

cw-OP4 Anthem Care, Retford Road, Bowral and Adjacent Council Land

Reference: PN1141900, PN1744650, PN1271400
Responsible Officer: Acting Deputy General Manager Operations, Finance & Corporate

PURPOSE

The intention of this Report is to obtain Council approval in relation to an outstanding property matter relating to land adjacent to the development known as Anthem Care, Bowral.

REPORT

BACKGROUND

On Wednesday, 9 October 2013, Council considered a Report relating to processes necessary to resolve outstanding property matters relating to land adjacent to the development known as Anthem Care, Bowral. Council resolved to defer the matter pending a briefing session and site inspection (CW 380/13):

THAT this item be deferred pending a briefing session and a site inspection AND THAT staff then look at the valuation issue.

On Wednesday, 26 February 2014, Council considered a report relating to this matter. It was resolved as follows (CW 25/14):

1. *THAT a formal valuation be obtained with respect to the Council land known as Lot 3 DP550860 AND THAT a formal valuation be obtained to assess the value of the portion of land to be gifted to Council as a detention basin for areas upstream of the Anthem Retirement Village, with both valuations at the expense of the applicant.*
2. *THAT upon receipt of the formal valuations referred to in resolution 1 above, a further Report be brought back to a Closed Committee of Council to determine whether a Planning Proposal to reclassify (to "operational") and rezone (to R2 Low Density Residential) Lot 3 DP550860 proceeds and to determine the terms and conditions of any future sale of Lot 3 DP550860 to the applicant. (Minute No.*

REPORT

Following the Council resolution of 26 February 2014, meetings were held with the owner of Anthem Care, Bowral, in relation to two (2) associated matters, being:

1. The Council resolutions made 26 February 2014; and
2. The need to rectify incorrect zoning of part of Anthem Care Bowral from RE1- Public Recreation to R2 – Low Density Residential.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 24 September 2014
**REPORT - ACTING DEPUTY GENERAL MANAGER OPERATIONS,
FINANCE & CORPORATE**



These two (2) matters will now be considered separately:

Council Resolutions – Planning Proposal & Proposed Sale of Land

As part of the development of the Anthem Care site, it had previously been determined that a detention basin would be required for areas upstream of the development. This formed part of the case put forward in the Council Report of 26 February 2014 for a 'land swap'.

Following the developer carrying out hydrological studies with respect to its development, it was found that a detention basin was no longer required for areas upstream of Anthem Care. As the proposal for a 'land swap' was superceded, the applicant, being the owner of Anthem Care, has now requested Council approval to simply purchase the Council Land adjacent to its property.

The vacant land has previously been considered by Council and is highlighted in the attached cadastral map (Attachment 3). The Council Land comprises a total of approximately 451 square metres being:

- i. Lot 3 Deposited Plan 550860 (404 square metres)
- ii. Lot 4 Deposited Plan 550860 (18.97 square metres)
- iii. A segment of closed road being Lot 1 Deposited Plan 1124628 (28.58 square metres).

The land above is referred to as the 'Council Land'.

The location of the Council Land the subject of this report was viewed by Councillors on Wednesday 13 November 2013 during a site inspection.

As the Council Land adjoins the drainage line adjacent to Stephens Park, the land has no potential use for Council. It is also not practical for recreational use for the community as it is separated from Stephens Park by an open drain. It is reasonable to see that the land could be far more effectively utilised by the applicant, following reclassification, rezoning and sale.

The Council Land proposed to be purchased by Anthem Care would enable the owner to:

- Form the unmade section of Park Road, which is the missing link between Hansen Street and the aged care facility.
- Construct a driveway and formal entrance to the aged facility carpark.
- Significantly enhance the street appeal off Hansen Street for neighbours and visitors to the facility and to the adjacent Stephens Park.
- Reduce possible traffic congestion on local streets by providing off-street car parking.
- Initiate a change of street name for the unmade section of Park Road (north) to assist emergency vehicles in locating the aged care facility.
- Contribute to trunk and sub-surface drainage upgrades including forming drainage from Hansen Street (currently an open drain).

This Report recommends that Council resolve to reclassify the Council Land from "community" to "operational" land and, following reclassification, to sell the land to Anthem Care Bowral at a price to be negotiated by Council's General Manager within 10% of the assessed value.

Rezoning of Privately Owned Land from RE1 – Public Recreation

On 12 February 2014 Council resolved to prepare a Planning Proposal to rezone the incorrectly zoned section of Anthem from RE1 Public Recreation to R2 Low Density Residential.

Should Council resolve to support the rezoning and reclassification of land dealt with in this report, the previous matter and current zoning/reclassification matter will be dealt with under a combined Planning Proposal to the Department of Planning & Environment.

LEGISLATION

Local Government Act 1993

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Amendment Act 2008

CONSULTATION

COMMUNITY ENGAGEMENT

If Council resolves to sell the Council Land to the applicant, it will be necessary to reclassify the Council Land from “community” to “operational” land. The Planning Proposal will also rezone the land to “R2 Low Density Residential” (being the zoning of adjacent properties). There will be extensive consultation with the community through the public exhibition of the Planning Proposal, a public meeting and opportunities for the general public to make submissions to Council regarding the reclassification and rezoning of the land.

INTERNAL CONSULTATION

This matter has been considered by Council’s Parks Assets Coordinator, Contributions/Land Use Planner, Team Leader Development Engineer and Property Officer.

EXTERNAL CONSULTATION

Registered Valuer.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social impacts in relation to this report.

- **Broader Economic Implications**

There are no broader economic implications in relation to this report.

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

To ensure proper governance of Council's property portfolio, thorough reporting and following due administrative process is essential.

RELATIONSHIP TO CORPORATE PLANS

In the 2013-2014 Operational Plan adopted by Council on 26 June 2013, the following aligns with the subject of this report:

Vision *"A community that values and protects the natural environment enhancing its held and diversity"*

Leadership *"An innovative and effective organisation with strong leadership"*

2013-2017 Delivery Program Objectives

Two of our Visions align with this report, being *Integrity, Trust and Respect* and *Responsibility and Accountability*.

These specific objectives of the Delivery Program align with the subject of this report

1. Our leadership is based on open, transparent and ethical governance
2. Ensure timely, accurate and open communication
3. Administer and manage Council owned land and operational property

Council Functions

The Places principal activities Council will undertake during 2013/14 include Asset Management:

Ensure assets are maintained at a safe and functional standard and manage the utilisation of Council's assets to maximise provision of Council's services and facilities (within budget whilst aiming towards W2031+)

Position Statements

The Position Statements included in the Delivery Plan makes the position of Council clear on the following critical issues:

Finance

Council is committed to providing services and facilities to the community in a fiscally responsible manner and will continue to improve financial transparency and accountability.

Environment

Our local environment is unique, with rich biodiversity, complex ecosystem, intricate waterways, variety of landforms, soils and generous living conditions, which form the cornerstone of our habitation, heritage, and economic strength. It is a valuable resource, both for current and future generations. Council is committed to protection of our local environment, the prevention of pollution and degradation and improving the sustainability of our operations and services.

COUNCIL BUDGET IMPLICATIONS

If it is resolved by Council to proceed with the Planning Proposal and the subsequent sale of the Council Land to Anthem Care, the proceeds of sale of the subject Council Land will be credited to Council's Property Development Reserve.

The sale price will be determined based on the formal valuations obtained from a registered valuer. It is recommended that the General Manager be delegated authority to negotiate within 10% of the assessed value. .

RELATED COUNCIL POLICY

Asset Management Policy adopted by Council on 28 July 2011 (MN316/10):

Asset Management is a key functional part of the Integrated Planning & Reporting process and needs to be integrated across Council. This policy aims to provide the platform for this endeavour.

Statement of Business Ethics adopted by Council 25 March 2009 (MN 88/09) and amended 11 May 2011 (MN165/11):

The Statement of Business Ethics is a means of providing guidance regarding the standards of ethical behaviour that external service providers can expect from Councillors and members of staff. Similarly, the Statement articulates the standards of ethical behaviour expected of external service providers in their dealings with Council. This Statement will apply to any registered valuers or other professionals, including panel solicitors, engaged with respect the recommendations made in this Report.

OPTIONS

The options available to Council are:

Option 1

This Option recommends that Council prepare and exhibit a Planning Proposal to reclassify the Council Land from "community" to "operational" land and to rezone the land to R2 Low Density Residential.

This Option is recommended so that Council can dispose of the Council Land (including the closed section of road) which is impractically located for incorporation into Stephens Park and community recreational use.

Option 2

This Option suggests that Council declines the request of the applicant to purchase the Council Land.

This Option is not recommended as Council will be left with the remnant titles of the Council Land and closed road that cannot be practically utilised by the community (sitting between the Hansen Street, the section of Park Road to be formed and the Anthem Care development) and which cannot be incorporated into Stephens Park.

Option 1 is the recommended option to this report.

CONCLUSION

The Council Land comprises three (3) small segments of unmaintained and unutilised land including a section of closed road, off Hansen Street Bowral. As the Council Land adjoins the drainage line adjacent to the northern boundary of Stephens Park, the land is of no potential use for Council nor can it be accessed or utilised for community recreational use.

It is logical that the land could be utilised by the applicant, following reclassification, rezoning and sale, to construct a driveway and entrance to the retirement village which would significantly enhance the street appeal from Hansen Street for neighbours and visitors to the Retirement Village and Stephens Park.

This Report recommends that Council proceed with a Planning Proposal to reclassify the Council Land from “community” to “operational” land and rezone to R2 Low Density Residential. Following reclassification the Council Land and the section of closed road can then be sold to Anthem Care Bowral within 10% of the assessed value.

ATTACHMENTS

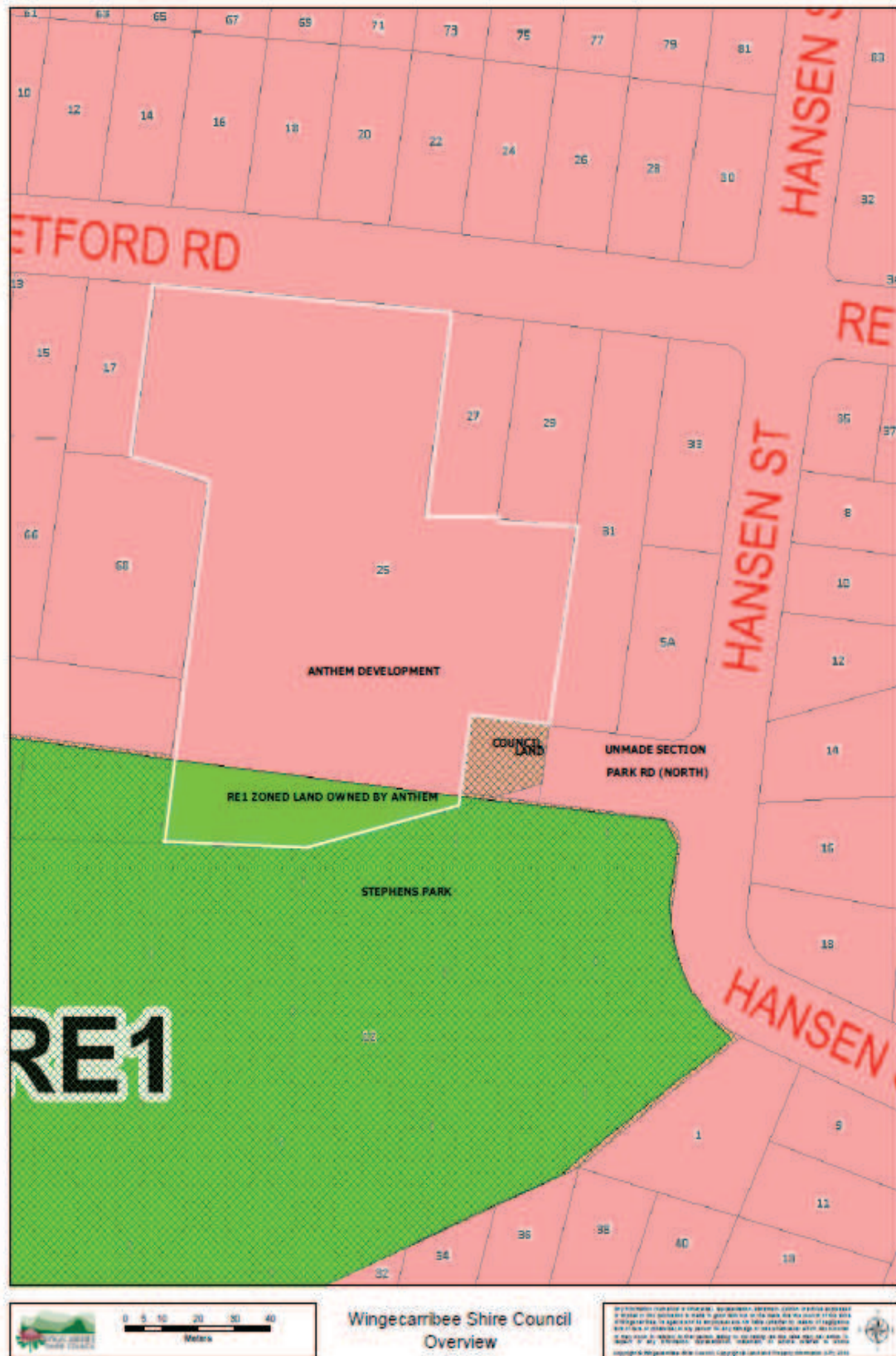
There are three (3) attachments to this report, as follows:

1. Overview Map showing zoning of Council Land and land owned by Anthem Care Bowral.
2. Cadastral Map showing the Council Land including the closed section road.
3. Aerial Map.

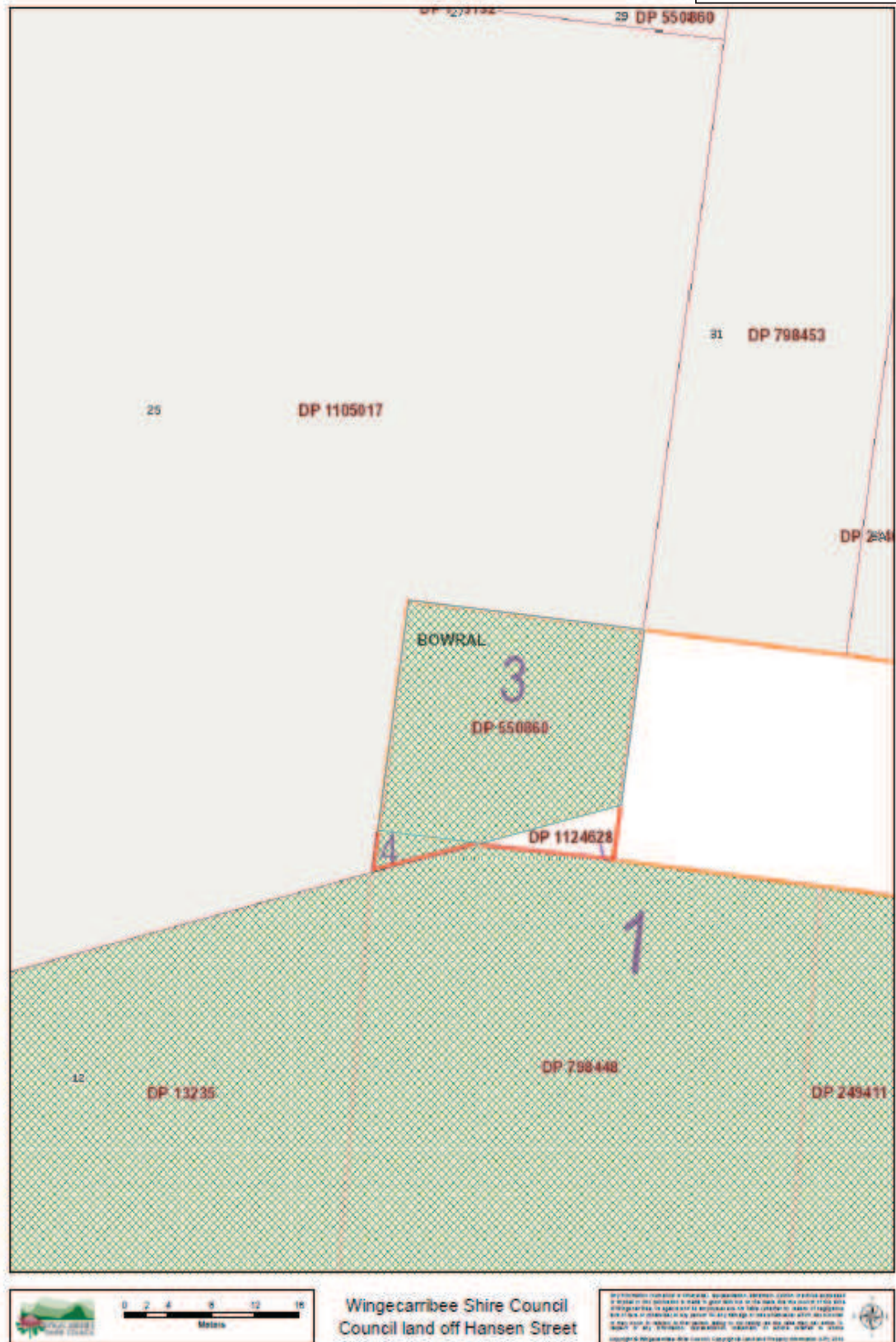
RECOMMENDATION

1. **THAT** Council proceed with a Planning Proposal to reclassify (from “community” to “operational”) and rezone (from to R2 Low Density Residential) Lot 4 Deposited Plan 550860.
 2. **THAT** Council proceed with a Planning Proposal to reclassify (from “community” to “operational”) Lot 3 Deposited Plan 550860.
 3. **THAT** Council’s Acting General Manager be delegated authority to negotiate the sale of the Council Land referred to in resolution 1 above including the section of closed road being Lot 1 Deposited Plan 1124628 within 10% of the value assessed by formal valuation.
 4. **THAT** Council’s Acting General Manager and Mayor be delegated authority to negotiate any Agreement, Transfer or Real Property Dealing required to give effect to resolution 3 above.
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ATTACHMENT 1



ATTACHMENT 2



ATTACHMENT 3

