

ANNEX D – COUNCIL RESOLUTIONS

Inspection Reports - Monday 26 November 2012

12SP148 Apollo Hotel - Rotunda - Onsite Inspection

Council Ref: F2011/05042 - D02741359
Report By: Temporary Land Development Officer - Vanessa Hitchcock

Location: 320 Pacific Highway, Charlestown
Map Ref: Map 355 – G2
Zoning: 6(1) Open Space
Owner: Apollo Hotel (Land) Pty Limited
Applicant: Apollo Hotel
Applic Date: Inspection was as a result of a Council report dated 12 November 2012

Inspect Date: 20 November 2012
InspectTime: 4.30pm

Councillors(Inspection Committee):

Cr Laurie Coghlan, Cr Wendy Harrison, Cr Rosmairi Okeno, Cr Robert Denton, Cr Barry Johnston, Cr Ken Paxinos

Apologies:

Nil

Others Present:

- Trevor Allen – JWP Planning
- David Ingleton – General Manager, Apollo Hotel
- Tracey McKelligott – Eclipse Media
- Peter Coburn – Manager Property & Business Development
- John Ferguson – Manager Community Planning
- Graeme Hooper – Manager Economic Development
- Vanessa Hitchcock – Land Development Officer

Inspecting Committee's Report:

A report was submitted at Council's meeting on Monday 12 November 2012, recommending the reclassification and sale of part of Council's community land situate at 320 Pacific Highway, Charlestown, for the purpose of rectifying encroachments on Council's community land.

The matter was unresolved at the Council meeting on Monday 12 November 2012 and an onsite inspection subsequently held on Tuesday 20 November 2012.

The group inspected the Rotunda and area of the encroachment from the John White conference room of the Hotel, and then proceeded to the Rotunda where the group was given a brief overview of the matter and concerns.

The Hotel representatives then left the site and the Councillors and Council officers proceeded to discuss the issues.

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Following the discussions, a motion was raised by Cr Paxinos and seconded by Cr Johnston, to support the recommendation contained within the Council report, on the basis that the authority to reclassify and sell the land to the applicant is not considered as setting a precedent, and Council will deal with similar encroachments and unauthorised development or construction on community land on a case-by-case basis.

A vote was taken and the motion was supported five votes to one.

Recommendation:

Council authorises the following, to rectify the encroachment on Council's Community Land at 320 Pacific Highway Charlestown (part lot 100 DP 706965):

A. Commencement of action to prepare a Planning Proposal, as follows:

Reclassification from Community Land to Operational Land, and rezone from 6(1) Open Space to 6(2) Tourism and Recreation (proposed SP3 Tourist in the draft Local Environmental Plan 2012), part lot 100 DP 706965 (320 Pacific Highway Charlestown), to facilitate sale of the land to the adjoining owner.

B. Notification of Council's resolution, and the submission of a Planning Proposal pursuant to section 55 of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979), to the Department of Planning & Infrastructure (DoPI).

C. Upon receipt of DoPI's Gateway Determination under section 56 of the EP&A Act 1979, and in accordance with DoPI's direction, Council authorises the exhibition of the Planning Proposal.

Notification of the public hearing, in a local newspaper, in accordance with section 29 of the Local Government Act 1993.

The authority to reclassify and sell the land to the applicant is not considered as setting a precedent, and Council will deal with similar encroachments and unauthorised development or construction on community land on a case-by-case basis.

Manager - Property & Business Development - Peter Coburn

Attachments:

Nil.

Council Minute Item

Action

Ordinary Council Meeting

26/11/2012

TRIM Ref: D02741359
Subject: Apollo Hotel - Rotunda - Onsite Inspection
Date to be Completed by: 10/12/2012

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:

669

Moved. Cr. Denton

Seconded. Cr. W Harrison

Council authorises the following, to rectify the encroachment on Council's Community Land at 320 Pacific Highway Charlestown (part lot 100 DP 706965):

- A. Commencement of action to prepare a Planning Proposal, as follows:
 - Reclassification from Community Land to Operational Land, and rezone from 6(1) Open Space to 6(2) Tourism and Recreation (proposed SP3 Tourist in the draft Local Environmental Plan 2012), part lot 100 DP 706965 (320 Pacific Highway Charlestown), to facilitate sale of the land to the adjoining owner.
- B. Notification of Council's resolution, and the submission of a Planning Proposal pursuant to section 55 of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979), to the Department of Planning & Infrastructure (DoPI).
- C. Upon receipt of DoPI's Gateway Determination under section 56 of the EP&A Act 1979, and in accordance with DoPI's direction, Council authorises the exhibition of the Planning Proposal.
- D. Notification of the public hearing, in a local newspaper, in accordance with section 29 of the Local Government Act 1993.
- E. The authority to reclassify and sell the land to the applicant is not considered as setting a precedent, and Council will deal with similar encroachments and unauthorised development or construction on community land on a case-by-case basis.

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

For the Motion

Cr. Wallace
Cr. Johnston
Cr. Denton
Cr. Okeno
Cr. Paxinos
Cr. W Harrison
Cr. J Harrison

Against the Motion

Cr. Fraser
Cr. Coghlan
Cr. Adamthwaite
Cr. Griffith
Cr. Langford

<Committee>

<MeetingDate>

(carried)

(Carried)

End

The minutes of Ordinary Council Meeting on 26/11/2012 is located in TRIM folder titled 'GOVERNANCE - COUNCIL MEETINGS - Minutes and Agenda - Council Agendas & Minutes - PDF Version'

**City Strategy Committee Meeting
8 July 2013**

**13STRAT036 2013 Housekeeping Amendment - Lake Macquarie Local
Environmental Plan 2004**

Council Ref: F2013/00804 - D02969418
Report By: Land Development Officer - Vanessa Hitchcock

Précis:

The subject parcels of land are Council-owned and 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 and rezone the lands described below. This report seeks Council's consent to consider reclassification of the lands from Community Land to Operational Land, and to rezone two of those parcels from Open Space to a residential zone.

Recommendation:

A. Council authorises the commencement of action to prepare a Planning Proposal, as follows:

- i) Reclassification of Lot 41 DP 556474 (8c Main Road Cardiff Heights) from Community Land to Operational Land for the purpose of sale to, NSW Roads & Maritime Services;
- ii) Reclassification of Lot 42 DP 556474 (58c Marshall Street Lambton Heights) from Community Land to Operational Land for the purpose of sale to, NSW Roads & Maritime Services;
- iii) Reclassification of part of Lot 31 DP 718196 (17 Walker Street Warners Bay) from Community Land to Operational Land, for the purpose of sale to the adjoining owner;
- iv) Reclassification of Lot 170 DP 12863 (40a Marine Parade Nords Wharf) from Community Land to Operational Land, for the purpose of sale by public auction;
- v) Reclassification of Lot 12 DP 567707 (256 Lake Road Glendale) from Community Land to Operational Land, for sale or development purposes, and a further report be submitted to Council, in due course, on the allocation of the net proceeds from any sale.
- vi) Reclassification of Lot 102 DP 241213 (88 Neilson Street Edgeworth) from Community Land to Operational Land, and rezone from 6(1) Open Space to 2(1) Residential, for the purpose of sale to the adjoining owner; and
- vii) Reclassification of part of Lot 27 DP 248873 (11 Luprena Close Charlestown) from Community Land to Operational Land and rezone from 6(1) Open Space to 2(2) Residential (Urban Living), for the purpose of sale to the adjoining owner to rectify encroachments.

B. Council authorises the notification of Council's resolution, and submits a Planning Proposal pursuant to section 55 of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979), to the Department of Planning & Infrastructure (DoPI).

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- C. Upon receipt of DoPI's Gateway Determination under section 56 of the EP&A Act 1979, and in accordance with DoPI's direction, Council authorises the exhibition of the Planning Proposal.
- D. Council authorises notification of the public hearing, in a local newspaper, in accordance with section 29 of the Local Government Act 1993.

Background:

8c Main Road Cardiff Heights (Lot 41 DP 556474) and 58C Marshall Street New Lambton Heights (Lot 42 DP 556474) (illustrated in red on Attachments 1 and 2)

In 2012, Council sold three adjoining parcels of land to NSW Roads & Maritime Services (RMS) for the purposes of future road works. Throughout those negotiations, the RMS indicated that it also required adjoining Lots 41 and 42 DP 556474 ("Lots 41 & 42") for the future road works.

Lots 41 & 42 were acquired in the 1970's for the construction of a new road, however construction did not take place and Council officers have confirmed that there are no longer any plans for the construction of a road in this location.

Lots 41 & 42 were never dedicated as road, nor were they advertised as Operational Land during the transitional provisions of the Local Government Act 1993 (LG Act). Lots 41 & 42 are therefore Community Land and a reclassification to Operational Land is required before the lands can be sold.

Lots 41 & 42 are zoned 2(1) Residential under the LMLEP 2004 (as illustrated on Attachment 3) but have a total area of only 69.6m² and no street frontage. Lots 41 & 42 therefore do not have any development potential as either standalone lots or as a consolidated lot, and sale to the adjoining owner seems to be the most appropriate course of action.

17 Walker Street Warners Bay (Lot 31 DP 718196) (illustrated in red on Attachment 4)

Lot 31 in DP 718196 contains an area of 635.5m² and is zoned part 2(2) Residential (Urban Living) and part 7(2) Conservation (Secondary) under the LMLEP 2004 (as illustrated in red on Attachment 5), and is proposed to be zoned part R3 Medium Density Residential and part E2 Environmental conservation under the draft LEP 2013. Lot 31 was dedicated as a Public Reserve on the registration of DP 718196 in 1985 and is therefore classified as Community Land.

DP 718196 created two lots: Lot 31 being the subject lot and which is illustrated in red on Attachment 6, and Lot 32 which is illustrated in yellow on Attachment 6 and is owned by the applicant.

Access to Lot 32 is via a 3.66m wide access handle from Walker Street (shown in red on Attachment 7) which is an insufficient width under current planning guidelines. This limits the development potential of Lot 32 and the owner has approached Council with a request to purchase part of Lot 31, to provide sufficient access under current planning guidelines to enable future development of Lot 32.

Historically it was proposed to create a road through Lot 31 linking Walker Street to Margaret Street to the west. To facilitate this proposal part of Lot 31 was zoned 5C Special Uses (Proposed Local Road Reservation) with the balance was zoned 6(c) Open Space (Local Reservation) under the Lake Macquarie Local Environmental Plan 1984.

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The local road proposal has since been abandoned and the land rezoned to its current zones.

The residential portion of Lot 31 is an irregular shape and not of sufficient area to enable it to be developed in its own right. Consolidation of part of Lot 31 with adjoining Lot 32 will facilitate the future development of Lot 32 in accordance with its medium density zoning.

It is therefore proposed to reclassify that part of Lot 31 illustrated in blue on Attachment 6 to Operational Land for the purpose of sale to the adjoining owner and consolidation with Lot 32 to facilitate development of Lot 32.

40a Marine Parade Nords Wharf

The land which is illustrated in red on Attachment 8 was created in around 1924 on the registration of DP 12863, and is described as Reserve for Access to Water on that plan. It contains an area of 910.5m² and is zoned 2(1) Residential under the LMLEP 2004 (illustrated in red on Attachment 9) and proposed R2 Low Density Residential under the draft LEP 2013.

Council acquired the land in 1937 for drainage and access purposes. It contains a single garage in the northeastern corner but is otherwise vacant and free of vegetation.

The land contains drainage infrastructure and an easement protecting Council's interest will be created prior to any disposal of the land.

The land is not required for access to the water as a waterfront reserve and children's playground are situated approximately 140m south of the land, and another smaller parcel of waterfront public land is situated approximately 270m to the north shown on Attachment 8).

Across the road from the land is the Nords Wharf Community Hall, which is sufficient to cater for the community's needs in the area.

As the land is not required for its original purpose and there is no demand for a further community facility in the locality, it is deemed appropriate to sell the land so that the funds can be attributed to other community purposes. It is therefore proposed to reclassify the land to Operational Land so that it can be offered for sale to the public.

256 Lake Road Glendale (illustrated in red on Attachment 10)

In 1972 Council was approached by the owner of Lot 3 DP 20184 (the parent lot) who proposed to subdivide his land into two lots and dedicate one of those lots to Council for aged care purposes. On 21 November 1972, Council resolved to accept the gift of the land on the understanding that it be used to construct aged care units.

The parent lot was subdivided in 1974 to create Lots 11 and 12 in DP 567707. The subdivider retained Lot 11 and Lot 12, which is illustrated in red on Attachment 11, was transferred into Council's ownership on 11 October 1974.

On 30 June 1975, a report was submitted to Council stating that Council did not have the funds or personnel to construct and manage an Aged Care Facility. A proposal to lease the land to the Lions Club was subsequently considered but the Lions Club notified Council on 18 July 1977 that it could not continue with the leasing of the land due to limitation in Government funding required for the development.

Council has undertaken further investigations into the possibility of developing the land for aged care purposes but the land is deemed unsuitable for that use due to the slope, bushfire issues and inaccessibility to public transport, among others.

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The land was advertised as Operational Land in 1994 with the transitional provisions of the Local Government Act 1993 however as it was gifted to Council for a specific purpose it is subject to an implied trust and the advertisement is effectively invalid. In order to act outside the purpose designated by the trust (i.e. use of land for any purpose other than aged care), the trust will first have to be extinguished. Reclassification under section 30 of the Local Government Act 1993 will result in the release of the trust.

As current planning considerations do not support the use proposed for the land by the trust, reclassification to Operational Land is recommended so that the land can be developed in accordance with its highest and best use. The Community Planning Department supports this course of action and has requested that any proceeds derived from the sale of the land be set aside for aged care purposes.

Lot 12 contains an area of 6509m² and is zoned 2(1) Residential under the LMLEP 2004 (illustrated in red on Attachment 12) and proposed R2 Low Density Residential under the draft LEP 2013. The land may be appropriate for a small residential subdivision and if reclassified, will be either developed or offered for sale, depending on prevailing market conditions once reclassification completed

88 Neilson Street, Edgeworth

The land, illustrated in red on Attachments 13 and 14, contains an area of 290.9m² and is zoned 6(1) Open Space under the LMLEP 2004 (as illustrated in red on Attachment 15), proposed to be zoned RE1 Public Recreation under the draft LEP 2013. The land was dedicated as a public reserve in 1971 on the registration of DP 241243 and is classified as Community Land. The land is currently fenced in with the adjoining privately owned lands at 78 and 80 Neilson Street, and contains an easement for transmission line 30.48 wide.

The applicant has purchased 80 Neilson Street and is negotiating with the owner of 78 Neilson Street to purchase that property also (hereinafter referred to as "the applicant's land").

The applicant's land has been identified in the Draft LMLEP 2013 as part of an urban release area and was rezoned in 2010 to permit residential development. The applicant proposes to subdivide his land for residential purposes and discussed this proposal with Council officers at a Development Unit meeting on 7 March 2013. Three potential access points to the proposed subdivision (illustrated on Attachment 16) were identified and discussed at that meeting and the Council-owned land was identified as the preferred location as it is the location of least impact to existing nearby residences. An excerpt from the minutes is included in the Consultation section of this report.

It is proposed to reclassify the land to Operational Land to facilitate its sale, and rezone to a residential zone consistent with the applicant's adjoining land holdings.

11 Luprena Close Charlestown (illustrated in red on Attachment 17)

The land is zoned 6(1) Open Space under the LMLEP 2040 as illustrated in green on Attachment 18 (proposed RE1 Public Recreation) and contains an area of 1842m². The land was dedicated as a public reserve on the registration of DP 249304 in 1975.

The applicant obtained development consent for alterations and additions to his premises at 75 Dudley Road in 2012. Throughout construction, it was found that part of his western and southern boundary fences and pool decking encroached onto the adjoining public reserve. The encroachments range from 0.40m to 0.58m wide at the western boundary and to a maximum width of 1.18m to the southern boundary (as illustrated in yellow on Attachment 19).

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The western boundary encroachment affects the pedestrian access way from Dudley Way to the reserve in Luprena Close. However, the access way has a width of 4.695m and a maximum width of the encroachment to that part is 0.58m, a 4.115m wide access way remains available to pedestrians.

The affected area south of the applicant's land, although forming part of the public reserve, is not suitable for use by the public as it is a small triangular section of land that sits between 75 Dudley Road to the north and 14 Luprena Close to the south (Attachment 20).

After becoming aware of the encroachments, the applicant approached Council seeking to rectify the encroachments.

The applicant obtained an identification survey when he purchased the property in 1998. Since that time four development applications have been approved and works completed for dwelling alterations and additions (2001 and 2006), garage (2004) and swimming pool (2011). No encroachments were identified in the 1998 survey or at any time throughout construction of the above mentioned works.

When constructing the pool the western boundary fence was replaced but was constructed inside of the location of the original fence. No encroachments were identified at this time.

The survey reports obtained disclosed a variance in boundary lengths which has more than likely led to confusion over the location of the boundary, and the resultant encroachments. The applicant wishes to rectify the issue as promptly as possible.

Proposal:

It is proposed that Council considers the reclassifications, and rezonings where applicable, of lands at Cardiff Heights, Warners Bay, Nords Wharf, Glendale, Edgeworth and Charlestown from Community Land to Operational Land, to allow dealings in the land that are restricted by a community classification.

The reclassification will facilitate the development and sale of some lands and rectify issues with encroachments on others.

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.

8c Main Road Cardiff Heights and 58C Marshall Street New Lambton Heights

This property was considered by RAP at its meeting on 28 February 2013. No issues or objections were raised.

Prior to being submitted to RAP a merit assessment was undertaken by Council's Senior Strategic Planner who concluded that *"Reclassification of the subject land would contribute to the facilitation of an arterial road connection, which will improve connectivity and mobility for motorists, as well as cyclists and pedestrians. This is believed to be an improved use of the land as it is currently providing little benefit to the community."*

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17 Walker Street Warners Bay

This property was considered by RAP at its meeting on 6 September 2012. Concerns were raised with regard to selling the whole of the land, as it is a High Hazard Floodway.

Further investigations were undertaken and revealed that the North Creek Flood Study (2005) identified the 100-year flood level at the land is 4.0m AHD.

A survey was prepared by the City Projects Department which identified the natural ground level at the north of the site is 2.9m AHD to 2.78m AHD. This part of the site will have over one metre depth of flooding and is not suitable for any development. The southern corner site has a level of 4.02m which is just above the 100-year flood level.

It was concluded that the site as a whole is not suitable for future development due to the risk of flooding, but that it would be acceptable to sell enough land to provide a 10m frontage to the applicant's Lot 32, as the land in this area is only marginally flood prone and is suitable for a driveway to Lot 32.

40a Marine Parade Nords Wharf

This matter was considered by RAP on 1 May 2013. The Panel requested the matter be considered by the Sea Level Rise Taskforce due to its proximity to the foreshore and subject to their determination, had no objection to reclassification proceeding.

The Sea Level Rise Taskforce considered the matter at its meeting on 23 May 2013 and advised "*... our current assessment criteria for development in areas affected by lake flooding and sea level rise might be applied to any proposed new development at 40A Marine Parade, Nords Wharf. Given the surrounding residential development, the existing 2(1) zoning, and access to the road and other infrastructure, it was considered unlikely that a proposal for residential development on the block in keeping with the zone would be refused. Of course, any proposed development would be considered on its merits and would have to comply with the relevant development controls for foreshore properties, including controls on floor heights, subdivision, development intensity, and setbacks.*"

256 Lake Road Glendale

This matter was considered by RAP at its meeting on 1 May 2013. No objections to the reclassification were raised, however it was noted that a 500ha parcel of land zoned part investigation and part conservation adjoins the land at its western boundary, and that the Council-owned land may be appropriate for future pedestrian access linking the investigation land with Lake Road. The land would be appropriate for pedestrian access only as the access handle is not wide enough for a public road. It is understood that the RMS has acquired land in the vicinity of the Council-owned land for future road purposes and it is likely pedestrian access will be accommodated in that location also.

It was noted by the Panel that the access handle is of sufficient width (6.06m) and the land of sufficient area (6509m²), to facilitate a small residential subdivision. It is preferred that if the land is to be offered for sale that it is done so subject to development consent to ensure the sale does not result in a substandard outcome.

It was also suggested that Council contact the subdivider of the parent lot and offer the land back to him but searches of the NSW Births Deaths and Marriages website reveal that he passed away in 1981.

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88 Neilson Street Edgeworth

This proposal was discussed with Council officers at a Development Unit meeting on 7 March 2013. The applicant had identified three potential access points to his subdivision (illustrated on Attachment 17) and the Council owned land was identified as the preferred location as it is the location of least impact to existing nearby residences. The following is extracted from the Minutes of the meeting on 7 March 2013:

“Submitted plans identify three possible access points, one of which is discounted. It is preferable to have at least 2 access points due to the size of the subdivision, and the Rural Fire Service may not approve the development with a single access point ...

The southernmost proposed access is not preferred by Council due to the intersection form being staggered, and because it runs along the rear of existing residential dwellings.

The access proposed midway on the western boundary is a better option as it is not opposite residences. However, it crossed a triangle of Council-owned land which was dedicated as public reserve and is classified as Community Land. To gain access across this land, it will need to be reclassified as Operational Land.”

This matter was considered by RAP at its meeting on 1 May. No issues or objections were raised.

11 Luprena Close Charlestown

This matter was considered by RAP at its meeting on 1 May 2013. It was stated that the rectification action proposed is consistent with Council's process and therefore no issues or objections were raised.

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. No significant issues or areas of concern have been identified.

Environmental Implications:

Due to the small-scale nature of the proposed reclassifications and rezoning, Council considers it unnecessary to prepare an environmental study under section 57 of the EP&A Act 1979. With the exception of the properties at Cardiff Heights and Glendale, all lands are devoid of vegetation and no adverse environmental effects are anticipated.

8C Main Road Cardiff Heights and 58C Marshall Street New Lambton Heights

The land is vegetated but is not mapped as native vegetation or as being located within or near a native vegetation corridor. As this reclassification is a small component of a much larger proposal by the RMS, further investigations are not considered necessary at this time.

256 Lake Road Glendale

The land is highly vegetated but does contain an area of approximately 700m² that is cleared. Biodiversity issues will be further investigated at the time of sale/development, when the level of impact the development will have on the land can be determined. As the land is zoned for low density development only it is possible that there may be minimal impact to the vegetated areas.

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Social Implications:

8c Main Road Cardiff Heights and 58C Marshall Street New Lambton Heights

Reclassification of the lands would contribute to the facilitation of an arterial road connection, which will improve connectivity and mobility for motorists, as well as cyclists and pedestrians. This is believed to be an improved use of the land as it is currently providing little benefit to the community.

17 Walker Street Warners Bay

Development of the land would have a positive social and economic impact as it could result in the provision of housing in a desirable, well-serviced location.

40a Marine Parade Nords Wharf

The land is within close proximity to an existing community facility and foreshore recreation area.

Reclassifying the land will not impact on the current provision of community facilities in the locality but will allow the land to be developed in accordance with the existing residential zone.

256 Lake Road Glendale

The land is not suitable for an aged care facility or other form of seniors housing. Reclassification would permit a sale of the land for low density residential in accordance with the existing zone and in an area that is in close proximity to public transport, TAFE and sporting facilities.

88 Neilson Street Edgeworth

The proposal will enable the movement of traffic from the existing residential area to the future urban release area adjoining and to the east of the proposal.

Connectivity between Neilson Street and the urban release area will promote economic development of the land with cumulative benefits flowing onto the local businesses and building contractors. The land is also in close proximity to the Glendale/Edgeworth Urban Renewal Corridor which provides a retail/industrial and residential catchment.

11 Luprena Close Charlestown

The reserve provides an informal pedestrian link between Luprena Close and Dudley Road however in its current form, is not well designed or formed to support safe pedestrian access, particularly outside of daylight hours. The proposal will have a negligible effect on potential opportunities to improve the reserve in terms of pedestrian service; particularly given the development to be supported by the proposal is already established. The proposal will align policy with the land's actual use.

Infrastructure Asset Implications:

The reclassification and subsequent sale of the Nords Wharf property will negate the requirement for future maintenance of that land. Otherwise, no implications to Council's existing or proposed infrastructure assets have been identified. The proposal for the Charlestown land will not have any impact as the subject area is developed, and the remaining lands are vacant and unused but are not in a current maintenance schedule.

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Financial Implications:

As all properties are proposed to be sold once reclassified and Council will receive sale proceeds from all parcels of land. The cost of reclassification of the lands at Warners Bay, Edgeworth and Charlestown are being recovered from the applicants.

Council will bear the costs of the remaining properties but will recoup those costs at the time of sale.

The proceeds derived from the Glendale land will be set aside for aged care purposes and Community Planning will received the proceeds of sale from the Nords Wharf, Charlestown and Edgeworth properties.

The proceeds derived from the remaining properties will be invested in the Property and Investment 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 EP&A Act 1979, the Local Government Act 1993, the Environmental Planning and Assessment Regulation 2000, and Council's Procedure Document, Amending LMLEP to Reclassify Land. This action is covered by Council's professional indemnity insurance as a standard activity.

Rectifying the classification anomalies associated with Council's roads will significantly reduce Council's exposure to risk.

Options:

1. To proceed as recommended and commence preparation of a Planning Proposal to include each property. This option is favoured as Council's Departments generally support 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 all lands have been identified as surplus to needs and the reclassifications facilitate a fiscal return to Council for investment in community and other Council projects.
3. To retain 88 Neilson Street Edgeworth. This option is not favoured as the land is fenced in with adjoining lands and is inaccessible for maintenance purposes. Further, the Council land has been identified as the access point of least impact to adjoining residents and as the applicant's land is identified in strategic planning documents as an urban renewal corridor, it would not be in the public interest to hinder development.
4. To retain 11 Luprena Close Charlestown and order the applicant to remove the encroachments. This option is not favoured as the encroachments were not realised with previous development applications and inspections, and the proposal has minimal impact on the reserve.

Conclusion:

It is considered appropriate to reclassify, and rezone land where necessary, to facilitate the appropriate and efficient use of the lands.

Manager - Property & Business Development - Peter Coburn

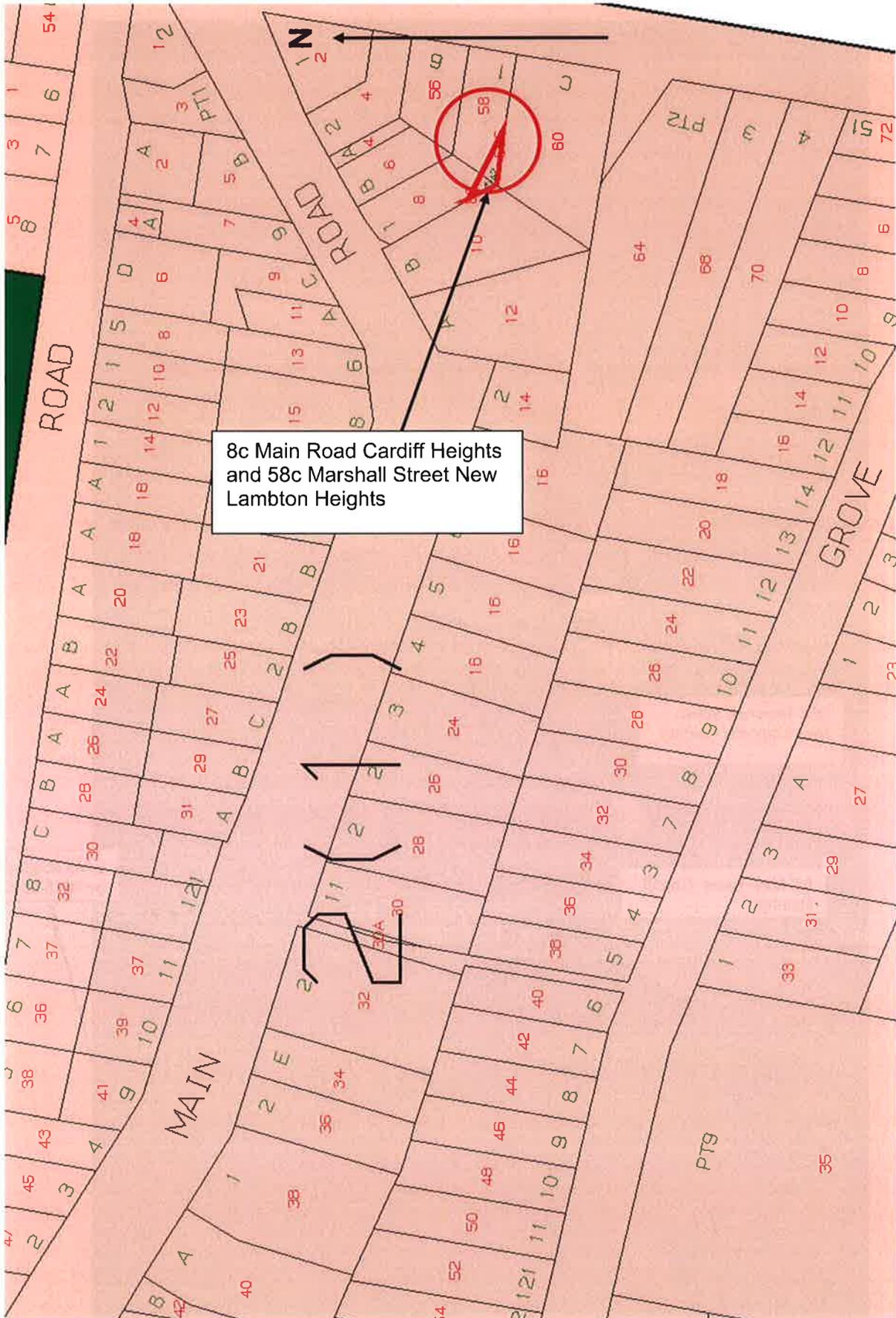
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Attachments:

1.	Attachment 1 - Diagram showing location of 8c Main Road Cardiff Heights & 58c Marshall Street New Lambton Heights	D02976316
2.	Attachment 2 - Aerial photograph of 8c Main Road Cardiff Heights & 58c Marshall Street New Lambton Heights	D02976310
3.	Attachment 3 - Zone map showing 8c Main Road Cardiff Heights & 58c Marshall Street New Lambton Heights	D02976321
4.	Attachment 4 - Diagram showing location of 17 Walker Street Warners Bay	D02976547
5.	Attachment 5 - Zoning map 17 Walker Street Warners Bay	D02976558
6.	Attachment 6 - Aerial photograph showing 17 Walker Street Warners Bay	D02976526
7.	Attachment 7 - Diagram showing access points - 17 Walker Street Warners Bay	D02976519
8.	Attachment 8 - Diagram showing location of 40a Marine Parade Nords Wharf	D02976513
9.	Attachment 9 - Zone map 40a Marine Parade Nords Wharf	D02976510
10.	Attachment 10 - Diagram showing location of 256 Lake Road Glendale	D02976479
11.	Attachment 11 - Aerial photograph 256 Lake Road Glendale	D02976410
12.	Attachment 12 - Zone map 256 Lake Road Glendale	D02976490
13.	Attachment 13 - Diagram showing Urban Release Area & Renewal Corridor - 88 Neilson Street Edgeworth	D02976381
14.	Attachment 14 - Aerial photograph 88 Neilson Street Edgeworth	D02976373
15.	Attachment 15 - Zone map 88 Neilson Street Edgeworth	D02976393
16.	Attachment 16 - Diagram showing possible access points 88 Neilson Street Edgeworth	D02978688
17.	Attachment 17 - Diagram showing 11 Luprena Close Charlestown	D02976364
18.	Attachment 18 - Zone map 11 Luprena Close Charlestown	D02976366
19.	Attachment 19 - Identification survey 11 Luprena Close Charlestown	D02976362
20.	Attachment 20 - Aerial photograph showing 11 Luprena Close Charlestown	D02976359





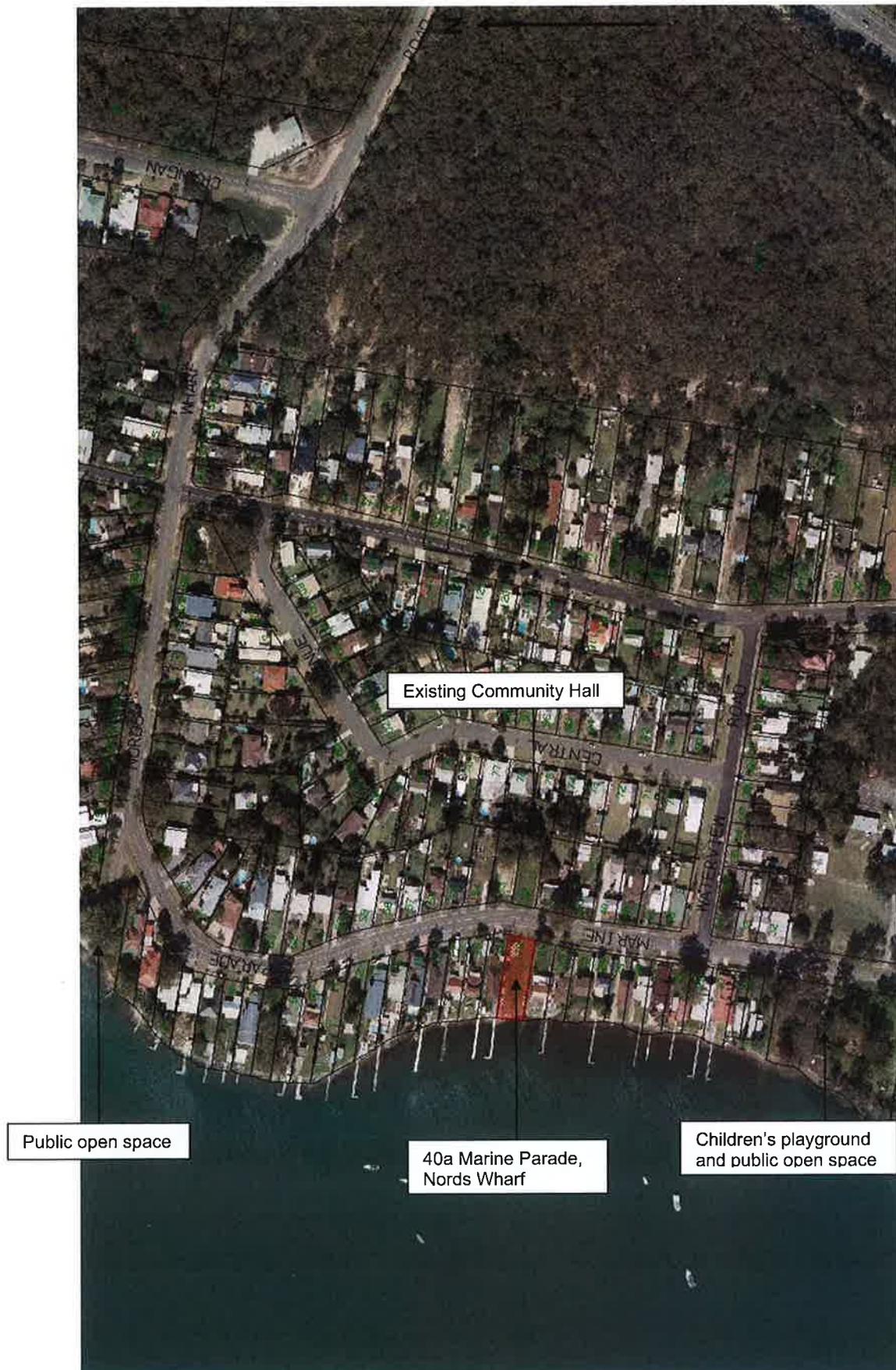


8c Main Road Cardiff Heights
and 58c Marshall Street New
Lambton Heights

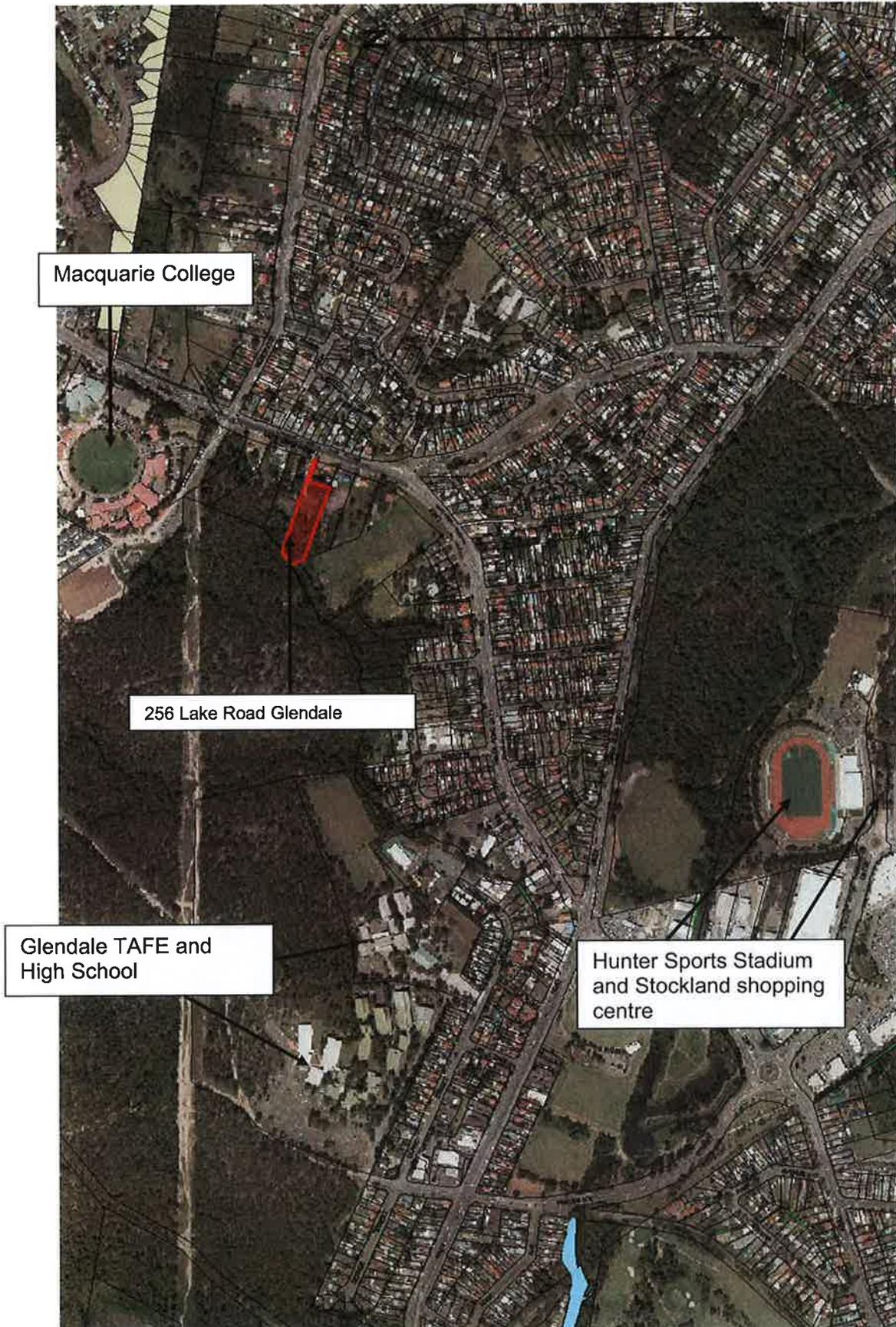










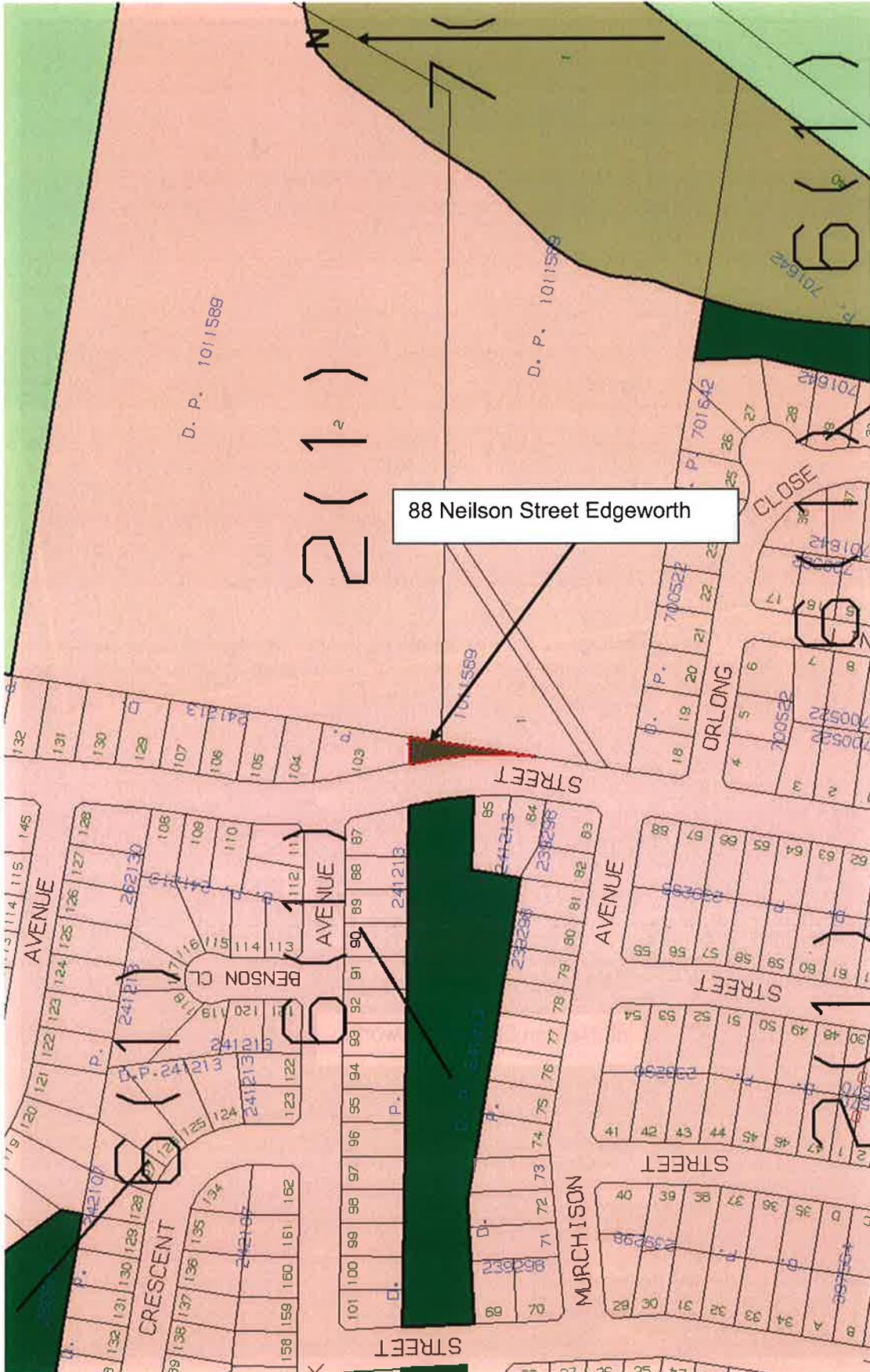


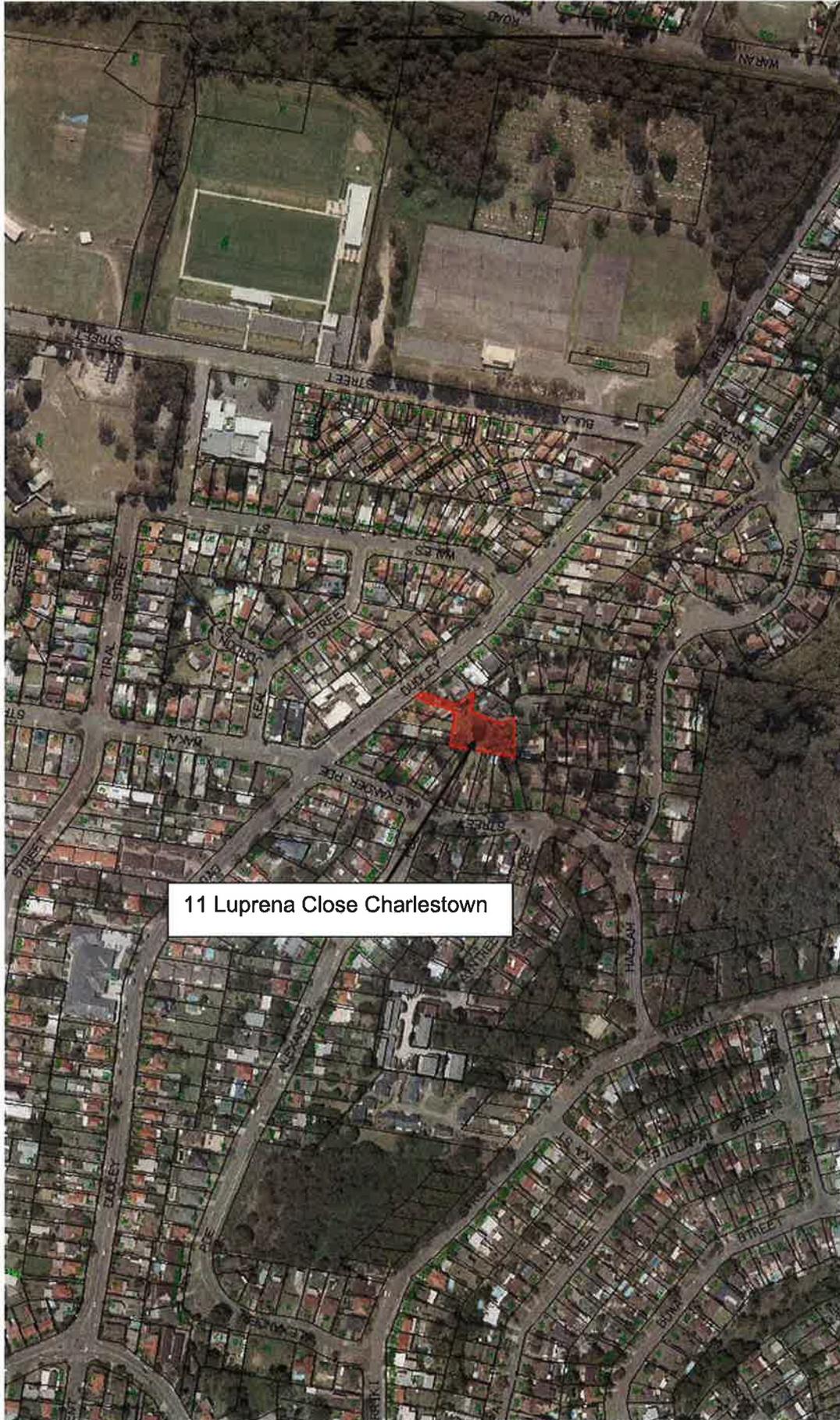


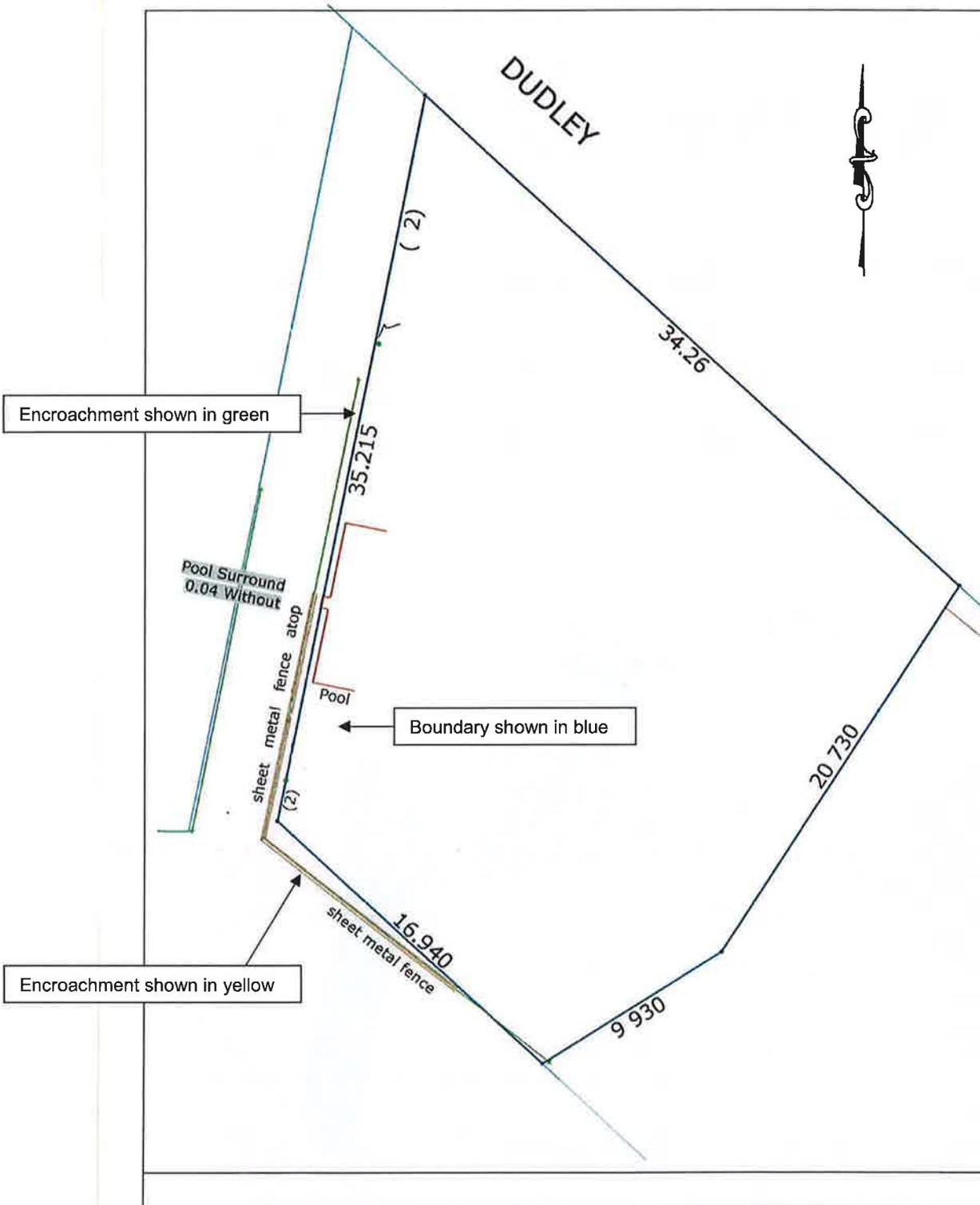
256 Lake Road Glendale













Recommendations of the City Strategy Committee Meeting

8 July 2013

13STRAT036 2013 Housekeeping Amendment - Lake Macquarie Local Environmental Plan 2004

Folder No: F2013/00804

Report By: Land Development Officer - Vanessa Hitchcock

Committee's Recommendation:

No. 4

- A. Council authorises the commencement of action to prepare a Planning Proposal, as follows:
- i) Reclassification of Lot 41 DP 556474 (8c Main Road Cardiff Heights) from Community Land to Operational Land for the purpose of sale to, NSW Roads & Maritime Services;
 - ii) Reclassification of Lot 42 DP 556474 (58c Marshall Street Lambton Heights) from Community Land to Operational Land for the purpose of sale to, NSW Roads & Maritime Services;
 - iii) Reclassification of part of Lot 31 DP 718196 (17 Walker Street Warners Bay) from Community Land to Operational Land, for the purpose of sale to the adjoining owner;
 - iv) Reclassification of Lot 12 DP 567707 (256 Lake Road Glendale) from Community Land to Operational Land, for sale or development purposes, and a further report be submitted to Council, in due course, on the allocation of the net proceeds from any sale.
 - v) Reclassification of Lot 102 DP 241213 (88 Neilson Street Edgeworth) from Community Land to Operational Land, and rezone from 6(1) Open Space to 2(1) Residential, for the purpose of sale to the adjoining owner; and
 - vi) Reclassification of part of Lot 27 DP 248873 (11 Luprena Close Charlestown) from Community Land to Operational Land and rezone from 6(1) Open Space to 2(2) Residential (Urban Living), for the purpose of sale to the adjoining owner to rectify encroachments.
- B. Council authorises the notification of Council's resolution, and submits a Planning Proposal pursuant to section 55 of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979), to the Department of Planning & Infrastructure (DoPI).
- C. Upon receipt of DoPI's Gateway Determination under section 56 of the EP&A Act 1979, and in accordance with DoPI's direction, Council authorises the exhibition of the Planning Proposal.

Recommendations of the City Strategy Committee Meeting

8 July 2013

- D. Council authorises notification of the public hearing, in a local newspaper, in accordance with section 29 of the Local Government Act 1993.

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

<u>For the Motion</u>	<u>Against the Motion</u>
Cr. Fraser	Cr. Paxinos
Cr. Wallace	
Cr. Johnston	
Cr. Coghlan	
Cr. Adamthwaite	
Cr. Denton	
Cr. Griffith	
Cr. Langford	
Cr. Pauling	
Cr. W Harrison	
Cr. J Harrison	
Cr. Dawson	
(carried)	

