

# PLANNING PROPOSAL

Gateway Version (May 2019 v4)

## Reclassification of Community Land to Operational Land at Various Sites

### 2018 Housekeeping Amendment

Amendment to  
Lake Macquarie Local Environmental Plan 2014

Prepared by  
LAKE MACQUARIE CITY COUNCIL

Subject lands:

9C Albert Street, Edgeworth  
38C Bayview Street, Warners Bay  
37A Highfields Parade, Highfields  
Apex Street, Belmont  
Part of 8A Kawara Place, Kahibah  
356 Awaba Road, Toronto  
146C Princeton Avenue, Adamstown Heights  
1A Macquarie Road, Fennell Bay  
36 & 36A Wommara Avenue, Jewells  
6 Tristania Close, Teralba



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# Planning Proposal

## 2018 Housekeeping Amendment

### Draft Amendment F2018/00510 to Lake Macquarie Local Environmental Plan 2014

**Gateway Version (May 2019 v4)**

<b>Local Government Area:</b>	Lake Macquarie City Council (LMCC)
<b>Name of Draft LEP:</b>	Draft Amendment F2018/00510 to Lake Macquarie Local Environment Plan 2014
<b>Subject Land:</b>	<p>The planning proposal includes the following 9 items:</p> <ul style="list-style-type: none"><li>• Item 1: 9C Albert Street EDGEWORTH Lot 2 DP 506929</li><li>• Item 2: 38C Bayview Street WARNERS BAY Lots 1 DP 651248</li><li>• Item 3: 37A Highfields Parade HIGHFIELDS Lot 198 DP 18348</li><li>• Item 4: Apex Street BELMONT Part of Lots 41 DP 557183, Lot 1 DP 511858, Lot 2 DP 525267 and Lot 2 DP 519114</li><li>• Item 5: Part of 8A Kawara Place, Kahibah, Lot 30 DP 245090</li><li>• Item 6: 356 Awaba Road TORONTO Part of Lot 101 DP 1228040</li><li>• Item 7 146C Princeton Avenue ADAMSTOWN HEIGHTS Lot 138 DP 252655</li><li>• Item 8: 1A Macquarie Road FENNEL BAY Lot 9 DP 25866, Lot 5 DP 209770 &amp; part road Reserve</li><li>• Item 9. 36 &amp; 36A Wommara Avenue JEWELLS Lot 1 DP 652310, Lot 2 DP 652311, Lot 3 DP 652312 &amp; part Lot 153 DP 246099</li><li>• Item 10 6 Tristania Close TERALBA Lot 32 DP 716248</li></ul> <p><i>(Refer to Appendix A for further details)</i></p>
<b>Land Owners:</b>	Lake Macquarie City Council (LMCC)
<b>Applicant:</b>	Lake Macquarie City Council (LMCC)
<b>Department of Planning and Environment reference number:</b>	
<b>Council Reference Number:</b>	F2018/00510
<b>Date:</b>	May 2019
<b>Author:</b>	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 Operation Land for the purpose of road dedication:*

- Item 1: 9C Albert Street EDGEWORTH  
Lot 2 DP 506929
- Item 2: 38C Bayview Street WARNERS BAY  
Lot 1 DP 651248
- Item 3: 37A Highfields Parade HIGHFIELDS  
Lot 198 DP 18348, (NOTE: also requires rezoning)
- Item 4: Apex Street BELMONT  
Part of Lots 41 DP 557183, Lot 1 DP 511858, Lot 2 DP 525267 and  
Lot 2 DP 519114

*Reclassification only of the following Council owned sites from Community Land to Operation Land:*

- Item 5 Part of 8A Kawara Place, Kahibah, Lot 30 DP 245090.

*Rezone the following Council owned sites and make a range of associated zoning and development standard changes:*

- Item 6: 356 Awaba Road TORONTO  
Part of Lot 101 DP 1228040
- Item 8: 1A Macquarie Road FENNELL BAY  
Part road reserve adjoining Lot 11 DP 562939

*Reclassification of the following Council owned sites from Community Land to Operation Land and make a range of associated zoning and development standard changes:*

- Item 7 146C Princeton Avenue ADAMSTOWN HEIGHTS  
Lot 138 DP 252655
- Item 9. 36 & 36A Wommara Avenue JEWELLS  
Lot 1 DP 652310, Lot 2 DP 652311, Lot 3 DP 652312 & part Lot 153  
DP 246099
- Item 10 6 Tristania Close TERALBA  
Lot 32 DP 716248

The Planning Proposal has been prepared in accordance with section 3.33 (old sec 55) 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.

## 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 10 items in this planning proposal are as follows:

- Items 1 to 4: reclassify the identified lands from Community Land to Operational Land (with Item 3 also to be rezoned) for the purpose of road dedication and include within Schedule 4 of LMLEP 2014.
- Item 5: reclassify the identified land from Community Land to Operational Land for the purpose of drainage works and include within Schedule 4 of LMLEP 2014.
- Item 6: rezone the identified land to provide a larger recreational area for possible district use in the area.
- Item 8: rezone the identified land (which is also subject to a road closure application) for the purpose of maintaining Endangered Ecological Communities (EEC) in Council's control and ownership.
- 7, 9 & 10: reclassify the identified land from Community Land to Operational Land and include within Schedule 4 of LMLEP 2014 and make a range of associated zoning and development standard changes.

## 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"> <li>• Reclassify the subject land from Community to Operational Land (Include within Schedule 4)</li> <li>• The Land Zoning Map is currently R2 Low Density Residential and will not change</li> <li>• The Height of Buildings Map is currently 8.5m and will not change</li> <li>• The Lot Size Map is currently 450m2 and will not change</li> </ul>
2	<ul style="list-style-type: none"> <li>• Reclassify the subject land from Community to Operational Land (Include within Schedule 4)</li> <li>• The Land Zoning Map is currently R2 Low Density Residential and will not change</li> <li>• The Height of Buildings Map is currently 8.5m and will not change</li> <li>• The Lot Size Map is currently 450m2 and will not change</li> </ul>
3	<ul style="list-style-type: none"> <li>• Reclassify the subject land from Community to Operational Land (Include within Schedule 4)</li> <li>• Amend the Land Zoning Map from RE1 Public Recreation to R2 Low Density Residential, consistent with surrounding zones</li> <li>• The Height of Buildings Map is currently 8.5m and will not change</li> <li>• Amend the Lot Size Map to include the subject land to show the minimum lot size for land zoned R2 Low Density Residential – 450m2.</li> </ul>
4	<ul style="list-style-type: none"> <li>• Reclassify the subject land from Community to Operational Land (Include within Schedule 4)</li> <li>• The Land Zoning Map is currently RE1 Public Recreation and will not change</li> <li>• The Height of Buildings Map is currently 8.5m and will not change</li> </ul>

Item No.	Explanation of provisions
5	<ul style="list-style-type: none"> <li>• Reclassify the subject land from Community to Operational Land (Include within Schedule 4)</li> <li>• The Land Zoning Map is currently RE1 Public Recreation and will not change</li> <li>• The Height of Buildings Map is currently 8.5m and will not change</li> </ul>
6	<ul style="list-style-type: none"> <li>• Amend the Land Zoning Map from IN2 Light Industrial to RE1 Public Recreation, consistent with surrounding zones</li> <li>• Amend the Height of Buildings Map from 15m to 8.5m.</li> <li>• Remove from the Lot Size Map.</li> </ul> <p>NOTE: The land has already been reclassified from Operational Land to Community Land by Government Gazette.</p>
7	<ul style="list-style-type: none"> <li>• Reclassify the subject land from Community to Operational Land (Include within Schedule 4)</li> <li>• Amend the Land Zoning Map from RE1 Public Recreation to R2 Low Density Residential, consistent with surrounding zones</li> <li>• The Height of Buildings Map is currently 8.5m and will not change</li> <li>• Amend the Lot Size Map to include the subject land to show the minimum lot size for land zoned R2 Low Density Residential – 450m2.</li> </ul>
8	<ul style="list-style-type: none"> <li>• Amend the Land Zoning Map for part of the land from R2 Low Density Residential to RE1 Public Recreation, consistent with the vegetation map</li> <li>• The Height of Buildings Map is currently 8.5m and will not change</li> <li>• Remove part of the land from the Lot Size Map.</li> </ul> <p>NOTE: Part of the land shall be reclassified from Operational Land to Community Land by Government Gazette once this Amendment is complete.</p>
9	<ul style="list-style-type: none"> <li>• Reclassify the subject land from Community to Operational Land (Include within Schedule 4)</li> <li>• Amend the Land Zoning Map from RE1 Public Recreation and E2 Environmental Conservation to R2 Low Density Residential, consistent with surrounding zones</li> <li>• The Height of Buildings Map is currently 8.5m and 5.5m. Amend the Height of Buildings Map to be 8.5m for the subject land.</li> <li>• Amend the Lot Size Map to include the subject land to show the minimum lot size for land zoned R2 Low Density Residential – 450m2.</li> </ul>
10	<ul style="list-style-type: none"> <li>• Reclassify the subject land from Community to Operational Land (Include within Schedule 4)</li> <li>• Amend the Land Zoning Map from RE1 Public Recreation to R2 Low Density Residential, consistent with surrounding zones</li> <li>• The Height of Buildings Map is currently 8.5m and will not change</li> <li>• Amend the Lot Size Map to include the subject land to show the minimum lot size for land zoned R2 Low Density Residential – 450m2.</li> </ul>

## 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.

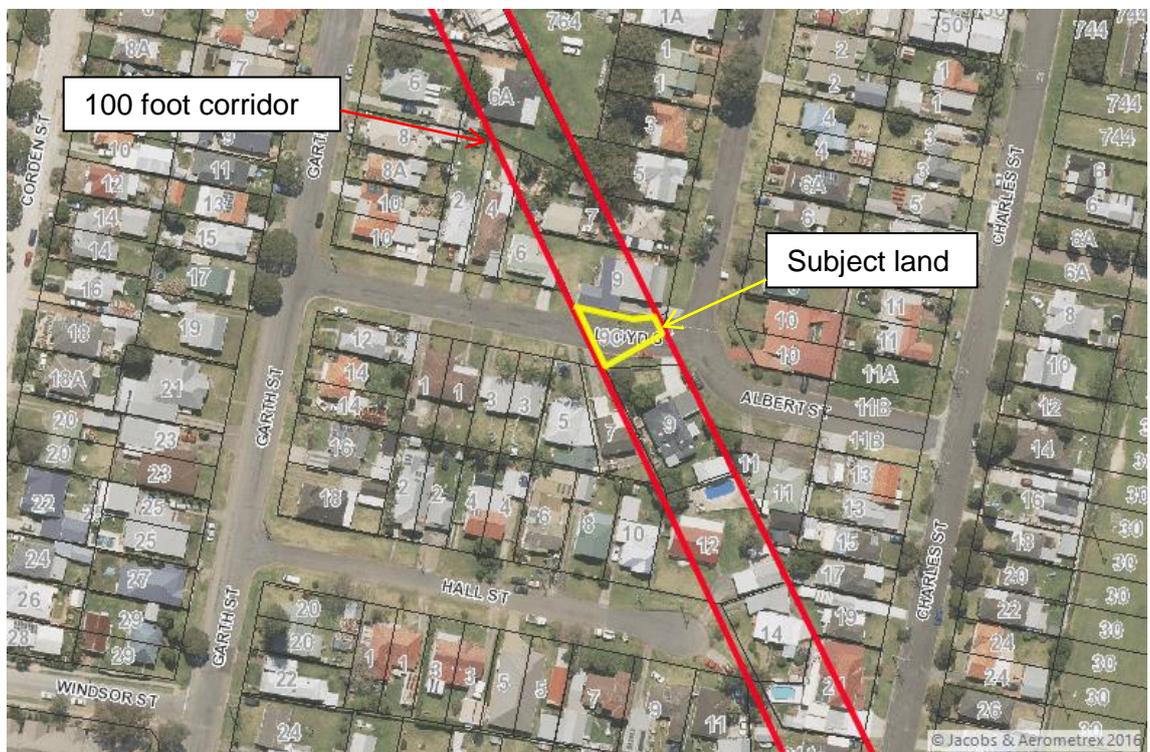
Necessary investigations were undertaken into each property to determine their appropriateness for reclassification. The outcomes of these investigations and reasoning to pursue the proposed amendments are outlined below.

- **ITEM 1: 9C Albert Street EDGEWORTH Lot 2 DP 506929**

When the land was originally subdivided in 1825 Albert and Lloyd Streets were dissected by a corridor 100 foot wide, running diagonally across the subdivision, believed to be for a public utility (possibly water).

The corridor was abandoned sometime around 1960 and people started to use the subject land as a road connecting Lloyd Street to Albert Street. Historic aerial photos show that the road had been formed by 1979.

In 1961 under DP 503222, two lots were created with the intention of dedicating them as road. However, only one was registered with the LPI, and by default the other has become Community land. Council now wants to formalise this land as road.



- **ITEM 2: 38C Bayview Street WARNERS BAY - Lots 1 DP 651248**

The land comprises of a small triangular piece, which spans across the front of Nos 36 & 38 Bayview Street. In 1964, this section of the road was closed and sold to Council. It is unclear as to why this section of road was closed, presumably for Council to on-sell to one of the adjoining owners, however this did not happen.

Although the land is small, it is legally preventing vehicular access to the two adjoining properties (36 & 38 Bayview Street) and are effectively making them land locked. If the land is dedicated as road, then driveways and vehicle access can be provided to these two adjoining sites. Before the land can be dedicated as road, it needs to be reclassified to Operational Land.

- **ITEM 3: 37A Highfields Parade HIGHFIELDS – Lot 198 DP 18348**

This land is crucifixual in shape approximately 18.5m wide by 66m long, which is used as a drainage reserve located behind approximately 50 properties fronting either Highfields Parade or Kahibah Road. The land has an area of approximately 6,900sqm.

The land is mainly vacant with a sealed access road formed in the middle, which then turns south-west into Kahibah Road down a narrow access channel arm. The north-east arm and southern end are not sealed and are mainly lawn.

Council has drainage pipes and pits located along the majority of the drainage reserve.

Many properties have erected garages and driveways on the rear of their own land but gaining vehicular access off the sealed access road, and it is unknown if these have been with Council's consent. A recent development application for a dual occupancy whose only vehicular access was from this land, has highlighted that some residents assume this land is a public road, rather than drainage reserve classified as Community Land.

Access to private property over Community Land is not permitted. However, the ongoing use of the land as a public road is supported.

- **ITEM 4: Apex Street BELMONT - Part of Lots 41 DP 557183, Lot 1 DP 511858, Lot 2 DP 525267 and Lot 2 DP 519114**

Apex Street provides vehicular access and car parking to the sporting facilities provided in the Council reserve, especially the netball courts. However, over time it has also become a link road between Livingstone Street, Hitchcock Avenue and Merleview Street.

The Department of Housing has constructed a town house complex that uses Apex Street for its vehicular access. Other houses adjoining the road have approached Council to use Apex Street for vehicular access for rear garages and dual occupancy developments, which have been denied because Apex Street has not been formally dedicated.

Apex Street has been formed on land that is Council's reserve and classified as community land. Roads are only permissible (under the Plan of Management) if they provide access to facilities within the reserve, but not if they are used for access to private facilities (outside the reserve) or as part of the road network.

The proposal is to formalise and dedicate Apex Street as a Road. A reclassification is required to Operational Land before the road can be dedicated.

- **ITEM 5: Part of 8A Kawara Place KAHIBAH - Lot 30 DP 245090**

Council has received a Development Application for residential units on 327 Pacific Highway, Highfields. The stormwater disposal from the site is proving to be difficult, with the preferred option being to follow the natural drainage line which falls to the rear of the site, over an adjoining private property (a private easement would be needed) and then into Council's reserve at 8A Kawara Place, Kahibah, where a drainage dispersal wall shall be constructed.

Section 46 of the LG Act enables Council to grant an easement to drain water over Community Land to adjoining owners only, and into existing infrastructure within the Community Land.

However, section 46 does not apply as the applicant is not an adjoining owner and is not connecting to existing infrastructure as they are constructing a dispersal wall.

Accordingly, Council now wishes to reclassify part of the land (a strip approximately 6m wide – see below) to facilitate drainage facilities and an easement for drainage purposes. The remainder of the site shall be retained as community land.



- **ITEM 6: 356 Awaba Road TORONTO – Part of Lot 101 DP 1228040**

The Toronto Development Contributions Plan identifies that additional recreational facilities in the West Lakes area is required. As Council owns two sites side by side at 356 Awaba Road and 1 Woodbine Place, Toronto, it is the preferred location as both sites are already owned by Council.

**Possible Future Proposal:**

Stage 1: Construct 12 new netball courts, amenities, detention basin, access road & car parking

Stage 2: Progressively adding netball courts (up to 20 courts) as required



However, the site zoned for recreational purposes (356 Awaba Road) requires additional land for its proposed recreational use (as possible district netball courts) and it requires enlarging prior to development. As Council also owns the site to the south (1 Woodbine Place) which is zoned IN2, Council resolved on 10 April 2017 to address the size issues through a boundary adjustment, rezoning and reclassification to incorporate approximately 1650sqm into the reserve land.

The boundary adjustment and reclassification is now complete. A rezoning from IN2 Light Industrial to RE1 Public Recreation is now proposed to ensure the land is suitable for its possible future recreational use.

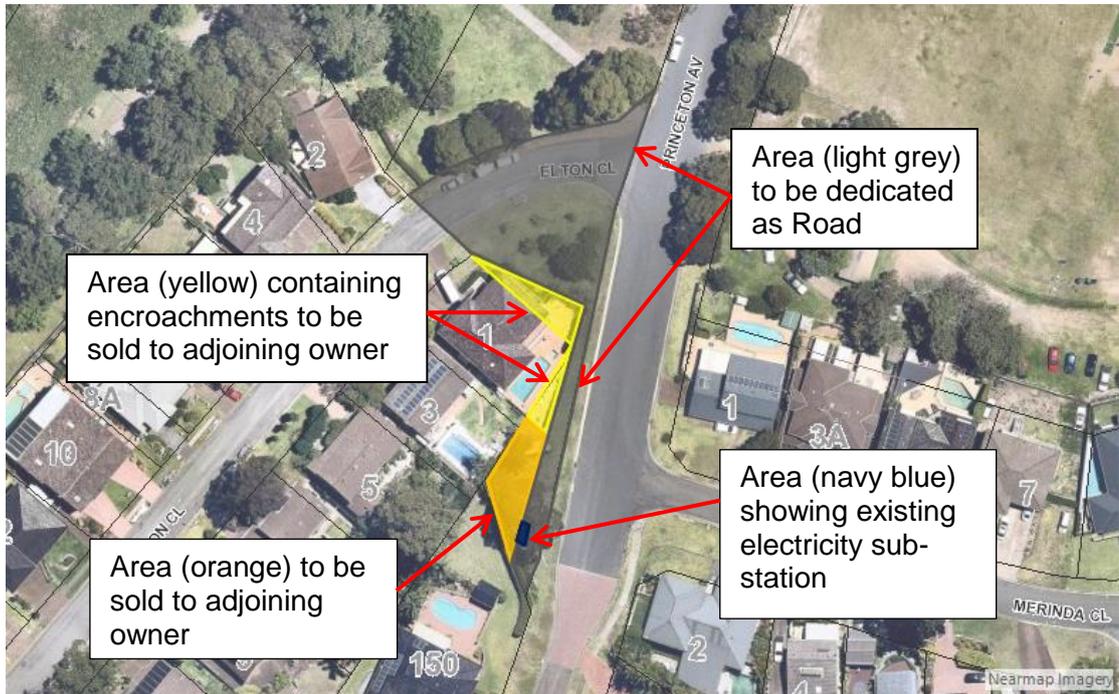
- **ITEM 7: 146C Princeton Avenue ADAMSTOWN HEIGHTS – Lot 138 DP 252655**

When DP 261260 was created in 1981, access to Elton Close was over Council’s reserve for approximately 15 metres, near its intersection with Princeton Avenue. This section of road was never dedicated, and today it has been formed and gives vehicular access to approximately 50 houses.

Elton Close effectively isolates the southern part of the reserve that runs along Princeton Avenue. This has been compounded by some illegal encroachments (coloured yellow), and this section of the reserve is now unusable as open space.

Accordingly, it is considered appropriate to dedicate that part of Elton Close shaded grey below as a Road, and sell the parts shaded orange and yellow to the adjoining owners. The funds from the sale of the land shall go to Council’s Community Land Reserve fund. The electricity substation (shown navy blue below) is to remain on Council land.

To give effect to this approach it is necessary to reclassify the subject land as Operational Land and rezone the areas to be sold from RE1 Public Recreation to R2 Low Density Residential.



**ITEM 8: 1A Macquarie Road FENNELL BAY – Part road reserve adjoining Lot 11 DP 562939**

The land was originally set aside for public school under DP 882 in 1883. Since that time, there have been several subdivisions which kept realigning Macquarie Road, leaving Council with a large road reserve and two residue blocks of land which are both classified as Operational land.

The land at the corner of Brougham Avenue & Macquarie Road, shown green, contains existing remnant bushland containing some endangered ecological communities (EEC). As such, Council wishes to maintain this land as Community Land which will require the land to be rezoned from R2 Low Density Residential to RE1 Public Recreation.

The remainder of the land, shown red (zoned R2 Low Density Residential), will be subject to a road closure application (not part of this proposal, but being processed concurrently with it). If the road closure application is successful, the land will be subdivided and sold for residential blocks. The funds from the sale of the land shall go to Council's Roads & Drainage Reserve fund.



- **ITEM 9: 36 & Part 36A Wommara Avenue JEWELLS – Lot 1 DP 652310, Lot 2 DP 652311, Lot 3 DP 652312 & part Lot 153 DP 246099**

Wommara Avenue and the surrounding land was originally subdivided in 1928, with Lot 1, Lot 2 and Lot 3 being on the edge of the subdivision and separated by a paper road (which was the continuation of Ntaba Road). The roads (except Ntaba Road) were dedicated to Council at that time.

In 1960, a road reserve 33 metres wide was created which cut through these lots. This made each lot undersized for residential development. When the new road was abandoned (about 1982) Council acquired this land (3 lots and road corridor) which were then made open space in 1988.

The adjoining land known as 36A Wommara Avenue came into Council ownership, when it was identified as Public Reserve in 1988 when Stage 4 of the Scenerama Estates subdivision plan was registered.

The Fernleigh Track now travels along the eastern boundary of Lot 153 DP 246099, preventing vehicular access to Kalaroo Road, and making the road reserve redundant.

As the road is now redundant, it is considered appropriate to propose closure of the road (not part of this proposal, but being processed concurrently with it). If the road closure application is successful, the intention is to consolidate the land with the adjoining property and offer for public sale, or develop for residential purposes. The funds from the sale of the land shall be proportionately divided between Council's Roads & Drainage Reserve fund and Council's Community Land Reserve Fund.

To support this, the land needs to be reclassified to operational and rezoned from RE1 Public Recreation to R2 Low Density Residential.

- **ITEM 10: 6 Tristania Close TERALBA – Part Lot 32 DP 716248**

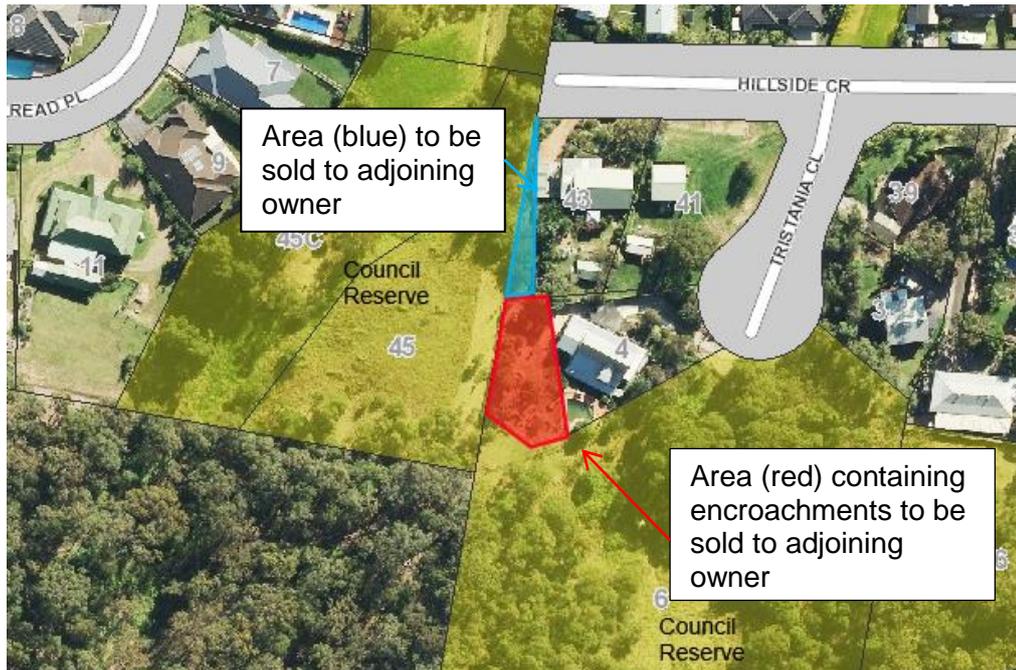
Council has identified that an adjoining property at 4 Tristania Close, Teralba (Lot 31 DP 716248) has encroachments at the rear of their property that extend into the adjoining public reserve. These encroachments include retaining walls, pergola, possible pool decking and major landscaping works. These works have taken place without Council approval.

Community Planning have identified that as the works are substantial, they will not take legal action to have them removed, but will reclassify and sell the affected land to that adjoining owner. The funds from the sale of the land shall go to Council's Community Land Reserve Fund.

The extent of these works, means that the boundary to the reserve is now uneven, and accordingly, Council has approached another adjoining owner to see if they wish to buy a small slither of land, to straighten the boundary to the reserve.

The subject lands are classified Community land and zoned RE1 Public Recreation. Landscaping works for private use is prohibited.

The proposal is to reclassify part of the land from Community land to Operational land and rezone the land from RE1 Public Recreation to R2 Low Density Residential. The land will then need to be consolidated within the adjoining properties, this will enable Council to sell the land to the adjoining owners and the encroachments will then form part of the adjoining owner's land.



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 (except Items 6 & 8 which require a rezone only) are classified as Community Land under the provisions of the Local Government 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 (old sec 94) 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	9C Albert Street EDGEWORTH Lot 2 DP 506929	Community change to Operational for Road Dedication	Crown Grant	Retain

Item No	Address	Classification of Land	Interests in land	Reason why interests are extinguished
2	38C Bayview Street WARNERS BAY Lot 1 DP 651248	Community change to Operational for Road Dedication	Minerals & Crown Grant	Retain
3	37A Highfields Parade HIGHFIELDS Lot 198 DP 18348	Community change to Operational for Road Dedication	Crown Grant	Retain
4	Apex Street BELMONT  Part of Lot 41 DP 557183	Community change to Operational for Road Dedication	Minerals by Crown Grant	Retain
			Road in Title diagram	Retain – relates to Road or Tramway 33ft wide
			372914 ROW 50 links wide	Extinguish – road relates to Lot 1 in DP 3562 not this lot which was created out of Lot 4 DP 3562
			DP557183 Easement for access M898630	Extinguish - road will now provide access
			R804604 Easement for rising main	Retain
	Apex Street BELMONT  Part of Lot 1 DP 511858	Community change to Operational for Road Dedication	Minerals by Crown Grant	Retain
			Minerals (below 15.25 metres)	Retain
	Apex Street BELMONT  Lot 2 DP 525267	Community change to Operational for Road Dedication	Minerals by Crown Grant	Retain
			Minerals (below 15.25 metres)	Retain
			F146922 Requirements for house construction	Extinguish – Planning controls now ensure quality of building
	Apex Street BELMONT  Part of Lot 2 DP 519114	Community change to Operational for Road Dedication	Minerals (s141 Public Works Act)	Retain
			Minerals (Vol 3898 Folio 146)	Retain
			Minerals by Crown Grant	Retain
			R804604 – Easement Rising Main	Retain
			AE163972 – Easement Sewer Main	Retain

<b>Item No</b>	<b>Address</b>	<b>Classification of Land</b>	<b>Interests in land</b>	<b>Reason why interests are extinguished</b>
5	Part of 8A Kawara Place KAHIBAH Part of Lot 30 DP 245090	Community change to Operational for Drainage purposes	Crown Grant	Retain
			K200000P Public Reserve	Extinguish for that part of Lot to be reclassified, retain for remainder of Lot
6	356 Awaba Road TORONTO Part of Lot 101 DP 1228040	Amend zoning to RE1 Public Recreation for public use	Crown Grant	Retain
			Minerals below 20 metres	Retain
			Public Reserve	Retain
			Easement to Drain Water DP1002247	Retain
			Easement to Drain Water DP1164349	Retain
			Restriction to User – Removal of trees	Retain
			Easement to Drain Water DP1164349	Retain
			Restriction to User – No built improvements	Retain
7	Part of 146C Princeton Avenue ADAMSTOWN HEIGHTS Lot 138 DP 252655	Community change to Operational for sale to adjoining owners	Crown Grant	Retain
			254399 – Rights to Mine	Retain
			K200000P – Public Reserve	Extinguish for that part of Lot to be sold, retain for remainder of Lot
8	1A Macquarie Road FENNELL BAY Lot 5 DP 209770	Amend zoning to RE1 Public Recreation for public use	Minerals & Crown Grant	Retain
			Public Reserve	Extinguish
	1A Macquarie Road FENNELL BAY Lot 9 DP 25866	Amend zoning to RE1 Public Recreation for public use	Minerals & Crown Grant	Retain
9	36 Wommara Avenue JEWELLS Lot 1 DP 652310	Community change to Operational & rezone to R2 Low Density Residential	Crown Grant	Retain

Item No	Address	Classification of Land	Interests in land	Reason why interests are extinguished	
	36 Wommara Avenue JEWELLS Lot 2 DP 652311	Community change to Operational & rezone to R2 Low Density Residential	Crown Grant	Retain	
			B230971 – Minerals	Retain	
	36 Wommara Avenue JEWELLS Lot 3 DP 652312	Community change to Operational & rezone to R2 Low Density Residential	Crown Grant	Retain	
			B230971 – Minerals	Retain	
	Part of 36A Wommara Avenue JEWELLS part Lot 153 DP 246099	Community change to Operational & rezone to R2 Low Density Residential	Crown Grant	Retain	
			Minerals Vol 3898 Fol 143	Retain	
			AK538904 – Public Reserve	Extinguish for that part of Lot to be reclassified, retain for remainder of Lot	
			AK657090 Easement for Sewer Main	Retain	
	10	Part of 6 Tristania Close TERALBA Part Lot 32 DP 716248	Community change to Operational & rezone to R2 Low Density Residential	Crown Grant	Retain
				Minerals BK 1318 No 572	Retain
Restriction on Use - DP 716248				Retain	
K200000P Public Reserve				Extinguish for that part of Lot to be sold, retain for remainder of Lot	

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 easements have also been retained except for Apex Street, where current Right of Way (ROW) and easement for access will not be required once the land is dedicated as road.

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 the subject of this planning proposal.

## **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 Items 8 (1A Macquarie Road, Fennell Bay) and 9 (36 & 36A Wommara Avenue, Jewells) will enable Council to provide greater housing choice, which is a specific aim of the HRS under Goal 4 – Greater housing choice and jobs. This will satisfy Direction 21.6 – Provide greater housing choice by delivering diverse housing, lot types and sizes, including small-lot housing in infill and greenfill locations, and 21.7 – Promote new housing opportunities in urban areas to maximise the use of existing infrastructure. The reclassifications will enable Council to release approximately ten new housing lots by developing land already in its ownership.

*Greater Newcastle Metropolitan Plan*

The proposed reclassifications are consistent with the Greater Newcastle Metropolitan Plan 2036 (GNMP), which sets out strategies and actions that will drive sustainable growth across Cessnock City, Lake Macquarie City, Maitland City, Newcastle City and Port Stephens communities, which together make up Greater Newcastle.

The proposed reclassification, rezoning and development of Items 8 (1A Macquarie Road, Fennell Bay) and 9 (36 & 36A Wommara Avenue, Jewells) will enable Council to provide infill housing opportunities out of land identified as surplus to Council's needs, which is a specific aim of the plan under Strategy 16 – Prioritise the delivery of infill housing opportunities within existing urban areas.

The proposed rezoning of Item 6 (356 Awaba Road, Toronto) will enable Council to provide a recreational space large enough to satisfy Strategy 6 – Promote Tourism, sporting teams...etc, and Strategy 11 – Create more great public spaces where people come together. In particular, this would satisfy Action 11.1 – Enhance community access to sporting...facilities.

The rezonings and reclassifications will enable Council to release approximately ten new housing lots by developing land already in its ownership.

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.

The proposed reclassifications of Items 8 and 9 will satisfy Strategic Direction 3 – A well designed adaptable and liveable city, identified in outcome 3.19, the need for a diversity of lot sizes and housing to meet users' needs.

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

*Draft Lifestyle 2050 Strategy*

The draft *Lifestyle 2050 Strategy* has recently been on public exhibition, and accordingly must be considered for future planning purposes.

The proposed reclassifications of Items 1 to 4 will enable dedication of land to “Road” thus allowing implementation of ‘complete streets’ strategies that may be implemented for these suburbs in the future.

Item 6 will allow adequate land area for a future sporting facility in Toronto, which has been identified as a town centre in the draft strategy.

Items 8 & 9 will enable small-scale infill development at a local level. These will provide additional housing close to public transport, shops, schools, parks etc.

Therefore, the proposal is consistent with the strategic plan maps in the LS2050.

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.117 directions)?*

An assessment of the proposal against the Section 9.1 (old sec 117) Ministerial Directions is provided within *Appendix C*.

An assessment of these Directions shows that the following are inconsistent, potentially inconsistent or require approval from the Department of Planning and Environment:

- a. 1.1 – Item 6 (356 Awaba Road, Toronto) is inconsistent with 4(d) of the Direction which states it must not reduce the total potential floor space for industrial uses in industrial zones. However as the proposal only involves a boundary adjustment by 15 metres (area of 1600sqm), it is considered to be of minor significance. The Toronto industrial area currently has an area of 456,203sqm and a reduction by 1600sqm would be a loss of less than 0.4%.
- b. 4.2 – Potentially inconsistent for all Items except 2 & 8, and will require consultation with the Mine Subsidence Board.
- c. 4.4 - Potentially inconsistent for all Items except 1, 5 & 8, and will require consultation with the Rural Fire Service.
- d. 6.2 – The following sites are reducing the amount of land zoned RE1 for recreation (public purposes):
  - o Item 3 – 37A Highfields Parade, Highfields – the proposed land to be rezoned is 6,899.16sq metres. The suburb of Highfields has approx. 17.8 hectares of RE1 zoned land which represents a loss of 3.8% and is considered to be of minor significance. More importantly, the land in

question is currently a paved road with the adjoining properties using it as a rear access road. The reclassification and rezoning is to dedicate the land as road.

- Item 7 – 146C Princeton Avenue, Adamstown Heights – the proposed land to be rezoned is approximately 1,400 sq metres, with 1,134 sqm being used (and being reclassified to dedicate) for road, and 266sqm for sale to adjoining owners. The suburb of Adamstown Heights (for the area located within Lake Macquarie Council) has approx. 21.46 hectares of RE1 & E2 zoned land which is classified community land. This represents a loss of 0.65% and is considered to be of minor significance.
- Item 9 – 36 & 36A Wommara Avenue, Jewells – the proposed land to be rezoned is approx. 1,700 sq metres. The suburb of Jewells has approx. 14.42 hectares of RE1 land and this represents a loss of 1.15% and is considered to be of minor significance.
- Item 10 – 6 Tristania Close, Teralba – the proposed land to be rezoned is approx. 553 sq metres. The suburb of Teralba has approx. 60.94 hectares of RE1 land and this represents a loss of 0.09% and is considered to be of minor significance.

It should also be noted that the following sites are proposing to increase the amount of land zoned RE1 for recreation (public purposes):

- Item 8 – 1A Macquarie Road, Fennell Bay – the proposal is to rezone land to RE1 for public recreation. The proposed land to be rezoned is approx. 2,200 sq metres. The suburb of Fennell Bay has approx. 41,670 sq metres of RE1 land and this represents a gain of 5.3%.
- Item 6 - 356 Awaba Road, Toronto - the proposed land to be rezoned is approx. 1,614 sq metres. The suburb of Toronto has approx. 59.17 hectares of RE1 land and this represents a gain of 0.27%.

Lake Macquarie Council has a total of 1600.9 hectares of RE1 zoned land and 8042.9 hectares of R2 zoned land. Therefore, based on the above, under this planning proposal, there will be a total **loss** of 5605 sqm (0.035%) of RE1 land, and a total **increase** of 9419sqm (0.012%) of R2 land. These are considered to be of minor significance.

## 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?

Item 5 contains the greatest amount of vegetation cover and is identified within a native vegetation corridor. However, as this reclassification is to facilitate a drainage structure and easement (with a proposed strip 6 metres wide), once constructed the vegetation will be permitted to grow back over and maintain the vegetation corridor.

The remaining sites are unlikely to have any impact, as the first four items (and part of Item 9) are road dedications which physically have road upon them. Items 6 & 7 are

disturbed land where the vegetation has already been removed, with Items 7 & 10 also being parkland and containing encroachments.

The shape of the land to be redeveloped in Items 8 and 9 has been modified to exclude land that has been identified as critical habitat for ecological communities. Item 8 is an isolated pocket of land that does not form part of a wildlife corridor, nor with any connection to other natural areas. Item 9 is at the foot of a very large reserve (approximately 47 ha) and abuts existing residential development.

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.

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:

- Items 1-4, 7 and Item 10 will enable the mapping to reflect what is physically on the land – road (and some residential uses (encroachments) for Items 7 & 10).
- Item 5 will enable the removal of stormwater from a development site along natural drainage lines.
- Item 6 will enable a new sporting facility to be erected on the land (and adjoining land) which will service the suburb of Toronto.
- Items 8 & 9 will enable and/or facilitate the future development of land for residential purposes consistent with the adjoining zoning and sell on the open market.

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 the sites are contained within existing urban areas, existing infrastructure is already available to the lands proposed to be reclassified and rezoned (where required).

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

The Gateway determination will identify which public authorities will need to be consulted prior to the public exhibition.

## 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 will be undertaken in accordance with the requirements of the Gateway determination and Schedule 1 clause 4 (old sec 57) 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" (April 2013).

### Exhibition

The planning proposal will be exhibited for 28 days in accordance with section 5.5.2 of the Department's LEP guideline, as it contains reclassification of public land. The exhibition will be advertised in a local newspaper and on Council's website. In addition, any identified affected landowners and adjoining landowners will be notified of the proposal.

### Public Hearing

In accordance with section 29 of the *Local Government Act 1993*, a public hearing will be held. The public hearing will be undertaken in accordance with section 5.5.3 of the Department's LEP guideline.

## Part 6 – Project Timeline

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

Task	Timeline
Gateway Determination	May 2019
Public Exhibition (28 days)	June/July 2019
Public Hearing	August 2019
Consideration of submissions & prepare report on Public Hearing	September 2019
Report to Council post exhibition	October 2019
Submission to Department	November 2019
Notification of Plan Made	February 2020

# ANNEX A – MAPS

Item 1: 9C Albert Street EDGEWORTH Lot 2 DP 506929

Figure 1 – Aerial Map

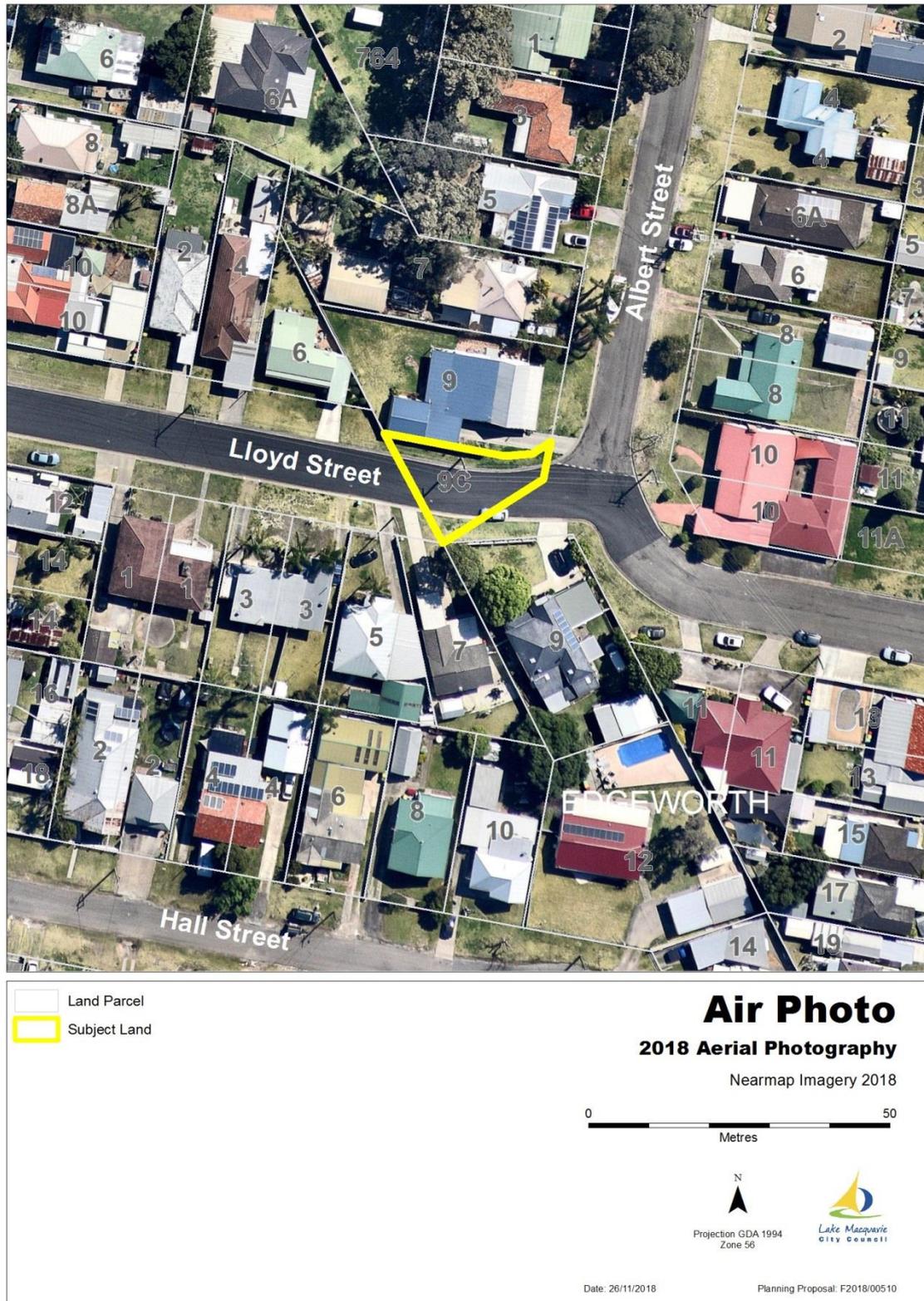
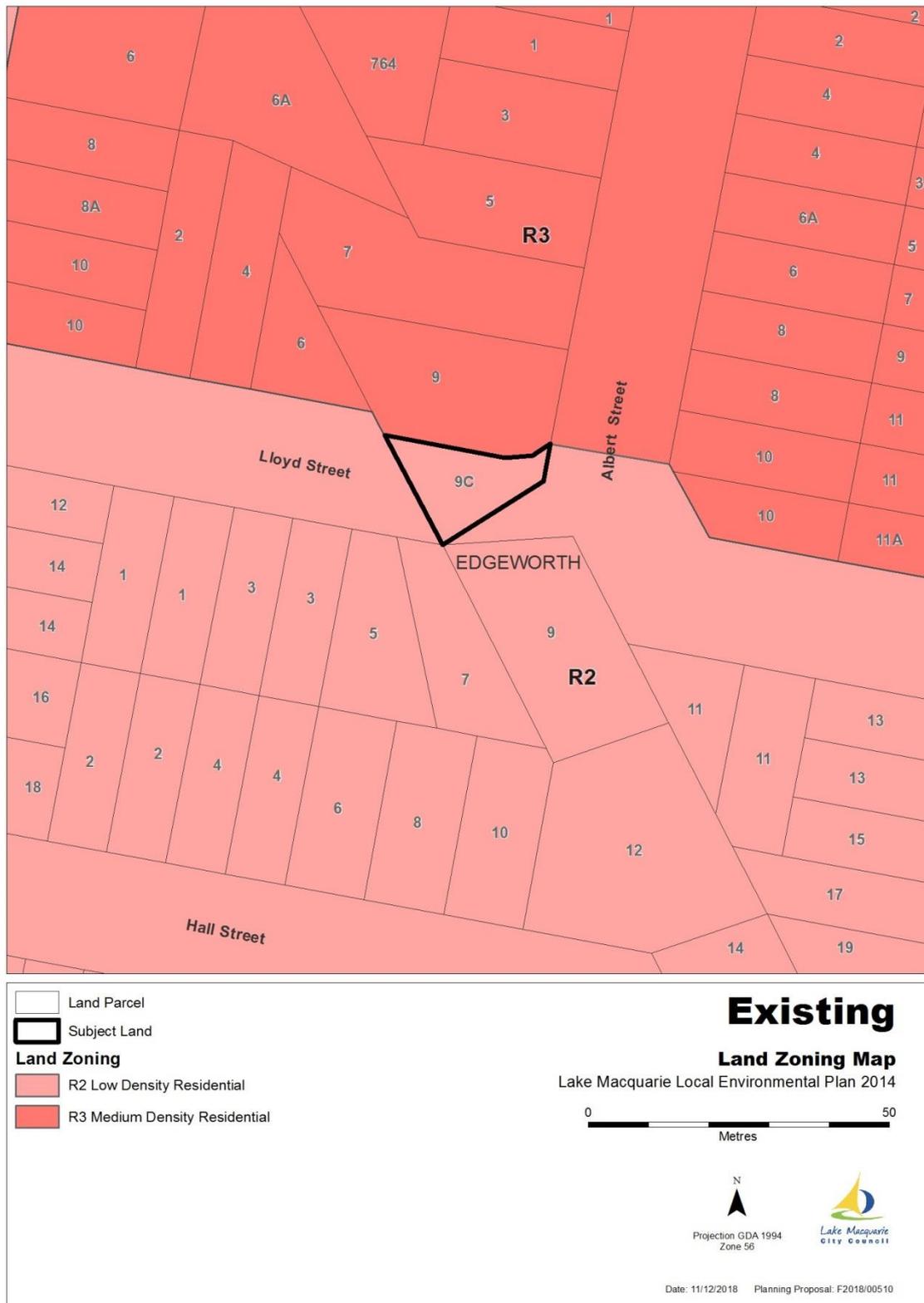
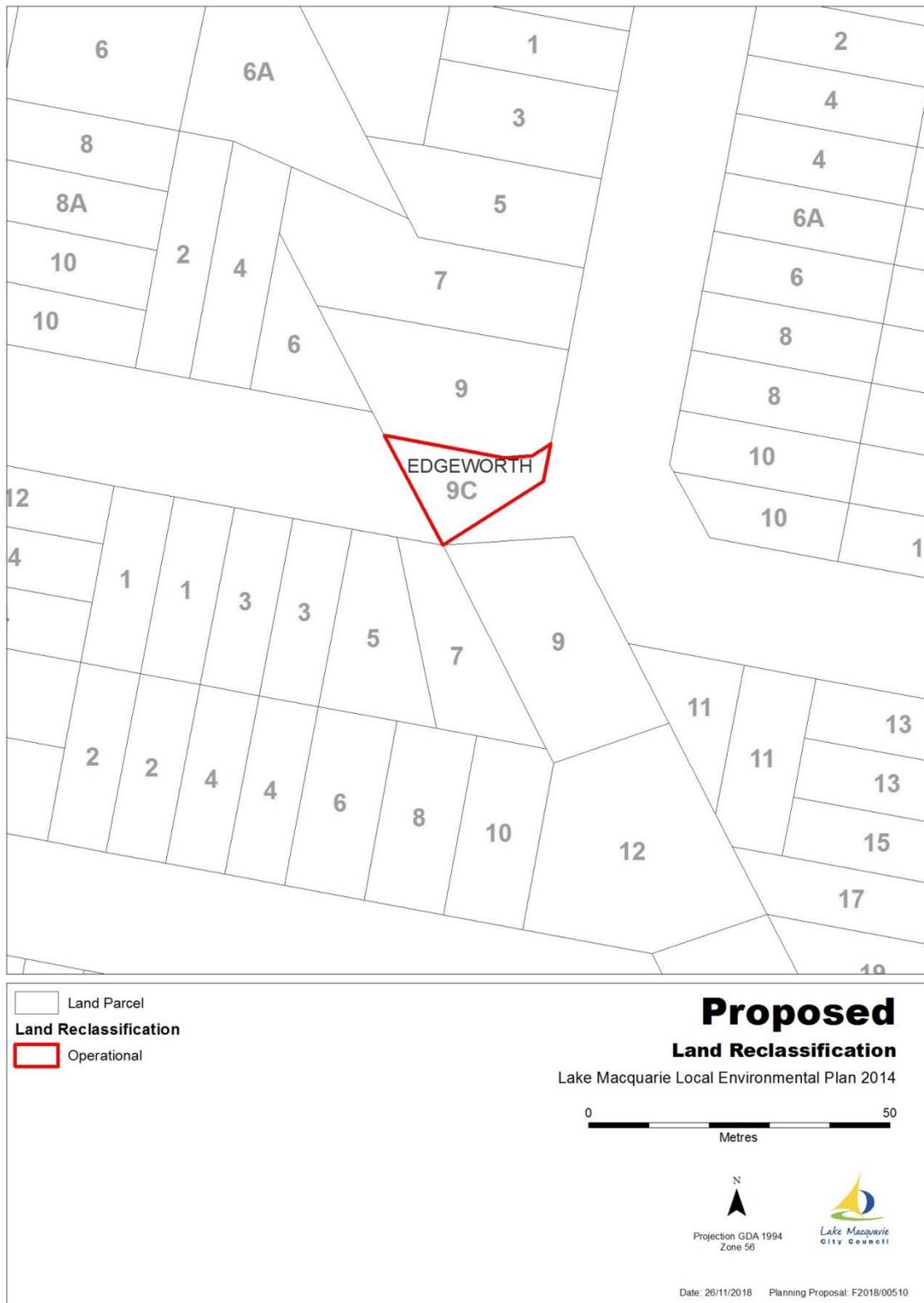


Figure 2 – Existing Zone under LMLEP 2014



**Figure 3 – Draft Land Reclassification Map under LMLEP 2014**



**ITEM 2: 38C Bayview Street WARNERS BAY – Lots 1 DP 651248**

*Figure 1 – Aerial Map*



Legend:  
Land Parcel (white outline)  
Subject Land (yellow outline)

**Air Photo**  
**2018 Aerial Photography**  
Nearmap Imagery 2018

0 50  
Metres

N  
Projection GDA 1994  
Zone 56

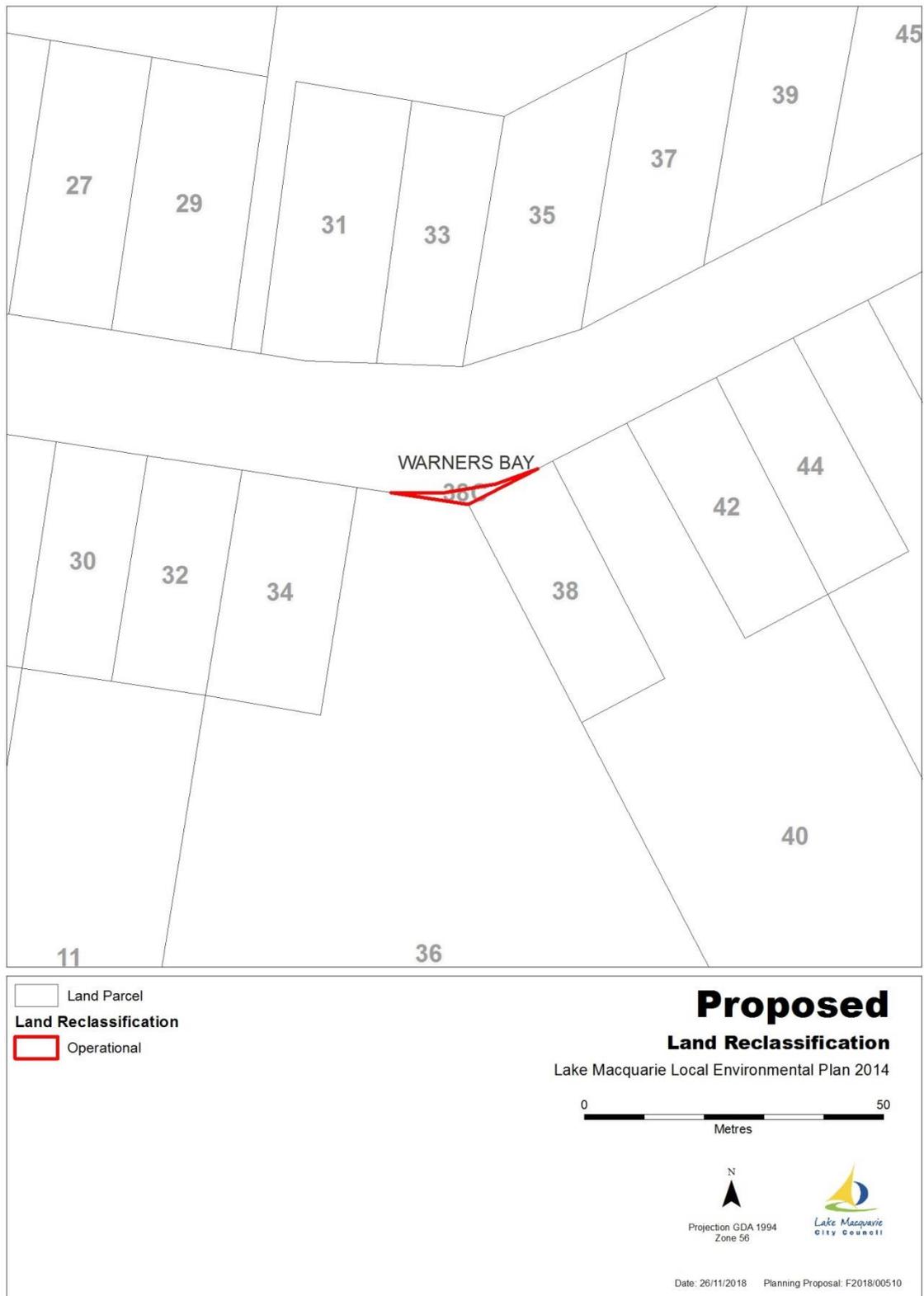
Lake Macquarie  
CITY COUNCIL

Date: 26/11/2018 Planning Proposal: F2018/00510

Figure 2 – Existing Zone under LMLEP 2014



Figure 3 – Draft Land Reclassification Map under LMLEP 2014



**ITEM 3: 37A Highfields Parade HIGHFIELDS – Lot 198 DP 18348**

*Figure 1 – Aerial Map*



-  Land Parcel
-  Subject Land

**Air Photo**  
**2018 Aerial Photography**

Nearmap Imagery 2018

0 50  
Metres

N  
Projection GDA 1994  
Zone 56



Date: 26/11/2018

Planning Proposal: F2018/00510

Figure 2 – Existing Zone under LMLEP 2014

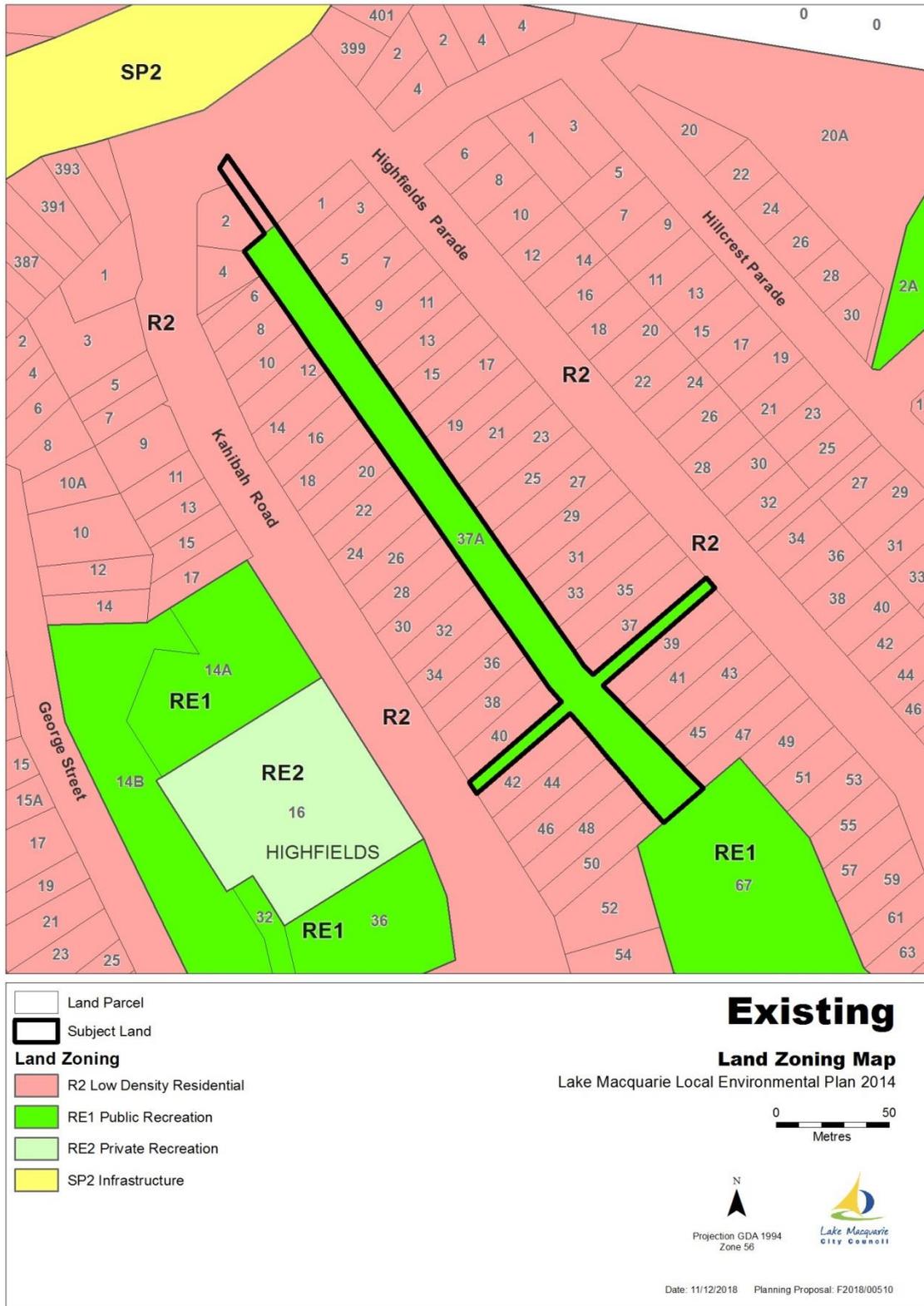


Figure 3 – Proposed Zone

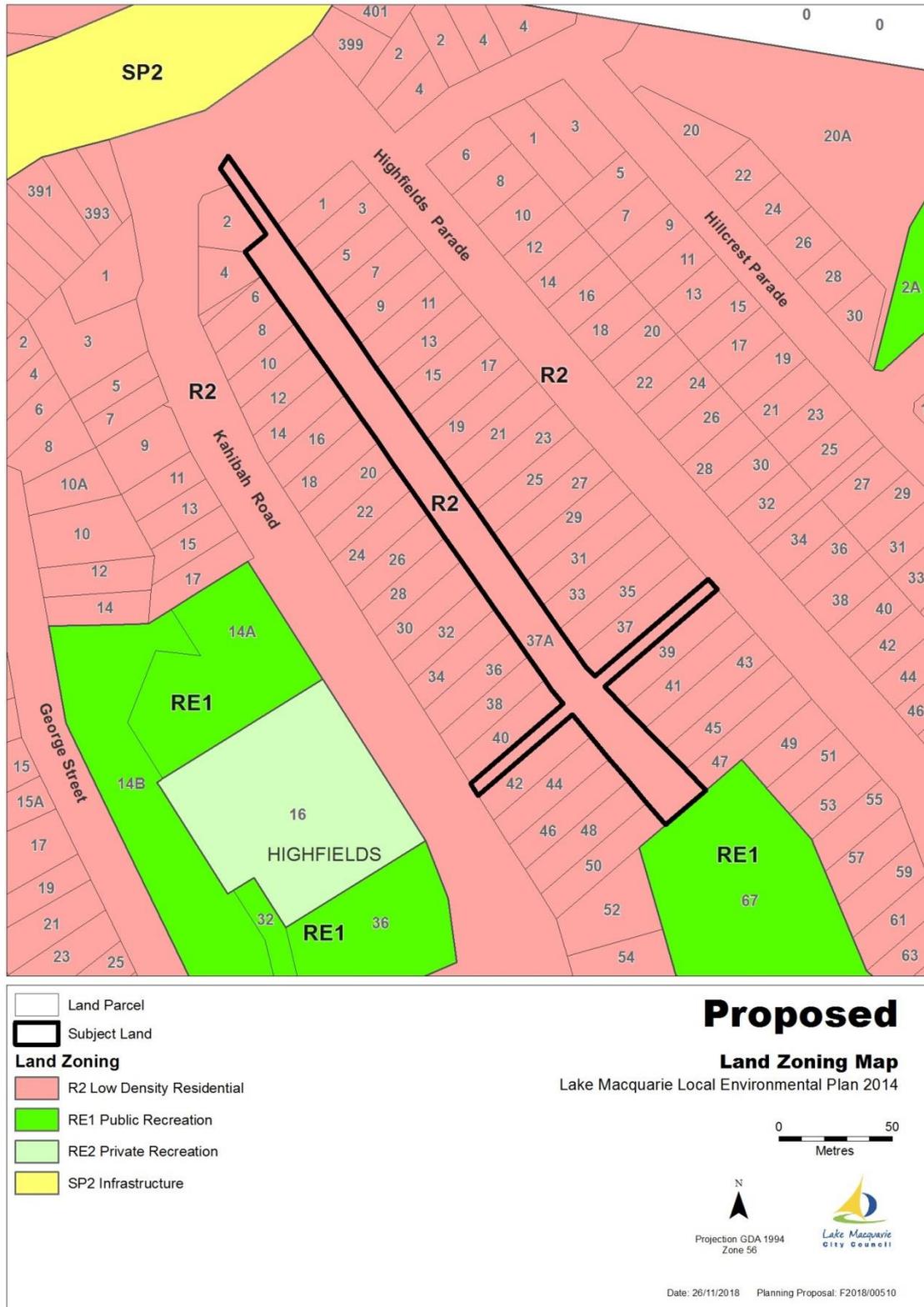


Figure 4 – Existing Lot Size Map under LMLEP 2014

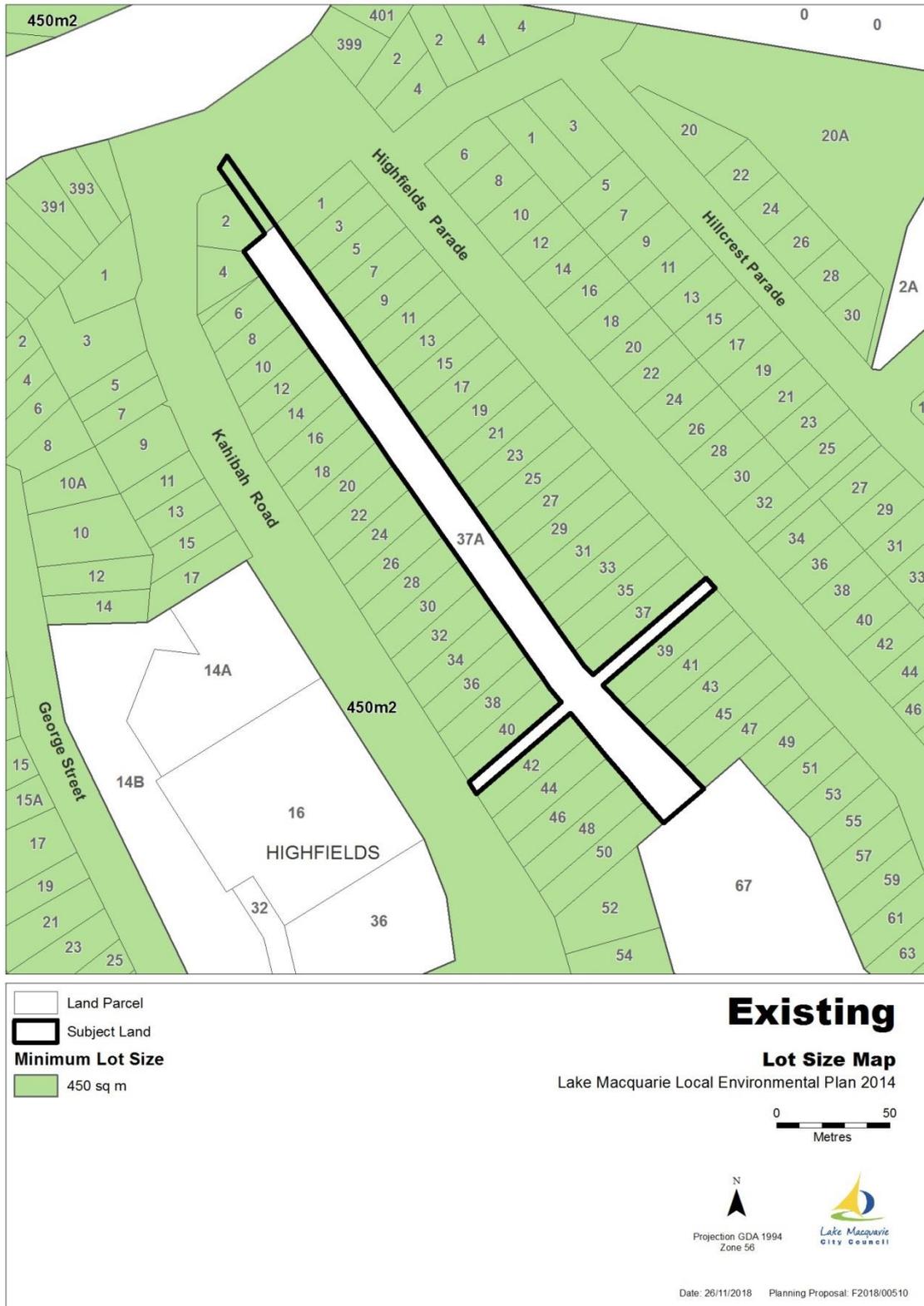


Figure 5 – Proposed Lot Size Map

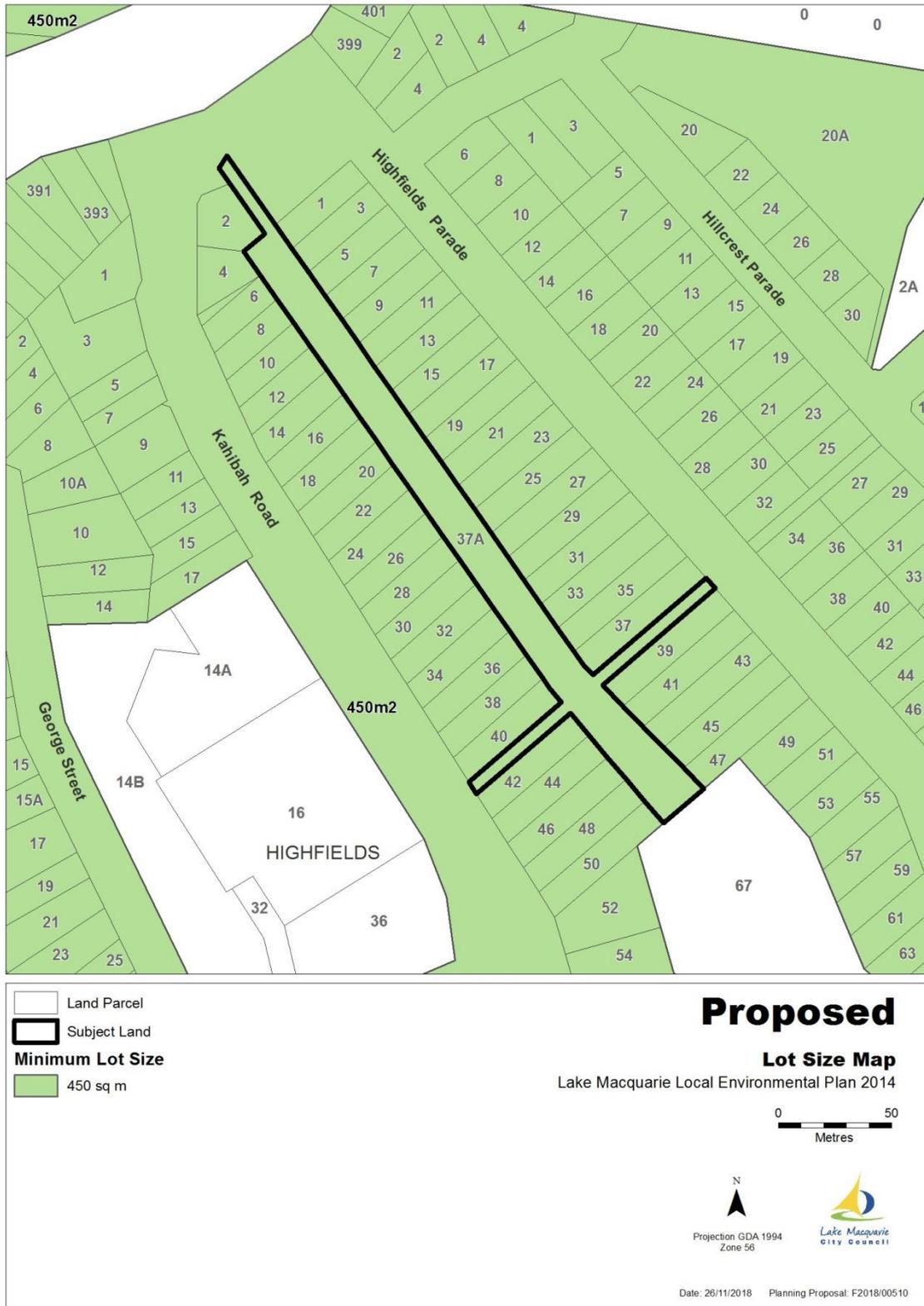
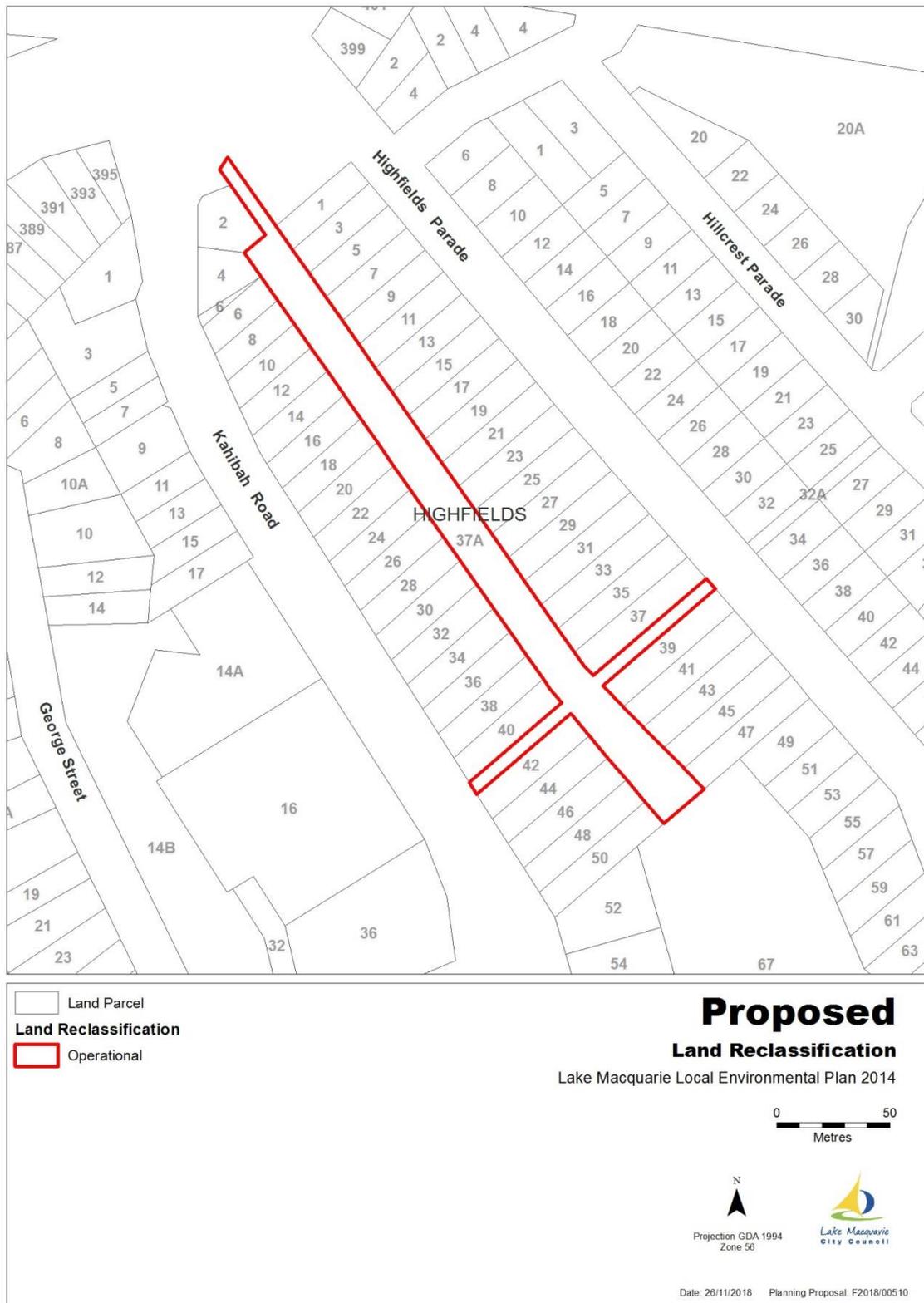


Figure 6 – Draft Land Reclassification Map under LMLEP 2014



**ITEM 4: Apex Street BELMONT Part of Lots 41 DP 557183, Lot 1 DP 511858 and Lot 2 DP 519114 – add additional lot**

*Figure 1 – Aerial Map*



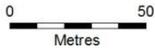
<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> Land Parcel</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 2px solid yellow; margin-right: 5px;"></span> Subject Land</li> </ul>	<h2 style="margin: 0;">Air Photo</h2> <h3 style="margin: 0;">2018 Aerial Photography</h3> <p style="margin: 0;">Nearmap Imagery 2018</p> <div style="text-align: right; margin: 10px 0;">  <p>0 50 Metres</p> </div> <div style="display: flex; justify-content: space-between; align-items: center; margin: 10px 0;"> <div style="text-align: center;"> <p>N</p>  <p>Projection GDA 1994 Zone 56</p> </div> <div style="text-align: center;">  <p>Lake Macquarie CITY COUNCIL</p> </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <p>Date: 26/11/2018</p> <p>Planning Proposal: F2018/00510</p> </div>
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Figure 2 – Existing Zone under LMLEP 2014

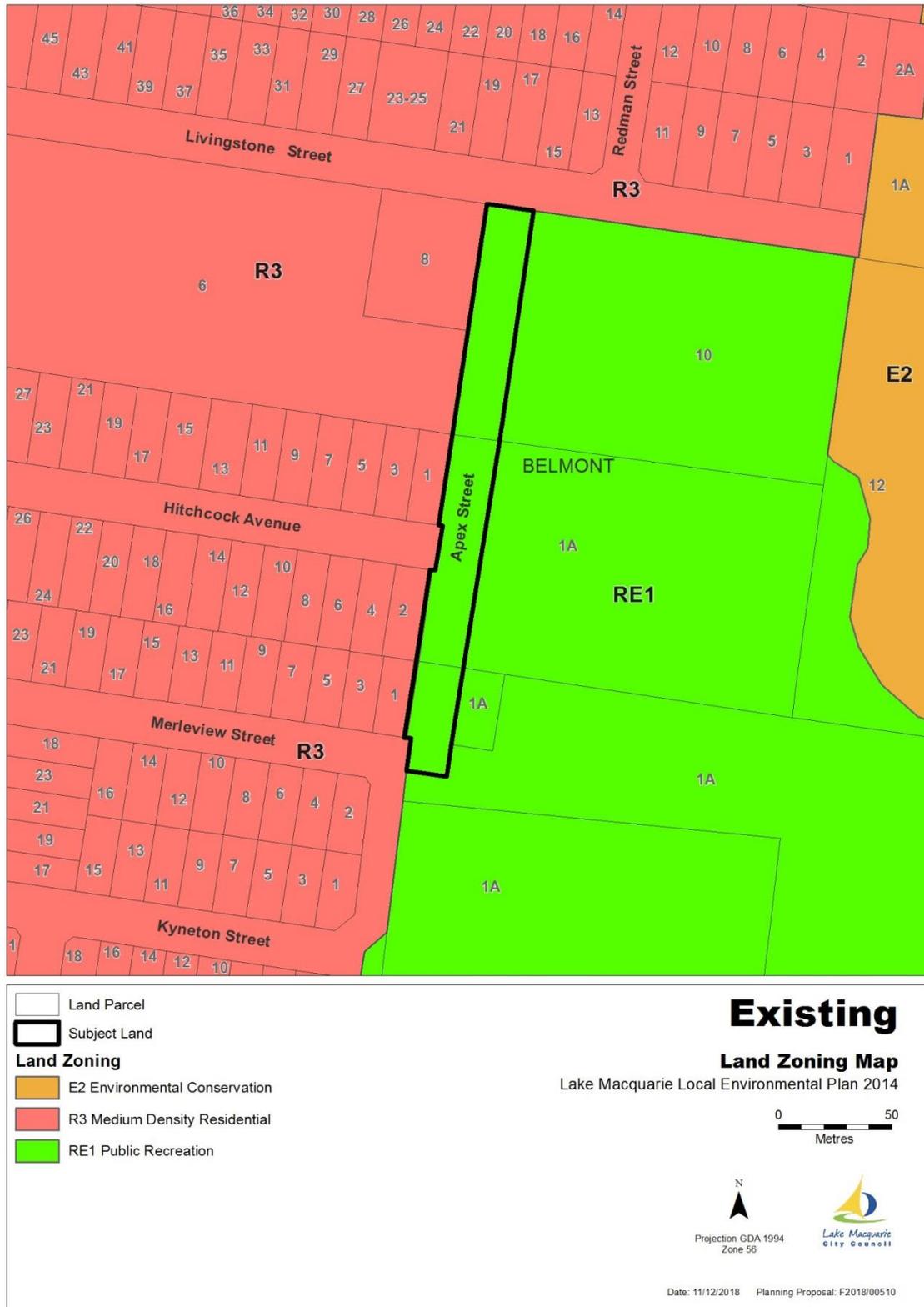
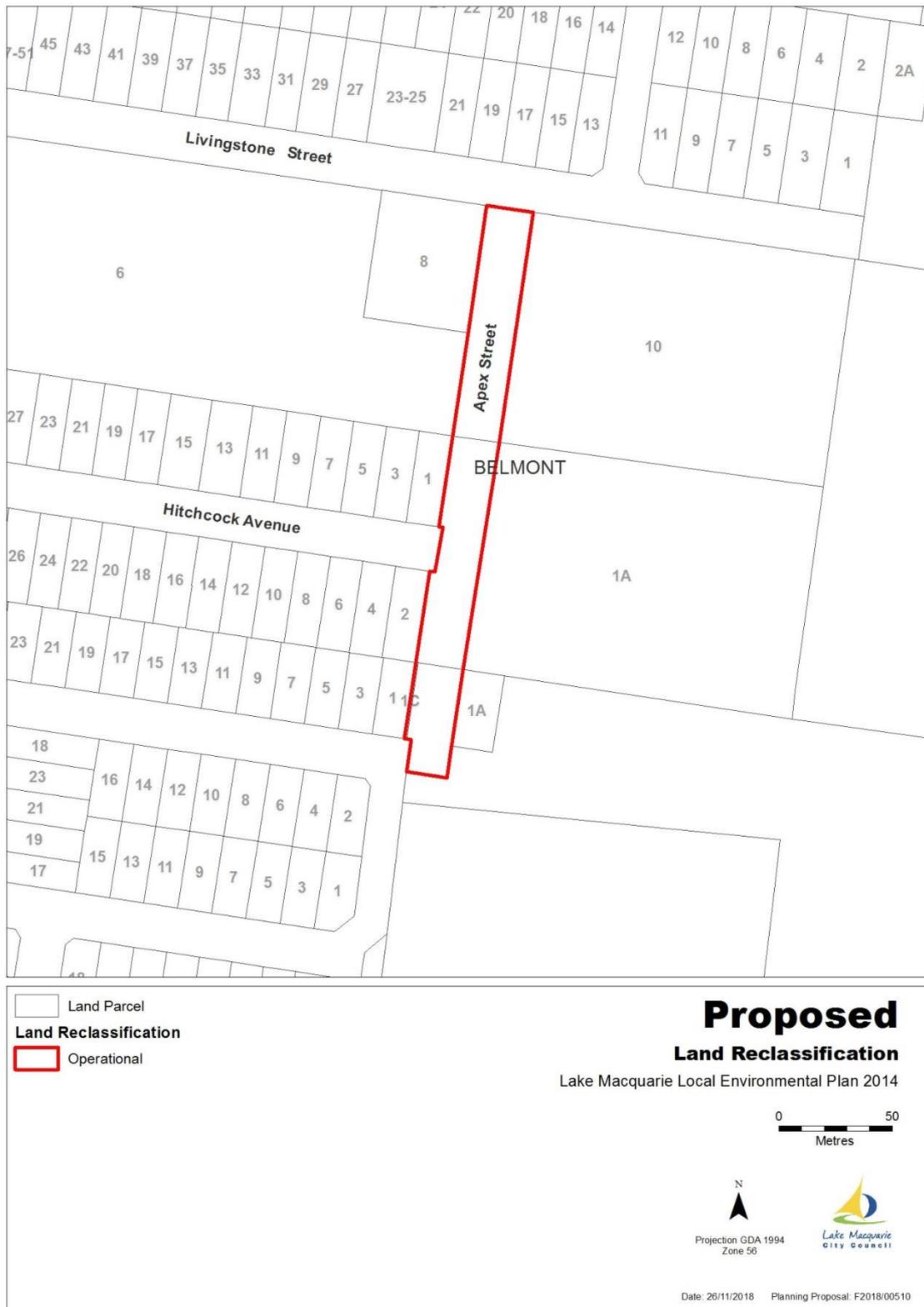


Figure 3 – Draft Land Reclassification Map under LMLEP 2014



**ITEM 5: Part of 8A Kawara Place, Kahibah, Lot 30 DP 245090**

Figure 1 – Aerial Map



- Land Parcel
- Subject Land

**Air Photo**  
**2018 Aerial Photography**  
Nearmap Imagery 2018

0 50  
Metres

N  
Projection GDA 1994  
Zone 56



Date: 26/11/2018

Planning Proposal: F2018/00510

Figure 2 – Existing Zone under LMLEP 2014

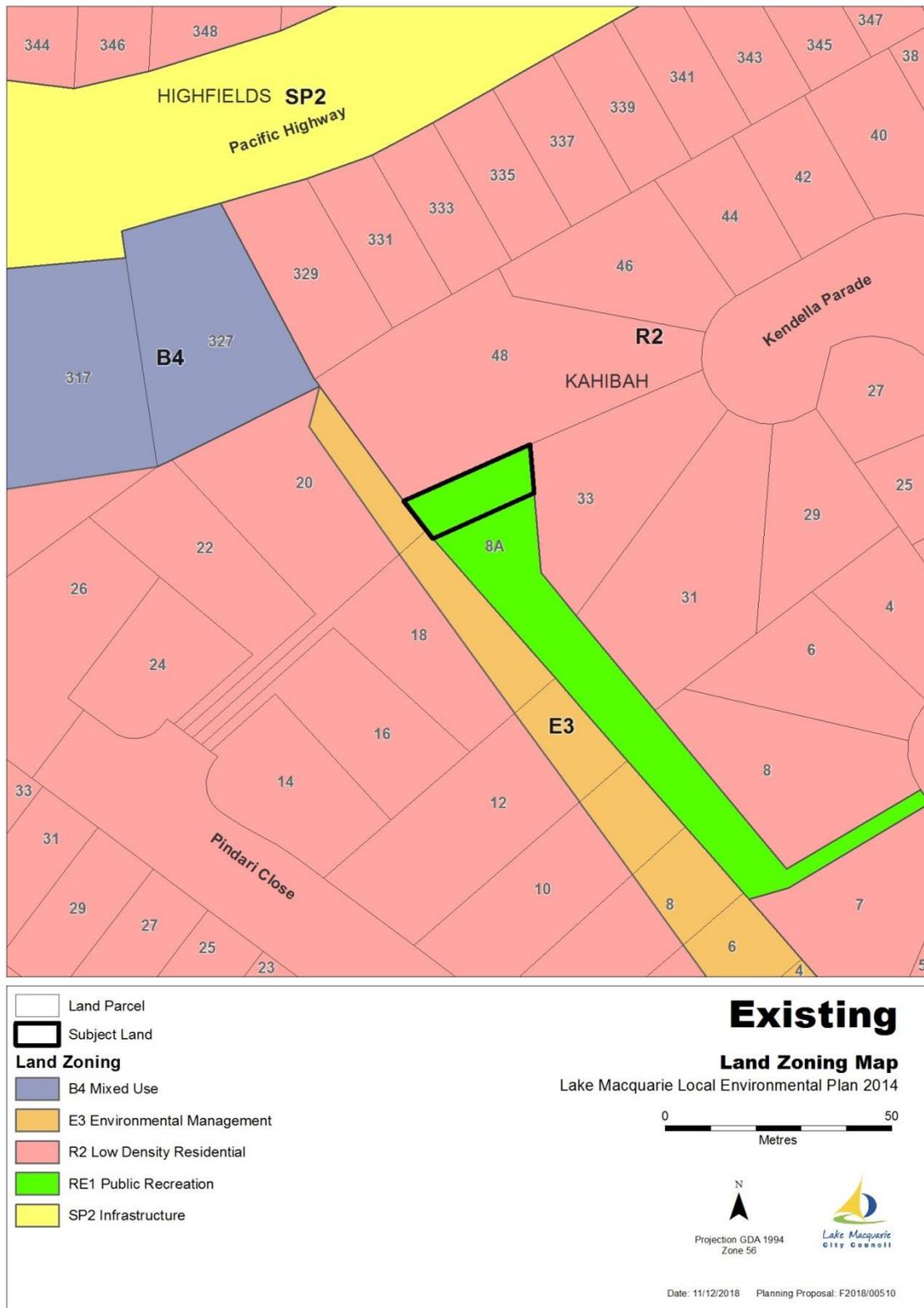
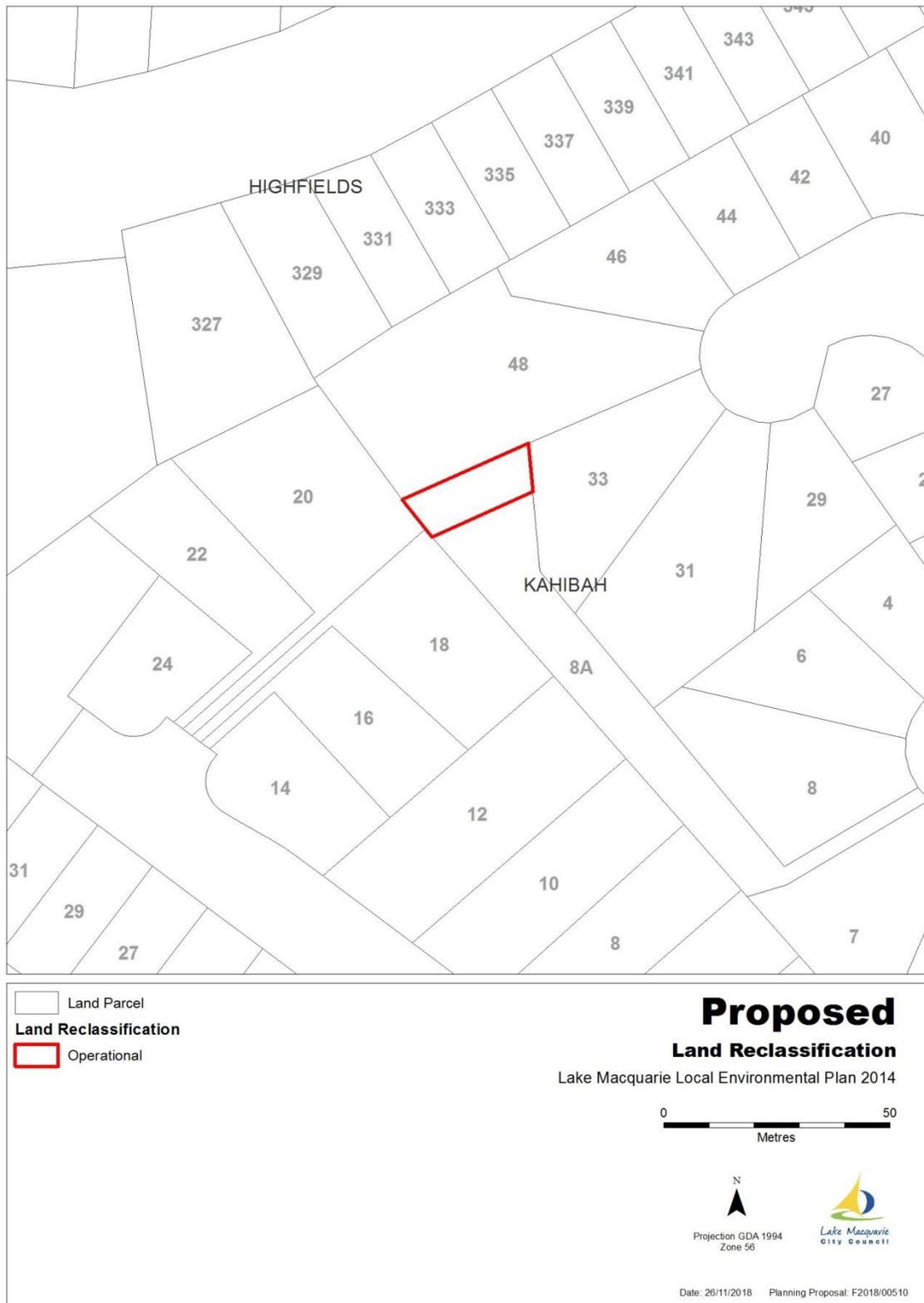


Figure 3 – Draft Land Reclassification Map under LMLEP 2014



**ITEM 6: 356 Awaba Road TORONTO – Part of Lot 101 DP 1228040**

Figure 1 – Aerial Map



- Land Parcel
- Subject Land

**Air Photo**  
**2018 Aerial Photography**

Nearmap Imagery 2018



Date: 26/11/2018

Planning Proposal: F2018/00510

Figure 2 – Existing Zone under LMLEP 2014

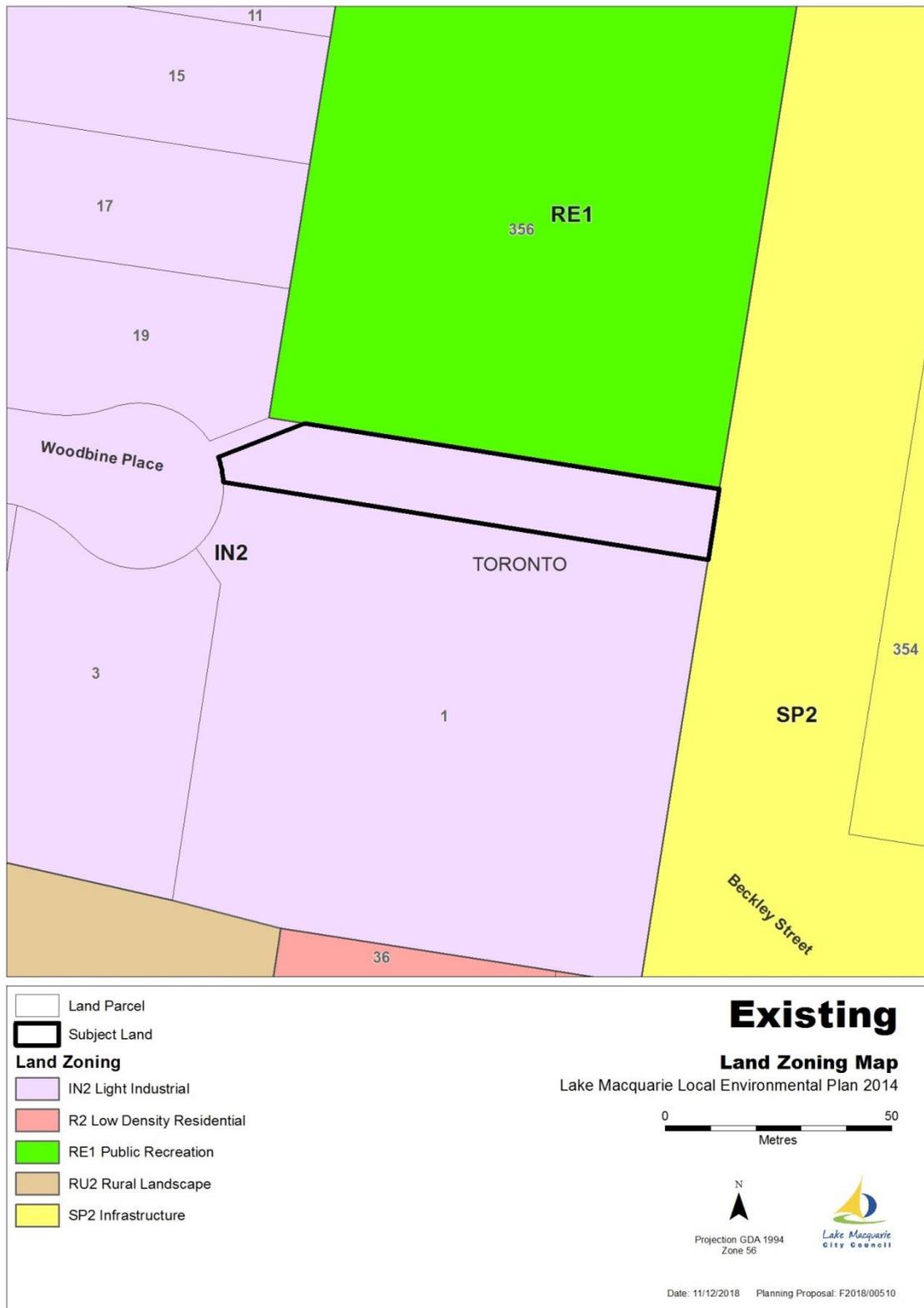


Figure 3 – Proposed Zone

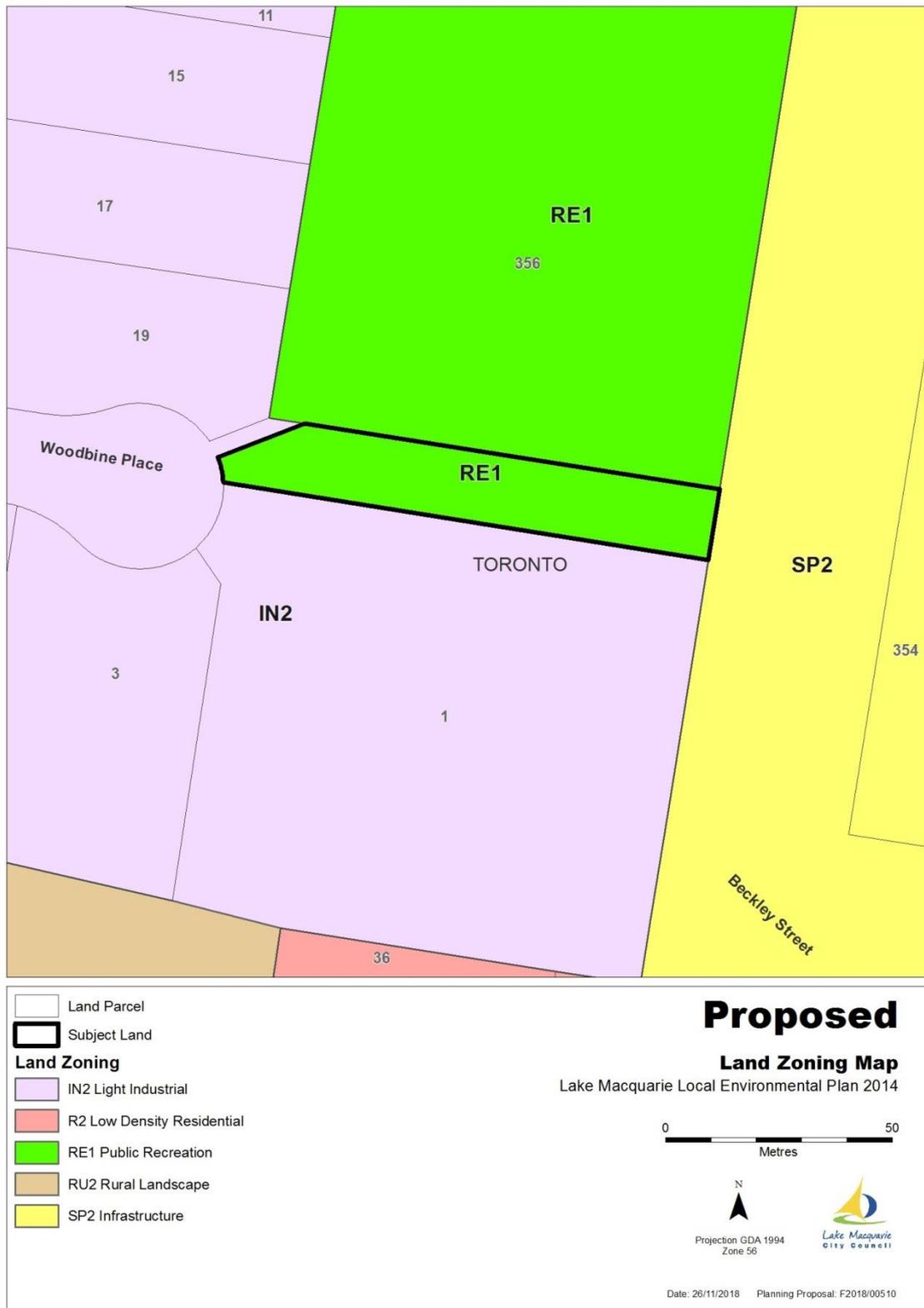


Figure 4 – Existing Lot Size Map under LMLEP 2014

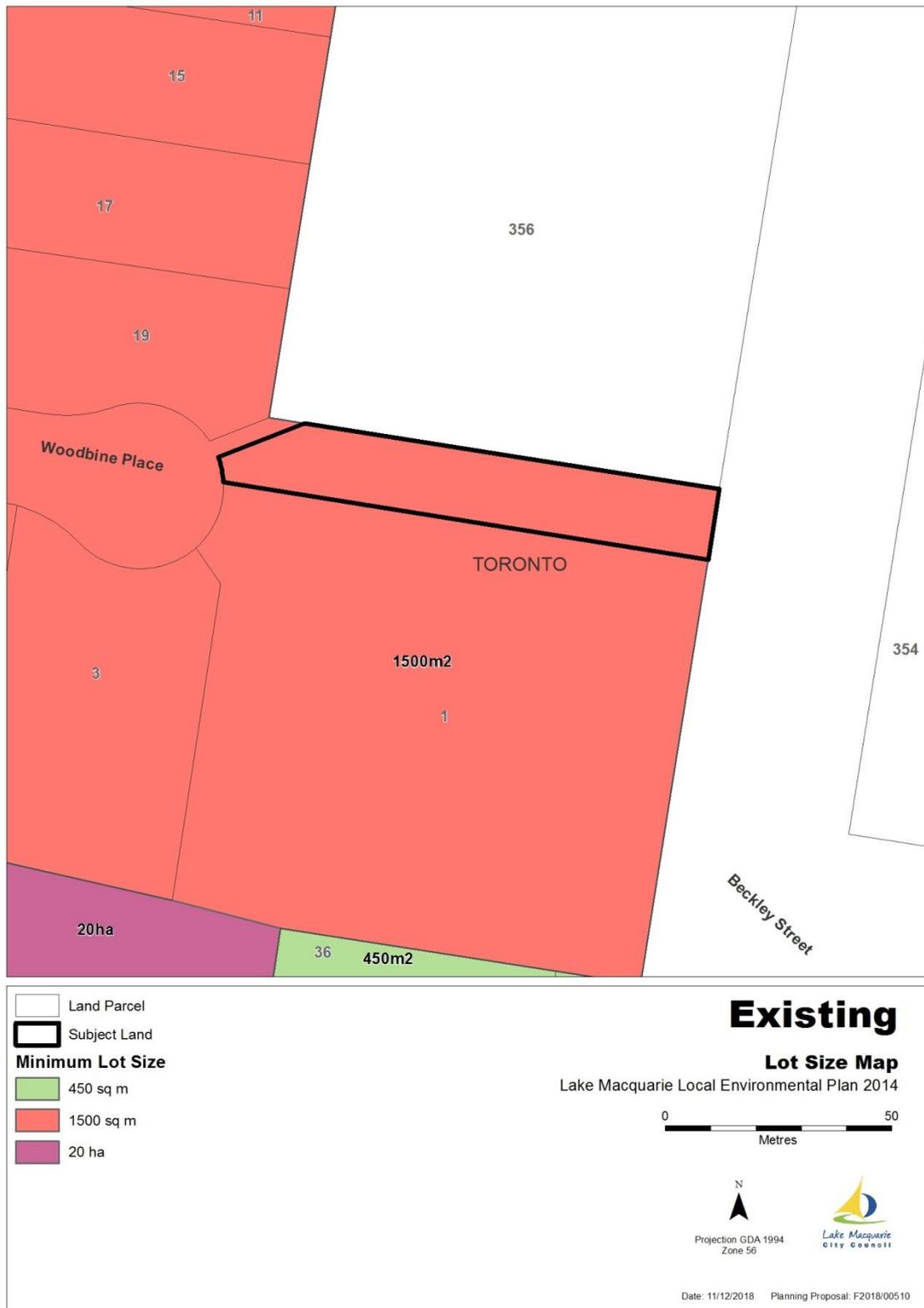


Figure 5 – Proposed Lot Size Map

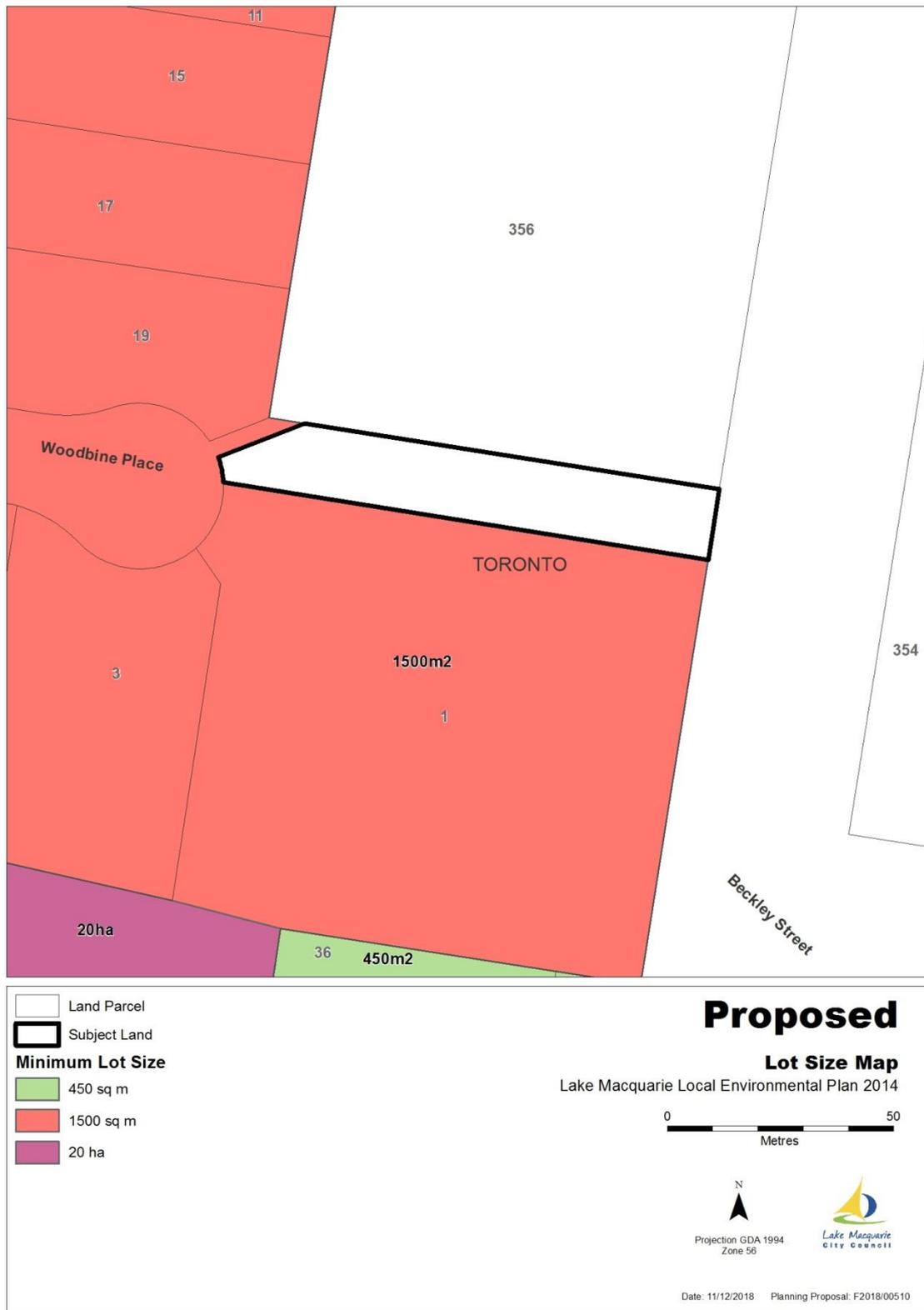


Figure 6 – Existing Height of Buildings Map under LMLEP 2014



Figure 7 – Proposed Height of Buildings Map



**ITEM 7: 146C Princeton Avenue ADAMSTOWN HEIGHTS – Lot 138 DP 252655**

*Figure 1 – Aerial Map*



-  Land Parcel
-  Subject Land

### **Air Photo**

**2019 Aerial Photography**

Nearmap Imagery 2019



Date: 9/01/2019

Planning Proposal: F2018/00510

Figure 2 – Existing Zone under LMLEP 2014

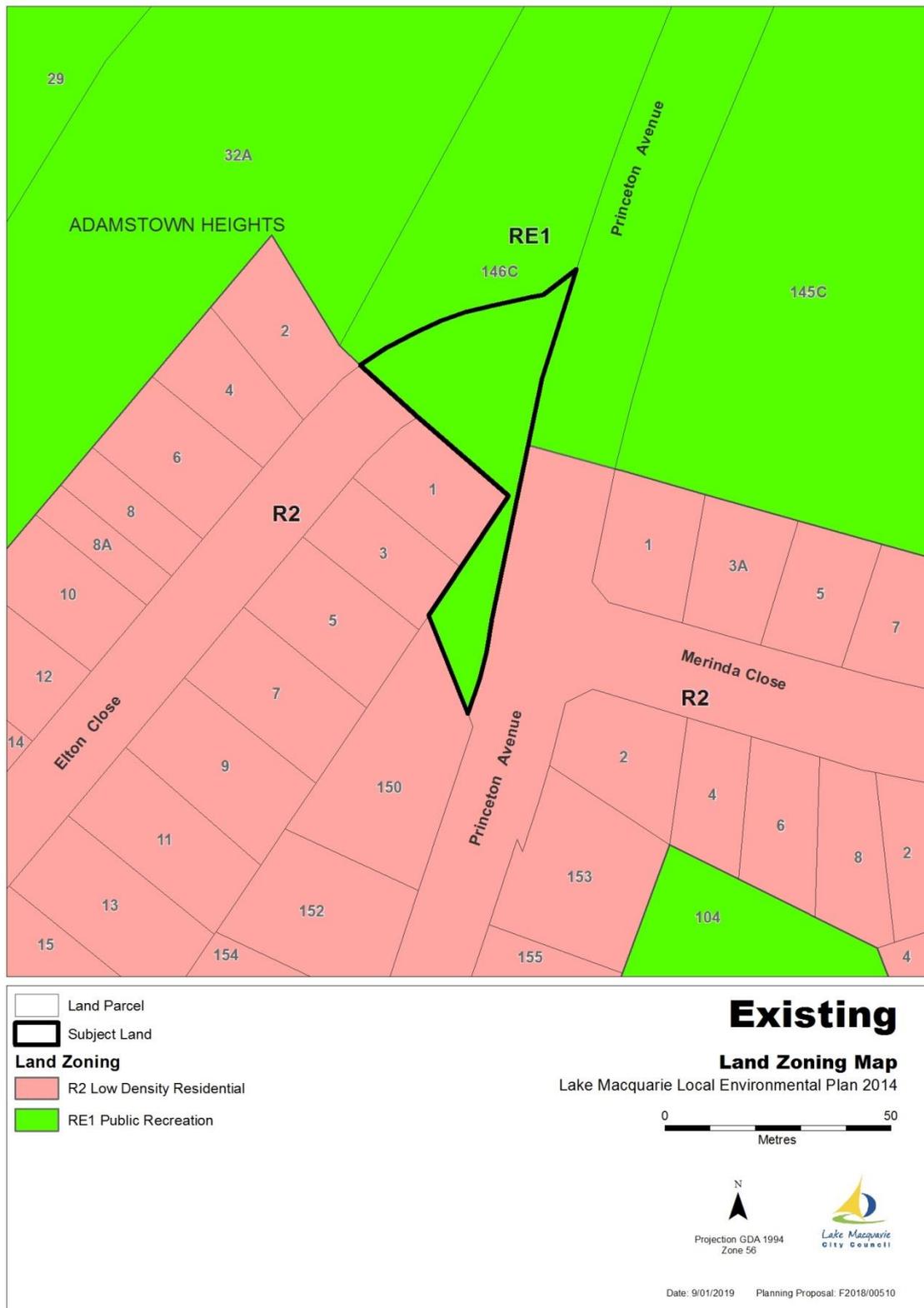


Figure 3 – Proposed Zone

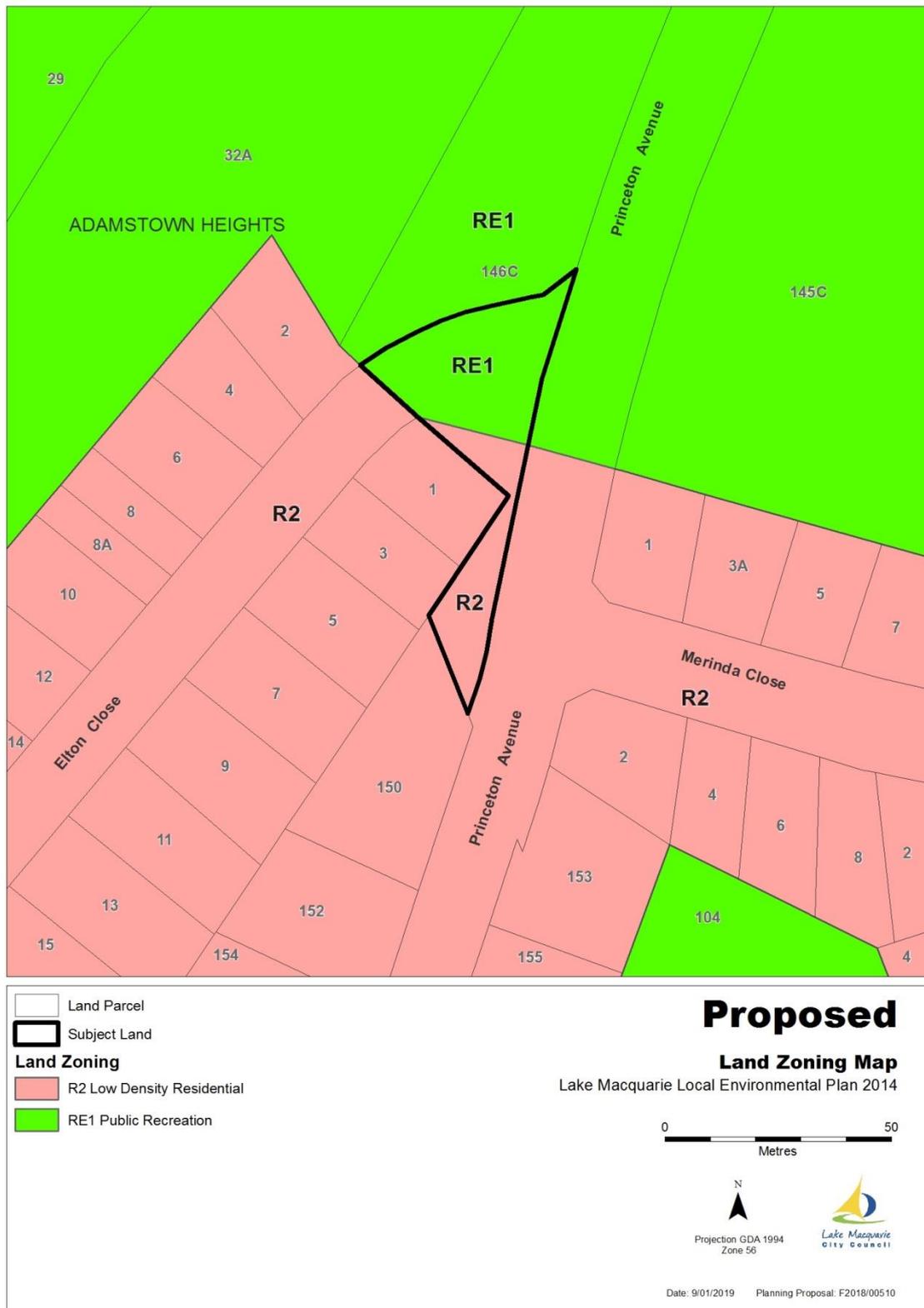


Figure 4 – Existing Lot Size Map under LMLEP 2014

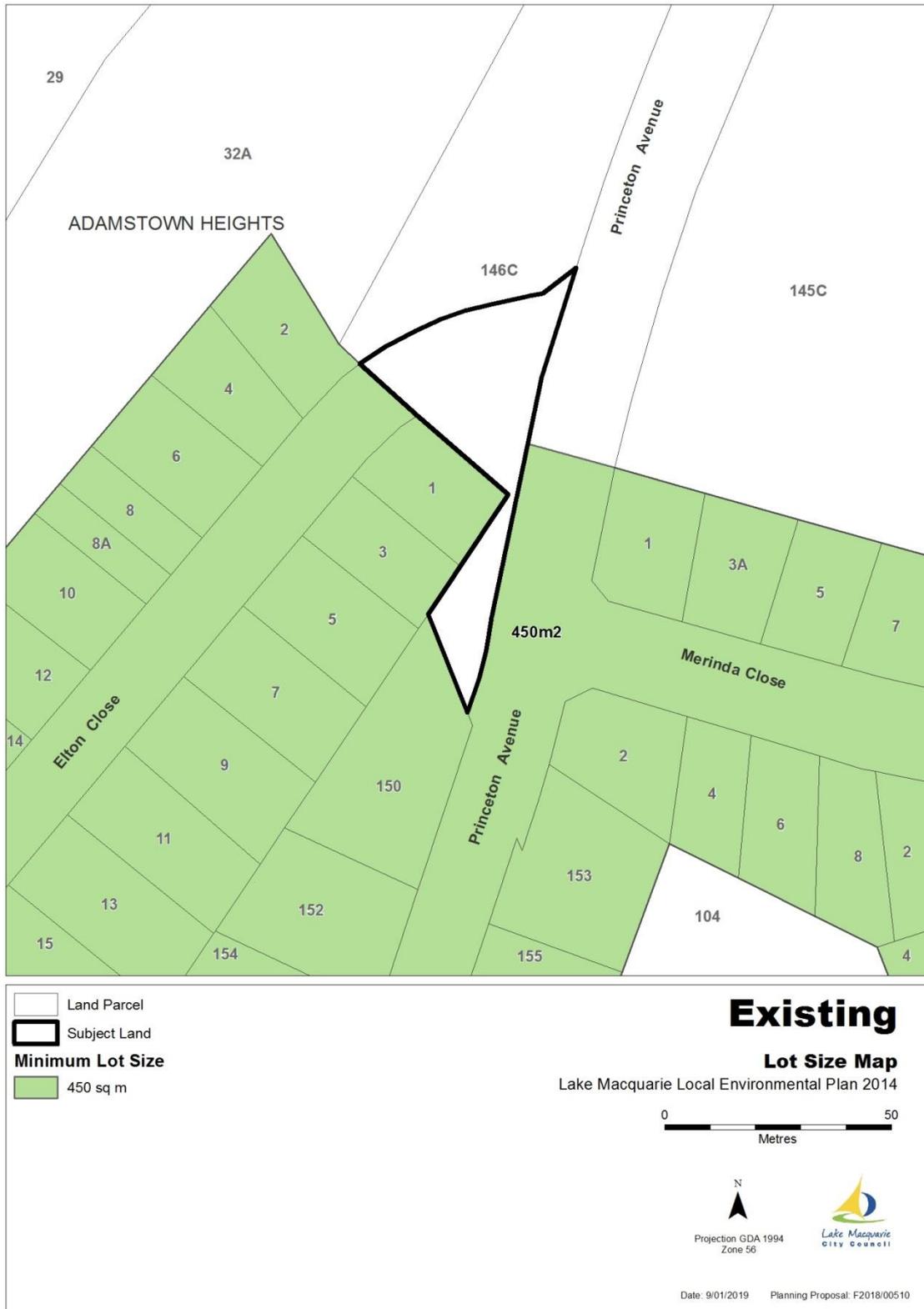


Figure 5 – Proposed Lot Size Map

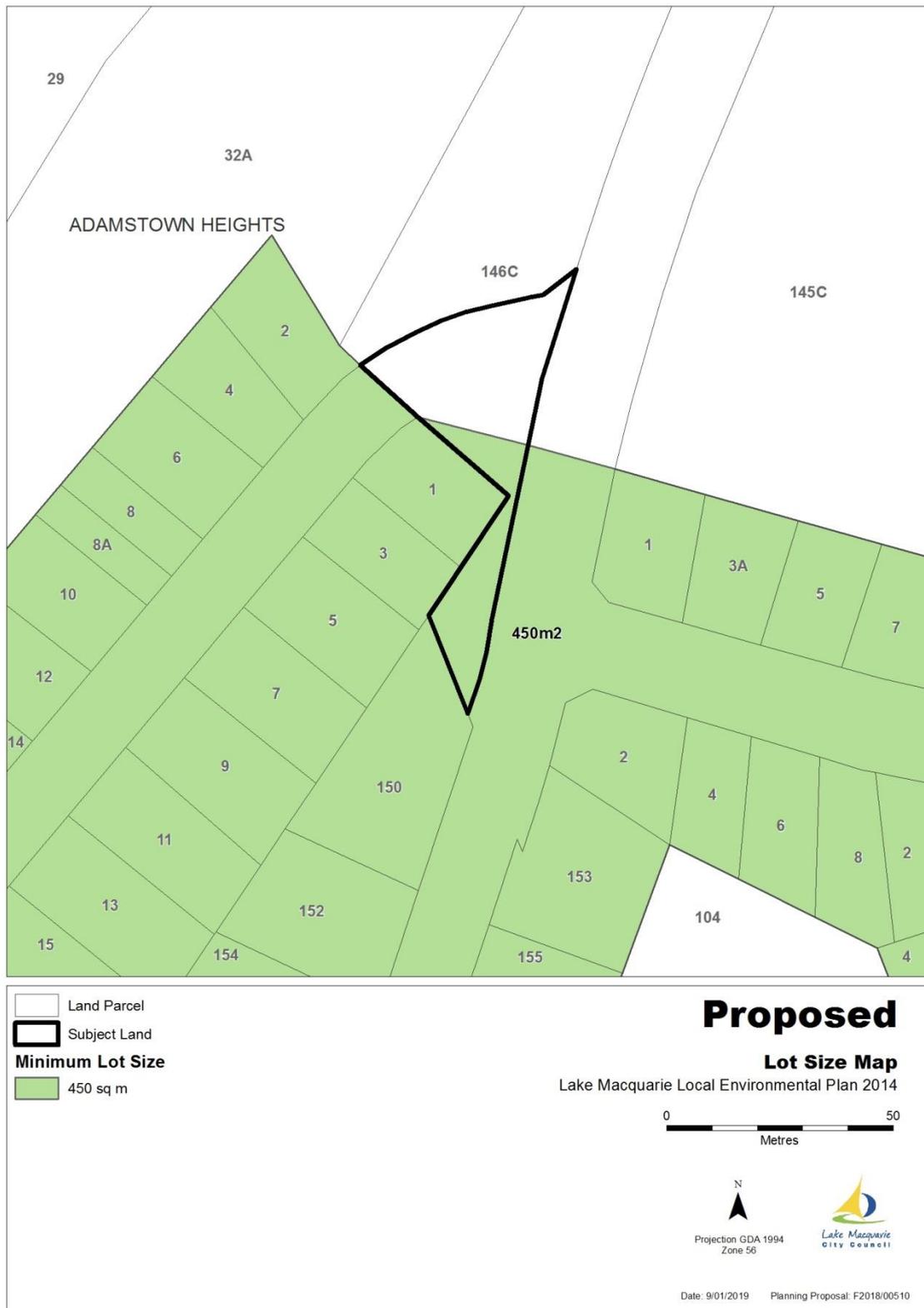


Figure 6 – Draft Land Reclassification Map under LMLEP 2014

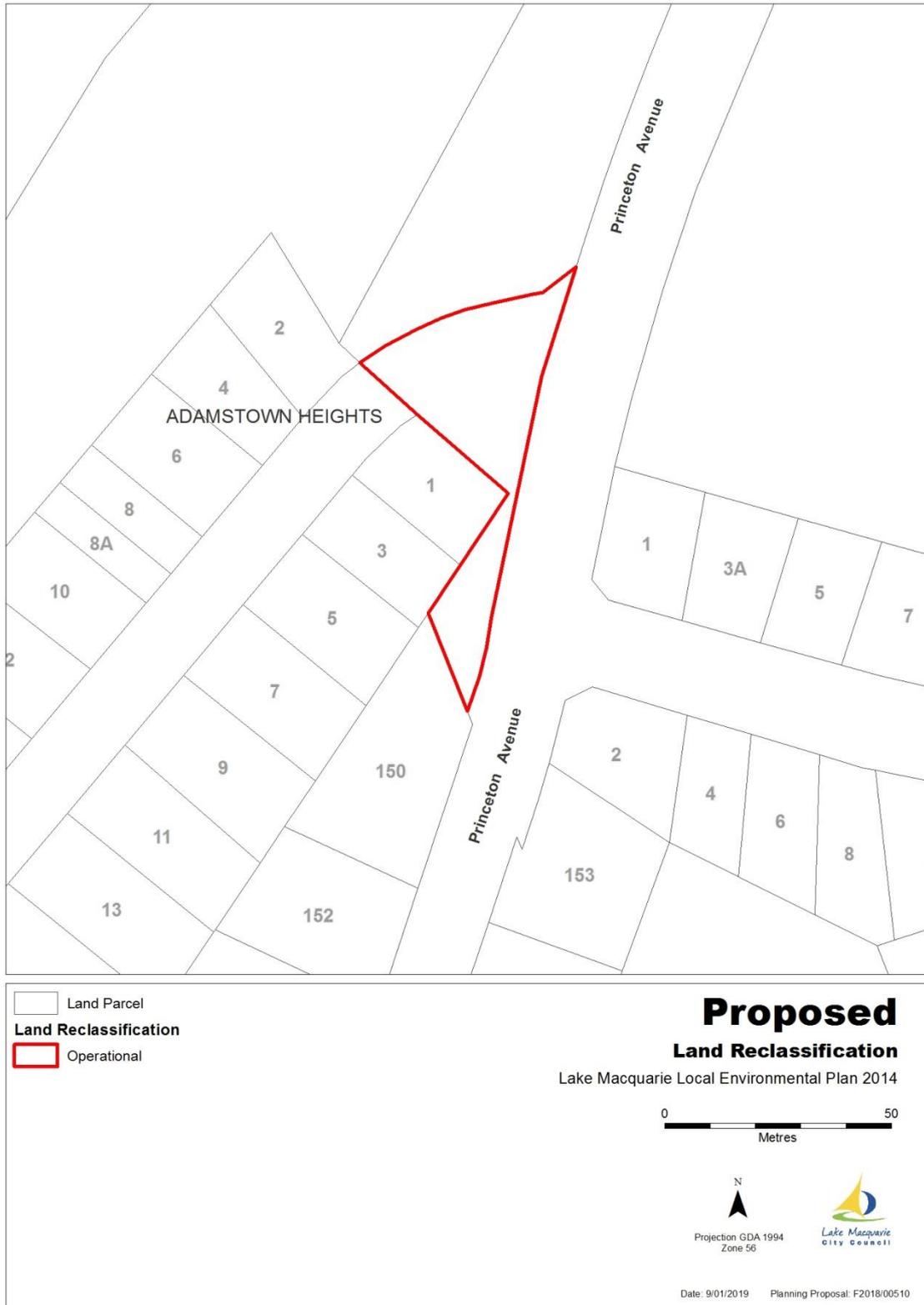
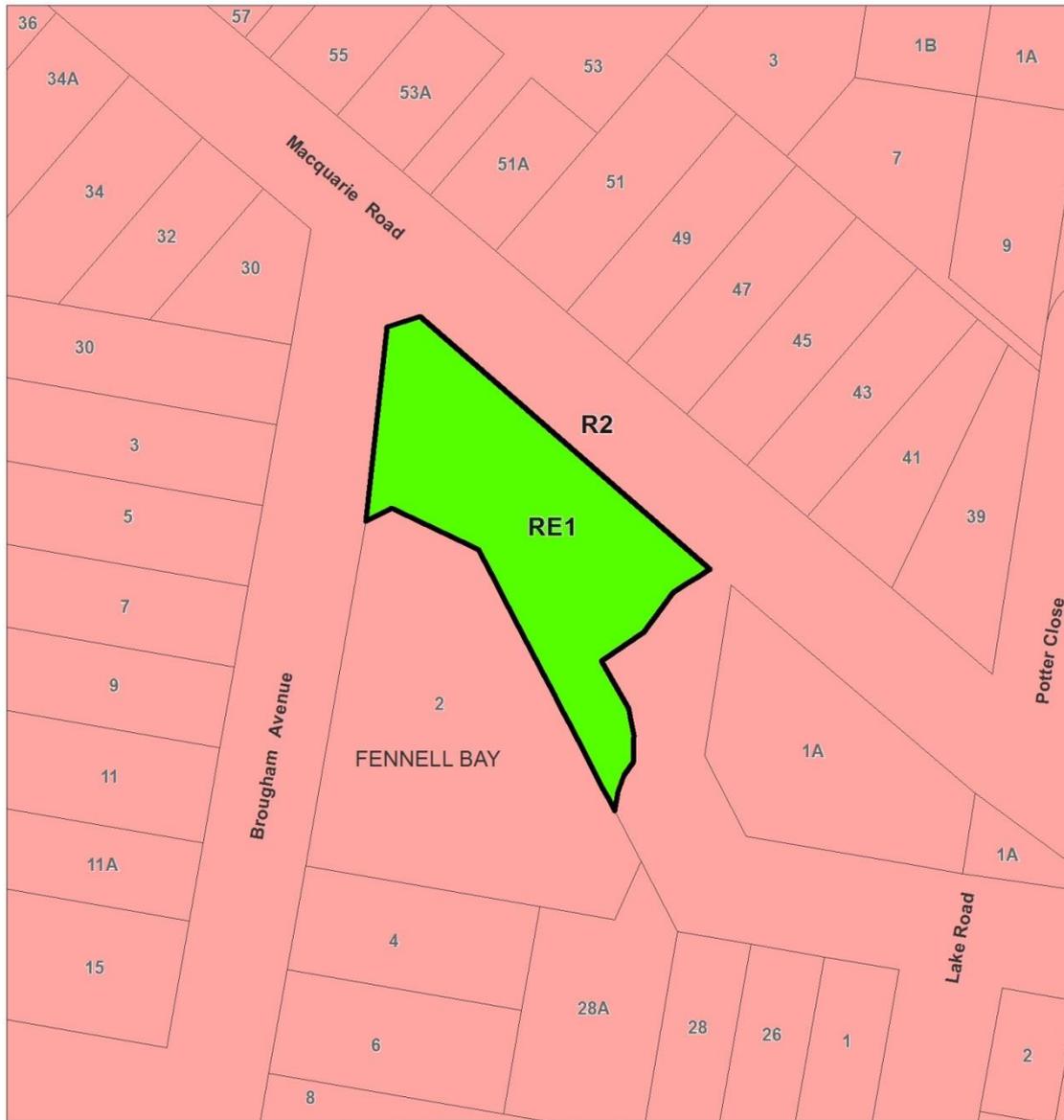






Figure 3 – Proposed Zone



- Land Parcel
- Subject Land
- Land Zoning**
- R2 Low Density Residential

## Proposed

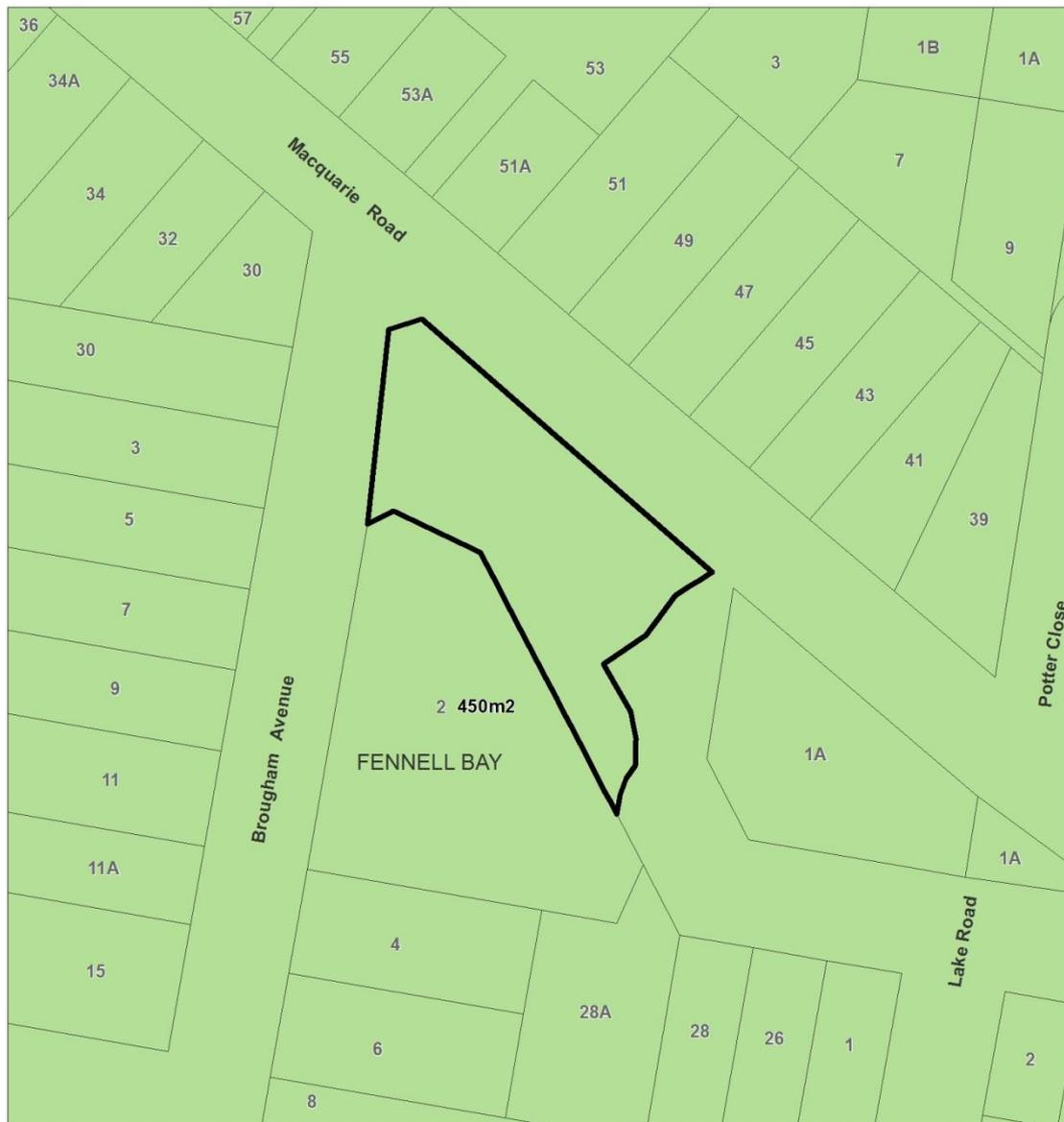
### Land Zoning Map

Lake Macquarie Local Environmental Plan 2014



Projection GDA 1994 Zone 56  
Date: 26/11/2018 Planning Proposal: F2018/00510

Figure 4 – Existing Lot Size Map under LMLEP 2014



-  Land Parcel
-  Subject Land
- Minimum Lot Size**
-  450 sq m

## Existing

### Lot Size Map

Lake Macquarie Local Environmental Plan 2014



Date: 26/11/2018 Planning Proposal: F2018/00510

Figure 5 – Proposed Lot Size Map



- Land Parcel
- Subject Land
- Minimum Lot Size**
- 450 sq m

## Proposed

### Lot Size Map

Lake Macquarie Local Environmental Plan 2014



Date: 26/11/2018 Planning Proposal: F2018/00510

**ITEM 9: 36 & 36A Wommara Avenue JEWELLS – Lot 1 DP 652310, Lot 2 DP 652311, Lot 3 DP 652312 & part Lot 153 DP 246099**

*Figure 1 – Aerial Map*



- Land Parcel
- Subject Land

**Air Photo**  
**2018 Aerial Photography**

Nearmap Imagery 2018



Date: 26/11/2018

Planning Proposal: F2018/00510

Figure 2 – Existing Zone under LMLEP 2014

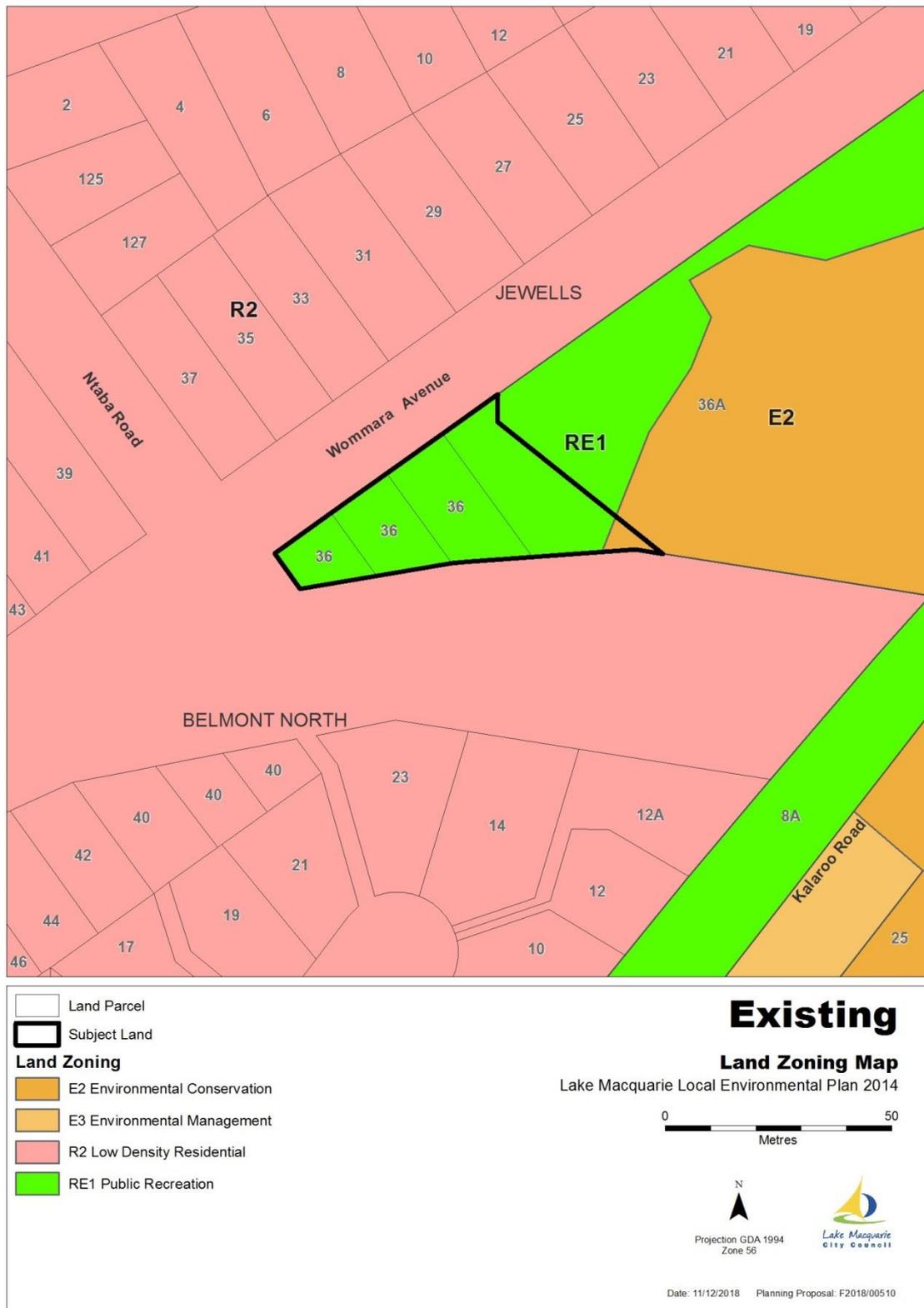


Figure 3 – Proposed Zone

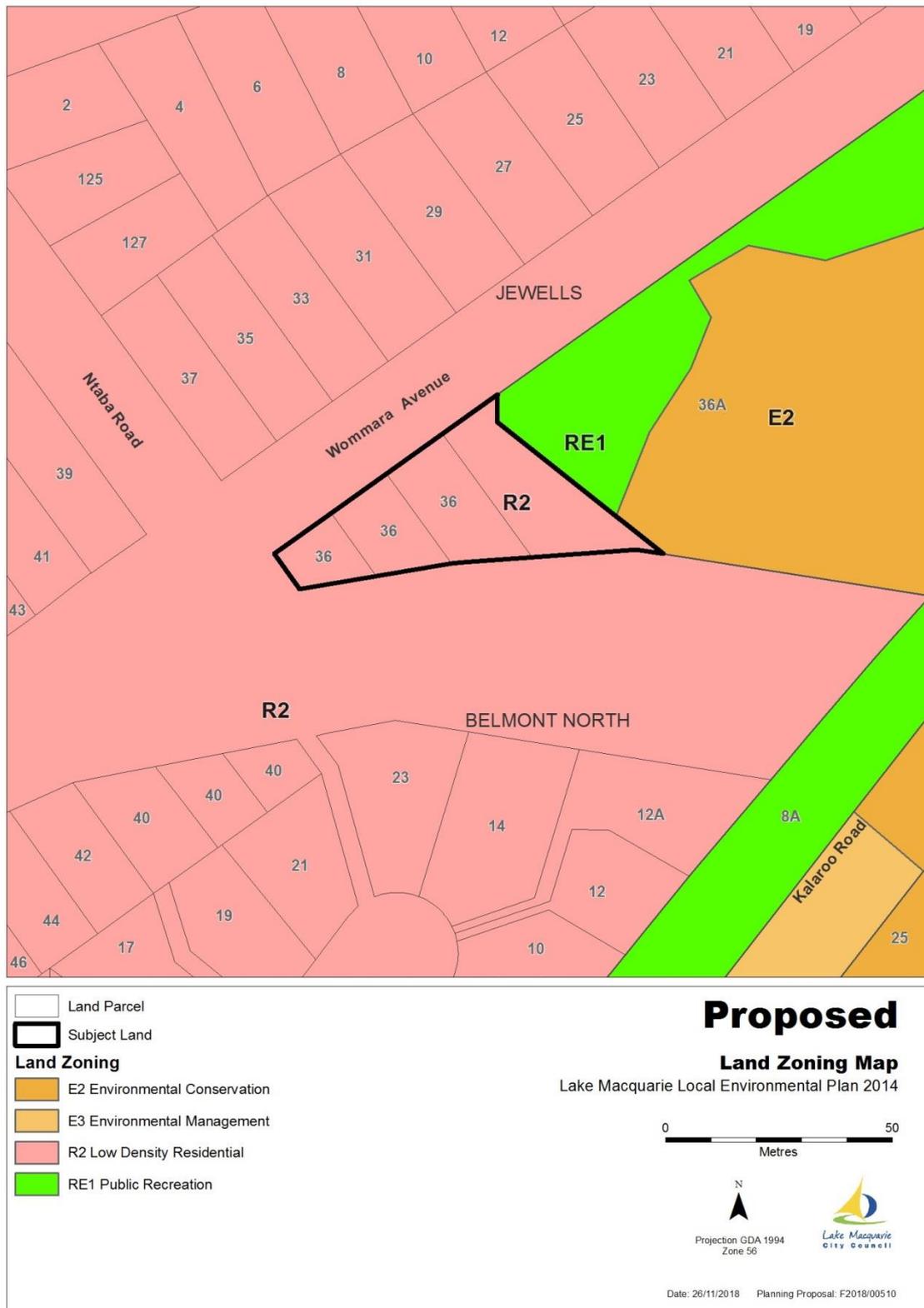


Figure 4 – Existing Lot Size Map under LMLEP 2014

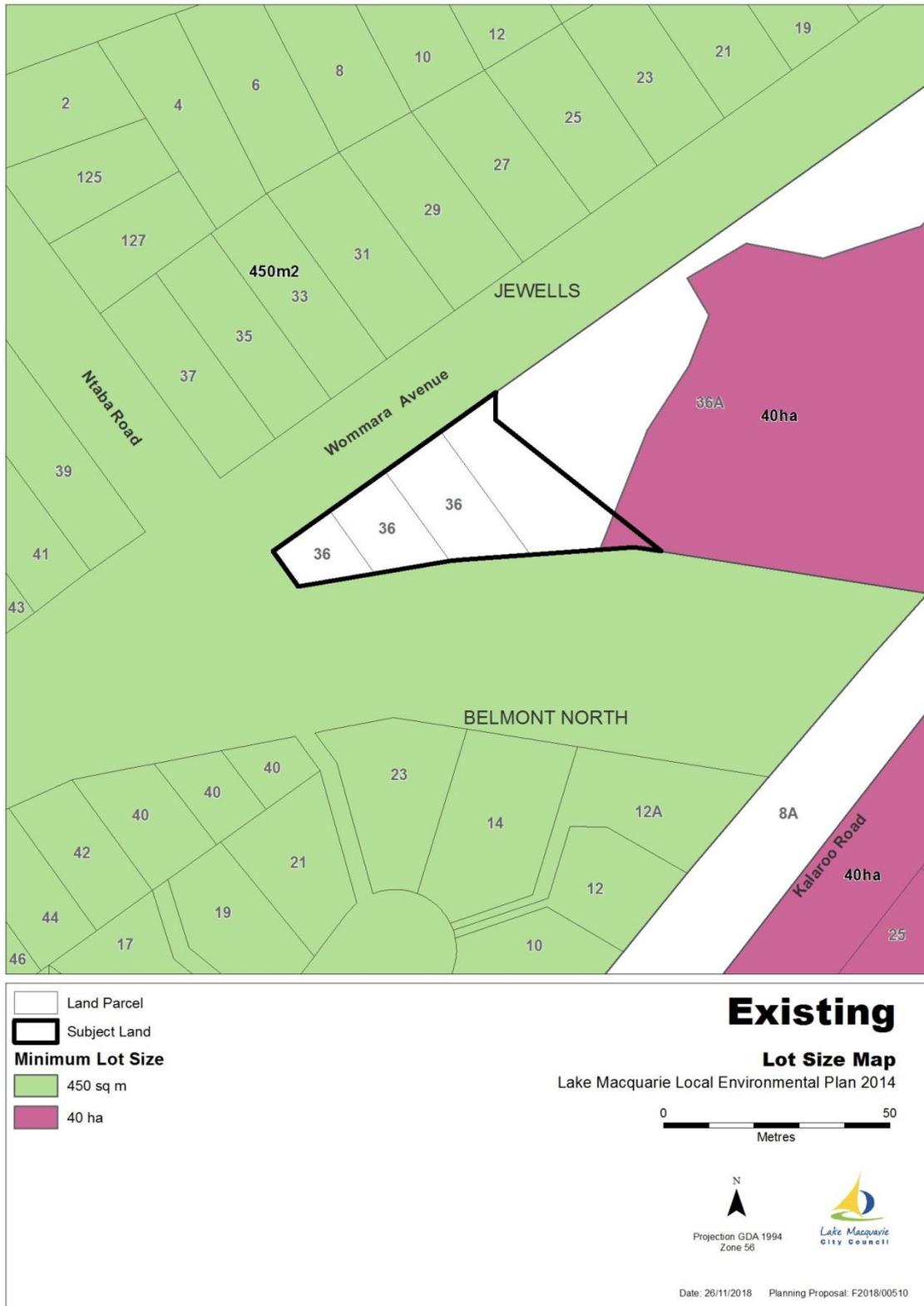
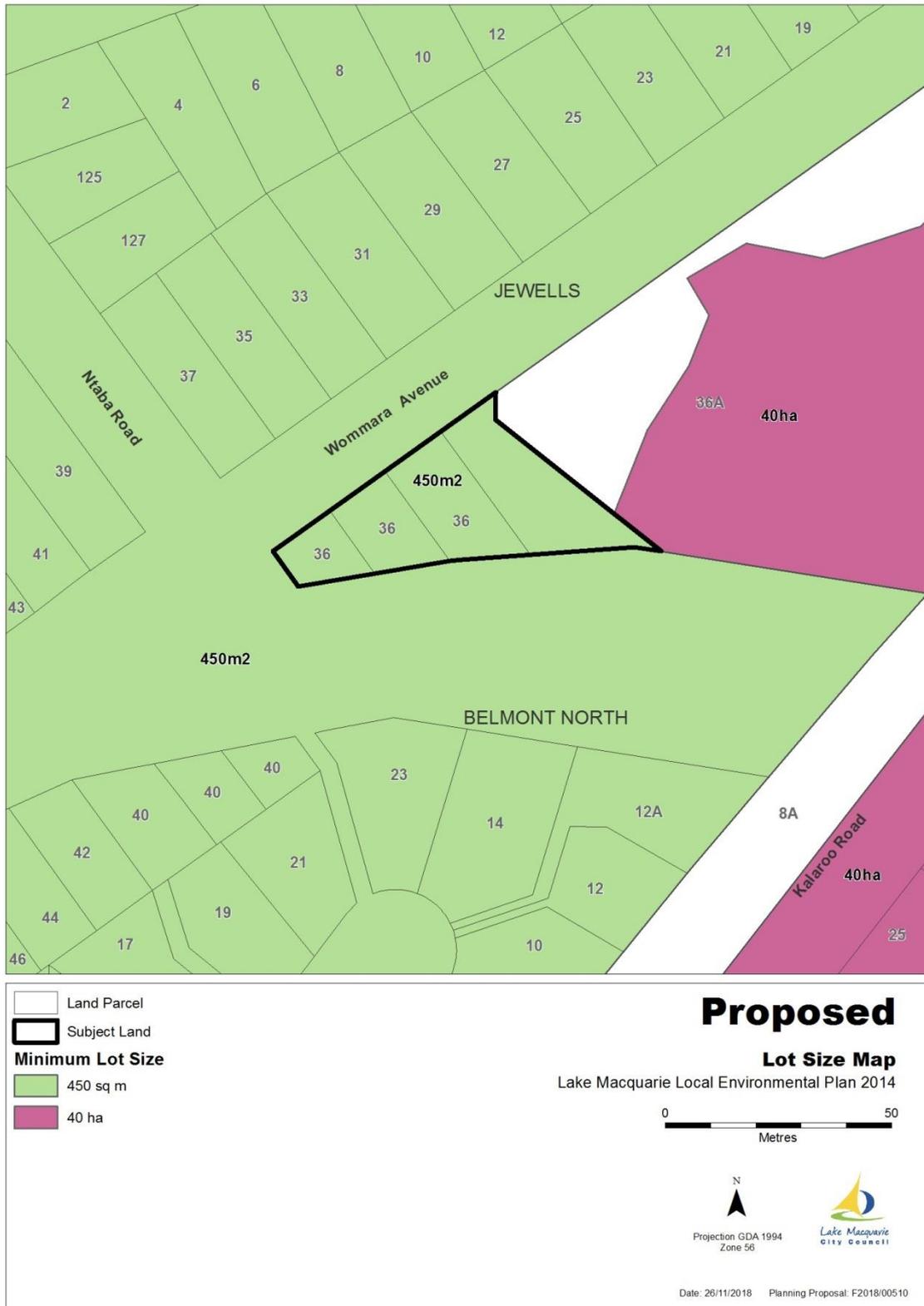


Figure 5 – Proposed Lot Size Map



**Figure 6 – Draft Land Reclassification Map under LMLEP 2014**



Item 10: 6 Tristania Close TERALBA – Lot 32 DP 716248

Figure 1 – Aerial Map



-  Land Parcel
-  Subject Land

**Air Photo**  
**2018 Aerial Photography**

Nearmap Imagery 2018



Date: 26/11/2018

Planning Proposal: F2018/00510

Figure 2 – Existing Zone under LMLEP 2014

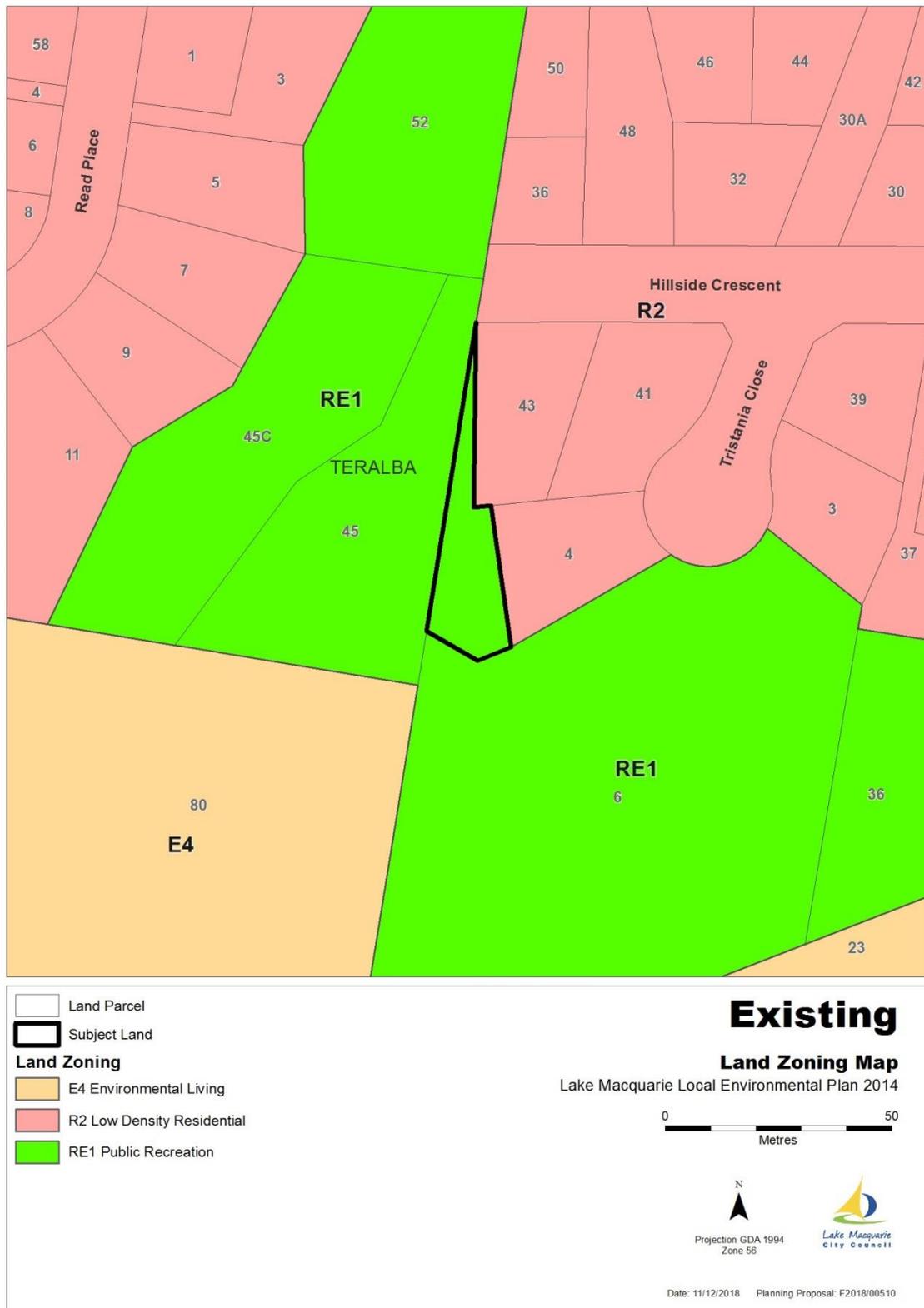
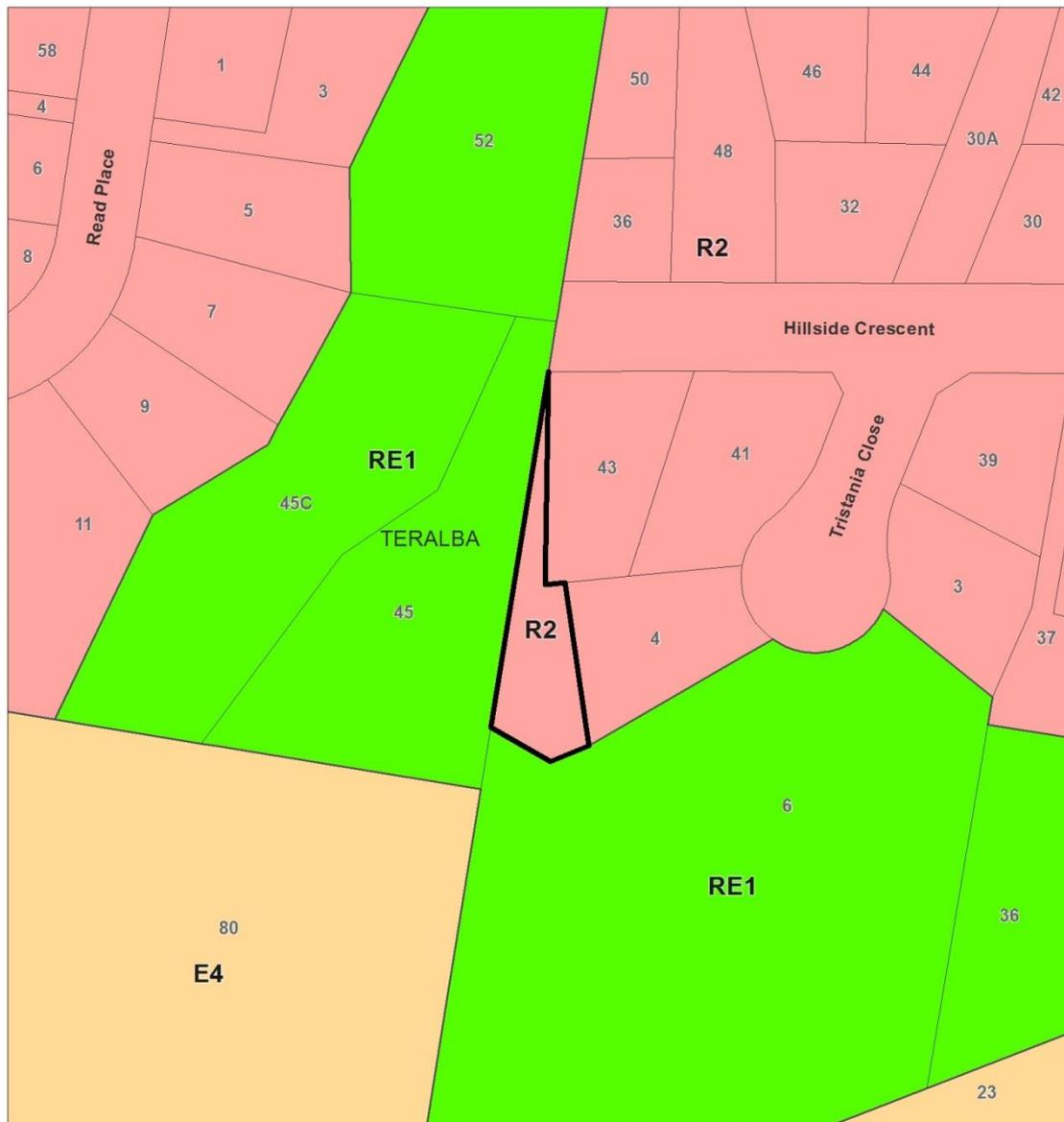


Figure 3 – Proposed Zone



-  Land Parcel
-  Subject Land
- Land Zoning**
-  E4 Environmental Living
-  R2 Low Density Residential
-  RE1 Public Recreation

## Proposed

### Land Zoning Map

Lake Macquarie Local Environmental Plan 2014



Date: 26/11/2018 Planning Proposal: F2018/00510

Figure 4 – Existing Lot Size Map under LMLEP 2014

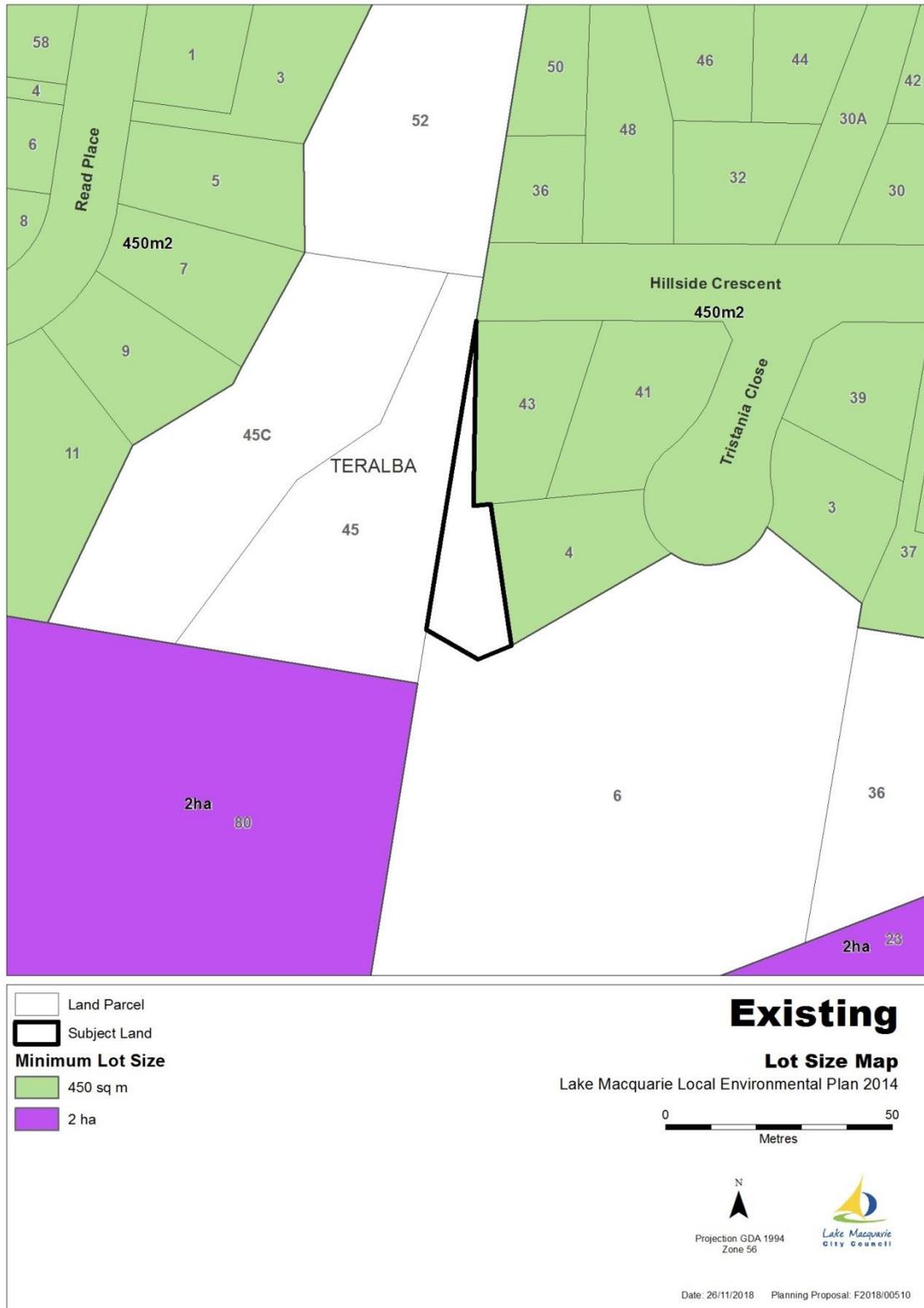


Figure 5 – Proposed Lot Size Map

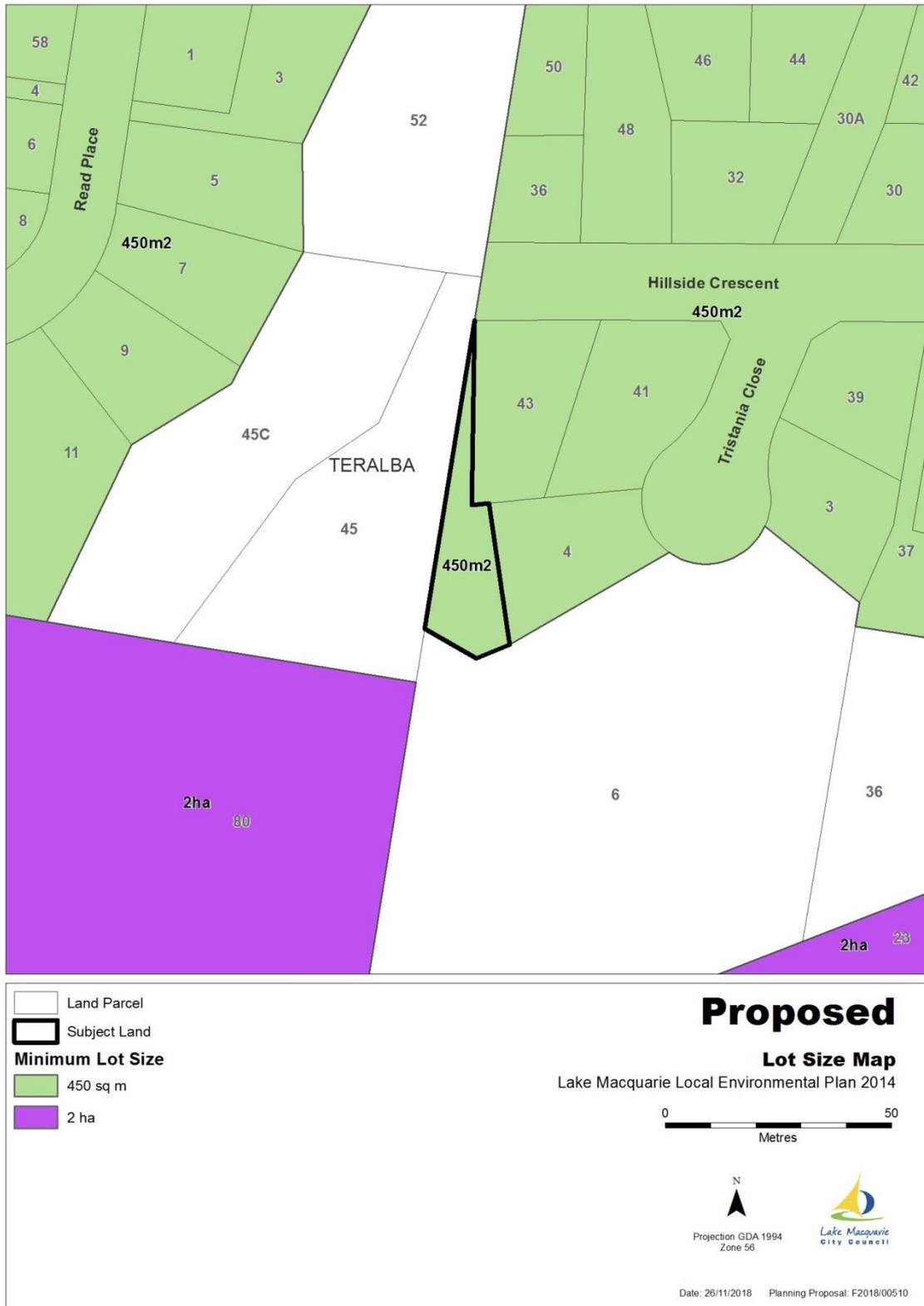
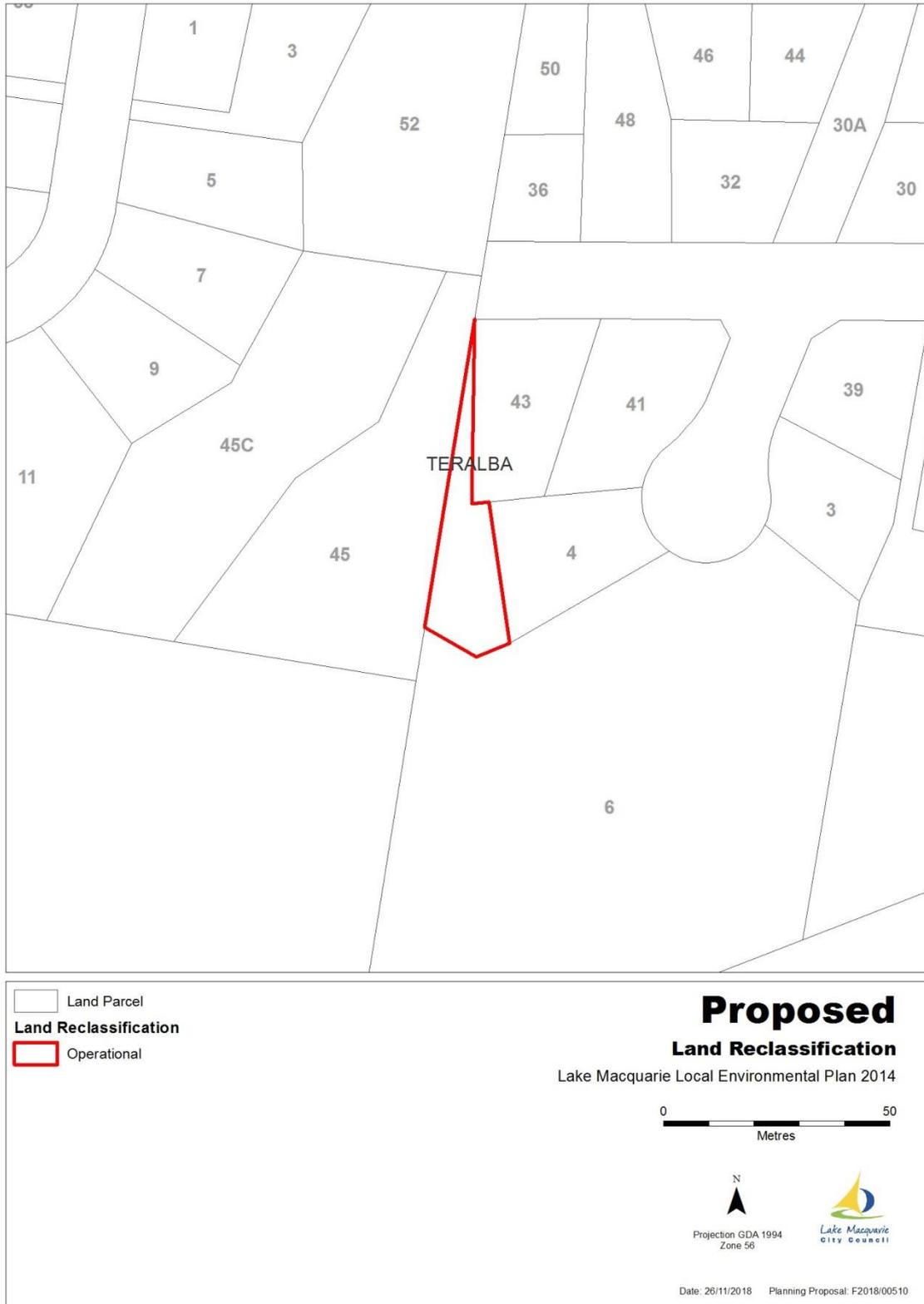


Figure 6 – Draft Land Reclassification Map under LMLEP 2014



## ANNEX B – SEPP ASSESSMENT

### *Planning Proposal's Assessment against Applicable SEPPs*

SEPP	Applicable	Consistency
State Environmental Planning Policy No 55 Remediation of Land	Yes	One of the sites in Item 4 has been identified as Notation 1 – Contaminated or Potentially Contaminated under Council's Managing Contaminated or Potentially Contaminated Land Policy. The site is classed as Notation 1 due to a finding of heavy metal contamination (black slag) near a grandstand on site which is not located on the area to be reclassified. The site is also listed as potentially containing other waste material due to the potential historic dumping of material, which is typical of most sporting grounds around the Lake Macquarie LGA. As the proposed reclassification is to dedicate the road that is already formed and it does not require any civil works which may disturb the sealed surface, it is expected that there is no additional exposure risk at this time, thereby complying with Council's Managing Contaminated or Potentially Contaminated Land Policy. All future maintenance and upgrade works shall comply with SEPP55 and Section 4.15 of the EP&A Act.
State Environmental Planning Policy No 19—Bushland in Urban Areas	Yes	<p>Item 5 is the only site with significant bushland on it. The proposed reclassification is to allow drainage infrastructure and is in accordance with the SEPP as the amount of bushland proposed to be disturbed is as little as possible and, the bushland will be reinstated upon completion of that work as far as is possible.</p> <p>The shape of the land to be redeveloped in Items 8 and 9 has been modified to exclude land that has been identified as critical habitat for ecological communities.</p>
State Environmental Planning Policy Coastal Management 2018	Yes	<p>Items 1, 4, 8, 9 &amp; 10 are identified as being within the Coastal Zone, and Item 9 is identified within the proximity area of an identified coastal wetland. Accordingly, State Environmental Planning Policy – Coastal Management applies.</p> <p>It is considered that the reclassifications of Items 1 &amp; 4 (Road dedications) &amp; Item 10 (encroachment) will not have any detrimental effects on the coastal environment as this is confirming what is physically on the land.</p> <p>It is considered that the remaining reclassifications will not have a detrimental effect on the coastal zone as the sites are already within developed urban areas. The provisions of this SEPP will need to be reconsidered when a development application is assessed for subdivision of Items 8 &amp; 9.</p>

## ANNEX C – MINISTERIAL DIRECTION ASSESSMENT

*Planning Proposal's assessment against Ministerial Directions*

Ministerial Direction	Applicable	Consistency
<b>1. Employment and Resources</b>		
1.1 Business and Industrial Zones	Yes	Item 6 of the planning proposal is located within an industrial zone and this direction does not allow the altering of any existing industrial zone boundaries. However as the proposal only involves a boundary adjustment by 15 metres (area of 1600sqm), it is considered to be of minor significance. The Toronto industrial area currently has an area of 456,203sqm and a reduction by 1600sqm would be a loss of less than 0.4%.
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	
<b>2. Environment and Heritage</b>		
2.1 Environment Protection Zones	N/A	
2.2 Coastal Protection	Yes	The subject lands identified within Items 1, 4, 8, 9 & 10 are located within the coastal zone. The planning proposal is only to reclassify the land (with small zoning changes for Items 8, 9 & 10) and therefore is considered to be consistent with the direction. Any future development on these sites will require compliance with the NSW Coastal Management 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	-

*Planning Proposal's assessment against Ministerial Directions*

<b>Ministerial Direction</b>	<b>Applicable</b>	<b>Consistency</b>
<b>3. Housing, Infrastructure and Urban Development</b>		
3.1 Residential zones	Yes	All the subject lands (except Items 5, 6 & 8) are either within existing residential zones (R2) or are proposed to become residential zones which permit low density residential developments. Item 8 will reduce the R2 land by 2,200 sqm (0.0027% of total R2 land), but increase the RE1 land by the same amount (being 0.0013% of the total RE1 land). Items 3, 7, 9 and 10 will require rezoning of RE1 land to residential R2, and will result in an increase of residential land by 9,419sqm (0.012% of total R2 land), but represents a decrease in RE1 land of 9,419 sqm or 0.058% of the total RE1 land. All land is contained within existing urban areas which is adequately serviced, and will not reduce the permitted density, therefore the proposal is considered to be of minor significance.
3.2 Caravan Parks and Manufactured Home Estates	N/A	-
3.3 Home Occupations	N/A	-
3.4 Integrating Land Use and Transport	Yes	Although Items 6, 7, 8, 9 and 10 require zone boundary adjustments, these are all contained within existing urban areas which are designed for transport needs including existing public transport. Accordingly, the zone boundaries are considered to be minor in nature and are of minor significance.
3.5 Development Near Licensed Aerodromes	N/A	-
3.6 Shooting Ranges	N/A	-
<b>4. Hazard and Risk</b>		
4.1 Acid Sulfate Soils	Yes	The following sites are identified within the Lake Macquarie Acid Sulfate Soils Planning Maps:  Item 1 – 9C Albert Street EDGEWORTH – Class 5 Item 4 – Apex Street BELMONT – Part Class 3 & part Class 5 Item 6 – 356 Awaba Road TORONTO – Class 5 Item 8 – 1A Macquarie Road FENNELL BAY – Class 5

*Planning Proposal's assessment against Ministerial Directions*

<b>Ministerial Direction</b>	<b>Applicable</b>	<b>Consistency</b>
		<p>Item 9 – 36 &amp; 36A Wommara Avenue JEWELLS – Class 5</p> <p>The proposals are for reclassification some with minor zoning changes. Any future development on these sites would need to be aware of this constraint and would be required to address the requirements of Clause 7.1 of the LMLEP 2014 at development application stage.</p>
4.2 Mine Subsidence and Unstable Land	Yes	<p>All lands (except Items 2 &amp; 8) are identified as being within the Lake Macquarie Mine Subsidence District.</p> <p>Consultation with the Mine Subsidence Board will be undertaken to satisfy the requirements of this direction.</p>
4.3 Flood Prone Land	N/A	<p>In Items 4 &amp; 9, part of the land is identified as flood prone land, but not the area to be reclassified. Accordingly, the proposal is considered to be consistent with the direction.</p>
4.4 Planning for Bushfire Protection	N/A	<p>Items 2, 3, 4, 6, and 7 are all identified as being on the edge of the Buffer area with only part of the site being on the Bushfire Prone land map. The whole of Item 9 and 10 are also identified, as Vegetation Category 1 land. Any future development on the land within these items will require the provision of an APZ, and consultation with the Rural Fire Service.</p>
<b>5. Regional Planning</b>		
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	-

*Planning Proposal's assessment against Ministerial Directions*

<b>Ministerial Direction</b>	<b>Applicable</b>	<b>Consistency</b>
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	N/A	-
5.6 Sydney to Canberra Corridor	N/A	-
5.7 Central Coast	N/A	-
5.8 Second Sydney Airport: Badgerys 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.
<b>6. Local Plan Making</b>		
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 proposed or currently identified on the Land Reservation Acquisition layer of LMLEP 2014.  Lake Macquarie Council has a total of 1600.9 hectares of RE1 zoned land. Items 3, 7, 9 and 10 will require rezoning of RE1 land to residential R2, and will result in a decrease in RE1 land of 9,419 sqm or 0.058% of the total RE1 land. Accordingly, the zone boundary changes are considered to be minor in nature and are of minor significance.
6.3 Site Specific Provisions	N/A	Where zoning changes are required (Items 3, 6, 7, 8, 9 and 10) the zones are existing and their provisions will remain unaltered. Accordingly, the provisions of the planning proposal are considered to be consistent with this Ministerial direction.

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**7. Metropolitan Planning**

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7.1 Implementation of A Plan for Growing Sydney                      N/A                      -

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7.2 Implementation of Greater Macarthur Land Release Investigation                      N/A

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7.3 Parramatta Road Corridor Urban Transformation Strategy                      N/A

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7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan                      N/A

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7.5 Implementation of Greater Parramatta Priority Growth Interim Land Use and Infrastructure Implementation Plan                      N/A

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7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan                      N/A

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7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor                      N/A

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## ANNEX D – COUNCIL RESOLUTIONS

### *Council Minute Item*

#### *Action*

Ordinary Council Meeting

26/11/2018

**TRIM Ref:** D08923965

**Subject:** Reclassification of Various Sites - 2018 Housekeeping  
Amendment to Lake Macquarie Local Environmental Plan 2014

**Date to be** 26/11/2018

**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:**

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Moved. Cr. Adamthwaite

Seconded. Cr. Belcher

Council authorises:

A. Preparation and submission of a Planning Proposal pursuant to section 3.33 of the Environmental Planning and Assessment Act 1979 ("EP&A Act"), for the following purposes.

- i) 9C Albert Street, Edgeworth  
(Lot 2 DP 506929, red outline on attachments 1 & 2)
  - a. Reclassify as Operational Land.
  - b. Dedicate as public road.
- ii) 38C Bayview Street, Warners Bay  
(Lot 1 DP 651248, red outline on attachments 3 & 4)
  - a. Reclassify as Operational Land.
  - b. Dedicate as public road.
- iii) 37A Highfields Parade, Highfields  
(Lot 198 DP 18348, red outline on attachments 5 & 6)
  - a. Reclassify as Operational Land.
  - b. Dedicate as public road.
  - c. Rezone from RE1 Public Recreation to R2 Low Density Residential
- iv) Apex Street, Belmont  
(Part of Lot 41 DP 557183, Lot 1 DP 511858 & Lot 2 DP 519114, red outline on attachments 7 & 8)
  - a. Reclassify as Operational Land.
  - b. Dedicate as public road.
- v) 8A Kawara Place, Kahibah

- (Lot 30 DP 245090, red outline on attachments 9 & 10)
- a. Reclassify as Operational Land.
  - b. Create drainage easement.
- vi) Part of 356 Awaba Road, Toronto  
(Part of Lot 101 DP 1228040, red on attachments 11 & 12)
- a. Reclassify as Operational Land.
  - b. Rezone from IN2 Light Industrial to RE1 Public Recreation.
  - c. Incorporate into neighbouring recreation reserve.
- vii) Part of 146C Princeton Avenue, Adamstown Heights  
(Part of Lot 138 DP 252655, red outline on attachments 13 & 14)
- a. Reclassify as Operational Land.
  - b. Dedicate part as public road.
  - c. Sale of residue.
- viii) Corner Brougham Avenue & Macquarie Road, Fennell Bay  
(Part of road reserve adjoining Lot 11 DP 562939, red on attachments 15 & 16)
- a. Close part of public road.
  - b. Classify as Community Land.
  - c. Rezone from R2 Low Density Residential to RE1 Public Recreation.
  - d. Incorporate into adjacent ecological reserve.
- ix) 36 & Part 36A Wommara Avenue, Jewells  
(Lot 1 DP 652310, Lot 2 DP 652311, Lot 3 DP 652312 & Part Lot 153 DP 246099, red on attachments 17 & 18)
- a. Close part of public road.
  - b. Rezone from RE1 Public Recreation to R2 Low Density Residential.
  - c. Public Sale or development as an investment.
- x) Part of 6 Tristania Close, Teralba  
(Part of Lot 32 DP 716248, red outline on attachments 19 and 20)
- a. Reclassify as Operational Land.
  - b. Sale to adjoining owners.
- B. If a Gateway Determination is issued under section 3.34 of the EP&A Act, then:
- a. The exhibition of the Planning Proposal and the conduct of a consultation process consistent with the requirements of the Gateway Determination; and
  - b. The conduct of a public hearing consistent with the requirements of section 29 of the Local Government Act 1993; and
  - c. The commencement of a consultation process in respect of the proposed road closures that is consistent with the requirements of Part 4 of the Roads Act.
- C. Once the consultation processes described in Recommendation B are complete, the matter is to be resubmitted to Council for further consideration, having regard to any submissions received.

(Carried)

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*End*

*The minutes of Ordinary Council Meeting on 26/11/2018 is located in TRIM folder titled 'GOVERNANCE - COUNCIL MEETINGS - Minutes and Agenda - Council Agendas & Minutes - PDF Version'*

**18OS011                    Reclassification of Various Sites – 2018 Housekeeping  
Amendment to Lake Macquarie Local Environmental Plan  
2014**

Council Ref:            F2018/00510 – D08923965  
Report By:             Statutory Property Officer – Joanne Marshall

**Précis:**

From time to time, Council officers review Council's Community land holdings and public road reserves to determine whether they are meeting the current needs of residents. In certain cases, parcels of land are identified that could be used by the Council or community more appropriately. This report addresses ten land parcels considered appropriate for alternative uses.

More specifically:

- five of the parcels are considered to be more appropriately managed through dedication as public road, and where the entire parcel is not required the surplus should be sold;
- one parcel would be better utilised as a drainage easement;
- one parcel would most benefit the community if incorporated into a neighbouring public recreation area;
- one part of a road reserve is surplus to requirements and would benefit the community if incorporated into an existing adjacent nature reserve; and
- two parcels are surplus to Council's requirements and are appropriate for sale.

**Recommendation:**

Council authorises:

A. Preparation and submission of a Planning Proposal pursuant to section 3.33 of the Environmental Planning and Assessment Act 1979 ("EP&A Act"), for the following purposes.

- i)        9C Albert Street, Edgeworth  
(Lot 2 DP 506929, red outline on attachments 1 & 2)
  - a. Reclassify as Operational Land.
  - b. Dedicate as public road.
- ii)      38C Bayview Street, Warners Bay

- (Lot 1 DP 651248, red outline on attachments 3 & 4)
- a. Reclassify as Operational Land.
  - b. Dedicate as public road.
- iii) 37A Highfields Parade, Highfields  
(Lot 198 DP 18348, red outline on attachments 5 & 6)
- a. Reclassify as Operational Land.
  - b. Dedicate as public road.
  - c. Rezone from RE1 Public Recreation to R2 Low Density Residential
- iv) Apex Street, Belmont  
(Part of Lot 41 DP 557183, Lot 1 DP 511858 & Lot 2 DP 519114, red outline on attachments 7 & 8)
- a. Reclassify as Operational Land.
  - b. Dedicate as public road.
- ii) 8A Kawara Place, Kahibah  
(Lot 30 DP 245090, red outline on attachments 9 & 10)
- a. Reclassify as Operational Land.
  - b. Create drainage easement.
- vi) Part of 356 Awaba Road, Toronto  
(Part of Lot 101 DP 1228040, red on attachments 11 & 12)
- a. Reclassify as Operational Land.
  - b. Rezone from IN2 Light Industrial to RE1 Public Recreation.
  - c. Incorporate into neighbouring recreation reserve.
- vii) Part of 146C Princeton Avenue, Adamstown Heights  
(Part of Lot 138 DP 252655, red outline on attachments 13 & 14)
- a. Reclassify as Operational Land.
  - b. Dedicate part as public road.
  - c. Sale of residue.
- viii) Corner Brougham Avenue & Macquarie Road, Fennell Bay  
(Part of road reserve adjoining Lot 11 DP 562939, red on attachments 15 & 16)
- a. Close part of public road.
  - b. Classify as Community Land.
  - c. Rezone from R2 Low Density Residential to RE1 Public Recreation.
  - d. Incorporate into adjacent ecological reserve.
- ix) 36 & Part 36A Wommara Avenue, Jewells  
(Lot 1 DP 652310, Lot 2 DP 652311, Lot 3 DP 652312 & Part Lot 153 DP 246099, red on attachments 17 & 18)
- a. Close part of public road.
  - b. Rezone from RE1 Public Recreation to R2 Low Density Residential.
  - c. Public Sale or development as an investment.
- x) Part of 6 Tristania Close, Teralba

(Part of Lot 32 DP 716248, red outline on attachments 19 and 20)

- a. Reclassify as Operational Land.
- b. Sale to adjoining owners.

- B. If a Gateway Determination is issued under section 3.34 of the EP&A Act, then:
- a. The exhibition of the Planning Proposal and the conduct of a consultation process consistent with the requirements of the Gateway Determination; and
  - b. The conduct of a public hearing consistent with the requirements of section 29 of the Local Government Act 1993; and
  - c. The commencement of a consultation process in respect of the proposed road closures that is consistent with the requirements of Part 4 of the Roads Act.
- C. Once the consultation processes described in Recommendation B are complete, the matter is to be resubmitted to Council for further consideration, having regard to any submissions received.

### **Background:**

This report addresses a series of proposals to change the use of some parcels of Council's Community Land holdings and public road reserves that are no longer meeting the needs of residents.

The provisions of the Local Government Act 1993 ("LG Act"), Environmental Planning and Assessment Act 1979 ("EP&A Act"), Roads Act 1993 ("Roads Act") and other relevant legislation mean that a number of steps are required to implement these proposed changes. The initial step for most of the parcels is a reclassification through an amendment to the Lake Macquarie Local Environmental Plan 2014 ("LMLEP"). Where it is proposed to close part or all of a public road, it is also necessary to follow the consultation process specified in the Roads Act.

This report seeks Council's approval for the preparation and submission of a Planning Proposal to amend to the LMLEP, and to commence the road closure consultation required by the Roads Act. Once these processes are complete, some or all of the proposed changes will be resubmitted to Council for further consideration (either individually or in groups).

- i) 9C Albert Street, Edgeworth  
(Lot 2 DP 506929 - Attachments 1 & 2)  
Proposal - Reclassification as Operational Land and dedication as public road

When the land was originally subdivided in 1825, Albert and Lloyd Streets were dissected by a corridor 100 foot wide, running diagonally across the subdivision, believed to be for a public utility (possibly water).

In 1961, under DP 503222, two lots were created with the intention of dedicating them as road. One lot was later dedicated as road, the subject land was not, and by default became Community Land. Historic aerial photos show that the subject land has been a formed road since at least 1979.

The ongoing use of the land as a public road is supported.

- ii) 38C Bayview Street, Warners Bay  
(Lot 1 DP 651248, red outline on attachments 3 & 4)  
Proposal - Reclassify as Operational Land and dedicate as public road

The land comprises a small triangular piece spanning across the front of 36 & 38 Bayview Street, Warners Bay. In 1964, this section of the road was closed and sold to Council.

It is unclear as to why this section of road was closed, presumably for Council to on-sell to one of the adjoining owners, however this did not eventuate.

Although the parcel of land is small, it is a legal impediment to vehicular access to the two adjoining properties, effectively making them land locked.

In the circumstances, the most appropriate course is to dedicate the land as public road.

- iii) 37A Highfields Parade, Highfields  
(Lot 198 DP 18348, red outline on attachments 5 & 6)  
Proposal - Reclassify as Operational Land, dedicate as public road and  
Rezone from RE1 Public Recreation to R2 Low Density Residential

This land is a thin strip approximately 18.5m wide x 66m long, which is used as a drainage reserve located behind approximately 50 properties fronting either Highfields Parade or Kahibah Road. The land has an area of approximately 6,900sqm.

The land is mainly vacant with a sealed access road formed in the middle, which then turns south-west into Kahibah Road down a narrow access channel arm. The north-east arm and southern end are not sealed and are mainly lawn.

Council drainage pipes and pits are located along the majority of the drainage reserve.

Many properties have erected garages and driveways on the rear of their own land but are gaining vehicular access off the sealed access road. Many of these garages have been erected with Council consent, and approvals for the driveway crossings and driveways are still under investigation. A recent development application for a dual occupancy, whose only vehicular access was from this land has highlighted that some residents assume this land is a public road, rather than drainage reserve classified as Community Land.

Access to private property over Community Land is not permitted. However, the ongoing use of the land as a public road is supported.

- iv) Apex Street, Belmont  
(Part of Lot 41 DP 557183, Lot 1 DP 511858 & Lot 2 DP 519114, red outline on attachments 7 & 8)  
Proposal - Reclassify as Operational Land and dedicate as public road

Apex Street provides vehicular access and car parking to the sporting facilities on these Council public reserve lands, especially the netball courts. It has also become a link road between Livingstone Street, Hitchcock Avenue and Merleview Street.

The Department of Housing has constructed a town house complex that uses Apex Street for its vehicular access. Owners of houses adjoining the road have approached Council to use Apex Street for vehicular access to their rear garages and dual occupancy residences. These requests were denied because Apex Street has not been formally dedicated.

Apex Street has been formed on land that is Council reserve and classified as Community Land. Roads are permissible (under the Plan of Management) only if they provide access to facilities within the reserve, but not if they are used for access to private properties (outside the reserve) or as part of the road network.

Access to private property over Community land is not permissible. However, the ongoing use of the land as a public road is supported.

- v) 8A Kawara Place, Kahibah  
(Lot 30 DP 245090, red outline on attachments 9 & 10)  
Proposal - Reclassify as Operational Land and create drainage easement

Council has received a Development Application for residential units on 327 Pacific Highway, Highfields. The stormwater disposal from the site is proving to be difficult, with the preferred option being to follow the natural drainage line which falls to the rear of the site, over an adjoining private property (a private easement would be needed) and then into Council's reserve at 8A Kawara Place, Kahibah, where a drainage dispersal wall shall be constructed.

Section 46 of the LG Act enables Council to grant an easement to drain water over Community Land to adjoining owners and into existing infrastructure within the Community Land only.

However, section 46 does not apply, as the applicant is not an adjoining owner and the works are not connecting to existing infrastructure as they are constructing a dispersal wall.

Accordingly, Council staff propose to reclassify part of the land (a strip approximately 6m wide – see attachments 9 and 10) to facilitate drainage facilities and an easement for drainage purposes. The remainder of the site shall be retained as Community Land.

This is considered an appropriate resolution of drainage issues that are impeding an otherwise beneficial development.

- vi) Part of 356 Awaba Road, Toronto  
(Part of Lot 101 DP 1228040, red on attachments 11 & 12)  
Proposal - Rezone from IN2 Light Industrial to RE1 Public Recreation and incorporate into neighbouring recreation reserve

The Toronto Development Contributions Plan identifies that additional recreational facilities in the West Lakes area is required and 356 Awaba Road, Toronto is the preferred location, as it is already owned by Council.

However, the site is too small for its proposed recreational use (as district netball courts) and it requires enlarging prior to development. As Council also owns the site to the south (1 Woodbine Place), Council resolved on 10 April 2017 to address the size issues through a boundary adjustment, rezoning and reclassification to incorporate approximately 1600sqm into the reserve land.

The boundary adjustment and reclassification are now complete. A rezoning from IN2 Light Industrial to RE1 Public Recreation is now proposed, to ensure each site has its own zoning and does not result in a 'split' zone.

- vii) Part of 146C Princeton Avenue, Adamstown Heights  
(Part of Lot 138 DP 252655, red outline on attachments 13 & 14)  
Proposal - Reclassify as Operational Land, dedicate part as public road and sell residue

It has come to the attention of Council staff that a plan issued in 1981 (DP 261260), shows access to Elton Close over Council's reserve for approximately 15 metres, near its intersection with Princeton Avenue. This section of road was never dedicated. It is a formed road giving vehicular access to approximately 50 houses.

Elton Close effectively isolates the southern part of the reserve that runs along Princeton Avenue. This has been compounded by some illegal encroachments, and this section of the reserve is now unusable as open space.

Accordingly, it is considered appropriate to dedicate that part of Elton Close shaded grey on attachments 13 and 14 as road, and sell the parts shaded orange and yellow to the adjoining owners. The electricity substation shown on the attachments is to remain on Council land. To give effect to this approach it is necessary to reclassify the land as Operational Land and rezone it from RE1 Public Recreation to R2 Low Density Residential.

- viii) Corner Brougham Avenue & Macquarie Road, Fennell Bay  
(Part of road reserve adjoining Lot 11 DP 562939, red on attachments 15 & 16)  
Proposal - Close part of public road, classify as Community Land, rezone from R2 Low Density Residential to RE1 Public Recreation and incorporate into adjacent ecological reserve

This land was originally set aside for public school under DP 882 in 1883. Since that time, there have been several subdivisions and realignments of Macquarie Road. This has left Council with an unusually large road reserve.

It is proposed to close the portion of the road at the corner of Brougham Avenue & Macquarie Road because the relevant tests specified in Part 4 of the Roads Act have been satisfied. The portion of land to be closed has never been sealed or used by traffic, and is currently occupied by remnant bushland understood to contain some endangered ecological communities.

As such, it is considered appropriate to classify this part of the road reserve land as Community Land following a road closure, and to rezone the land from R2 Low Density Residential to RE1 Public Recreation.

- ix) 36 & Part 36A Wommara Avenue, Jewells  
(Lot 1 DP 652310, Lot 2 DP 652311, Lot 3 DP 652312 & Part Lot 153 DP 246099, red on attachments 17 & 18)  
Proposal - Close part of public road, rezone from RE1 Public Recreation to R2 Low Density Residential, and either offer for public sale or develop as an investment

Wommara Avenue and the surrounding land was originally subdivided in 1928, with Lot 1, Lot 2 and Lot 3 being on the edge of the subdivision and separated by a paper road (which was the continuation of Ntaba Road). The roads (except Ntaba Road) were dedicated to Council at that time.

In 1960, a road reserve 33 metres wide was created which cut through these lots. This made each lot undersized for residential development. When the new road was abandoned (about 1982) Council acquired this land (three lots and road corridor) which were then dedicated Open Space in 1988.

The adjoining land known as 36A Wommara Avenue came into Council's ownership in 1988, identified as Public Reserve when Stage 4 of the Scenerama Estates subdivision plan was registered.

The Fernleigh Track now travels along the eastern boundary of 36A Wommara Avenue, preventing vehicular access to Kalaroo Road, and making the road reserve redundant.

The road is now redundant, and the relevant tests specified in Part 4 of the Roads Act are satisfied, so it is considered appropriate to propose closure of the unformed road.

Once closed, the intention is to consolidate with the adjoining property and offer for public sale, or develop for residential purposes. To support this, the land needs to be reclassified and rezoned from RE1 Public Recreation to R2 Low Density Residential.

- x) Part of 6 Tristania Close, Teralba  
(Part of Lot 32 DP 716248, red outline on attachments 19 and 20)  
Proposal - Reclassify as Operational Land, and offer for sale to adjoining owners

Structures associated with the property at 4 Tristania Close, Teralba (Lot 31 DP 716248) encroach onto Council's adjoining public reserve. These unapproved encroachments identified by aerial photographs include retaining walls, a pergola, possible pool decking and major landscaping works.

Council officers have identified that as the works are substantial, they will recommend that Council authorises reclassification for the purpose of sale of the portion of affected land coloured yellow in attachments 19 and 20 to that adjoining owner.

The sale of the affected land would leave an uneven boundary to the reserve. Accordingly, Council officers have approached another adjoining owner who has preliminarily agreed to buy a small piece of land, to straighten the boundary to the reserve, shown coloured orange in attachments 19 and 20.

The subject land is classified Community Land and zoned RE1 Public Recreation. Landscaping works for private use is prohibited.

In the circumstances, the proposal is considered the most appropriate solution.

### **Consultation:**

Each of the proposals in this report have been assessed by representatives of relevant Council departments, and determined appropriate to be presented to Council for consideration.

The table below sets out the date on which each proposal was considered and the key issues addressed.

Proposal	Internal consultation date	Issues Raised	Resolution
9C Albert Street, Edgeworth	12 July 2017	Nil	Proceed
38C Bayview Street, Warners Bay	21 September 2017	Nil	Proceed
37A Highfields Parade, Highfields	15 March 2018	Maintenance responsibility	Asset Management Department accepted.
Apex Street, Belmont	20 September 2018	Nil	Proceed
8A Kawara Place,	20 September 2018	Potential to set	Low risk due to rarity of

Proposal	Internal consultation date	Issues Raised	Resolution
Kahibah		precedent	B4 zone.
Part of 356 Awaba Road, Toronto	12 July 2017	Nil	Proceed
Part of 146C Princeton Avenue, Adamstown Heights	15 March 2018	Managing pool deck encroachment	Sale to encroaching owner.
Corner Brougham Avenue & Macquarie Road, Fennell Bay	15 March 2018	Nil	Proceed
36 & Part 36A Wommara Avenue, Jewells	21 September 2017	<ul style="list-style-type: none"> <li>Conservation of native vegetation</li> <li>Vehicular access from Ntaba Road</li> </ul>	To be considered at subdivision stage
Part of 6 Tristania Close, Teralba	22 June 2016	Maintaining linkage of two parts of reserve	Only part of the encroached land is being sold, in order to maintain a link to the other reserve

### Implications:

Each proposal has been assessed with respect to policy, environmental, social, infrastructure asset, financial, and risk and insurance implications. Each part of the proposal is generally consistent with the relevant policies; has positive social impacts and reduces the risk and insurance implications by following due process as set out in the relevant legislation.

The other implications for each property are addressed in the table below:

Proposal	Environmental	Infrastructure Asset	Finance	Comments
9C Albert Street, Edgeworth	Nil	Expands assets	Maintenance costs up	To formalise what is physically on the ground - road
38C Bayview Street, Warners Bay	Nil	Expands assets	Maintenance costs up	To formalise what is physically on the ground - road
37A Highfields Parade, Highfields	Nil	Expands assets	Maintenance costs up	To formalise what is physically on the ground - road
Apex Street, Belmont	Nil	Expands assets	Maintenance costs up	To formalise what is physically on the ground - road

Proposal	Environmental	Infrastructure Asset	Finance	Comments
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8A Kawara Place, Kahibah	Mitigated	Nil	Grows assets	<ul style="list-style-type: none"> <li>• Lost vegetation to be re-established</li> <li>• Improved stormwater management</li> <li>• Developer funding easement &amp; infrastructure</li> </ul>
Part of 356 Awaba Road, Toronto	Nil	Nil	Grows assets	<ul style="list-style-type: none"> <li>• Enables establishment of district sporting facility</li> </ul>
Part of 146C Princeton Avenue, Adamstown Heights	Nil	Expands assets	Sale raises funds	<ul style="list-style-type: none"> <li>• To formalise what is physically on the ground – road and encroachments</li> <li>• Enables sale of encroached land</li> </ul>
Corner Brougham Avenue & Macquarie Road, Fennell Bay	Nil	Reduces mowing task	Sale raises funds	<ul style="list-style-type: none"> <li>• To formalise what is physically on the ground - road</li> <li>• Enables sale of surplus land</li> </ul>
36 & Part 36A Wommara Avenue, Jewells	Mitigated	Reduces mowing task	Sale raises funds	<ul style="list-style-type: none"> <li>• Proposal modified to address potential environmental issues</li> <li>• Enables sale of surplus land</li> </ul>
Part of 6 Tristania Close, Teralba	Nil	Nil	Sale raises funds	<ul style="list-style-type: none"> <li>• To formalise what is physically on the ground - encroachments</li> <li>• Enables sale of encroached land</li> </ul>

### Options:

1. To proceed as recommended and commence preparation of a Planning Proposal to include each property. This option is favoured as Council staff generally support each proposed reclassification as a strategic project that has merit.
2. To proceed with some of the proposed property changes but not others. In respect of the properties that are not actioned, Council may direct that no further action is taken or request that additional work is completed and the matter be resubmitted to Council once this is complete.
3. To proceed with none of the property changes, and direct that Council retains any of the lands as Community Land. In respect of the properties that are not actioned, Council may direct that no further action is taken or request that additional work is completed and the matter resubmitted to Council once this is complete.

### 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 – 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 Locality	Column 2 Description
Apex Street, Belmont	Part of Lot 1, DP 511858
Apex Street, Belmont	Part of Lot 2, DP 519114
9C Albert Street, Edgeworth	Lot 2, DP 506929
1A Macquarie Road, Fennell Bay	Lot 9, DP 25866
37A Highfields Parade, Highfields	Lot 198, DP 18348
36 Wommara Avenue, Jewells	Lot 1, DP 652310
36 Wommara Avenue, Jewells	Lot 2, DP 652311
36 Wommara Avenue, Jewells	Lot 3, DP 652312
356 Awaba Road, Toronto	Part of Lot 101, DP 1228040
38C Bayview Street, Warners Bay	Lot 1, DP 651248

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

Column 1 Locality	Column 2 Description	Column 3 Any trusts etc not discharged
Part of 146C Princeton Avenue, Adamstown Heights	Part of Lot 138, DP 252655	Crown Grant Rights to Mine (254399)
Apex Street, Belmont	Part of Lot 41, DP 557183	Crown Grant & Excludes Minerals Road in Title diagram Easement for Rising Main (R804604)
1A Macquarie Road, Fennell Bay	Lot 5, DP 209770	Crown Grant & Excludes Minerals
Part of 36A Wommara Avenue, Jewells	Part of Lot 153 DP 246099	Crown Grant & Excludes Minerals (Vol 3898 Fol 143) Easement for Sewer Main 4 metres wide (AK 657090)
Part of 8A Kawara Place, Kahibah	Part of Lot 30, DP 245090	Crown Grant
Part of 6 Tristania Close, Teralba	Part of Lot 32 DP 716248	Crown Grant Land excludes Minerals (BK 1318 No 572) Restricts on Use of Land (DP 716248)

## **ANNEX H – SUPPORTING INFORMATION**