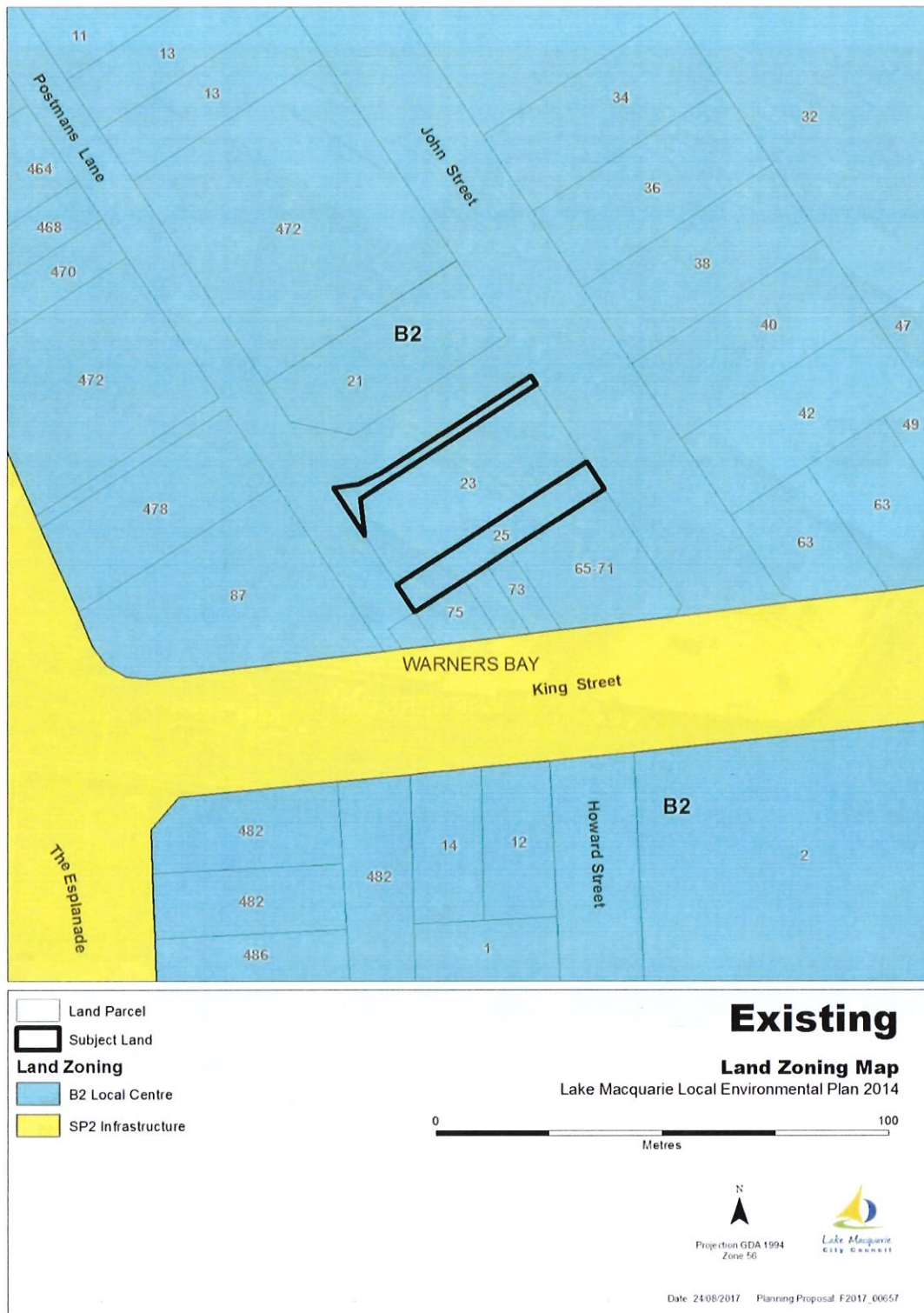


Figure 3 – Draft Land Reclassification Map under LMLEP 2014



ANNEX B – SEPP ASSESSMENT

Planning Proposal's Assessment against Applicable SEPPs

SEPP	Applicable	Consistency
State Environmental Planning Policy No 55 Remediation of Land	No	None of the items have been identified as being contaminated or requiring remediation.
State Environmental Planning Policy No 71 Coastal Protection	Yes	<p>All items are identified as being within 1,000 metres of Lake Macquarie, and so State Environmental Planning Policy No 71 – Coastal Protection applies.</p> <p>It is considered that the reclassifications will not have any detrimental effects on the foreshore of Lake Macquarie as the sites are already within designated town centres. Any future development on the land would be subject to a development application and the provisions of this SEPP will need to be considered at that time.</p>

ANNEX C – MINISTERIAL DIRECTION ASSESSMENT

Planning Proposal's assessment against Ministerial Directions

Ministerial Direction	Applicable	Consistency
1. Employment and Resources		
1.1 Business and Industrial Zones	Yes	All items within the planning proposal are located within business zones and this direction does not allow the altering of any existing business zone boundaries. However as the proposal only involves reclassification, the zoning boundaries of the zones and development controls shall remain the same and accordingly is considered to be consistent with the Ministerial Direction.
1.2 Rural Zones	N/A	-
1.3 Mining, Petroleum Production and Extractive Industries	N/A	-
1.4 Oyster Aquaculture	N/A	-
1.5 Rural Lands	N/A	
2. Environment and Heritage		
2.1 Environment Protection Zones	N/A	
2.2 Coastal Protection	Yes	The subject lands are identified within the coastal zone. The planning proposal is only to reclassify the land (zoning will remain the same) and therefore is considered to be consistent with the direction. Any future development on these sites will require compliance with the NSW Coastal Policy.
2.3 Heritage Conservation	N/A	The Heritage provisions of LMLEP2014 will remain unchanged. No items are heritage listed.
2.4 Recreation Vehicle Area	N/A	-
3. Housing, Infrastructure and Urban Development		

Planning Proposal's assessment against Ministerial Directions

Ministerial Direction	Applicable	Consistency
3.1 Residential zones	Yes	The subject lands are within commercial zones (B2 & B4) which permit residential flat buildings and shop-top housing developments. As the planning proposal is only to reclassify the land (zoning will remain the same) and therefore is considered to be consistent with the direction.
3.2 Caravan Parks and Manufactured Home Estates	N/A	-
3.3 Home Occupations	N/A	-
3.4 Integrating Land Use and Transport	N/A	This Ministerial Direction does not apply as the planning proposal is for reclassification only and does not involve the creation, alteration or removal of a zone.
3.5 Development Near Licensed Aerodromes	N/A	-
3.6 Shooting Ranges	N/A	-
4. Hazard and Risk		
4.1 Acid Sulfate Soils	Yes	<p>The following sites are identified within the Lake Macquarie Acid Sulfate Soils Planning Maps:</p> <p>Item 1 – 94A & 100A The Boulevard TORONTO – Class 5</p> <p>Item 2 – 209, 211A, part 201 & part 205 Brighton Avenue TORONTO – Class 5</p> <p>Item 3 – 20 The Boulevard, TORONTO – Class 5</p> <p>Item 4 – 40, 42 & 56 Maude Street & 2 Edgar Street BELMONT – Class 2</p> <p>Item 5 – 39 George Street BELMONT – Class 3</p> <p>Item 6 – 23A & 25 John Street WARNERS BAY – Class 5</p> <p>The proposal is for reclassification only with the zone remaining the same (therefore, it is not considered an intensification of the use). Any future development on these sites would need to be aware of this constraint and would be required to address the</p>

Planning Proposal's assessment against Ministerial Directions

Ministerial Direction	Applicable	Consistency
		requirements of Clause 7.1 of the LMLEP 2014 at development application stage.
4.2 Mine Subsidence and Unstable Land	Yes	All lands (except Item 4 - 40, 42 & 56 Maude Street & 2 Edgar Street BELMONT) are identified as being within a Mine Subsidence District. Consultation with the Mine Subsidence Board has been undertaken who have raised no objection to the planning proposal. Therefore, the requirements of this direction have been met.
4.3 Flood Prone Land	Yes	The following sites are identified as Flood Prone land: Item 4 - 40, 42 & 56 Maude Street & 2 Edgar Street BELMONT - High hazard These are all located within existing zones - no zoning changes proposed, with determined flood planning levels. The proposal is for reclassification only with the zone remaining the same (therefore, it is not considered an intensification of the use). Any future development on these sites would need to be aware of this constraint and would be required to address the requirements of Clause 7.3 of the LMLEP 2014 at development application stage.
4.4 Planning for Bushfire Protection	N/A	
5. Regional Planning		
5.1 Implementation of Regional Strategies	N/A	
5.2 Sydney Drinking Water Catchments	N/A	-
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	-
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	-
5.5 Development in the vicinity of Ellalong, Paxton and Millfield	N/A	-

Planning Proposal's assessment against Ministerial Directions

Ministerial Direction	Applicable	Consistency
(Cessnock LGA)		
5.6 Sydney to Canberra Corridor	N/A	-
5.7 Central Coast	N/A	-
5.8 Second Sydney Airport: Badgenys Creek	N/A	-
5.9 North West Rail Link Corridor Strategy	N/A	-
5.10 Implementation of Regional Plans	Yes	The Hunter Regional Plan 2036 applies to all sites within the proposal. The strategy has been addressed within Part 3 – Section B (4) of the Planning Proposal.
6. Local Plan Making		
6.1 Approval and Referral Requirements	Yes	It is considered that the planning proposal is consistent with the objectives of this Ministerial Direction.
6.2 Reserving Land for Public Purposes	N/A	None of the sites are currently identified on the Land Reservation Acquisition layer of LMLEP 2014. The Gateway determination has established that the loss of land for public purposes is of minor nature and that no further approval is required in relation to this direction.
6.3 Site Specific Provisions	N/A	As the planning proposal is for a reclassification only, the zones and provisions will remain unaltered. Therefore, this Ministerial direction does not apply.
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Plan for Sydney 2036	N/A	-

ANNEX D – COUNCIL RESOLUTIONS

Council Minute Item

Action

Ordinary Council Meeting

23/04/2018

TRIM Ref: D08749700

Subject: Proposed Reclassification of Various Lands for Town Centres
Amendment to Lake Macquarie Local Environmental Plan 2014

**Date to be
Completed by:** 23/04/2018

Instructions to User

This TRIM action is assigned to you to complete. Record all actions taken in TRIM using InfoCouncil's process to add a note, and then complete the TRIM action via InfoCouncil.

Council Decision:

20

Moved. Cr. Adamthwaite

Seconded. Cr. Langford

- A. Council authorises the submission of the Planning Proposal (Attachment 1), including any necessary minor amendment, to the Department of Planning and Environment, under section 3.36 (s 59) of the Environmental Planning and Assessment Act 1979, and requests the Department to instruct Parliamentary Counsel to prepare the legal instrument.
- B. Council authorises consultation with the Department of Planning & Environment and the making of any necessary minor amendment(s) to the Planning Proposal.
- C. Council requests the Minister for Planning to make the Town Centres Amendment to the Lake Macquarie Local Environmental Plan 2014, in accordance with the final Planning Proposal.

In accordance with Section 375A of the Local Government Act 1993 a division took place.

For the Motion

Cr. Fraser
Cr. Adamthwaite
Cr. Baker
Cr. Langford
Cr. Belcher
Cr. Pauling
Cr. Harrison
Cr. Cubis
Cr. Shultz
Cr. Jones

Against the Motion

Cr. Buckley
Cr. Gilbert
(carried)

(Carried)

End

*The minutes of Ordinary Council Meeting on 23/04/2018 is located in TRIM folder titled
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PDF Version'*

**18 STRAT011 - Proposed Reclassification of Various Lands for Town Centres
Amendment – Lake Macquarie Local Environmental Plan 2014**

Council Ref: F2017/00657 – D08749700
Report By: Statutory Property Officer – Joanne Marshall

Précis:

Council resolved at its meeting on 24 July 2017 to commence action to prepare a draft Local Environmental Plan to reclassify various Council-owned sites for the purpose of future planning for town centre sites. A Planning Proposal was submitted to the Department of Planning and Environment (DoPE), placed on public exhibition and a public hearing held.

Council's consent is now required to finalise the reclassification of the various parcels of land.

NOTE: The Environmental Planning and Assessment Act 1979 was amended on 1 March 2018. The relevant sections of the Act are shown with the old numbered sections of the Act shown in brackets.

Recommendation:

- A. Council authorises the submission of the Planning Proposal (Attachment 1), including any necessary minor amendment, to the Department of Planning and Environment, under section 3.36 (s 59) of the Environmental Planning and Assessment Act 1979, and requests the Department to instruct Parliamentary Counsel to prepare the legal instrument.
- B. Council authorises consultation with the Department of Planning & Environment and the making of any necessary minor amendment(s) to the Planning Proposal.
- C. Council requests the Minister for Planning to make the Town Centres Amendment to the Lake Macquarie Local Environmental Plan 2014, in accordance with the final Planning Proposal.

Background:

Council resolved at its meeting on 24 July 2017 to commence action to prepare a draft Local Environmental Plan to reclassify various Council-owned sites at:

- i) 94A & 100A The Boulevard and 209, 211A, part 201 & part 205, Brighton Avenue, Toronto (Lots 12, 13, 15 & 17 DP 1002630 and Lots 100, 101 & 103 DP 243194);
- ii) Part 20 The Boulevard, Toronto (Lot 1 DP 915793);
- iii) 40, 42 & 56 Maude Street & 2 Edgar Street, Belmont (Lots 23, 24, 31 & 32 Sec I DP 2374);
- iv) 39 George Street, Belmont (Lot 1 DP 334449); and
- v) 23A & 25 John Street, Warners Bay (Lot 1 & 3 DP 719621)

from Community Land to Operational Land for the purpose of future planning for town centre sites.

A Planning Proposal was submitted to the Department of Planning & Environment (DoPE) on 28 August 2017 and DoPE issued Gateway Determination (advising that the Planning Proposal may proceed) on 21 September 2017.

The Gateway Determination required the Planning Proposal to be exhibited for a period of 28 days under sections 3.34(2)(c) (s 56(2)(c)) of the Environmental Planning & Assessment Act 1979 (EP&A Act), as well as consultation with the Mine Subsidence Board under section 3.34(2)(d) (s 56(2)(d)) of the EP&A Act.

In accordance with section 29 of the Local Government Act 1993 (LG Act), a public hearing was held on 7 February 2018.

After satisfying the requirements of the Gateway Determination and the requirements of the LG Act, the Planning Proposal along with details of the public submissions, is now provided to Council to determine whether support for the proposed reclassifications are issued. This decision will then be forwarded to DoPE under section 3.36 (s 59) of the EP&A Act and if authorised, the legal instrument known as Town Centres Amendment will be made by the Minister for Planning.

Proposal:

The intent of the Planning Proposal for submission to DoPE is to facilitate the following:

- i) Reclassification of Lots 12, 13, 15 & 17 DP 1002630 and Lots 100, 101 & 103 DP 243194 (94A & 100A The Boulevard and 209, 211A, part 201 & part 205, Brighton Avenue, Toronto) from Community Land to Operational Land for the purpose of future planning for town centre sites;
- ii) Reclassification of Lot 1 DP 915793 (part 20 The Boulevard, Toronto) from Community Land to Operational Land for the purpose of future planning for town centre sites;
- iii) Reclassification of Lots 23, 24, 31 & 32 Sec I DP 2374 (40, 42 & 56 Maude Street & 2 Edgar Street, Belmont) from Community Land to Operational Land for the purpose of future planning for town centre sites;
- iv) Reclassification of Lot 1 DP 334449 (39 George Street, Belmont) from Community Land to Operational Land for the purpose of future planning for town centre sites; and

- v) Reclassification of Lot 1 & 3 DP 719621 (23A & 25 John Street, Warners Bay) from Community Land to Operational Land for the purpose of future planning for town centre sites.

Consultation:

Consultation with Public Authorities/Groups

The following public authorities/groups have been consulted – Mine Subsidence Board, and Awabakal Aboriginal Land Council. No response was received from either, and accordingly it was considered that no objections were received in relation to the Planning Proposal (see Annexure F of Attachment 2).

Exhibition

The proposal was placed on public exhibition from 11 November to 9 December 2017 with three written submissions being received (see Attachment 3). The submissions related to the following properties as follows:

- 94A & 100A The Boulevarde, Toronto – basically in agreement with the proposal provided the new development has some commercial entity, provides "through foot traffic" and rear vehicular access to the adjoining properties fronting The Boulevarde.
- 40, 42 & 56 Maude Street & 2 Edgar Street, Belmont – Wished to know how the land will be developed and how this will affect the remaining properties not owned by Council.
- 23A & 25 John Street, Warners Bay – Australia Post is concerned that its current access will be affected by the proposed reclassification and future development of the land.

The above submissions all relate to the future development of the land and not the reclassification process. Accordingly, the concerns raised will be addressed at Development Application stage.

Public Hearing

A public hearing was held on 7 February 2018, which was attended, by the independent facilitator, two staff members, and one member of the public. The member of the public attended in respect to the Maude and Edgar Street, Belmont proposals. His comments related mainly to the construction of the future development of the sites.

The independent facilitator's report prepared for the Public Hearing has summarised the feedback and is contained within Annexure G of the Planning Proposal in Attachment 2.

Internal Consultation

The Corporate Legal Office was consulted in the preparation of this report.

Implications:

Policy Implications:

The proposal has been assessed against relevant State Environmental Planning Policies, section 9.1 (s 117(2)) directions, LEP Practice Notes and the Hunter Regional Plan 2036.

No significant inconsistencies have been identified. Details of the consideration are included within Annexure B & C of the Planning Proposal in Attachment 2.

The proposal is also consistent with the Lake Macquarie Local Environmental Plan 2014, Lifestyle 2030 Strategy and the Hunter Regional Plan 2036. The proposal will not impact upon heritage items.

Environmental Implications:

The proposed reclassification does not result in any environmental implications.

Social Implications:

The proposed reclassifications will not have any social implications, at this time.

They will however, enable Council to investigate future uses of the sites and development opportunities for possible revitalisation of the various town centres, where Council owns land.

Social implications will be assessed under any future development application that may be proposed for the land.

Infrastructure Asset Implications:

Some of the properties were specifically purchased for laneways, which have since been abandoned.

For the other sites, no implications to Council's existing or proposed infrastructure assets have been identified for the remaining proposed reclassifications.

Financial Implications:

The reclassifications will enable future options for these sites to be formulated for Council's consideration, including redevelopment. Council may therefore benefit from the proceeds of future developments.

Risk and Insurance Implications:

The level of risk associated with the preparation of a Planning Proposal is minimised by following due process as established by the Environmental Planning & Assessment Act 1979, Local Government Act 1993, Environmental Planning and Assessment Regulation 2000, and Council's procedure - Amending LMLEP to Reclassify Land. This action is covered by Council's professional indemnity insurance as a standard activity.

Options:

1. To proceed as recommended and commence preparation of a Planning Proposal to include each property. This option is favoured as Council generally supports each proposed reclassification as a strategic project that has merit.
2. To retain any of the lands as Community Land. This option is not favoured as land has been identified as surplus to Council's needs for laneways or has become Community Land by default. The reclassifications will enable Council to investigate possible future uses of the sites and allow dealings in the land without restrictions imposed by the Community Land classification.

Conclusion:

It is considered appropriate to commence the reclassification process for the identified parcels of land in order to facilitate the future use of the lands for the revitalisation of the various town centres.

Council Minute Item

Action

Ordinary Council Meeting

24/07/2017

TRIM Ref: D08346895

Subject: Various Sites - Town Centres Amendment - Lake Macquarie Local Environmental Plan 2014

Date to be 24/07/2017

Completed by:

Instructions to User

This TRIM action is assigned to you to complete. Record all actions taken in TRIM using InfoCouncil's process to add a note, and then complete the TRIM action via InfoCouncil.

Council Decision:

39

Moved. Cr. Buckley

Seconded. Cr. Baker

- A. Council authorises preparation and submission of a Planning Proposal pursuant to section 55 of the Environmental Planning and Assessment Act 1979 (EP&A), to the Department of Planning & Environment (DP&E), as follows:
- i) Reclassification of Lots 12, 13, 15 & 17 DP 1002630 and Lots 100, 101 & 103 DP 243194 (94A & 100A The Boulevarde and 209, 211A, part 201 & part 205, Brighton Avenue, Toronto) from Community Land to Operational Land for the purpose of future planning for town centre sites;
 - ii) Reclassification of Lot 1 DP 915793 (part 20 The Boulevarde, Toronto) from Community Land to Operational Land for the purpose of future planning for town centre sites;
 - iii) Reclassification of Lots 23, 24, 31 & 32 Sec I DP 2374 (40, 42 & 56 Maude Street & 2 Edgar Street, Belmont) from Community Land to Operational Land for the purpose of future planning for town centre sites;
 - iv) Reclassification of Lot 1 DP 334449 (39 George Street, Belmont) from Community Land to Operational Land for the purpose of future planning for town centre sites; and
 - v) Reclassification of Lot 1 & 3 DP 719621 (23A & 25 John Street, Warners Bay) from Community Land to Operational Land for the purpose of future planning for town centre sites.
- B. Upon receipt of DP&E's Gateway Determination under section 56 of the EP&A Act 1979, and if approval is given, Council authorises the exhibition of the Planning Proposal and community notification & consultation in accordance with the Gateway Determination.

In accordance with Section 375A of the Local Government Act 1993 a division took place.

For the Motion

Cr. Adamthwaite
Cr. Langford
Cr. Pauling
Cr. Harrison
Cr. Baker
Cr. Belcher
Cr. Buckley
Cr. Cubis
Cr. Grigg
Cr. Jones
Cr. Shultz
(carried)

Against the Motion

(Carried)

End

*The minutes of Ordinary Council Meeting on 24/07/2017 is located in TRIM folder titled
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PDF Version'*

**17 STRAT034 Various Sites – Town Centres Amendment – Lake Macquarie
Local Environmental Plan 2014**

Council Ref: F2017/00657 – D08346895
Report By: Statutory Property Officer – Joanne Marshall

Précis:

The parcels of Council-owned land nominated in this report are classified as Community Land under the Local Government Act 1993 (LG Act 1993). Each parcel has been investigated by Council staff, and has received support to commence action to reclassify from Community Land to Operational Land.

This action is required to enable Council to facilitate potential future commercial redevelopment opportunities for these town centre sites, any of which will be subject to further Council reports.

Recommendation:

- A. Council authorises preparation and submission of a Planning Proposal pursuant to section 55 of the Environmental Planning and Assessment Act 1979 (EP&A), to the Department of Planning & Environment (DP&E), as follows:
- i) Reclassification of Lots 12, 13, 15 & 17 DP 1002630 and Lots 100, 101 & 103 DP 243194 (94A & 100A The Boulevarde and 209, 211A, part 201 & part 205, Brighton Avenue, Toronto) from Community Land to Operational Land for the purpose of future planning for town centre sites;
 - ii) Reclassification of Lot 1 DP 915793 (part 20 The Boulevarde, Toronto) from Community Land to Operational Land for the purpose of future planning for town centre sites;
 - iii) Reclassification of Lots 23, 24, 31 & 32 Sec I DP 2374 (40, 42 & 56 Maude Street & 2 Edgar Street, Belmont) from Community Land to Operational Land for the purpose of future planning for town centre sites;
 - iv) Reclassification of Lot 1 DP 334449 (39 George Street, Belmont) from Community Land to Operational Land for the purpose of future planning for town centre sites; and
 - v) Reclassification of Lot 1 & 3 DP 719621 (23A & 25 John Street, Warners Bay) from Community Land to Operational Land for the purpose of future planning for town centre sites.
- B. Upon receipt of DP&E's Gateway Determination under section 56 of the EP&A Act 1979, and if approval is given, Council authorises the exhibition of the Planning Proposal and community notification & consultation in accordance with the Gateway Determination.

Background:

94A & 100A The Boulevard and 209, 211A, part 201 & part 205, Brighton Avenue, Toronto (Lots 12, 13, 15 & 17 DP 1002630 and Lots 100, 101 & 103 DP 243194) (illustrated in red on Attachment 1)

These lots were purchased with the intention of extending Hinton Lane to provide rear vehicular access to the commercial properties that front both The Boulevard and Brighton Avenue, Toronto.

The proposed laneway was abandoned in 1989 as part of a land swap and the approval of the Aldi supermarket development that has resulted in a retaining wall being constructed mid-way through the Hinton Lane extension, making the laneway impossible to build.

This land was never dedicated as "Road" and accordingly, has become Community Land by default. Council now wishes to pursue redevelopment opportunities for this land in conjunction with some surrounding land that it also owns, with the intention of revitalising the northern end of the Toronto Town Centre, and providing an appropriate commercial return to Council.

The Local Government (LG) Act 1993 does not permit Community Land to be developed in this way, and accordingly, the lands will require reclassification to Operational Land for this purpose.

Part 20 The Boulevard, Toronto (Lot 1 DP 915793) (illustrated in red on Attachment 3)

The subject land contained a hall situated over two lots (Lot 2 DP 4929 and Lot 1 DP 915793) and was used as a community hall and library, which was owned by the Toronto School of Arts. In 1956, the land was transferred to Council along with all furniture, fittings and library records.

In the 1980's Council commenced construction of a new library and commercial development in nearby Pemell Street.

In 1989, the Newcastle earthquake, damaged the rear of the hall, and as a Development Application was required to demolish/repair the hall, it was decided to call for tenders for the commercial use of the building.

The new Toronto library (at 7 Pemell Street) was opened in 1990.

Upon introduction of the LG Act 1993 when Council had to classify its land, only one lot (Lot 2 DP 4929) was listed as Operational Land, and the other lot has, by default, become Community Land.

Council currently leases the building for commercial purposes, being a yoga, gym and office space.

The LG Act does not permit Community Land to be leased or developed for commercial purposes, and accordingly, the land requires reclassification to Operational Land to permit potential redevelopment.

40, 42 & 56 Maude Street & 2 Edgar Street, Belmont (Lots 23, 24, 31 & 32 Sec I DP 2374) (illustrated in red on Attachment 5)

In January 1990, Council adopted Development Control Plan No 5 – Belmont Commercial Area: Herbert and Maude Streets Precinct. This Plan recommended mixed development for the block, including an element of public car parking.

Since that time, Council has been acquiring property as it has become available, initially with the intention of implementing this Plan, including the subject lands.

Following the introduction of the LG Act 1993, Council was required to advertise all Operational Land. Investigations have revealed that the subject lands were not advertised upon acquisition to classify them as Operational Land. Accordingly, the land has now become Community Land by default.

Council is now investigating development of this land in conjunction with the surrounding land that it also owns, with the intention of redeveloping and embellishing the Belmont Town Centre.

The LG Act does not permit Community Land to be developed in this way, and accordingly, the lands will require reclassification from Community Land to Operational Land for this purpose.

39 George Street, Belmont (Lot 1 DP 334449) (illustrated in red on Attachment 7)

The subject land was sought by Council for purchase in 1992 for the purpose of public car parking. At this time, Council was unsuccessful and it was sold to another purchaser.

In 1995, the property again became available for sale, and this time Council was successful in the purchase. Council's City Engineer at the time, indicated that the site in isolation was unsuitable for car parking, and accordingly should be purchased from Council's investment funds for redevelopment purposes.

The site was purchased and Council has leased the building on the subject land as residential premises.

Following the introduction of the LG Act 1993, Council was required to advertise all Operational Land. Investigations have revealed that the subject lands were not advertised upon acquisition to classify them as Operational Land. Accordingly, the land has now become Community Land by default.

The LG Act does not permit Community Land to be leased or developed for commercial purposes, and accordingly, the lands will require reclassification to Operational Land for this purpose.

23A John Street, Warners Bay (Lot 1 DP 719621) formerly part of Lot 11 Sec 30 DP 111125 & 25 John Street, Warners Bay (Lot 3 DP 719621) formerly part of Lot 12 Sec 30 DP 111125.

In 1986, Council undertook a land exchange with Australia Post wherein Council exchanged part of Lot 11 Sec 30 DP 111125 John Street, Warners Bay for part of Lot 12 Sec 30 DP 111125 John Street, Warners Bay. This was due to Australia Post wishing to build a new post office by expanding to the north of their existing site over part of Council-owned land (Lot 11 Sec 30 DP 111125).

Following the introduction of the LG Act 1993, Council was required to advertise all Operational Land. Investigations have revealed that the subject lands were not advertised in 1993 to classify them as Operational Land. Accordingly, the land has now become Community Land by default.

Council now wishes to develop this land in conjunction with some surrounding land that it also owns, with the intention of revitalising the Warners Bay Town Centre. Accordingly, the lands will require reclassification from Community Land to Operational Land for this purpose.

Proposal:

It is proposed that Council considers the reclassification from Community Land to Operational Land, to allow dealings in the land that are restricted by a Community classification.

It is proposed Council will prepare the Planning Proposal for submission to the DP&E for Gateway Determination, and to commence the public notification process. Upon completion of the public notification, a further report will be submitted to Council addressing any submissions received and proposals going forward.

Consultation:

As part of the process to determine if the reclassification and rezoning actions should commence, the matters are submitted to Council's Rezoning Advisory Panel (RAP). RAP is made up of representatives from relevant Council departments and considers proposals based on the expertise of each department, and the merits of the proposal. Individual remarks are recorded and included in reports pertaining to the proposed reclassification, giving a balanced overview of the matter.

All the land the subject of this report, were considered by RAP at its meeting on 3 April 2017, or by email to RAP members on 17 May 2017, with no issues or objections being raised.

Council's Corporate Legal Office was also consulted in the preparation of this report.

Implications:***Policy Implications:***

The proposals are generally consistent with relevant State Environmental Planning Policies; section 117(2) Ministerial Directions and the Lower Hunter Regional Plan.

Environmental Implications:

The proposed reclassification does not result in any environmental implications.

Social Implications:

The proposed reclassifications will not have any social implications, at this time. They will however, enable Council to investigate future uses of the sites and development opportunities for possible revitalisation of the various town centres, where Council owns land.

Social implications will be assessed under any future development application that may be proposed for the land.

Infrastructure Asset Implications:

Some of the properties were specifically purchased for laneways, which have since been abandoned. In respect to the land at Toronto, the City Engineer is quoted in a report to Council dated 7 March 1989, "such lane [Hinton Lane] will no longer be required".

For the other sites, no implications to Council's existing or proposed infrastructure assets have been identified for the remaining proposed reclassifications.

Financial Implications:

The reclassifications in themselves will enable future options for these sites to be undertaken, including possible redevelopment for commercial purposes.

Three of the properties were specifically purchased for laneways. If the future options for the sites include sale, or commercial redevelopment of the sites, then the portion of these lands to the whole development will need to be compensated back into the Roads & Drainage funds at that time.

The remaining parcels of land were purchased for strategic purposes therefore any proceeds or costs will be to the Strategic Property Reserve.

Risk and Insurance Implications:

The level of risk associated with the preparation of a Planning Proposal is minimised by following due process as established by the Environmental Planning & Assessment Act 1979, Local Government Act 1993, Environmental Planning and Assessment Regulation 2000, and Council's procedure - Amending LMLEP to Reclassify Land. This action is covered by Council's professional indemnity insurance as a standard activity.

Options:

3. To proceed as recommended and commence preparation of a Planning Proposal to include each property. This option is favoured as Council generally supports each proposed reclassification as a strategic project that has merit.
4. To retain any of the lands as Community Land. This option is not favoured as land has been identified as surplus to Council's needs for laneways or has become Community Land by default. The reclassifications will enable Council to investigate possible future uses of the sites and allow dealings in the land without restrictions imposed by the Community Land classification.

Conclusion:

It is considered appropriate to commence the reclassification process for the identified parcels of land in order to facilitate the future use of the lands for their intended purposes.

Manager Property & Business Development – Kate Cramp

ANNEX E - CHANGES TO SCHEDULE 4 OF LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2014

Lake Macquarie Local Environmental Plan 2014

Schedule 4 Classification and reclassification of public land

(Clause 5.2)

Part 1 Land classified, or reclassified, as operational land—no interests changed

Column 1	Column 2
Locality	Description
2 Edgar Street, Belmont	Lot 32, Sec I, DP 2374
39 George Street, Belmont	Lot 1, DP 334449
40 Maude Street, Belmont	Lot 23, Sec I, DP 2374
42 Maude Street, Belmont	Lot 24, Sec I, DP 2374
56 Maude Street, Belmont	Lot 31, Sec I, DP 2374
201 Brighton Avenue, Toronto	Lot 103, DP 243194
205 Brighton Avenue, Toronto	Lot 101, DP 243194
205 Brighton Avenue, Toronto	Lot 100, DP 243194
209 Brighton Avenue, Toronto	Lot 15, DP 1002630
211A Brighton Avenue, Toronto	Lot 13, DP 1002630
20 The Boulevarde, Toronto	Lot 1, DP 915793
23A John Street, Warners Bay	Lot 1, DP 719621
25 John Street, Warners Bay	Lot 3, DP 719621

Part 2 Land classified, or reclassified, as operational land—interests changed

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
94A The Boulevarde, Toronto	Lot 12, DP 1002630	Crown Grant
100A The Boulevarde, Toronto	Lot 17, DP 1002630	Crown Grant

ANNEX F PUBLIC AUTHORITIES NOTIFICATIONS



25 September 2017

Subsidence Advisory NSW
PO Box 488G
NEWCASTLE NSW 2300

Dear Sir/Madam,

Subject: Draft Town Centres Amendment to Lake Macquarie Local Environmental Plan 2014 - Various Sites

Council has prepared a planning proposal which seeks to amend Schedule 4 of the Lake Macquarie Local Environmental Plan 2014.

The planning proposal is for the reclassification of the following properties from Community Land to Operational Land, for the purpose of future planning for town centres:

- Item 1: 94A & 100A The Boulevard TORONTO
Lot 12 & Lot 17 DP 1002630
- Item 2: 209, 211A, part 201 & part 205 Brighton Avenue TORONTO
Lots 13 & 15 DP 1002630, Lots 103, 101, & 100 DP 243194
- Item 3: 20 The Boulevard, TORONTO
Lot 1 DP 915793
- Item 4: 40, 42 & 56 Maude Street & 2 Edgar Street BELMONT
Lots 23, 24, 31 & 32 Sec I DP 2374
- Item 5: 39 George Street BELMONT
Lot 1 DP 334449
- Item 6: 23A & 25 John Street WARNERS BAY
Lot 1 & 3 DP 719621

A Gateway Determination was issued by the NSW Department of Planning & Environment for the proposal on 21 September 2017 (copy attached). As per the conditions of the Gateway Determination, a copy of the planning proposal and relevant supporting material is hereby provided to your department for review and comment in accordance with Section 56(2)(d) of the *Environmental Planning and Assessment Act 1979*.

Any comments your department may have in regards to the planning proposal are requested in writing by 27 October and should be addressed to:

*General Manager
Lake Macquarie Council
Box 1906 Hunter Region Mail Centre 2310
(Attention – Joanne Marshall)*

Our Ref: F2017/00657

D08548304

126-138 Main Road Speers Point NSW 2284
Box 1906 Hunter Region Mail Centre NSW 2310
ABN: 81 065 027 868

T 02 4921 0333
F 02 4958 7257
E council@lakemac.nsw.gov.au

www.lakemac.com.au
 www.facebook.com/lakemaccity
 www.twitter.com/lakemac

Should you require further information, please contact me on 4921 0585.

Yours faithfully

Joanne Marshall
Statutory Property Officer
Property & Business Development Department
jmarshall@lakemac.nsw.gov.au

25 September 2017

Awabakal Local Aboriginal Land Council
127 Maitland Road
ISLINGTON NSW 2296

Dear Sir/Madam,

Subject: Draft Town Centres Amendment to Lake Macquarie Local Environmental Plan 2014 - Various Sites

Council has prepared a planning proposal which seeks to amend Schedule 4 of the Lake Macquarie Local Environmental Plan 2014.

The planning proposal is for the reclassification of the following properties from Community Land to Operational Land, for the purpose of future planning for town centres:

- Item 1: 94A & 100A The Boulevarde TORONTO
Lot 12 & Lot 17 DP 1002630
- Item 2: 209, 211A, part 201 & part 205 Brighton Avenue TORONTO
Lots 13 & 15 DP 1002630, Lots 103, 101, & 100 DP 243194
- Item 3: 20 The Boulevarde, TORONTO
Lot 1 DP 915793
- Item 4: 40, 42 & 56 Maude Street & 2 Edgar Street BELMONT
Lots 23, 24, 31 & 32 Sec I DP 2374
- Item 5: 39 George Street BELMONT
Lot 1 DP 334449
- Item 6: 23A & 25 John Street WARNERS BAY
Lot 1 & 3 DP 719621

A Gateway Determination was issued by the NSW Department of Planning & Environment for the proposal 21 September 2017 (copy attached). As per the conditions of the Gateway Determination, a copy of the planning proposal and relevant supporting material is hereby provided to your department for review and comment in accordance with Section 56(2)(d) of the *Environmental Planning and Assessment Act 1979*.

Any comments your department may have in regards to the planning proposal are requested in writing by 27 October and should be addressed to:

*General Manager
Lake Macquarie Council
Box 1906 Hunter Region Mail Centre 2310
(Attention – Joanne Marshall)*

Should you require further information, please contact me on 4921 0585.

Yours faithfully

Joanne Marshall
Statutory Property Officer
Property & Business Development Department
jmarshall@lakemac.nsw.gov.au

**ANNEX G INDEPENDENT FACILITATOR'S REPORT FOR
PUBLIC HEARING**

**Michael Murray and Associates Pty
Ltd**

Public Hearing Report

Reclassification of Community Land

Wednesday 7 February 2018

**Lake Macquarie City Council Administration Centre
Committee Room**

Michael Murray & Associates
4 Kanwary Close
Raymond Terrace NSW 2324

Phone: 0419 638344

Email: mm@mmurray.com.au

Background

A public hearing was conducted in the Committee Room at Lake Macquarie City Council Administration Centre on Wednesday 7 February 2018 to enable members of the community to express, and have recorded, their views on the proposal to reclassify the following parcels of land from Community to Operational land:

- **Item 1:** 94A & 100A The Boulevarde TORONTO, Lot 12 & Lot 17 DP 1002630
- **Item 2:** 209, 211A, part 201 & part 205 Brighton Avenue TORONTO, Lots 13 & 15 DP 1002630, Lots 103, 101, & 100 DP 243194
- **Item 3:** 20 The Boulevarde, TORONTO, Lot 1 DP 915793
- **Item 4:** 40, 42 & 56 Maude Street & 2 Edgar Street BELMONT, Lots 23, 24, 31 & 32 Sec I DP 237
- **Item 5:** 39 George Street BELMONT, Lot 1 DP 334449
- **Item 6:** 23A & 25 John Street WARNERS BAY, Lot 1 & 3 DP 719621

The public hearing had been advertised by Council in the local press in accordance with regulatory requirements.

Attendance

The hearing was attended by Council staff members Joanne Marshall, Statutory Property Officer, Anthony O'Reilly, Valuation and Property Development Coordinator, and Michael Murray the independent facilitator.

One member of the public, living in the Belmont area, attended the hearing, with an interest in the Maude and Elgar Street proposals.

The Process

The meeting was opened at 6.13pm. The meeting was formally closed at 6.30pm.

The Feedback

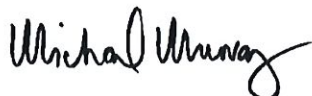
The community member present expressed support for the proposals.

The person attending did make a general comment however, that as the proposals proceed, practical impacts such as disruption to normal pedestrian and car movements be carefully considered. He also expressed a concern that the developments be executed in a timely manner and not drag on for too long, becoming an eyesore for locals.

Conclusion

I am satisfied as the independent facilitator of the hearing that Council provided an appropriate opportunity for members of the community to provide input in relation to the proposed reclassification matters.

The meeting closed at 6:30pm.

A handwritten signature in black ink, appearing to read 'Michael Murray', with a stylized, cursive script.

Michael Murray
Managing Director, Michael Murray & Associates
7th February 2018

ANNEX H – SUPPORTING INFORMATION