

PLANNING PROPOSAL

Final Version

Reclassification of Community Land to Operational Land at Various Sites

2016 Housekeeping Amendment

**Amendment No. 25 to
Lake Macquarie Local Environmental Plan 2014**

**Prepared by
LAKE MACQUARIE CITY COUNCIL**



Subject lands:

1A Lawson Road, Macquarie Hills
11B Charles Street, Edgeworth
163C & 193C Dudley Road, Whitebridge
28C Thomas Street, Barnsley
11A Charles Street, Edgeworth
142 Main Road, Speers Point
26 High Street, Toronto
725 Main Road, Edgeworth
0 Pacific Highway, Pinny Beach
59A Old Pacific Highway, Charlestown

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Planning Proposal

Housekeeping Local Environmental Plan 2016

Draft Amendment F2016/01077 to Lake Macquarie Local Environmental Plan 2014

Final Version

Local Government Area:	Lake Macquarie City Council (LMCC)
Name of Draft LEP:	Draft Amendment F2016/01077 to Lake Macquarie Local Environment Plan 2014
Subject Land:	<p>The planning proposal includes the following 11 items:</p> <ul style="list-style-type: none">• Item 1: 1A Lawson Road MACQUARIE HILLS Part of Lot 42 DP 1132840• Item 2: 11B Charles Street EDGEWORTH Lots 17 & 18 Sec 3 DP 2149• Item 3: 163C & 193C Dudley Road WHITEBRIDGE Lot 2 DP 506536 & Lot 1 DP 372638• Item 4: 28C Thomas Street BARNSELY Lots 25 & 26 Sec H DP 631• Item 5: 11A Charles Street EDGEWORTH Lot 16 Sec 3 DP 2149• Item 6: 142 Main Road SPEERS POINT Lot 13 Sec B DP 4063• Item 7: 26 High Street TORONTO Lot 2 Sec 17 DP 1097• Item 8: 725 Main Road EDGEWORTH Lot 1 DP 717715• Item 9: 0 Pacific Highway PINNY BEACH Lot 8 DP 791995• Item 10: 59A Pacific Highway CHARLESTOWN Lot 1011 DP 1140442 <p><i>(Refer to Appendix A for further details)</i></p>
Land Owners:	<ul style="list-style-type: none">• Lake Macquarie City Council (LMCC)
Applicant:	Lake Macquarie City Council (LMCC)
Department of Planning and Environment reference number:	PP_2017_LAKEM_001_00 (16/15910)
Council Reference Number:	F2016/01077
Date:	December 2016
Author:	Joanne Marshall – Statutory Property Officer

INTRODUCTION

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

Reclassification of the following Council owned sites from Community Land to Operation Land for the purpose of road dedication:

- Item 1: 1A Lawson Road MACQUARIE HILLS
Part of Lot 42 DP 1132840
- Item 2: 11B Charles Street EDGEWORTH
Lots 17 & 18 Sec 3 DP 2149
- Item 3: 163C & 193C Dudley Road WHITEBRIDGE
Lot 2 DP 506536 & Lot 1 DP 372638
- Item 4: 28C Thomas Street BARNSLEY
Lots 25 & 26 Sec H DP 631

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

- Item 5: 11A Charles Street EDGEWORTH
Lot 16 Sec 3 DP 2149
- Item 6: 142 Main Road SPEERS POINT
Lot 13 Sec B DP 4063
- Item 7: 26 High Street TORONTO
Lot 2 Sec 17 DP 1097
- Item 8: 725 Main Road EDGEWORTH
Lot 1 DP 717715
- Item 9: 0 Pacific Highway PINNY BEACH
Lot 8 DP 791995

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 10: 59A Pacific Highway CHARLESTOWN
Lot 1011 DP 1140442

Council resolved at its meeting on the 10 October 2016 to support the preparation and lodgement of this Planning Proposal to the Department of Planning and Environment. A copy of the Council resolution is attached in Annex D.

The Planning Proposal has been prepared in accordance with section 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' and 'A Guide to Preparing Planning Proposals' and LEP Practice Note PN 16-001.

A Gateway Determination was issued by the Department of Planning on 23 January 2017. In accordance with the Gateway Determination, the following has occurred:

- NSW Rural Fire Service & Subsidence Advisory NSW have been consulted, and have raised no objection – see Annex F.
- the Planning Proposal was exhibited for a period of 28 days which occurred from 25 February to 27 March 2017, and
- a public hearing was held on 2 May 2017 – see Annex G. No submissions were received during these periods.

Council then resolved at a further meeting on 10 July 2017 to request the Minister to make the Plan.

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, rezoning and associated development standards are also proposed for Item 10. The intended outcomes 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 for the purpose of road dedication and include within Schedule 4 of LMLEP 2014.
- Items 5 to 9: reclassify the identified lands from Community Land to Operational Land and include within Schedule 4 of LMLEP 2014
- Item 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"> • Reclassify the subject land from Community to Operational Land (Include within Schedule 4) • The Land Zoning Map is currently R2 Low Density Residential and will not change • The Height of Buildings Map is currently 8.5m and will not change • The Lot Size Map is currently 450m2 and coloured green and will not change
2	<ul style="list-style-type: none"> • Reclassify the subject land from Community to Operational Land (Include within Schedule 4) • The Land Zoning Map is currently R2 Low Density Residential and will not change • The Height of Buildings Map is currently 8.5m and will not change • The Lot Size Map is currently 450m2 and coloured green and will not change
3	<ul style="list-style-type: none"> • Reclassify the subject land from Community to Operational Land (Include within Schedule 4) • The Land Zoning Map is currently part B1 Neighbourhood Centre & part E2 Environmental Conservation (for 163C Dudley Road) & R3 Medium Density Residential (for 193C Dudley Road) and will not change • The Height of Buildings Map is currently part 10m & part 5.5m (for 163C Dudley Road) & 10m (for 193C Dudley Road) and will not change • The Lot Size Map is currently partly clear & partly 40ha and coloured dark pink (for 163C Dudley Road) and 900m2 and coloured light pink (for 193C Dudley Road) and will not change <p>NOTE: The Lot Size Map does not apply to Commercial zoned land</p>
4	<ul style="list-style-type: none"> • Reclassify the subject land from Community to Operational Land (Include within Schedule 4) • The Land Zoning Map is currently R2 Low Density Residential and will not change • The Height of Buildings Map is currently 8.5m and will not change • The Lot Size Map is currently 450m2 and coloured green and will not change

Item No.	Explanation of provisions
5	<ul style="list-style-type: none"> • Reclassify the subject land from Community to Operational Land (Include within Schedule 4) • The Land Zoning Map is currently R3 Medium Density Residential and will not change • The Height of Buildings Map is currently 10m and will not change • The Lot Size Map is currently 900m² and coloured light pink and will not change
6	<ul style="list-style-type: none"> • Reclassify the subject land from Community to Operational Land (Include within Schedule 4) • The Land Zoning Map is currently B1 Neighbourhood Centre and will not change • The Height of Buildings Map is currently 10m and will not change <p>NOTE: The Lot Size Map does not apply to Commercial zoned land</p>
7	<ul style="list-style-type: none"> • Reclassify the subject land from Community to Operational Land (Include within Schedule 4) • The Land Zoning Map is currently IN2 Light Industrial and will not change • The Height of Buildings Map is currently 15m and will not change • The Lot Size Map is currently 1500m² and coloured pink and will not change
8	<ul style="list-style-type: none"> • Reclassify the subject land from Community to Operational Land (Include within Schedule 4) • The Land Zoning Map is currently B1 Neighbourhood Centre and will not change • The Height of Buildings Map is currently 10m and will not change <p>NOTE: The Lot Size Map does not apply to Commercial zoned land</p>
9	<ul style="list-style-type: none"> • Reclassify the subject land from Community to Operational Land (Include within Schedule 4) • The Land Zoning Map is currently R1 General Residential and will not change • The Height of Buildings Map is currently 12m and will not change • The Lot Size Map does not apply to this land
10	<ul style="list-style-type: none"> • Reclassify the subject land from Community to Operational Land (Include within Schedule 4) • Amend the Land Zoning Map from RE1 Public Recreation to R2 Low Density Residential, consistent with surrounding zones • The Height of Buildings Map is currently 8.5m and will not change • Amend the Lot Size Map to include the subject land to show the minimum lot size for land zoned R2 Low Density Residential – 450m².

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?

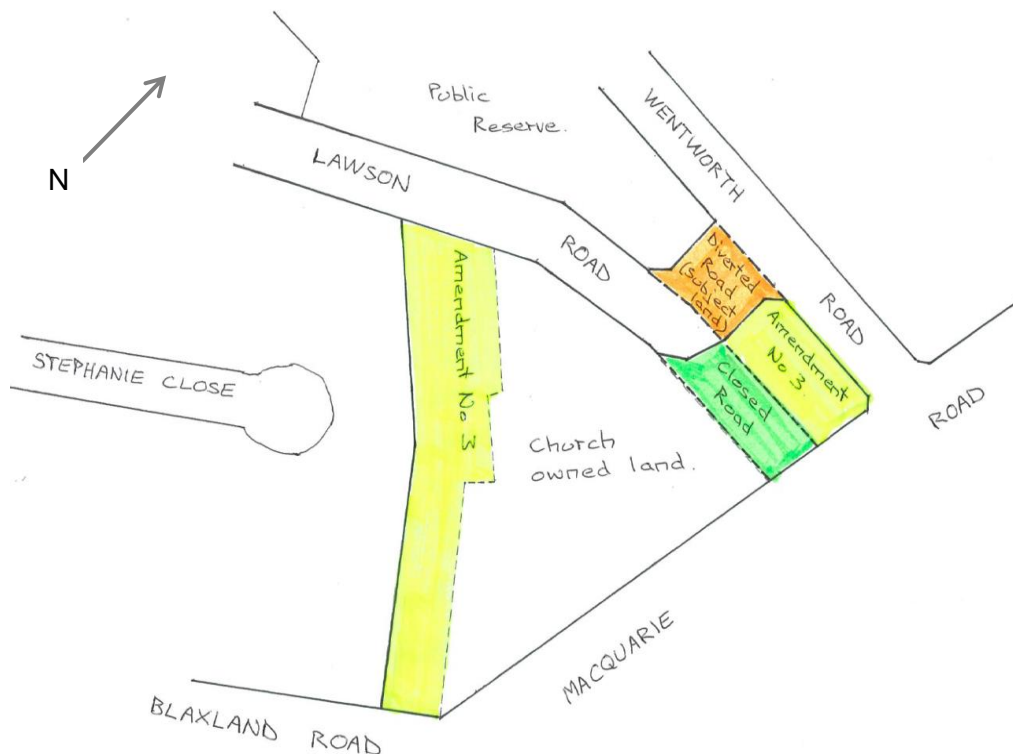
The Planning Proposal has not been prepared following any outcomes of a study or report relevant to the subject properties. These properties have been identified through routine administrative tasks as either administrative anomalies or being identified as no longer being required or considered appropriate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

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

- **ITEM 1: 1A Lawson Road, Macquarie Hills - Lot 42 DP 1132840**

Between 1965 and 1969 the eastern end of Lawson Road (approximately 767sqm) was redirected to intersect with Wentworth Road instead of Macquarie Road. This left an isolated parcel of land (approximately 1,100sqm) surrounded by road or road reserve.

In 2004 an adjoining landowner (the Church) approached Council to undertake a reclassification of the isolated parcel (1,100sqm) as well as land to the south of the church for overflow car parking. Concurrently a road closure application was submitted for the old section of Lawson Road where it intersected with Macquarie Road. The reclassification was gazetted as Amendment No 3 to LMLEP 2004 in August 2006. The road was closed in 2007.



Unfortunately, Amendment No 3 did not include the dedication of the northern section of Lawson Road where it now intersects with Wentworth Road. Also, the

land was not listed as Operational in 1993, therefore by default is now Community land.

As a result of this, part of the road now travels over Community Land which should be reclassified before it can be dedicated as road to formalise its current use.

- **ITEM 2: 11B Charles Street EDGEWORTH - Lots 17 & 18 Sec 3 DP 2149**

The subject lands, were resumed by Council on 17 August 1962, by Government Gazette notice. The purpose of the resumption was for

“...the planning of a new road and subdivision, and selling or leasing the whole or any portion of such land in one or more lots...”

Since then, Lots 17 & 18 have become a formed road and have been used as a roadway for many years. Unfortunately, the land was not listed as Operational in 1993, therefore by default is Community land. Community land cannot be sold or dedicated as road.

Before the land can be dedicated as public road, the site needs to be reclassified as Operational Land and dedicated as road to formalise its current use.

- **ITEM 3: 163C & 193C Dudley Road WHITEBRIDGE - Lot 2 DP 506536 & Lot 1 DP 372638**

In 1949 both parcels of land were acquired by Council for the widening of Dudley Road, with the Lots being created later.

Lot 2 DP 506536 was created in 1963, Lot 1 DP 20890 was created in 1950 and contained a statement that a strip 33 feet wide be dedicated to the public as an addition to Dudley Road. However, a notation against the lands at the LPI states that the lands are not public road.

The roadway has now been constructed over these parcels. The lots were not advertised as operational with the 1993 statutory advertising. It is likely it was deemed not necessary at the time as the lands were acquired for road purposes and possibly thought to be road.

The land is currently classified as Community Land and has formed roadways on it at these locations. Before the land can be dedicated as public road, the site needs to be reclassified to Operational Land.

- **ITEM 4: 28C Thomas Street BARNSELY - Lots 25 & 26 Sec H DP 631**

The land was originally subdivided in 1880 with Albert Street providing a connection between George and Thomas Streets only. Two years later in 1882, the land to the south was subdivided, and Albert Street was extended to Cliffbrook Street. However, the two blocks on the southern side of Thomas Street were never dedicated as road, although they were being used as road.

It appears that the land was acquired by Council in 1957, however it is unsure as to why.

The lots were not advertised as operational with the 1993 statutory advertising. It is likely it was deemed not necessary at the time as the lands already contained a road and possibly thought to be road, and accordingly are now Community Land by default.

As the roadway has been constructed over these parcels. The reclassification of the land to Operational Land will formalise the correct land classification and enable the road to be dedicated.

- **ITEM 5: 11A Charles Street EDGEWORTH - Lot 16 Sec 3 DP 2149**

The land known as 11A Charles Street is approximately 303sqm and is located on the corner of Charles Street and Albert Street, Edgeworth. It is surrounded by low density residential properties, is currently vacant and denude of vegetation. When the land is reclassified it will be sold as a residential block in keeping with the adjoining properties.

The subject land, along with Item 2 11B Charles Street, Edgeworth) was resumed by Council on 17 August 1962, by Government Gazette notice. The purpose of the resumption was for

“...the planning of a new road and subdivision, and selling or leasing the whole or any portion of such land in one or more lots...”

Unfortunately, the land was not listed as Operational in 1993, therefore by default is Community land. Community land cannot be sold (although this was the original intention of the land once the road was dedicated) and now requires a reclassification to sell the land.

It is intended to sell the land in early 2019 by public auction or private treaty. The proceeds from the sale will go to Council's Property & Investment Reserve.

- **ITEM 6: 142 Main Road SPEERS POINT - Lot 13 Sec B DP 4063**

The land known as 142 Main Road is approximately 809sqm and is located immediately South-west of the Council's Administration Building, and is currently vacant. Council currently owns all the land south of its Administration Building to Nord Street which are all classified as Operational Land, except this parcel.

The property was acquired by Council on 31 May 1995 for future extensions to the Council Administration Building. The Council resolution obtained on 20 March 1995 which authorised the acquisition of the property, recommended that the land become Operational land following acquisition. Unfortunately following extensive searches of all local newspapers we have been unable to locate a copy of the Public Notice. Therefore we have deemed the land as Community land.

Accordingly, to allow for future extensions to the Administration Building or uses associated with the Administration Building, the land needs to be reclassified to Operational land.

- **ITEM 7: 26 High Street TORONTO - Lot 2 Sec 17 DP 1097**

The land known as 26 High Street is approximately 395sqm it is located on the Eastern side of High Street, immediately south of the intersection with the unformed road known as Bridge Street.

The subject land was purchased by Council on 22 November 1995. At this time, Council owned the sites to the north (used for storing Council's road base) and south (leased to the adjoining factory) of which both were classified Operational Land. When this land became available for purchase, it was considered appropriate for Council to purchase for future investment purposes.

Since 1999, Council has leased the subject site and the adjoining site to the south (No 24 High Street) to the adjoining factory for storage purposes. The lease to the adjoining factory (3 years) expired in 2002, and since then Council has been leasing it on a month to month basis. As the lease has expired, Council would like the notation on the Certificate of Title (6563502) to be removed from the Title. The lessee is happy with these terms and is aware of Council's intentions to dispose of the site in the future.

When the Council depot to the North relocates in 2016, Council intends to sell all the sites and part of Bridge Street which the depot now occupies.

Unfortunately, the land was not listed as Operational upon its purchase, therefore by default is Community land. The Local Government Act does not permit the sale of Community Land, and the land will therefore require reclassification to operational so it can be sold.

It is intended to sell the land in 2018/19 by public auction or private treaty. The proceeds from the sale will go to Council's Property & Investment Reserve

- **ITEM 8: 725 Main Road EDGEWORTH - Lot 1 DP 717715**

The land known as 725 Main Road has an area of 569m² and adjoins a similarly sized parcel (known as Lot 2), also owned by Council, which have access to Main Road. Council has previously determined that these lots are surplus to Council's needs and accordingly, will now offer these parcels for sale on the open market.

Lot 1 formed part of a larger lot which was acquired by Council in 1984, partly for public open space, partly for road widening and partly for resale.

Following subdivision in 1985, the land acquired for road widening was dedicated for public road, Lots 1 and 2 DP 717715 were created for resale purposes and the balance of the land (acquired for open space) was dedicated as public reserve.

The subject land (Lots 1 & 2) has been offered for sale several times, including a public auction on 24 March 2009, where it failed to reach the reserve price.

It has recently come to light that only Lot 2 was classified as Operational land, accordingly Lot 1 needs to be reclassified before it can be sold.

It is intended to sell the land in mid-2019 by public auction or private treaty. The proceeds from the sale will be shared between Council's Property & Investment Reserve and the Community Land Reserve funds (for acquisition and improvement of Community land).

- **ITEM 9: 0 Pacific Highway PINNY BEACH - Lot 8 DP 791995**

Lot 7 & 8 DP 791995 form the old Swansea Quarry which is known as 465 Pacific Highway, Pinny Beach. The quarry has been decommissioned, and Council is currently investigating possible future uses for the site.

The bulk of the quarry was contained within Lot 7, which was classified as Operational land in 1993.

Lot 8 is small (only 153sqm) and is a thin slither of land that lies between the quarry site and the new Pacific Highway. Previous access to the quarry site was gained over Lot 8. It appears that Lot 8 was created when the RMS acquired land for the new relocated Pacific Highway in 1989. This thin slither of land appears to have been residue land from an adjoining lot that was acquired by Main Roads (for the construction of the Pacific Highway) and then transferred back to Council.

Unfortunately, Lot 8 was not included in the public notification advertisement in 1993 for Operational land, and consequently has become Community land by default.

The use of Community land is restricted by permitted uses under a Plan of Management (POM) and this land would fall under the generic POM. Residential uses, roads and vehicular access (other than for access to a community facility) are not permitted on Community land.

Approval is being sought to reclassify the land from Community land to Operational land so Lot 7 and Lot 8 are classified the same, which will then increase the possible future uses available for the old Swansea Quarry site.

It is not intended to sell this land in the immediate future, and any development would be subject to development consent approval or a development control plan for the site.

- **ITEM 10: 59A Pacific Highway CHARLESTOWN - Lot 1011 DP 1140442**

The land was originally two lots being Lots 10 & 11 of Sec 7 in DP 299. This was a Crown Reserve (72149) for a Public Hall notified 17 January 1947. On 1 March 1957 part of the land was dedicated as public road (Pacific Highway) giving the residue block a triangular shape. On 10 September 1976 by Government Gazette the land was vested to the Shire of Lake Macquarie and then became known as Lot 1011 DP 1140442.

The land is located on a corner block surrounded by low density residential properties and has a land area of approximately 840 sqm. Adjoining the site to the west is a small access road which services approximately 8 properties. Further to the west is the Pacific Highway.

The land is irregular in shape and being so close to the Pacific Highway is considered too dangerous for a pocket park. Accordingly, Community Planning have indicated that the land is now surplus to their needs. The land will require both reclassification (from Community to Operational land) and rezoning (from RE1 Public Recreation to R2 Low Density Residential) before the land can be sold.

It is intended to sell the land in 2018/19 by public auction or private treaty. The proceeds from the sale will go to Council's Community Land Reserve funds for the future acquisition or improvement of Community 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 are classified as Community Land under the provisions of the LG Act which possess statutory limitations on their use. To achieve the long term objective for each parcel, each must first be reclassified to Operational land.

Investigations reveal that none of the lands were dedicated to Council in lieu of section 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	1A Lawson Road MACQUARIE HILLS Part of Lot 42 DP 1132840	Community change to dedicate as Road	Crown Grant	Retain
			Public Reserve	Extinguish – land will now become public road
			Stratum in Title	Retain
			C680429	Retain – Mineral rights
			D354923	Extinguish - Outdated – Pitfalls, Fences & Noxious Industries now covered under other Acts
			F451827	Retain – Rights to Mine
			K556111	Retain – Easement for Transmission line
			M2869	Retain – Easement for Water Main
2	11B Charles Street EDGEWORTH Lots 17 & 18 Sec 3 DP 2149	Community change to dedicate as Road	Excludes Minerals & subject to Crown Grant	Retain
			AH813066	Extinguish – required for road purposes, land will now become public road
3	163C Dudley Road WHITEBRIDGE Lot 2 DP 506536	Community change to dedicate as Road	Excludes Minerals & subject to Crown Grant	Retain
			Excludes land below 30.48m	Retain

Item No	Address	Classification of Land	Interests in land	Reason why interests are extinguished
	193C Dudley Road WHITEBRIDGE Lot 1 DP 372638	Community change to dedicate as Road	Excludes Minerals & subject to Crown Grant	Retain
			Excludes land below 15.24m	Retain
4	28C Thomas Street BARNSELY Lots 25 & 26 Sec H DP 631	Community change to dedicate as Road	Excludes Minerals & subject to Crown Grant	Retain
			H135355	Retain – Minerals & Rights to Mine
			E487546	Retain – Easement to Drain Sewer – NOTE: not over this land
5	11A Charles Street EDGEWORTH Lot 16 Sec 3 DP 2149	Community change to Operational for sale	Excludes Minerals & subject to Crown Grant	Retain
			AH813066	Extinguish – land required for subdivision and sale, which will occur after this amendment
6	142 Main Road SPEERS POINT Lot 13 Sec B DP 4063	Community change to Operational for future expansion of Council's Administrative Centre	Crown Grant	Retain
			386453	Retain – Minerals & Rights to Mine
7	26 High Street TORONTO Lot 2 Sec 17 DP 1097	Community change to Operational for sale	Crown Grant	Retain
			6563502	Extinguish – Lease expired not renewed
8	725 Main Road EDGEWORTH Lot 1 DP 717715	Community change to Operational for sale	Excludes Minerals & subject to Crown Grant	Retain
9	0 Pacific Highway PINNY BEACH Lot 8 DP 791995	Community change to Operational for access purposes to adjoining Operational land	Crown Grant	Retain
			F790481	Retain – Mineral rights
10	59A Pacific highway CHARLESTOWN Lot 1011 DP 1140442	Community change to Operational for sale	Crown Grant	Retain
			Gov Gaz 10/9/1976 – Land to vest in Council	Extinguish – Odd shaped parcel no longer considered suitable for public hall

Item No	Address	Classification of Land	Interests in land	Reason why interests are extinguished
			for Public Hall	
			Limited Title	Extinguish – Survey will be carried out before sale of land
			Land excludes Minerals	Retain – under Gov Gaz 10/9/1976
			Land below 20 metres	Retain - Minerals & Rights to Mine
			Public Reserve	Extinguish – Odd shaped parcel no longer considered suitable for public hall

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

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

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

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

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

Section B – Relationship to Strategic Planning Framework

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

Hunter Regional Plan 2036

The proposed reclassifications and rezonings 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 strategy specifically identifies growth areas at Morisset/Cooranbong and Glendale/West Wallsend, with urban renewal corridors from Cardiff to Glendale and Belmont to Charlestown.

Of the four properties proposed for reclassification and sale, three of these (2 x Edgeworth & Barnsley) are located within the growth area west of Glendale; and one in the urban renewal corridor at Charlestown.

The provisions of the HRS are not impacted upon by the remaining subject lands which are administrative amendments (Items 6 & 9) or are to support road development (Items 1 - 4).

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

Only two of the ten sites will make additional area available for residential housing. These are Item 5 – 11A Charles Street, Edgeworth (located within the growth and expansion corridor of Glendale) and Item 10 – 59A Pacific Highway, Charlestown (which is located within the East Lake intensification corridor).

The site for commercial use (Item 8 – 725 Main Road, Edgeworth) is identified in the strategy as a neighbourhood centre servicing the local community, although it is located within the growth and expansion corridor of Glendale.

One site has also been identified for industrial usage (Item 7 – 25 High Street, Toronto) which is already located within the existing industrial area of Toronto, which would help provide for non-centre based employment areas identified within the Strategy.

Therefore, the intended future use of these sites to promote future residential, commercial and industrial development is consistent with the objectives of the strategy.

No sites are identified in the Green System map as having any significant environmental features.

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 117 Ministerial Directions is provided within *Appendix C*.

Section C – Environmental, Social and Economic Impact

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

The southern end of Item 9 – 0 Pacific Highway, Pinny Beach is the only site identified in Council's mapping system as having a partly cleared native vegetation corridor. This forms the edge of a very large area identified to the south and east of this site.

It is considered that any future development of Item 9, would not affect the native vegetation corridor.

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

No adverse environmental effects are anticipated as a result of the Planning Proposal due to the minor nature of the proposed reclassifications and rezonings.

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

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

- Enable and/or facilitate the future development of land for purposes consistent with its current zoning and strategic intent;
- Enable the sale of Council owned land that will generate public funds for future expenditure on public focused purposes; and

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 or suburbs included in the Planning Proposal.

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

Consultation with the following government agencies has been undertaken:

- Mine Subsidence Board
- Rural Fire Service

in accordance with the Gateway Determination issued, who have raised no objection to the Planning Proposal (see Annex F).

Part 4- Maps

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

Part 5- Community Consultation

Community consultation was undertaken in accordance with the requirements of the Gateway determination and section 57 of the *Environmental Planning and Assessment Act 1979*, section 29 of the *Local Government Act 1993* and the Department's LEP practice note PN 16-001.

Exhibition

The planning proposal was exhibited for 28 days (as it contains reclassification of public land) from 25 February to 27 March 2017 in accordance with the Department's LEP practice note PN 16-001. The exhibition was advertised in a free local newspaper, on Council's website, and adjoining landowners were notified of the proposals by letter.

No submissions were received during the public notification period.

Public Hearing

In accordance with section 29 of the *Local Government Act 1993*, a public hearing was held on 2 May 2017. The public hearing was undertaken in accordance with the Department's LEP Practice Note PN 16-001.

No submissions were received during the public hearing, and a copy of the Public Hearing Report is contained within Annex G.

Part 6 – Project Timeline

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

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

ANNEX A – MAPS

Item 1 - 1A Lawson Road MACQUARIE HILLS Part of Lot 42 DP 1132840

Figure 1 – Aerial Map



Figure 2 – Existing Zone under LMLEP 2014

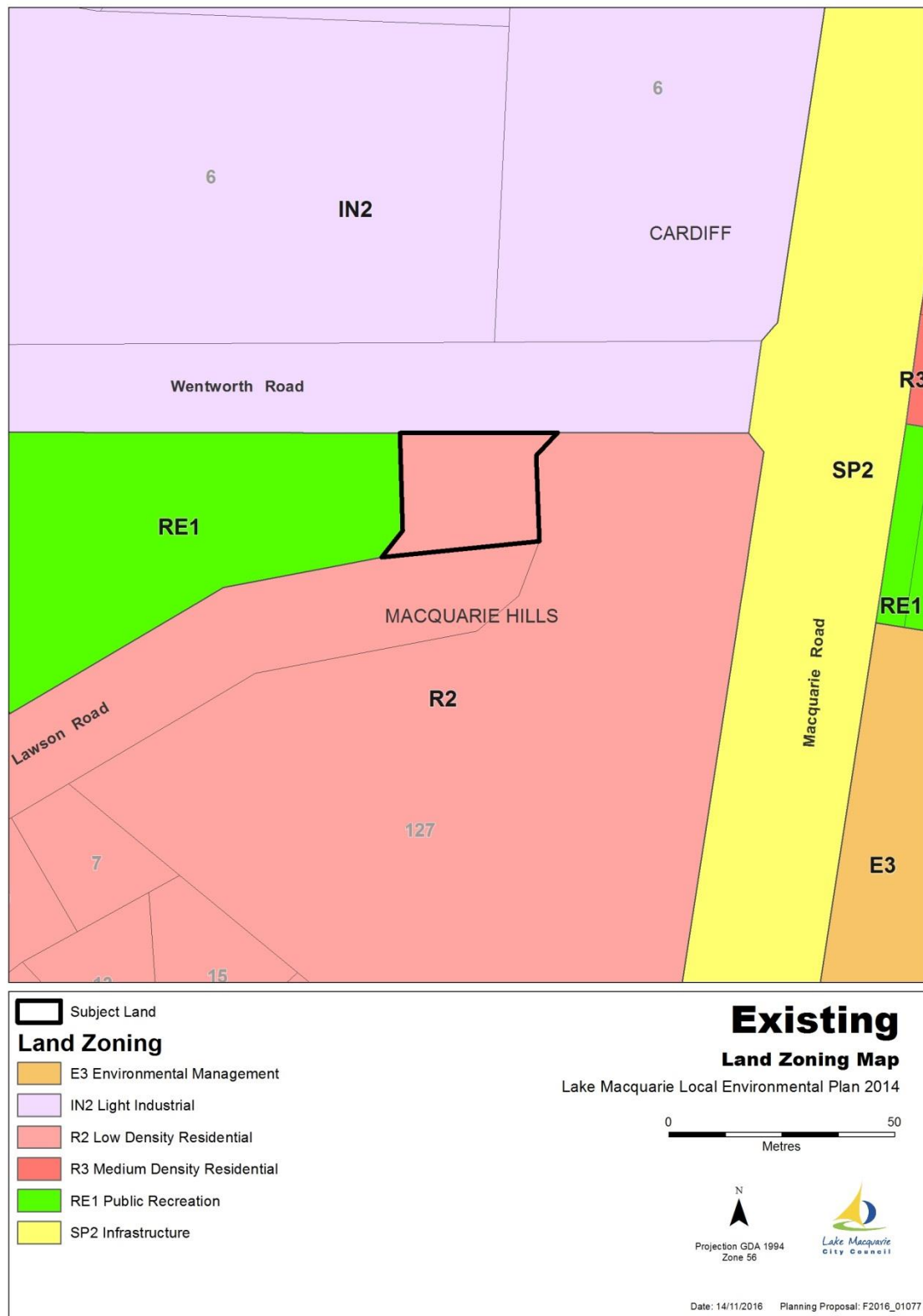
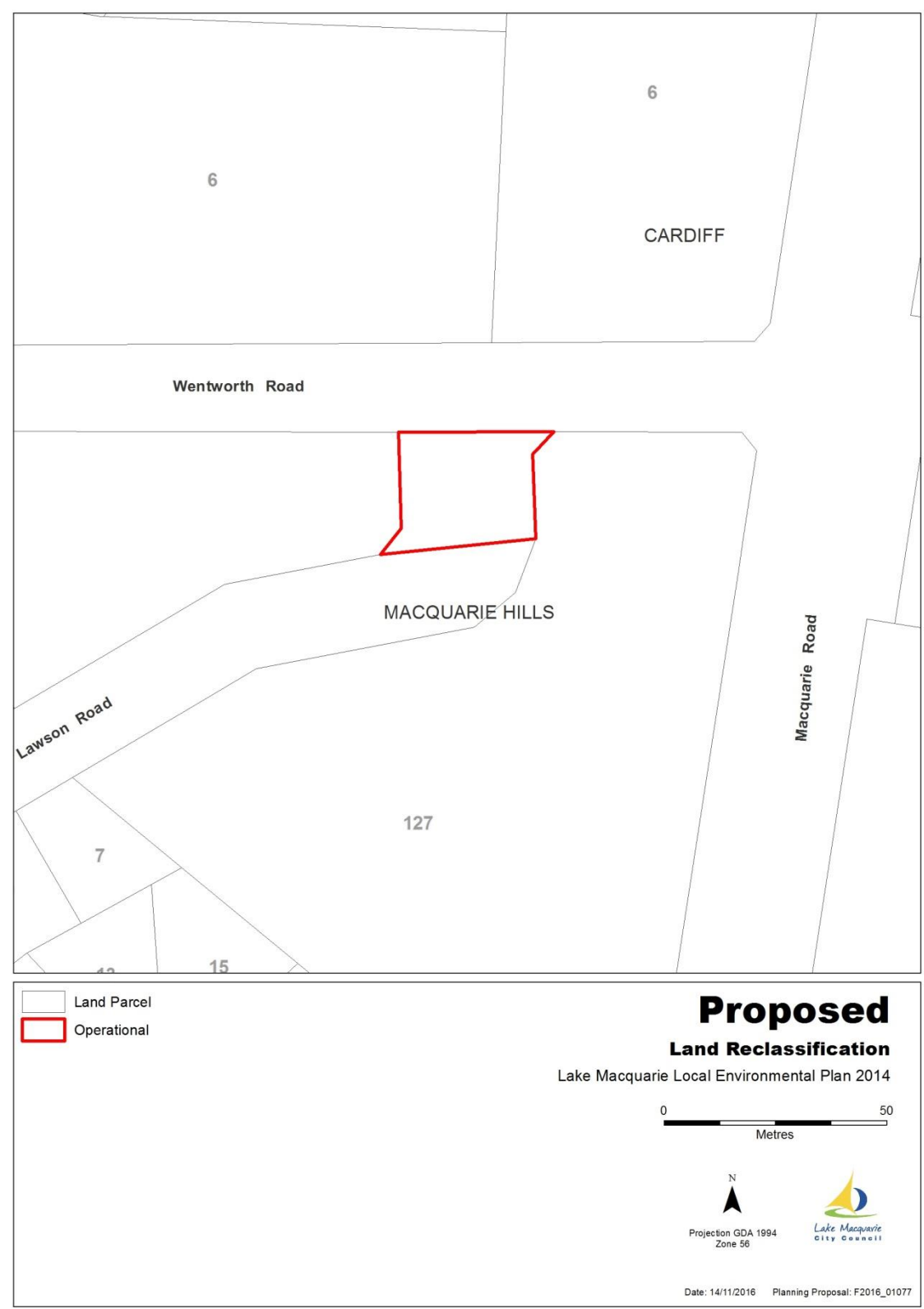


Figure 3 – Draft Land Reclassification Map under LMLEP 2014



Item 2 - 11B Charles Street EDGEWORTH Lots 17 & 18 Sec 3 DP 2149

Figure 1 – Aerial Map



Figure 2 – Existing Zone under LMLEP 2014

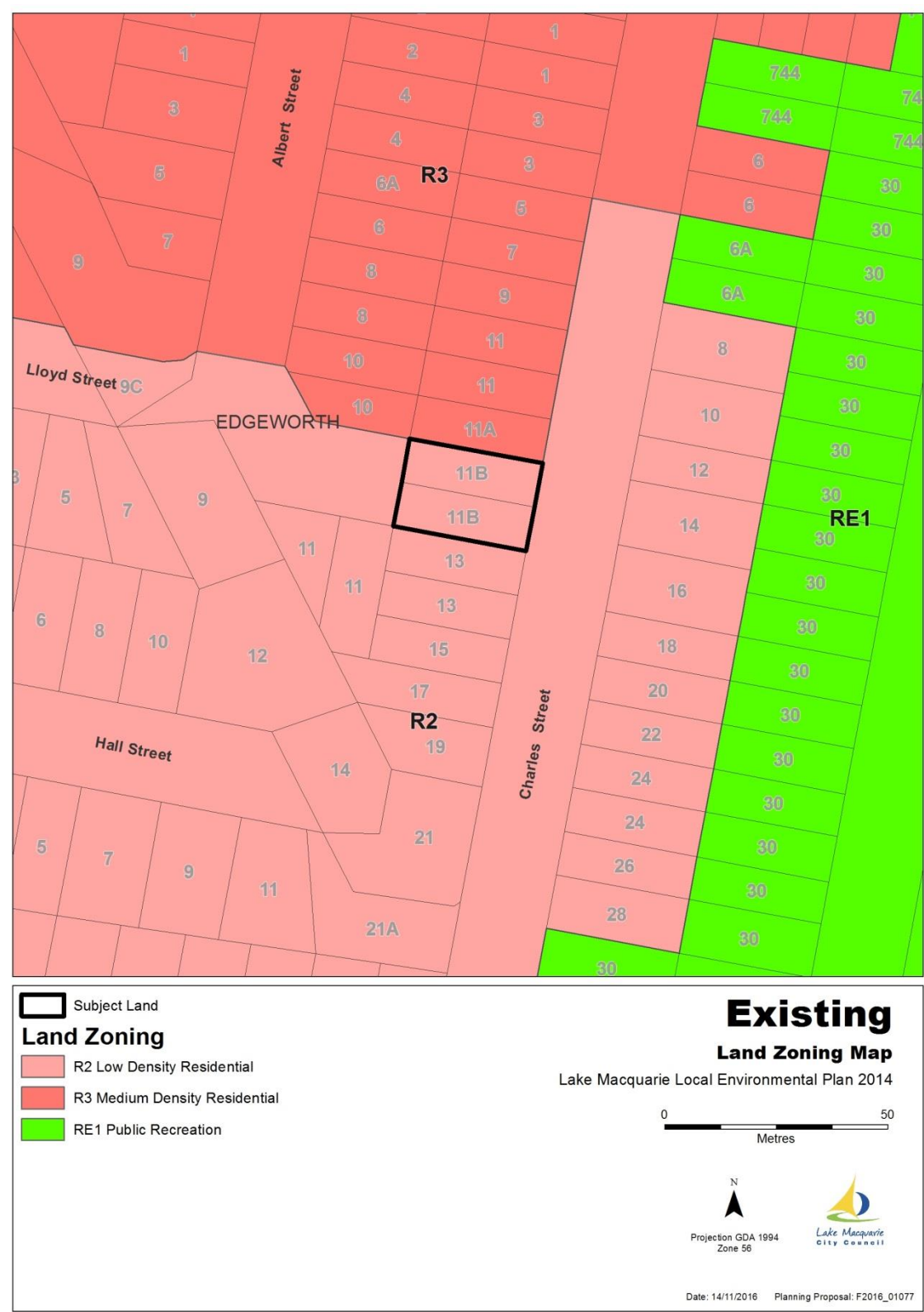
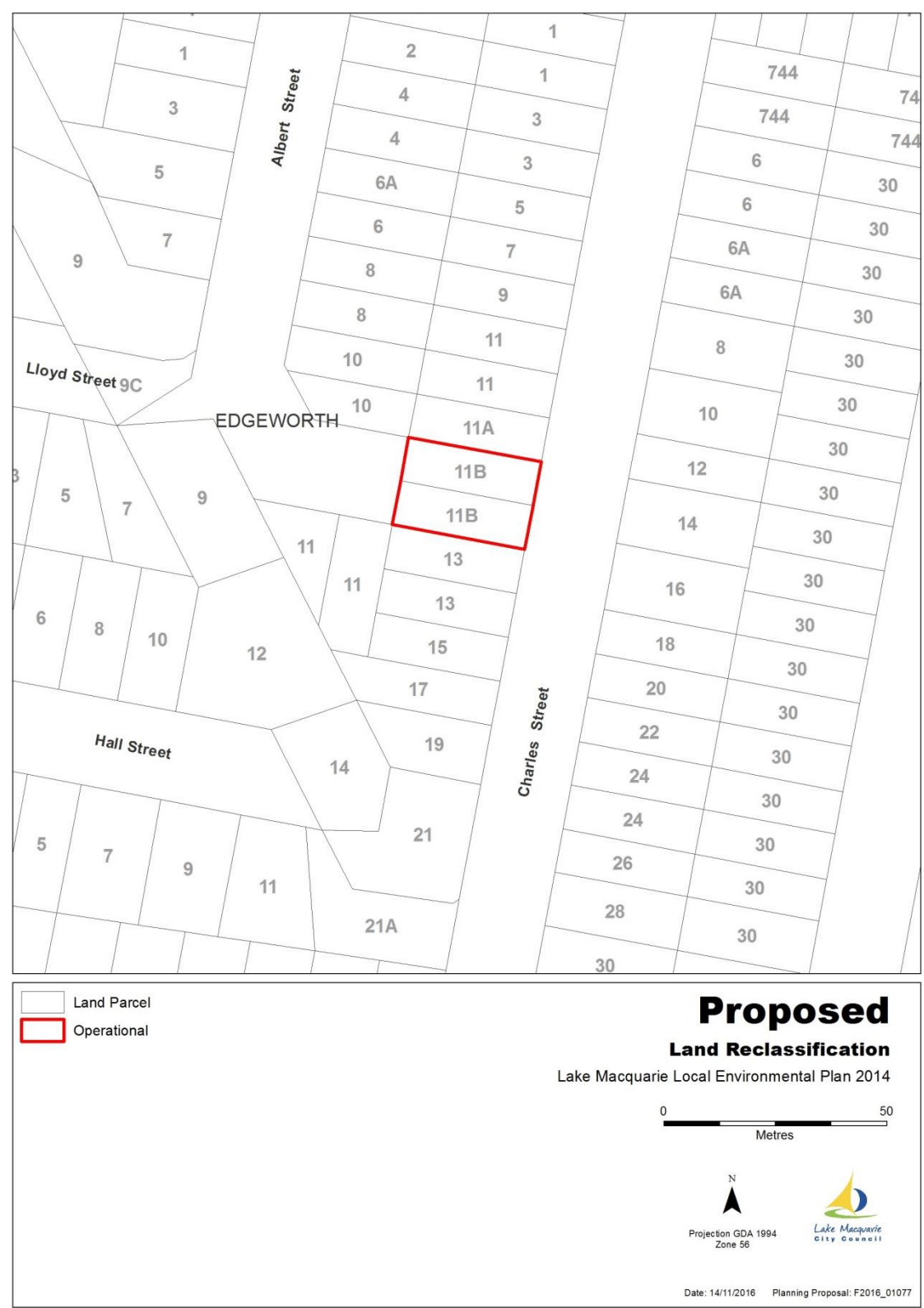


Figure 3 – Draft Land Reclassification Map under LMLEP 2014



Item 3 - 163C & 193C Dudley Road WHITEBRIDGE Lot 2 DP 506536 & Lot 1 DP 372638

Figure 1 – Aerial Map

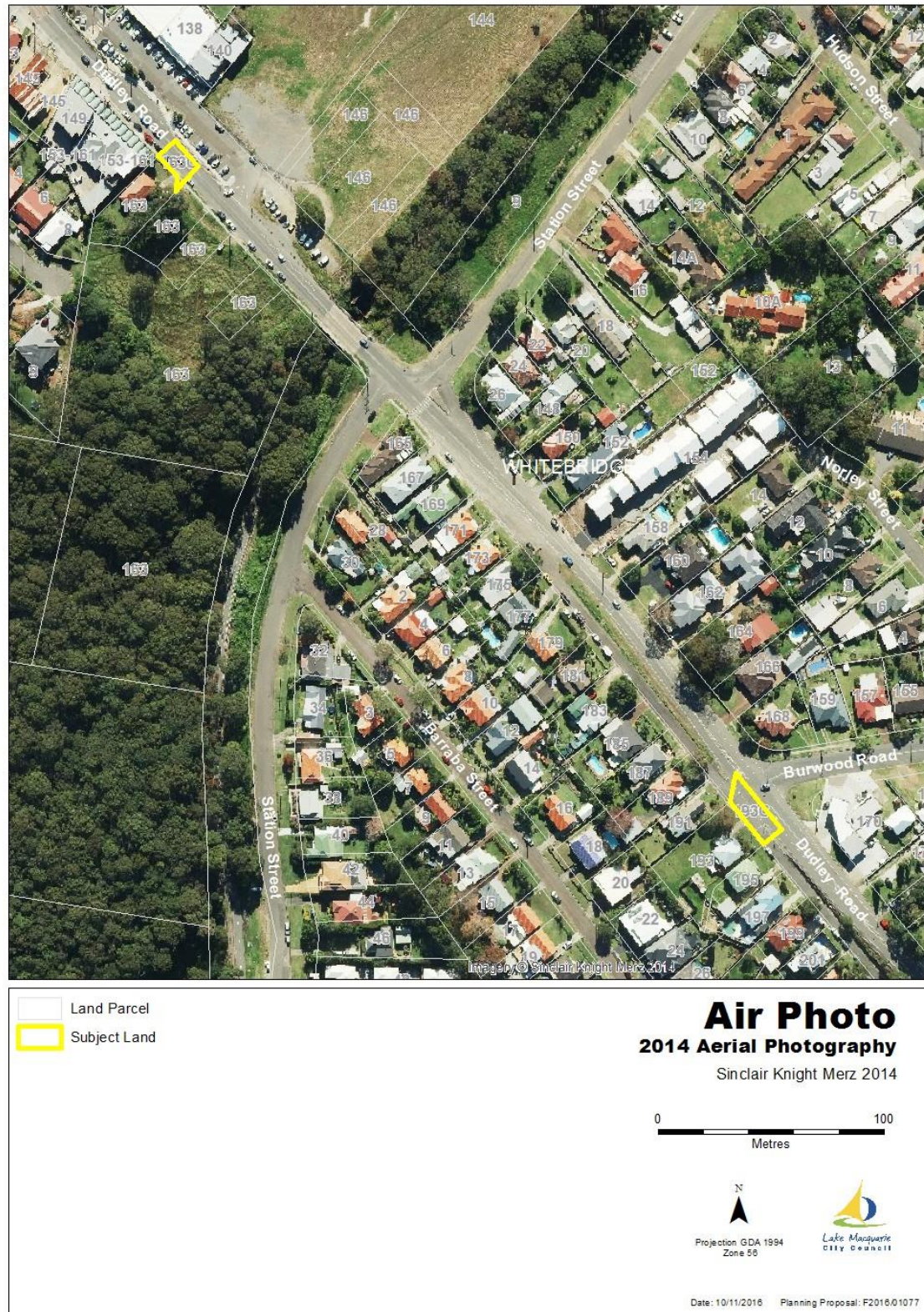


Figure 2 – Existing Zone under LMLEP 2014

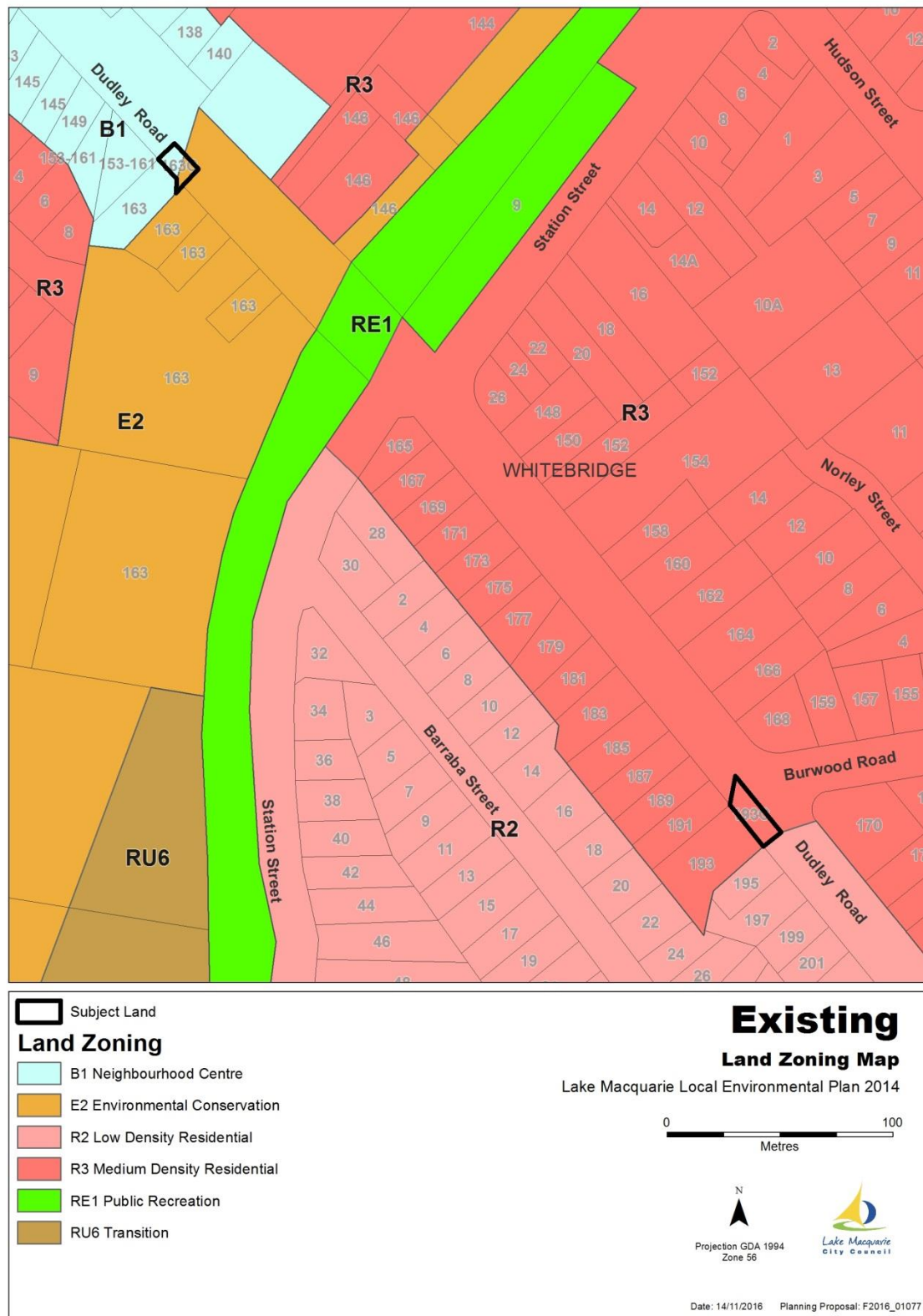
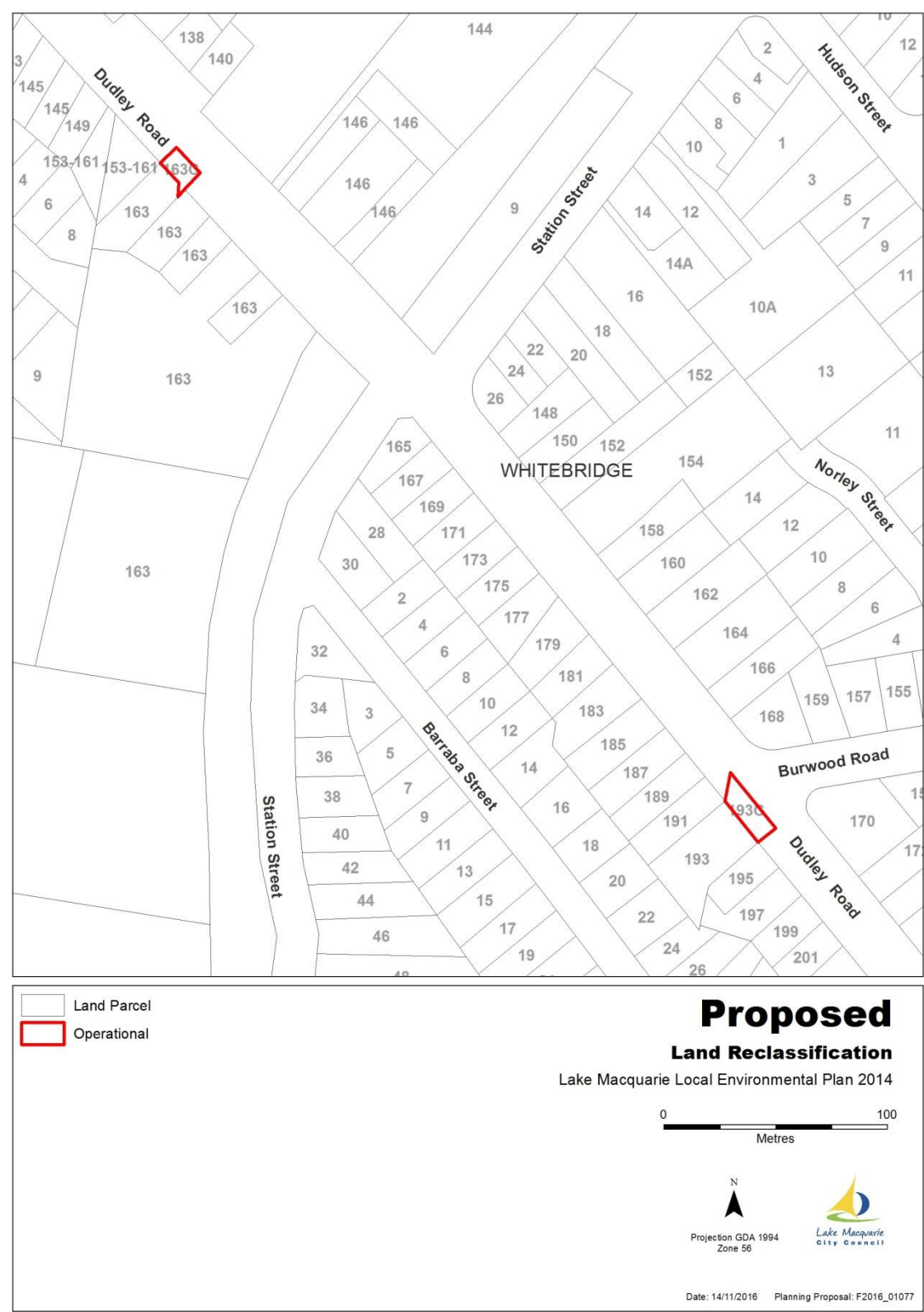


Figure 3 – Draft Land Reclassification Map under LMLEP 2014



Item 4 - 28C Thomas Street BARNSELEY Lots 25 & 26 Sec H DP 631

Figure 1 – Aerial Map



Figure 2 – Existing Zone under LMLEP 2014

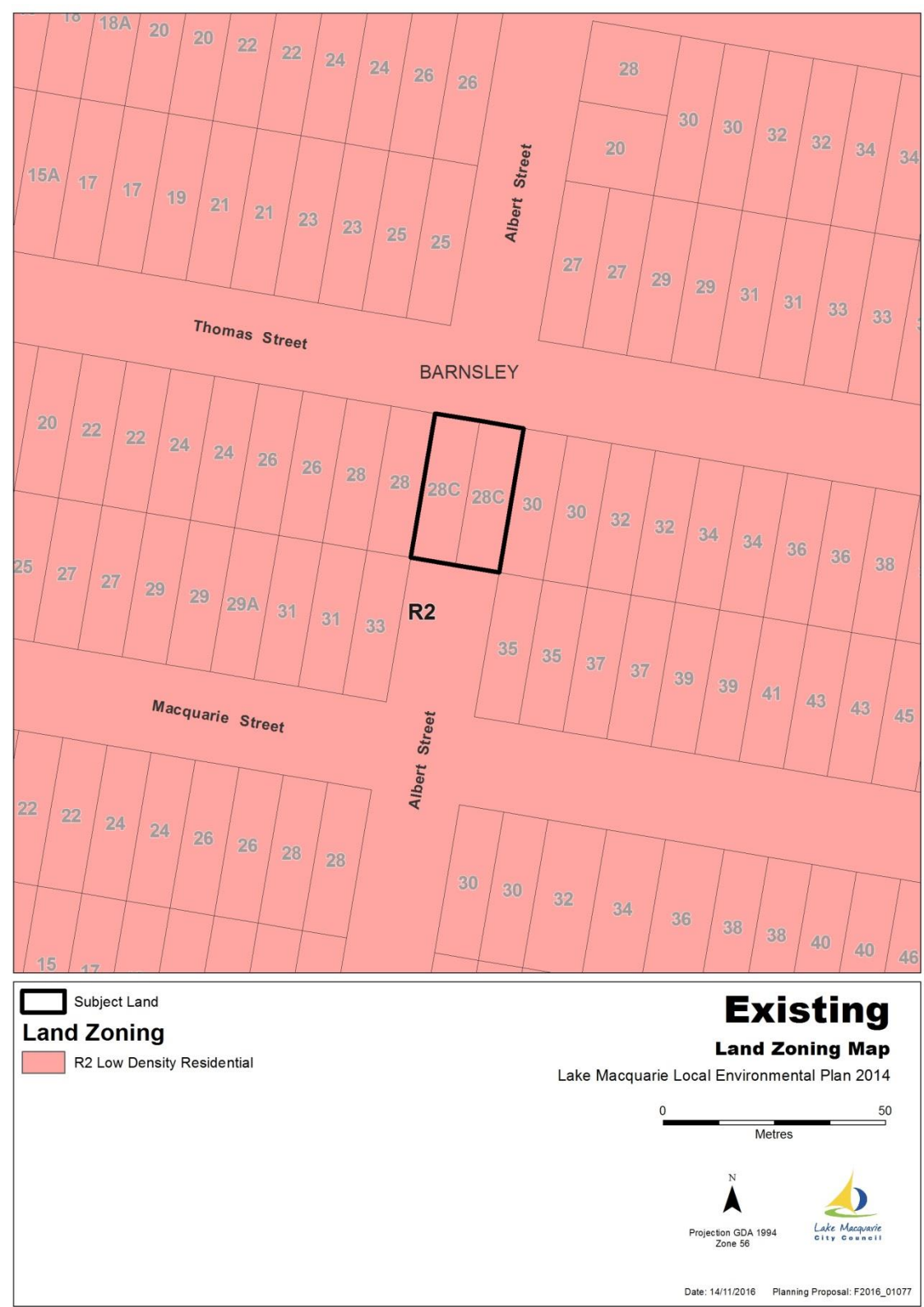
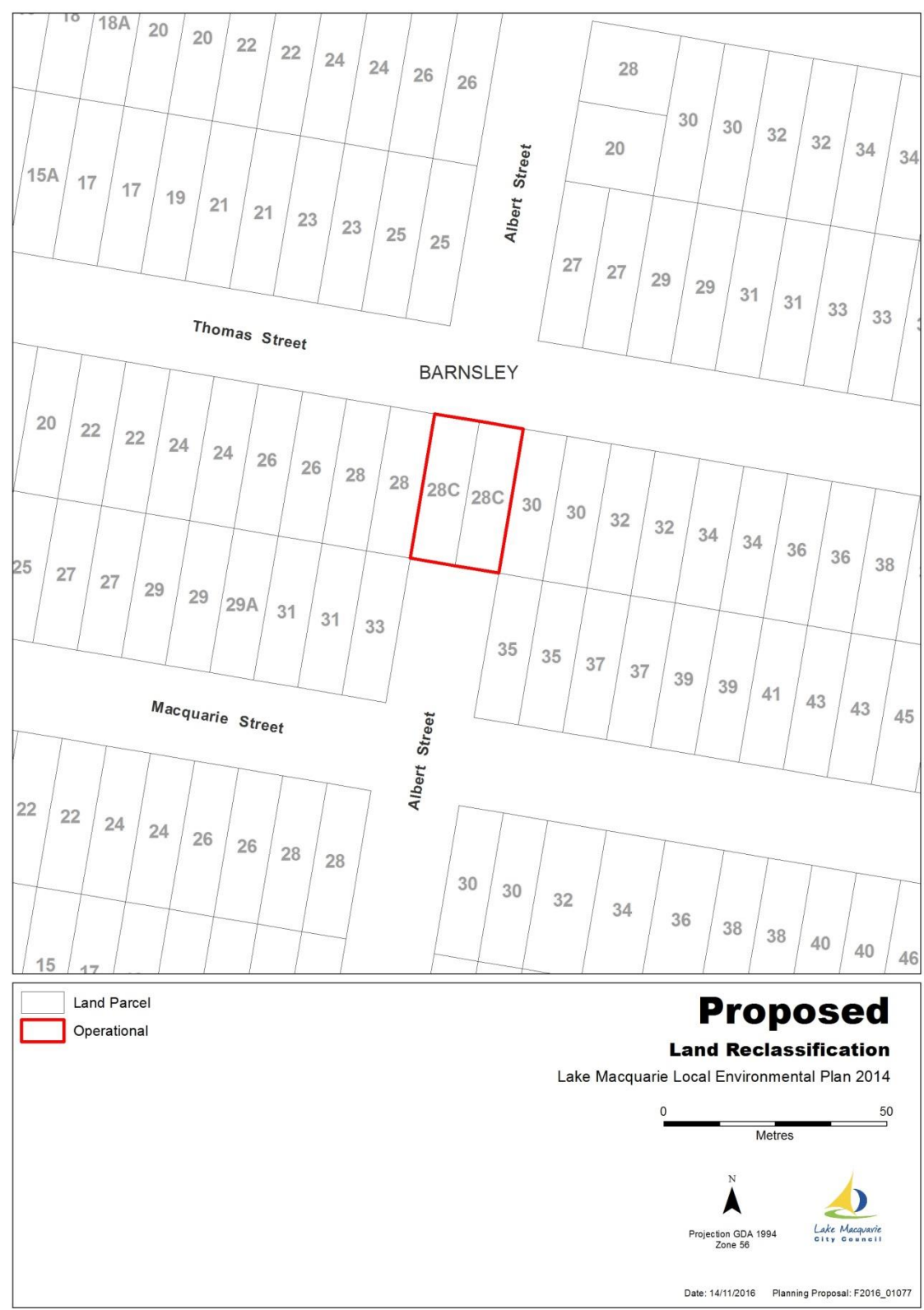
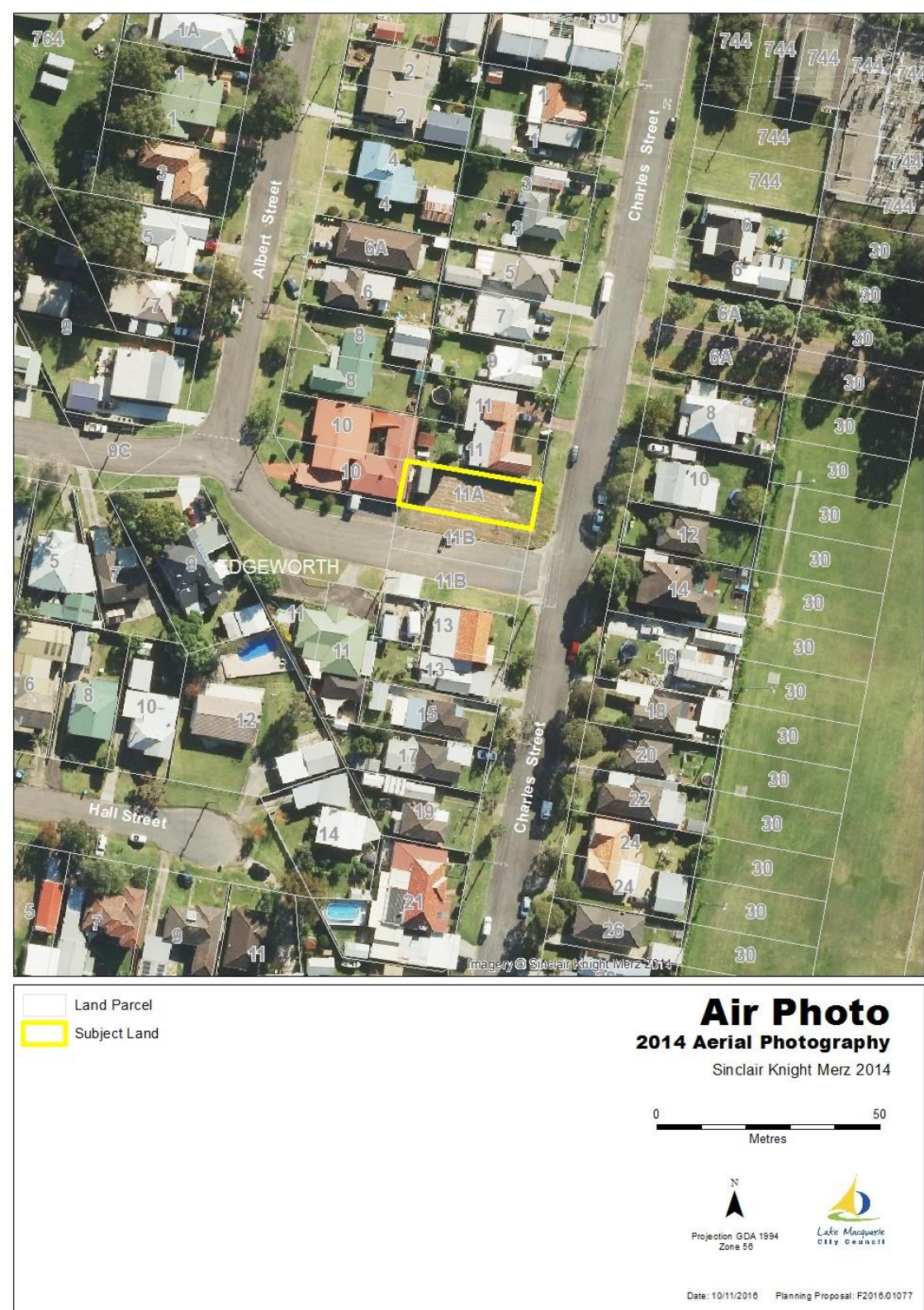


Figure 3 – Draft Land Reclassification Map under LMLEP 2014



Item 5 - 11A Charles Street EDGEWORTH Lot 16 Sec 3 DP 2149

Figure 1 – Aerial Map



Existing Land Zoning Map
Lake Macquarie Local Environmental Plan 2014

Legend:

- Subject Land
- R2 Low Density Residential
- R3 Medium Density Residential
- RE1 Public Recreation

Map Details:

- Streets:** Albert Street, Charles Street, Hall Street.
- Lot Numbers:** Various numbers are visible, including 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 11A, 11B, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 26, 30, 6A, 9C, 744, 750.
- Zone Labels:** R2, R3, RE1, 9C.

Scale: 0 to 50 Metres.

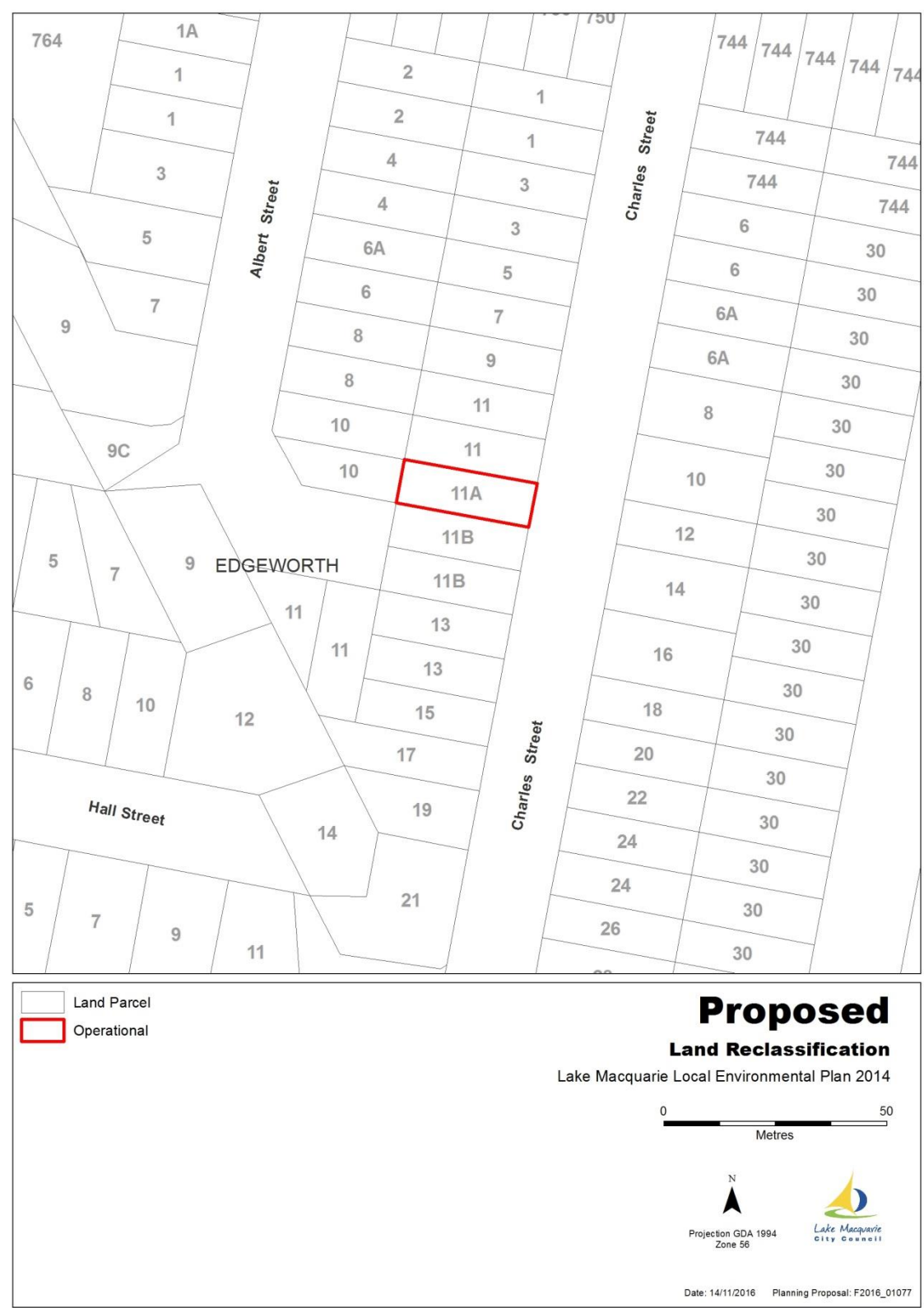
Projection: GDA 1994, Zone 56.

North Arrow: N.

Source: Lake Macquarie City Council.

Date: 14/11/2016. **Planning Proposal:** F2016_01077.

Figure 3 – Draft Land Reclassification Map under LMLEP 2014



Item 6 - 142 Main Road SPEERS POINT Lot 13 Sec B DP 4063

Figure 1 – Aerial Map

Note: Building has since been demolished.



Figure 2 – Existing Zone under LMLEP 2014

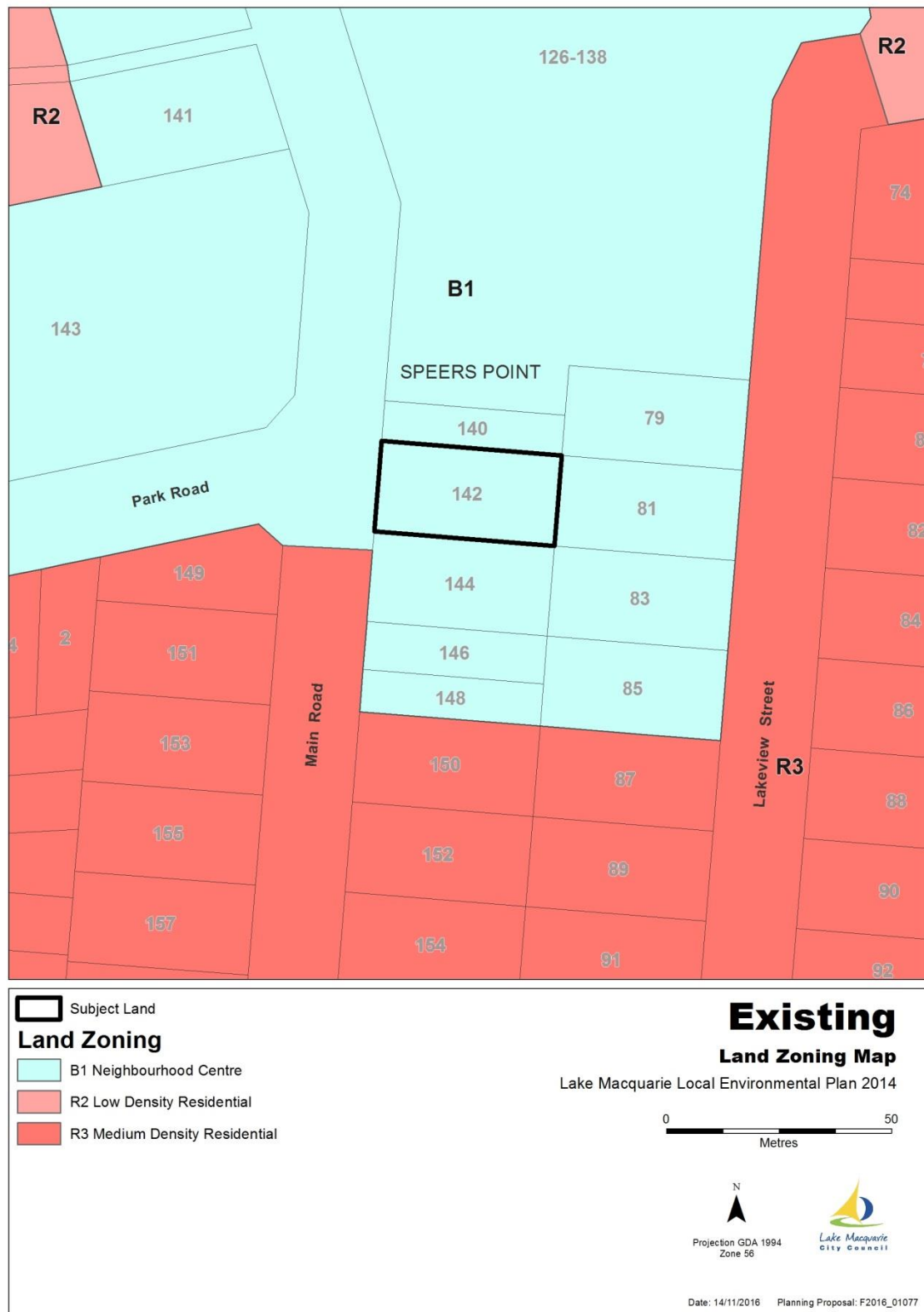


Figure 3 – Draft Land Reclassification Map under LMLEP 2014



Item 7 - 26 High Street TORONTO Lot 2 Sec 17 DP 1097

Figure 1 – Aerial Map



Figure 2 – Existing Zone under LMLEP 2014

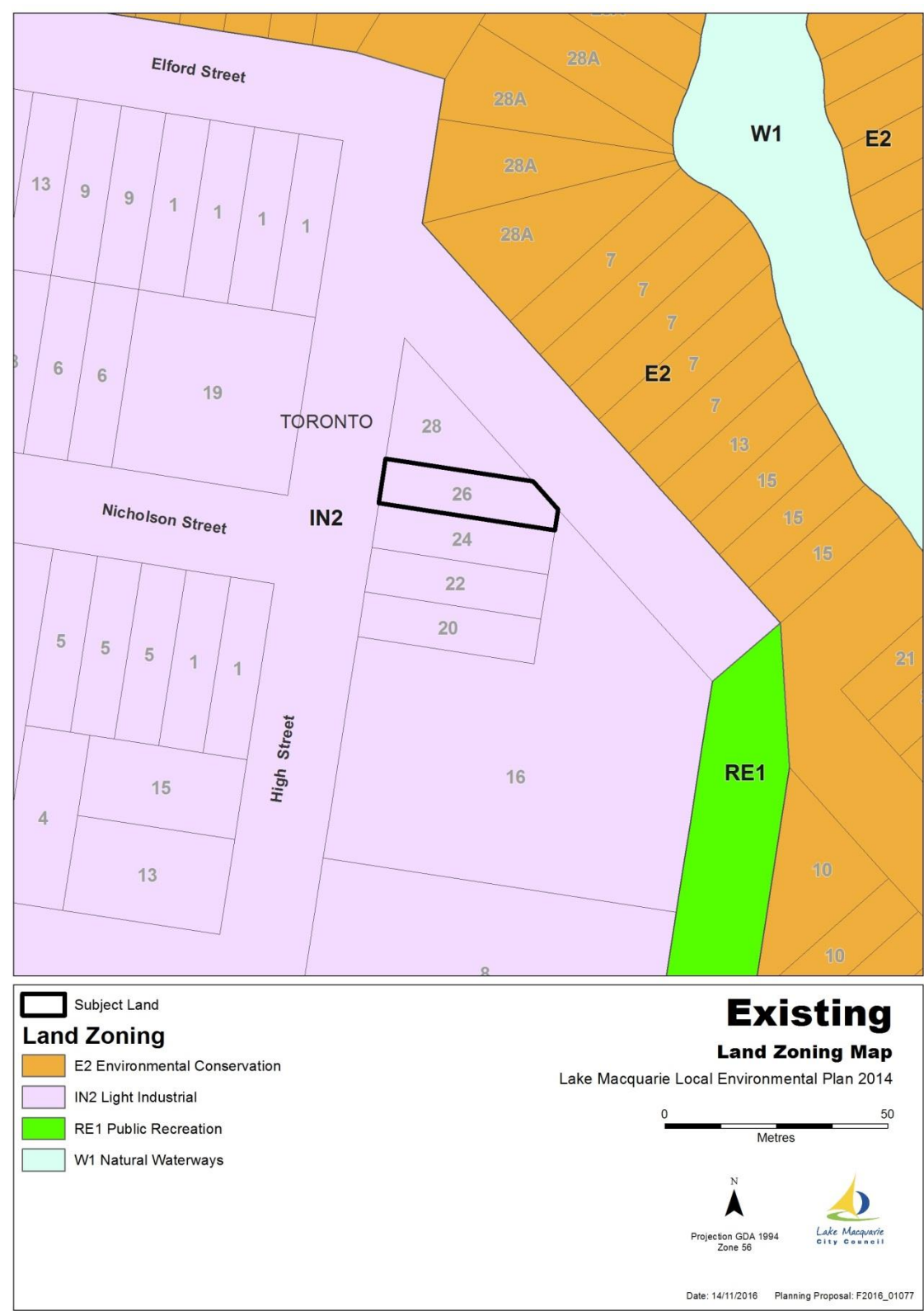


Figure 3 – Draft Land Reclassification Map under LMLEP 2014

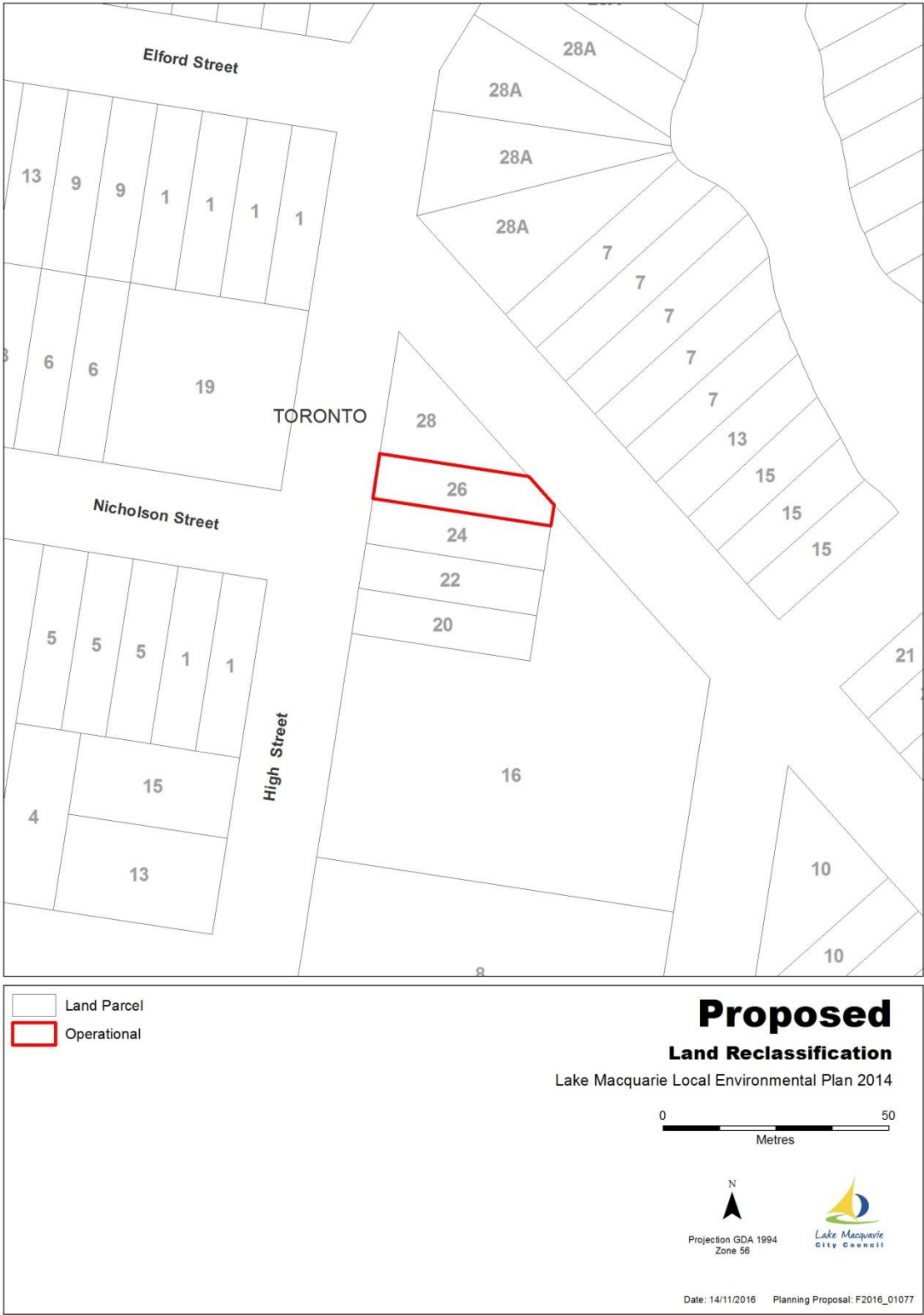


Figure 1 – Aerial Map



Figure 2 – Existing Zone under LMLEP 2014

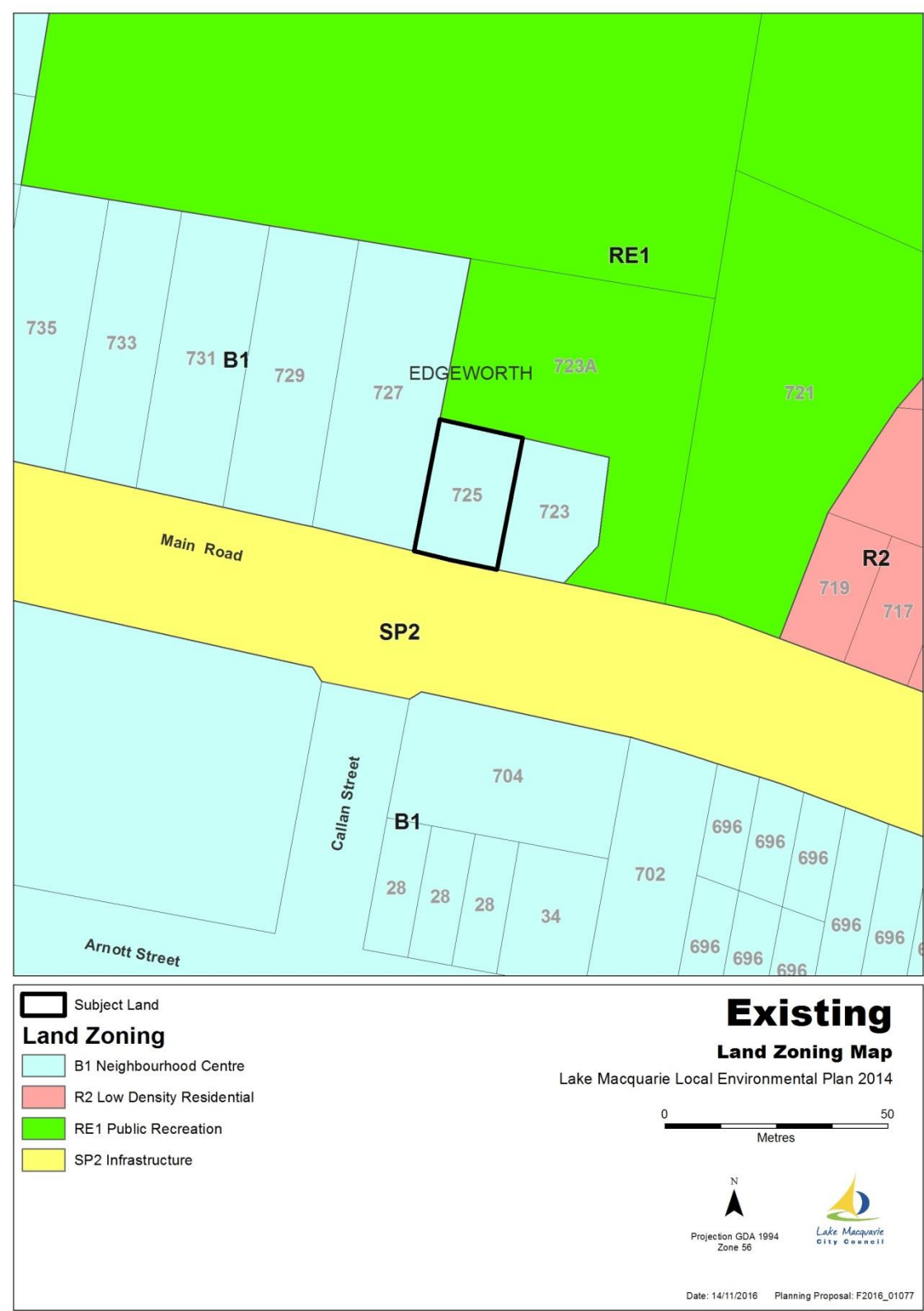
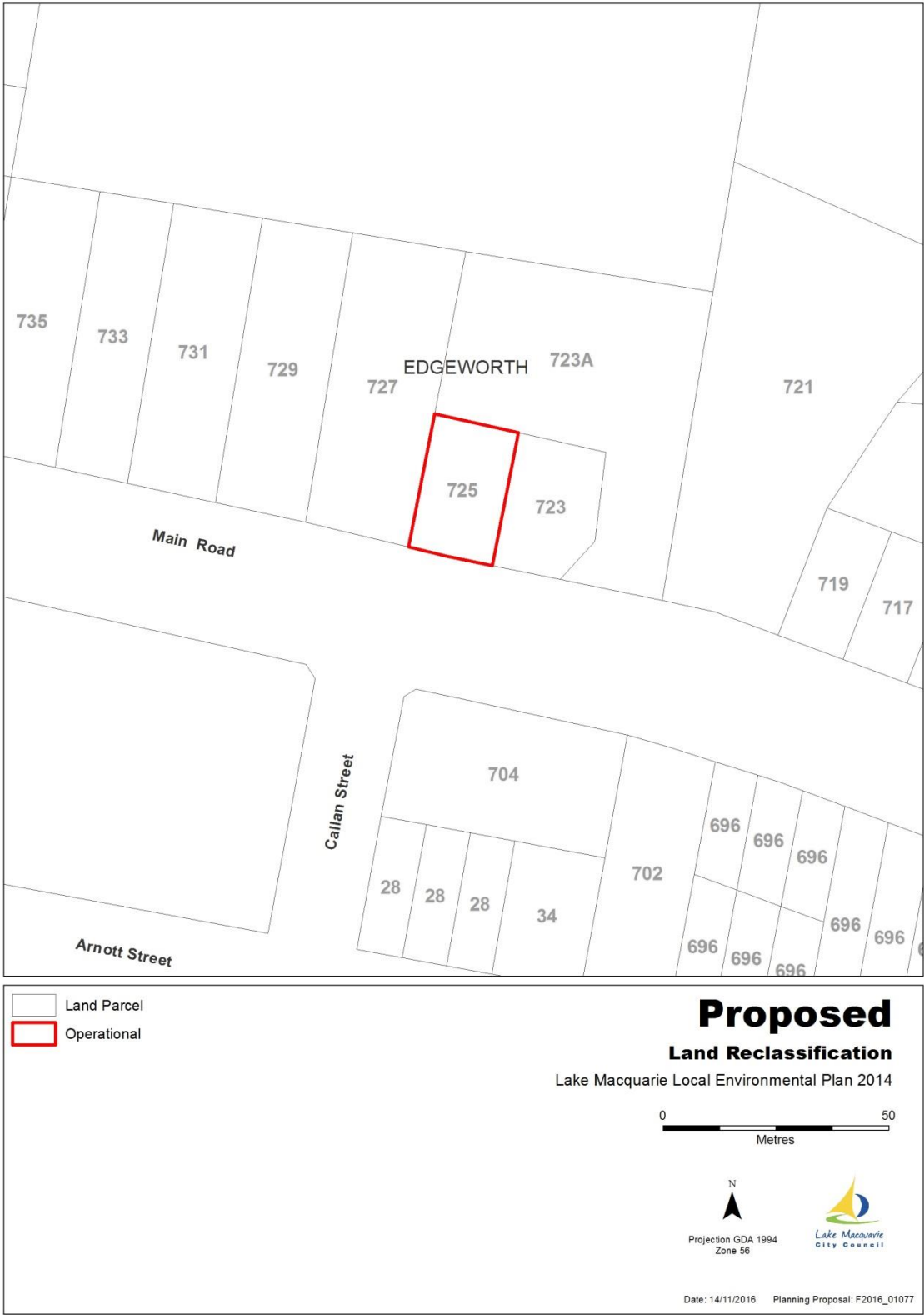


Figure 3 – Draft Land Reclassification Map under LMLEP 2014



Item 9 - 0 Pacific Highway PINNY BEACH Lot 8 DP 791995

Figure 1 – Aerial Map



Figure 2 – Existing Zone under LMLEP 2014

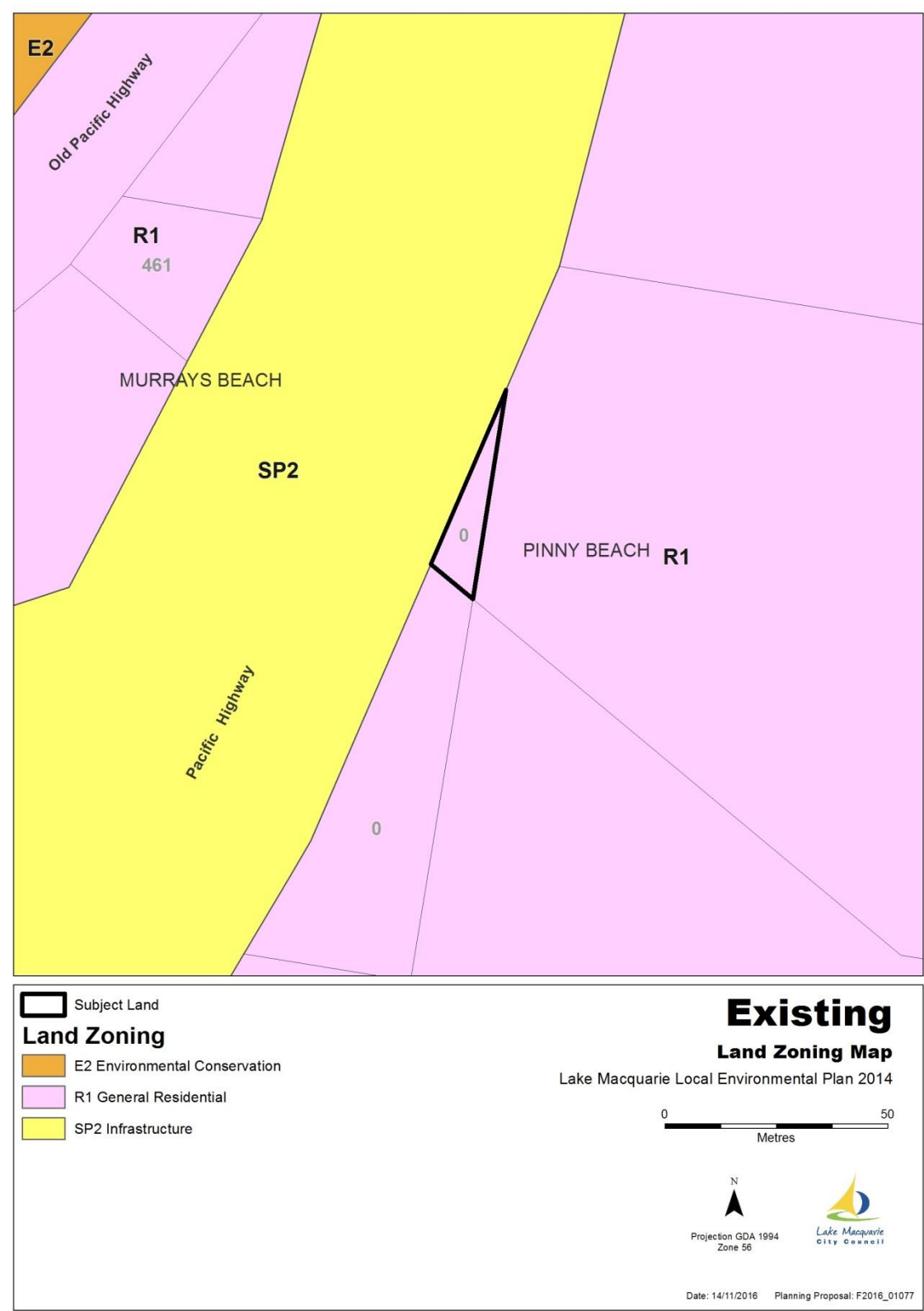
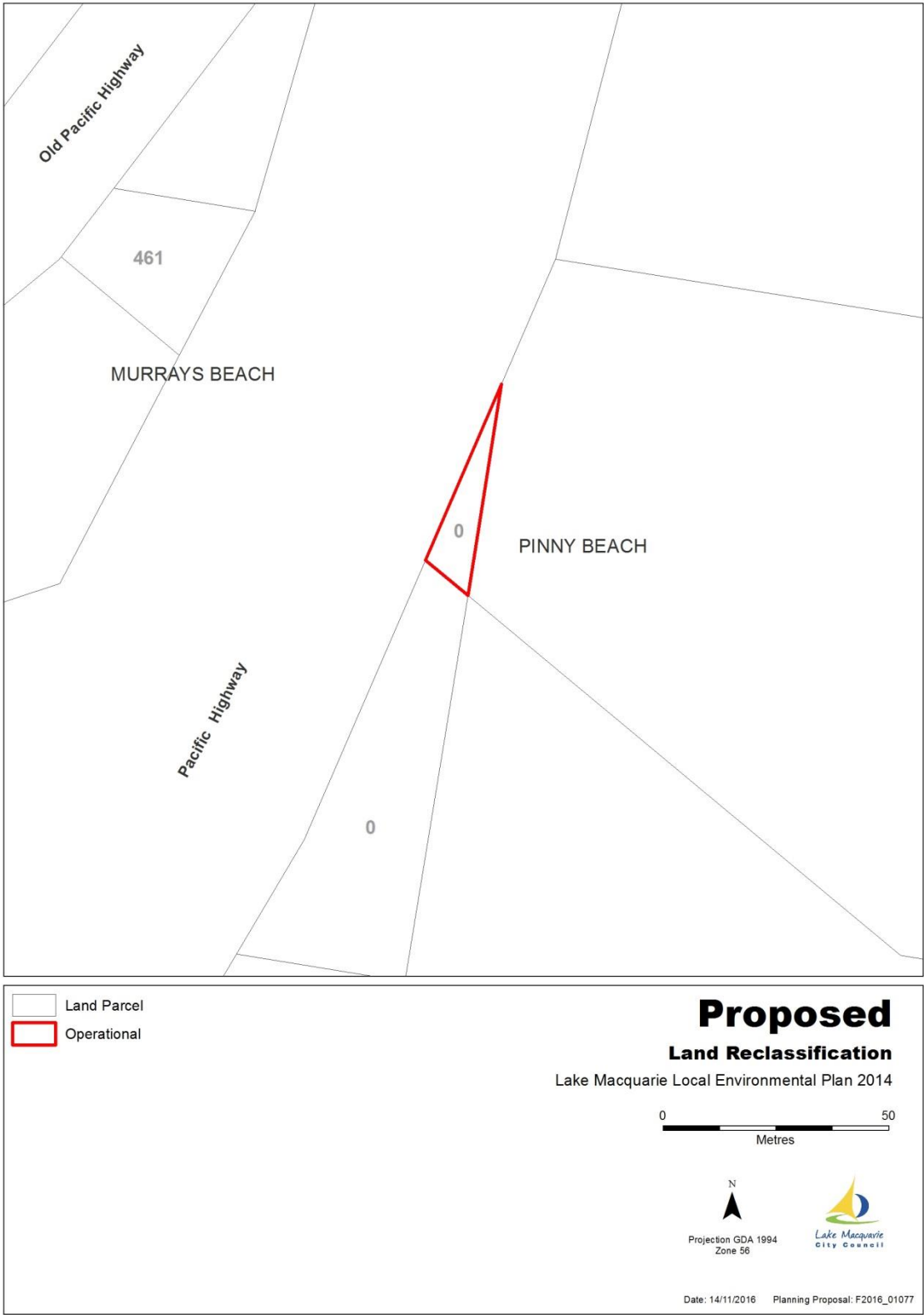


Figure 3 – Draft Land Reclassification Map under LMLEP 2014



Item 10 - 59A Pacific Highway CHARLESTOWN Lot 1011 DP 1140442

Figure 1 – Aerial Map



Figure 2 – Existing Zone under LMLEP 2014

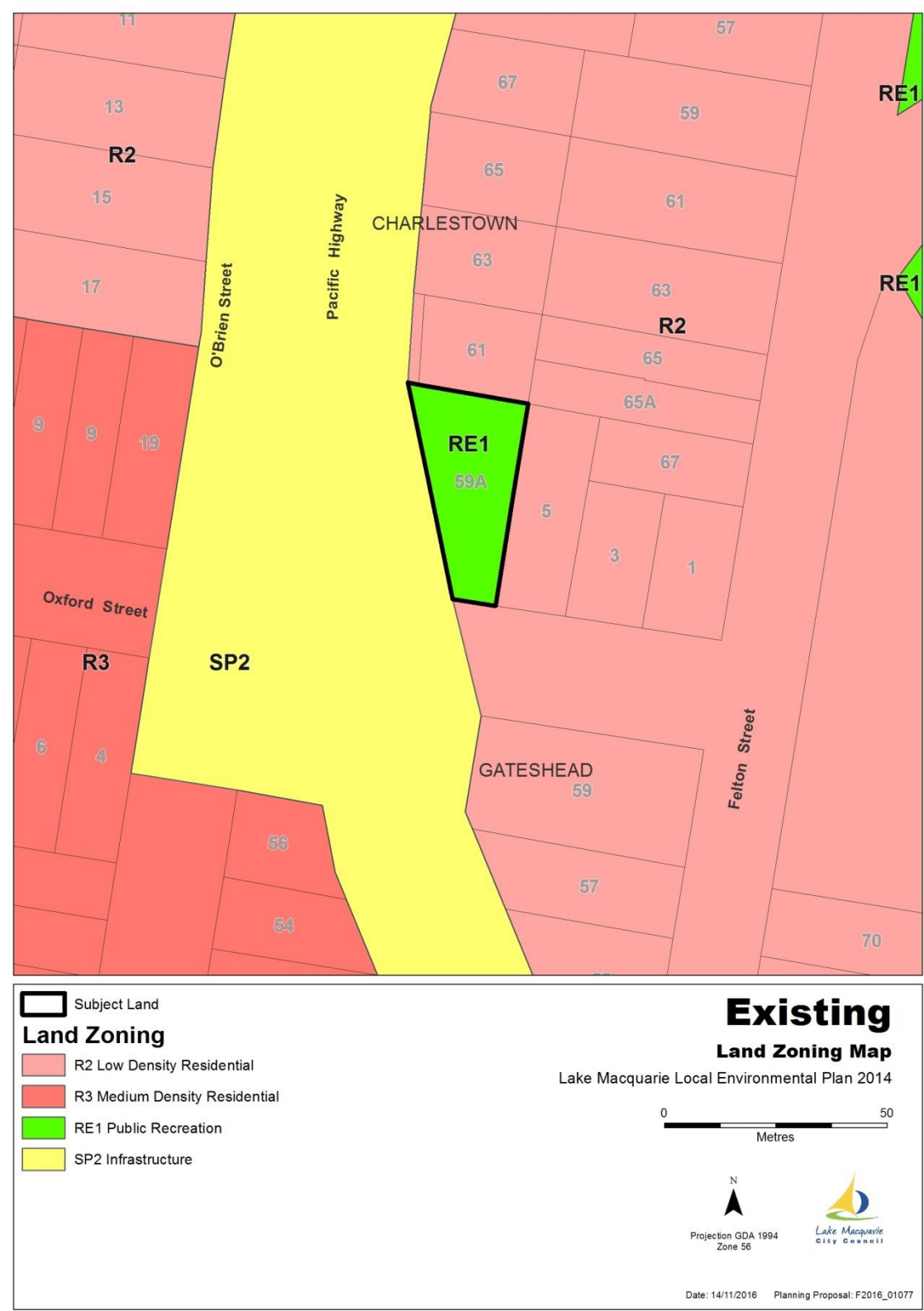


Figure 3 – Proposed Zone

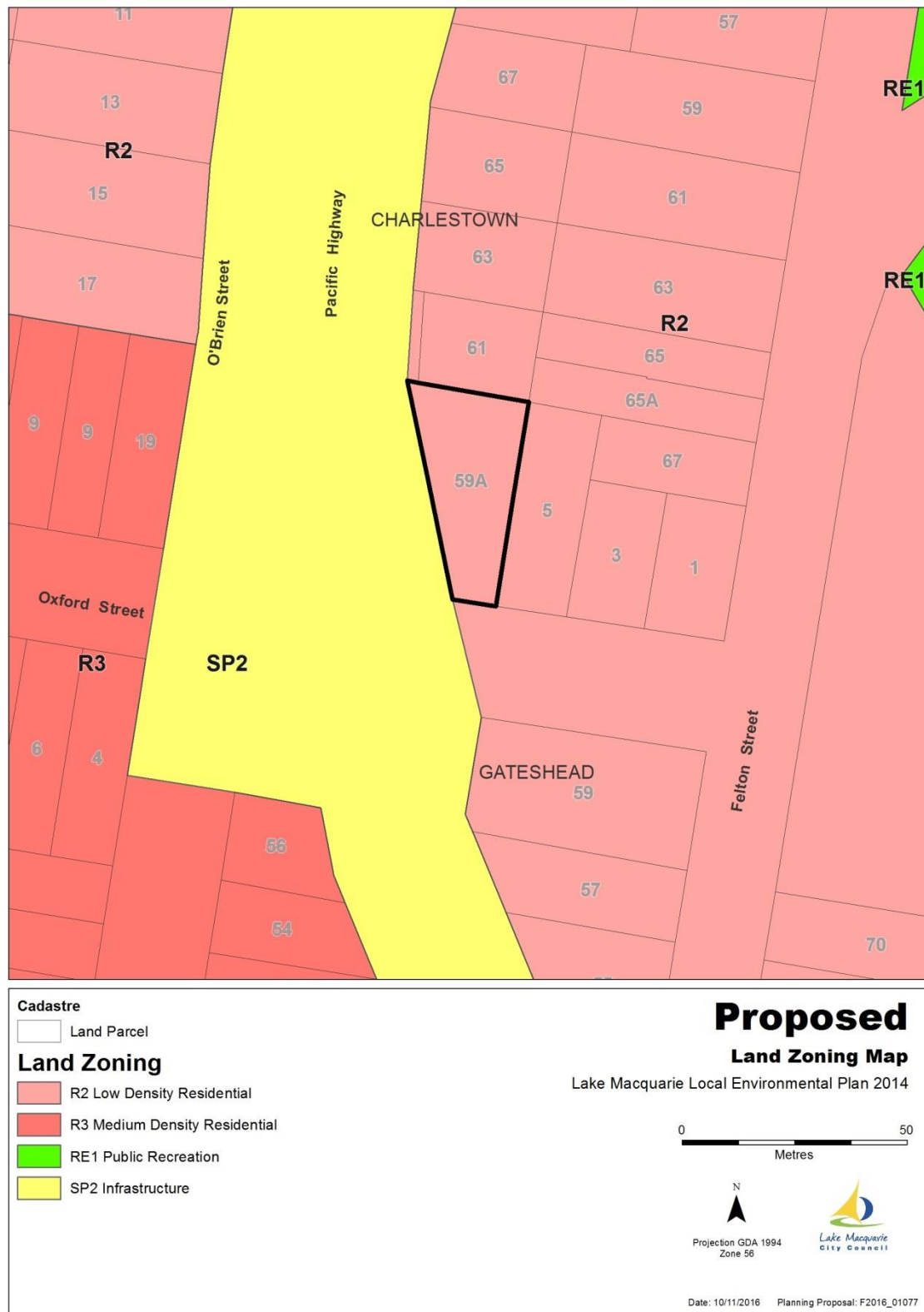


Figure 4 – Lot Size Map under LMLEP 2014

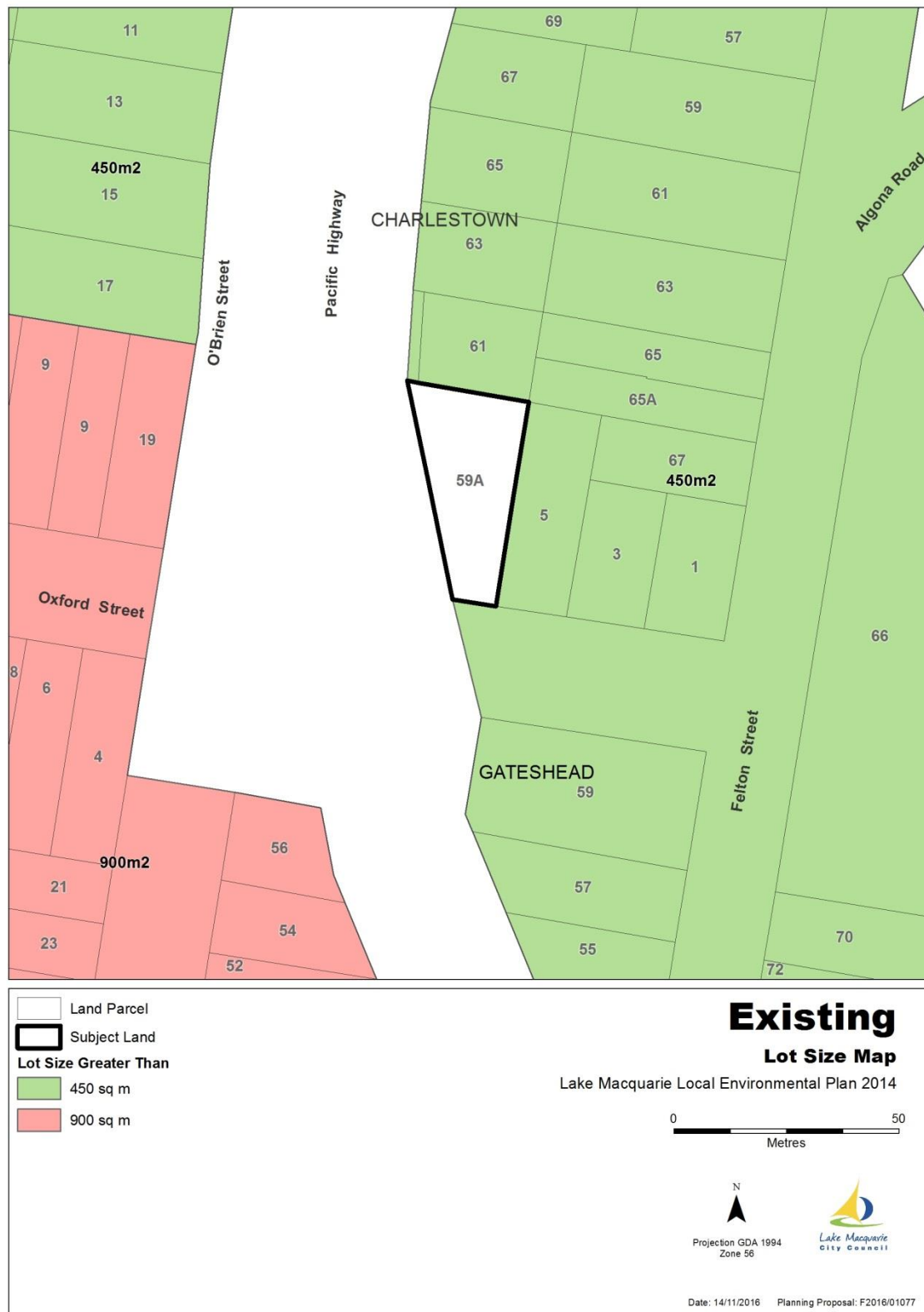


Figure 5 – Proposed Lot Size Map

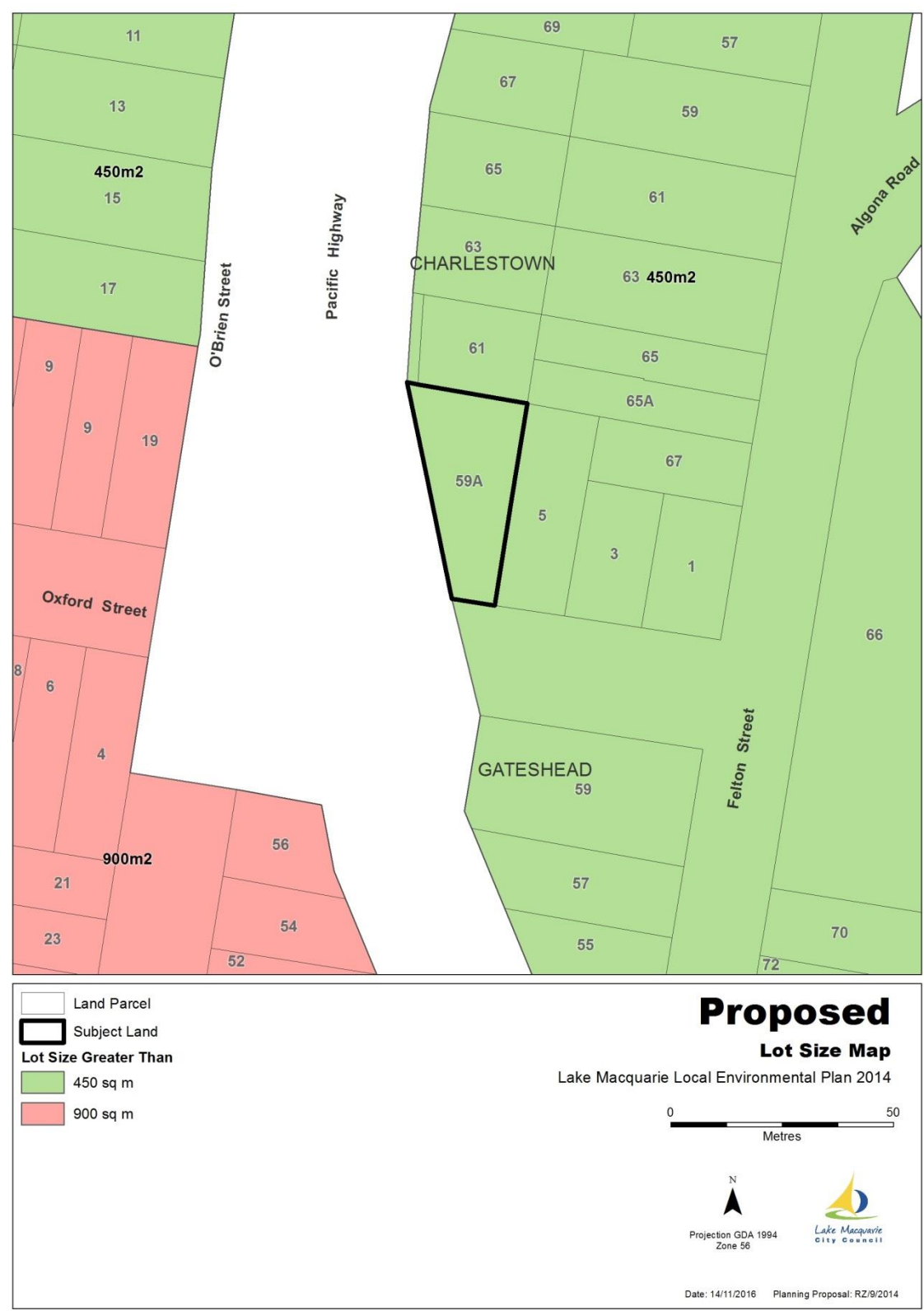


Figure 6 - Draft Land Reclassification Map under LMLEP 2014



ANNEX B – SEPP ASSESSMENT

Planning Proposal's Assessment against Applicable SEPPs

SEPP	Applicable	Consistency
State Environmental Planning Policy No 19—Bushland in Urban Areas	Yes	Only one property, Item 9 – 0 Pacific Highway, Pinny Beach – has any significant vegetation on site. This land is small (only 250sqm) and the land identified on Council's mapping system as being partly cleared native vegetation, is smaller still at only 63sqm. This forms the northern edge of a much larger area of approximately 500 hectares of significant vegetation, and accordingly this small area is considered to be insignificant. The purpose of reclassification of this land is to rectify an omission of the land as Operational in 1993 when the adjoining land (also owned by Council) was classified Operational. If and when this site is redeveloped in the future, then the provisions of this SEPP shall be taken into consideration.
State Environmental Planning Policy No 55 – Remediation of Land	Possibly	<p>Item 6 – 142 Main Road, Speers Point – Is identified as a contaminated site due to its proximity to the previous Pasminco site in Boolaroo. The proposal is for reclassification only with the zone remaining the same. As the land is owned by Council and is for the future expansion of Council's Administration Centre, any work to be carried out on the land would be subject to a contamination study once the nature of the work would be known. If and when this site is redeveloped in the future, then the provisions of this SEPP shall be taken into consideration.</p> <p>Two pieces of land have had previous uses on the land that may have potentially contaminated the sites as follows:</p> <p>Item 7 – 26 High Street, Toronto – This land was used as a temporary Council depot, which dealt with mainly storage of vehicles and road base. This use will be relocated, and it is considered that due to the materials stored and its existing industrial zoning, it will not require remediation of the land.</p> <p>Item 9 – 0 Pacific Highway, Pinny Beach – The subject land was used for vehicular access to the adjoining site (465 Pacific Highway) which was known as the Swansea Quarry. No quarrying was carried out on this site, and if the land is redeveloped in the future, this will need to be investigated further, in order to comply with the requirements of the SEPP.</p> <p>Neither pieces of land appear on Council's contaminated land register.</p>

Planning Proposal's Assessment against Applicable SEPPs

SEPP	Applicable	Consistency
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	Yes	<p>The SEPP has the potential to apply to the future development of the proposed residential zoned sites included within the Planning Proposal as follows:</p> <p>Item 5 – 11A Charles Street, Edgeworth</p> <p>Item 10 – 59A Pacific Highway, Charlestown</p>
State Environmental Planning Policy (Infrastructure) 2007	Possibly	<p>It is highly unlikely that any of the sites contained within the Planning Proposal would be subject to this SEPP, except for possibly the following:</p> <p>Item 9 – 0 Pacific Highway, Pinny Beach – The purpose of reclassification of this land is to rectify an omission of the land as Operational in 1993 when the adjoining land (also owned by Council) was classified Operational. If and when this site is redeveloped in the future, then the provisions of this SEPP shall be taken into consideration if it then applies.</p>

ANNEX C – MINISTERIAL DIRECTION ASSESSMENT

Planning Proposal's assessment against Ministerial Directions

Ministerial Direction	Applicable	Consistency
1. Employment and Resources		
1.1 Business and Industrial Zones	Yes	<p>The following sites within the planning proposal are within business zones:</p> <p>Item 3 – 163C Dudley Road, Whitebridge, is currently partly zoned B1 Neighbourhood Centre. However as the proposal only involves reclassification for the purpose of formalising an existing road, it is considered to be consistent with the Ministerial Direction.</p> <p>Item 6 – 142 Main Road, Speers Point, is currently zoned B1 Neighbourhood Centre. However as the proposal only involves reclassification, the zoning, boundaries of the zone and development controls shall remain the same and accordingly is considered to be consistent with the Ministerial Direction.</p> <p>Item 8 – 725 Main Road, Edgeworth, is currently zoned B1 Neighbourhood Centre. However as the proposal only involves reclassification, the zoning, boundaries of the zone and development controls shall remain the same and accordingly is considered to be consistent with the Ministerial Direction.</p> <p>The following sites within the planning proposal are within industrial zones:</p> <p>Item 7 – 26 High Street, Toronto, is currently zoned IN2 Light Industrial. However as the proposal only involves reclassification, the zoning, boundaries of the zone and development controls shall remain the same and accordingly is considered to be consistent with the Ministerial Direction.</p>
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	

Planning Proposal's assessment against Ministerial Directions

Ministerial Direction	Applicable	Consistency
2. Environment and Heritage		
2.1 Environment Protection Zones	Yes	<p>The following sites within the planning proposal are within environment protection zones:</p> <p>Item 3 – 163C Dudley Road, Whitebridge, is currently partly zoned E2 Environmental Conservation. However, no provisions of the zone shall be modified, as the proposal only involves reclassification for the purpose of formalising an existing road. Therefore, it is considered to be consistent with the Ministerial Direction.</p>
2.2 Coastal Protection	N/A	-
2.3 Heritage Conservation	N/A	<p>The Heritage provisions of LMLEP2014 will remain unchanged.</p> <p>No items are heritage listed, although two sites adjoin heritage listed items, which will remain untouched by the proposal. These sites are:- Item 6 - 142 Main Road, Speers Point which adjoins the Masonic Hall at 81 Lakeview Street (currently used by Council); and Item 8 – 725 Main Road, Edgeworth which abuts the West Wallsend Steam Tram Line (covered by road and footpath).</p> <p>Therefore, it is considered to be consistent with the Ministerial Direction.</p>
2.4 Recreation Vehicle Area	N/A	-
3. Housing, Infrastructure and Urban Development		
3.1 Residential zones	Yes	<p>The following sites are identified as having existing or future residential zonings:</p> <p>Item 1 – 1A Lawson Road, Macquarie Hills – dedication of existing road – N/A</p> <p>Item 2 – 11B Charles Street, Edgeworth – dedication of existing road – N/A</p> <p>Item 3 – 193C Dudley Road, Whitebridge – dedication of existing road – N/A</p> <p>Item 4 – 28C Thomas Street, Barnsley – dedication of existing road – N/A</p> <p>Item 5 – 11A Charles Street, Edgeworth – proposed sale as residential lot</p> <p>Item 9 – 0 Pacific Highway, Pinny Beach – Administrative error, future of site</p>

Planning Proposal's assessment against Ministerial Directions

Ministerial Direction	Applicable	Consistency
		<p>unknown. Possibly residential as this is current zoning.</p> <p>Item 10 – 59A Pacific Highway, Charlestown – proposed sale as residential lot</p> <p>The reclassification's and rezoning's proposed within this planning proposal will allow for the sale of subject lots to facilitate future residential development in the subject areas. It is considered that the planning proposal is consistent with the objectives of this Ministerial Direction.</p>
3.2 Caravan Parks and Manufactured Home Estates	N/A	-
3.3 Home Occupations	N/A	-
3.4 Integrating Land Use and Transport	Yes	<p>It is proposed to rezone the following site to a residential zoning consistent with the adjoining residential lots within the established residential area:</p> <p>Item 10 – 59A Pacific Highway, Charlestown – proposed sale as residential lot.</p> <p>All other items within the planning proposal shall retain their existing zonings.</p> <p>As the proposal is infill development, it is considered that the proposed rezoning outlined within the planning proposal is consistent with the objectives of this Ministerial Direction.</p>
3.5 Development Near Licensed Aerodromes	N/A	-
3.6 Shooting Ranges	N/A	-
4. Hazard and Risk		
4.1 Acid Sulfate Soils	Yes	<p>The following sites are identified within the Lake Macquarie Acid Sulfate Soils Planning Maps:</p> <p>Item 2 – 11B Charles Street, Edgeworth – Class 5 - dedication of existing road</p> <p>Item 4 – 28C Thomas Street, Barnsley – Class 5 - dedication of existing road</p> <p>Item 5 – 11A Charles Street, Edgeworth – Class 5 - proposed sale as residential lot</p>

Planning Proposal's assessment against Ministerial Directions

Ministerial Direction	Applicable	Consistency
		<p>Item 6 – 142 Main Road, Speers Point – Class 5 – possible future expansion of Council's Administrative Centre</p> <p>Item 7 – 26 High Street, Toronto – Class 3 – proposed sale as industrial lot</p> <p>Item 8 – 725 Main Road, Edgeworth – Class 5 – proposed sale as commercial lot</p> <p>Item 9 – 0 Pacific Highway, Pinny Beach – Class 5 - Administrative error, future of site unknown. Possibly residential as this is current zoning.</p> <p>The proposal is for reclassification only with the zone remaining the same (therefore, it is not considered an intensification of the use). Any future development on these sites would need to be aware of this constraint and would be required to address the requirements of Clause 7.1 of the LMLEP 2014 at development application stage.</p>
4.2 Mine Subsidence and Unstable Land	Yes	<p>All sites are identified within a Mine Subsidence District.</p> <p>Consultation with the Mine Subsidence Board has been undertaken who have raised no objection to the planning proposal. Therefore, the requirements of this direction have been met.</p>
4.3 Flood Prone Land	Yes	<p>The following sites are identified as Flood Prone land:</p> <p>Item 2 – 11B Charles Street, Edgeworth – dedication of existing road</p> <p>Item 5 – 11A Charles Street, Edgeworth – proposed sale as residential lot</p> <p>Item 7 – 26 High Street, Toronto – proposed sale as industrial lot</p> <p>Item 8 – 725 Main Road, Edgeworth – proposed sale as commercial lot</p> <p>These are all located within existing zones – no zoning changes proposed, with determined flood planning levels.</p> <p>The proposal is for reclassification only with the zone remaining the same (therefore, it is not considered an intensification of the use). Any future development on these sites would need to be aware of this constraint and would be required to address the requirements of Clause 7.3 of the LMLEP 2014 at development application stage.</p>
4.4 Planning for Bushfire Protection	Yes	<p>The following sites are identified within the Lake Macquarie Bushfire Prone Land</p>

Planning Proposal's assessment against Ministerial Directions

Ministerial Direction	Applicable	Consistency
		<p>map:</p> <p>Item 1 – 1A Lawson Road, Macquarie Hills - Dedication of existing road, partly within Buffer area</p> <p>Item 3 – 163C Dudley Road, Whitebridge –within Buffer area</p> <p>Item 7 – 26 High Street, Toronto - within Buffer area</p> <p>Item 9 – 0 Pacific Highway, Pinny Beach – Partly within Buffer area, and partly within Vegetation Category 1</p> <p>Consultation with the NSW Rural Fire Service has been who have raised no objection to the planning proposal. Therefore, the requirements of this direction have been met.</p>
5. Regional Planning		
5.1 Implementation of Regional Strategies	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.
5.2 Sydney Drinking Water Catchments	N/A	-
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	-
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	-
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (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	-

Planning Proposal's assessment against Ministerial Directions

Ministerial Direction	Applicable	Consistency
5.9 North West Rail Link Corridor Strategy	N/A	-
5.10 Implementation of Regional Plans	Yes	<p>The Hunter Regional Strategy 2036 (HRS) applies to this area, with four sites identified within growth areas of the Strategy as follows:</p> <p>Item 5 - 11A Charles Street, Edgeworth – proposed sale for medium density residential</p> <p>Item 7 - 26 High Street, Toronto – proposed sale for industrial</p> <p>Item 8 - 725 Main Road, Edgeworth – proposed sale for commercial</p> <p>Item 10 - 59A Pacific Highway, Charlestown – proposed sale for low density residential</p> <p>Although these sites are infill developments, they may assist in the growth of these areas by removing vacant sites.</p> <p>All other Items within the planning proposal are either administrative amendments (6 & 9) or are for road dedication (1-4). Accordingly, it is considered that the planning proposal is consistent with the objectives of this Ministerial Direction.</p>
6. Local Plan Making		
6.1 Approval and Referral Requirements	Yes	It is considered that the planning proposal is consistent with the objectives of this Ministerial Direction.
6.2 Reserving Land for Public Purposes	Yes	<p>The following sites are currently identified as Public Reserve:</p> <p>Item 1 – 1A Lawson Road, Macquarie Hills – proposed dedication as Road, with formed road currently over it.</p> <p>Item 10 – 59A Pacific Highway, Charlestown – proposed sale as residential lot</p> <p>This land was originally set aside for “Public Hall” in 1947, however no hall was ever built. In 1957 part of the site was resumed for the Pacific Highway which left the site irregular shaped and unsuitable for either a public hall or pocket park, due to its proximity to the highway. The site is now considered to be surplus to Council’s needs, of minor significance, and received Council support (refer to Council Meeting</p>

Planning Proposal's assessment against Ministerial Directions

Ministerial Direction	Applicable	Consistency
		Agenda's and Resolutions attached in Annex D). Inconsistency approved as minor under Gateway approval.
6.3 Site Specific Provisions	Yes	The rezoning's included within the Planning Proposal will apply a zone consistent with those surrounding the subject site. No site specific provisions or development standards in addition to those already contained within the LEP will be applied.
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Plan for Sydney 2036	N/A	-

ANNEX D – COUNCIL RESOLUTIONS

Council Minute Item

Action

Ordinary Council Meeting

24/07/2017

TRIM Ref: D08398351

Subject: Proposed Reclassification of 2016 Housekeeping Amendment to Lake Macquarie Local Environmental Plan - Various Sites

Date to be Completed by: 24/07/2017

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:

40

Moved. Cr. Belcher
Seconded. Cr. Shultz

- A. Council authorises the submission of the Planning Proposal (Attachment 1), including any necessary minor amendment, to the Department of Planning and Environment, under section 59 of the Environmental Planning and Assessment Act 1979, and requests the Department to instruct Parliamentary Counsel to prepare the legal instrument.
- B. Council authorises consultation with the Department of Planning & Environment and the making of any necessary minor amendment(s) to the Planning Proposal.
- C. Council requests the Minister for Planning to make the 2016 Housekeeping Amendment to the Lake Macquarie Local Environmental Plan 2014, in accordance with the final Planning Proposal.

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

For the Motion

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

Against the Motion

(Carried)

17STRAT035 Proposed Reclassification of 2016 Housekeeping Amendment to Lake Macquarie Local Environmental Plan – Various Sites

Council Ref: F2016/01077 – D08398351

Report by: Statutory Property Officer – Joanne Marshall

Précis:

Council resolved at its meeting on 24 October 2016 to commence action to prepare a draft Local Environmental Plan to reclassify and rezone various Council-owned sites. A Planning Proposal was submitted to the Department of Planning and Environment (DoPE) and subsequently placed on public exhibition and a public hearing held.

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

Recommendation:

- A. Council authorises the submission of the Planning Proposal (Attachment 1), including any necessary minor amendment, to the Department of Planning and Environment, under section 59 of the Environmental Planning and Assessment Act 1979, and requests the Department to instruct Parliamentary Counsel to prepare the legal instrument.
- B. Council authorises consultation with the Department of Planning & Environment and the making of any necessary minor amendment(s) to the Planning Proposal.
- C. Council requests the Minister for Planning to make the 2016 Housekeeping Amendment to the Lake Macquarie Local Environmental Plan 2014, in accordance with the final Planning Proposal.

Background:

Council resolved at its meeting on 24 October 2016 to commence action to prepare a draft Local Environmental Plan to reclassify and rezone parcels of land at:

- 1A Lawson Road Macquarie Hills (Part of Lot 42 DP 1132840)
- 11B Charles Street Edgeworth (Lots 17 & 18 Sec 3 DP 2149)
- 163C & 193C Dudley Road Whitebridge (Lot 2 DP 506536 & Lot 1 DP 372638)
- 28C Thomas Street Barnsley (Lots 25 & 26 Sec H DP 631)
- 11A Charles Street Edgeworth (Lot 16 Sec 3 DP 2149)
- 142 Main Road Speers Point (Lot 13 Sec B DP 4063)
- 26 High Street Toronto (Lot 2 Sec 17 DP 1097)
- 725 Main Road Edgeworth (Lot 1 DP 717715)
- Lot 8 Pacific Highway Pinny Beach (Lot 8 DP 791995)
- 59A Pacific Highway Charlestown (Lot 1011 DP 1140442).

A Planning Proposal was submitted to the Department of Planning & Environment (DoPE) on the 12 December 2016 and DoPE issued Gateway Determination (advising that the Planning Proposal may proceed) on 23 January 2017.

The Gateway Determination required the Planning Proposal to be exhibited for a period of 28 days under sections 56(2)(c) and 57 of the Environmental Planning & Assessment Act

1979 (EP&A Act), as well as consultation with the Mine Subsidence Board and the NSW Rural Fire Service under section 56(2)(d) of the EP&A Act.

In accordance with section 29 of the Local Government Act 1993 (LG Act), a public hearing was held on 2 May 2017.

After satisfying the requirements of the Gateway Determination and the requirements of the LG Act, the Planning Proposal along with details of the public submissions, is now provided to Council to determine whether support for the proposed reclassifications and rezonings is issued. This decision will then be forwarded to DoPE under section 59 of the EP&A Act and if authorised, the legal instrument known as 2016 Housekeeping Amendment will be made by the Minister for Planning.

Proposal:

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

- i) 1A Lawson Road Macquarie Hills (Part of Lot 42 DP 1132840) - Reclassify the subject land from Community Land to Operational Land for the purpose of road dedication;
- ii) 11B Charles Street Edgeworth (Lots 17 & 18 Sec 3 DP 2149) - Reclassify the subject land from Community Land to Operational Land for the purpose of road dedication;
- iii) 163C & 193C Dudley Road Whitebridge (Lot 2 DP 506536 & Lot 1 DP 372638) - Reclassify the subject land from Community Land to Operational Land for the purpose of road dedication;
- iv) 28C Thomas Street Barnsley (Lots 25 & 26 Sec H DP 631) - Reclassify the subject land from Community Land to Operational Land for the purpose of road dedication;
- v) 11A Charles Street Edgeworth (Lot 16 Sec 3 DP 2149) - Reclassify the subject land from Community Land to Operational Land for the purpose of sale to the public;
- vi) 142 Main Road Speers Point (Lot 13 Sec B DP 4063) - Reclassify the subject land from Community Land to Operational Land for the purpose of future expansion of Council's Administrative Centre;
- vii) 26 High Street Toronto (Lot 2 Sec 17 DP 1097) - Reclassify the subject land from Community Land to Operational Land for the purpose of sale to the public;
- viii) 725 Main Road Edgeworth (Lot 1 DP 717715) - Reclassify the subject land from Community Land to Operational Land for the purpose of sale to the public;
- ix) Lot 8 Pacific Highway Pinny Beach (Lot 8 DP 791995) - Reclassify the subject land from Community Land to Operational Land to be consistent with the adjoining site owned by Council (Lot 7 DP 791995); and
- x) 59A Pacific Highway Charlestown (Lot 1011 DP 1140442) - Reclassify the subject land from Community Land to Operational Land & rezone from RE1 Public Recreation to R2 Low Density Residential for the purpose of sale to the public.

Consultation:

Consultation with Public Authorities/Groups

The following public authorities/groups have been consulted – Mine Subsidence Board, NSW Rural Fire Service (RFS), and Awabakal Aboriginal Land Council. No objections were received in relation to the Planning Proposal (see Annex F of Attachment 1).

Exhibition

The proposal was placed on public exhibition from 25 February to 27 March 2017 with no written submissions being received.

Public Hearing

A public hearing was held on 2 May 2017, which was attended, by the independent facilitator, two staff members, and one member of the public. The member of the public signed in, made a comment that there were no Councillors or community members in attendance and left the meeting. No specific feedback on the proposals was made.

The independent facilitator's report prepared for the Public Hearing has summarised the feedback and is contained within Annex G of the Planning Proposal in Attachment 1.

Internal Consultation

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

Implications:

Policy Implications:

The proposal has been assessed against relevant State Environmental Planning Policies, section 117(2) directions and the Lower Hunter Regional Strategy 2006.

No unjustified inconsistencies have been identified. Details of the consideration are included within Annex B & C of the Planning Proposal in Attachment 1.

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

Environmental Implications:

Of the ten parcels of land, only one contains substantial trees and vegetation, which is Item 9 – Pacific Highway, Pinny Beach (Lot 8 DP 791995). Although this is a small parcel of land, it contains a gravel access road, which cuts across the block with dense vegetation providing a screen to the old quarry site from the Pacific Highway. The vegetation is mainly *Lantana*, with *Coral* and other trees.

Social Implications:

The proposed reclassifications will either formalise the existing use of the lands (items 1-4 as roads), or enable the lands to be used in accordance with adjoining lands (items 5-10). Upon reclassification, four of the lands (items 5, 7, 8 & 10) will be offered for sale to the public. As such, it is considered that the reclassifications will not have any detrimental social impacts upon the surrounding areas.

Infrastructure Asset Implications:

The reclassification of Items 1-4 are being reclassified so they can be dedicated as roads. Asset Management has agreed to accept these roads upon dedication (although they are already carrying out the maintenance on them).

Items 6, 8 and 10 are currently on Council's mowing schedule, therefore the sale of 8 and 10 will negate the requirement for future maintenance of that land.

No implications to Council's existing or proposed infrastructure assets have been identified for the remaining properties identified as items 5, 7 and 9.

Financial Implications:

The reclassification of the land will result in the following financial implications:

Items 1-4 have formed roads over them and the sites will be transferred to Asset Management, as follows:

- Item 1: 1A Lawson Road, Macquarie Hills
- Item 2: 11B Charles Street, Edgeworth
- Item 3: 163C & 193C Dudley Road, Whitebridge
- Item 4: 28C Thomas Street, Barnsley.

Items 6 and 9 (142 Main Road, Speers Point and Pacific Highway, Pinny Beach) will not be sold, but will be reclassified for potential future development of Council's Administrative Centre building and the old Swansea Quarry, respectively. Council will bear the reclassification costs of these sites so they are ready if Council decides to proceed with development.

Item 5 (11A Charles Street, Edgeworth) was acquired for "*selling or leasing the whole or any portion of such land in one or more lots*" and sale from the proceeds will therefore go to the Strategic Property Reserve.

Item 7 (26 High Street, Toronto) was purchased by Council for "*future investment purposes*" and sale from the proceeds will therefore go to the Strategic Property Reserve.

Item 8 (725 Main Road, Edgeworth) was acquired by Council in 1984, partly for public Open Space, partly for road widening and partly for resale. The road has now been widened, and the s94 Contributions plan for Glendale does not identify it for Open Space purposes. Accordingly, sale from the proceeds will be shared between the Strategic Property Reserve and the Community Land Reserve funds.

Item 10 (59A Pacific Highway, Charlestown) was originally a Crown Reserve for Public Hall when the Pacific Highway carved through the site leaving a triangular shaped parcel of land, which was dedicated to Council. Sale proceeds will be deposited into the Community Land Reserve.

Council will bear the costs for those sites to be sold but will recoup these costs at the time of sale.

Further, Items 8 and 10 are currently on Council's cyclic mowing schedule. The sale of these sites will remove the need for this on-going maintenance cost to Council.

Risk and Insurance Implications:

The level of risk associated with the preparation of a Planning Proposal is minimised by following due process as established by the Environmental Planning & Assessment Act 1979, Local Government Act 1993, Environmental Planning and Assessment Regulation

2000, and Council's procedure Amending LMLEP to Reclassify Land. This action is covered by Council's professional indemnity insurance as a standard activity.

Rectifying the classification anomalies associated with Council's roads will reduce Council's exposure to risk, as the land can be formally dedicated as road and its use protected by the Roads Act 1993.

Options:

1. To proceed as recommended and commence preparation of a Planning Proposal to include each property. This option is favoured as Council generally supports each proposed reclassification as a strategic project that has merit.
2. To retain any of the lands as Community Land. This option is not favoured as land has been identified as surplus to Council's needs and the reclassifications facilitate a fiscal return to Council for investment in community needs and other Council projects, or require reclassification to facilitate future Council use.

Conclusion:

The subject lands have been investigated and found to be either surplus to Council's open space requirements, contain roads upon them, or inappropriate as open space lands. The subsequent sale of sites will generate funds for use by Council. It is therefore considered appropriate to reclassify the lands and rezone where necessary.

Manager Property & Business Development – Kate Cramp

Council Minute Item

Action

Ordinary Council Meeting

24/10/2016

TRIM Ref: D07924402

Subject: 2016 Housekeeping Amendment - Lake Macquarie Local Environmental Plan 2014

Date to be Completed by: 24/10/2016

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:

Moved. Cr. Adamthwaite
Seconded. Cr. Harrison

- A. Council authorises preparation and submission of a Planning Proposal pursuant to section 55 of the Environmental Planning and Assessment Act 1979, to the Department of Planning & Environment (DP&E), as follows:
- i) Reclassification of part of Lot 42 DP 1132840 (1A Lawson Road, Macquarie Hills) from Community Land to Operational Land for the purpose of road dedication;
 - ii) Reclassification of Lots 17 & 18 Sec 3 DP 2149 (11B Charles Street, Edgeworth) from Community Land to Operational Land for the purpose of road dedication;
 - iii) Reclassification of Lot 2 DP 506536 (163C Dudley Road, Whitebridge) & Lot 1 DP 372638 (193C Dudley Road, Whitebridge) from Community Land to Operational Land for the purpose of road dedication;
 - iv) Reclassification of Lots 25 & 26 Sec H DP 631 (28C Thomas Street, Barnsley) from Community Land to Operational Land for the purpose of road dedication;
 - v) Reclassification of Lot 16 Sec 3 DP 2149 (11A Charles Street, Edgeworth) from Community Land to Operational Land for the purpose of sale on the open market;
 - vi) Reclassification of Lot 13 Sec B DP 4063 (142 Main Road, Speers Point) from Community Land to Operational Land for the purpose of possible expansion of Council's offices;
 - vii) Reclassification of Lot 2 Sec 17 DP 1097 (26 High Street, Toronto) from Community Land to Operational Land, for the purpose of amalgamation into adjoining lots and sale on the open market;
 - viii) Reclassification of Lot 1 DP 717715 (725 Main Road, Edgeworth) from Community Land to Operational Land for the purpose of sale on the open market;

- ix) Reclassification of Lot 8 DP 791995 (known as 0 Pacific Highway, Pinny Beach) from Community Land to Operational Land, for the purpose of amalgamation into the adjoining lot which is Operational Land and consideration of future development options for the land; and
 - x) Reclassification of Lot 1011 DP 1140442 (59A Pacific Highway, Charlestown) from Community Land to Operational Land, and rezone from RE1 Public Recreation to R2 Low Density Residential, for the purpose of sale on the open market.
- B. Upon receipt of DP&E's Gateway Determination under section 56 of the EP&A Act 1979, and if approval is given, Council authorises the exhibition of the Planning Proposal and conduct a public hearing for the reclassification matters.
- C. Council authorises notification of the public hearing, in a local newspaper, in accordance with section 29 of the Local Government Act 1993.

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

For the Motion

Cr. Fraser
 Cr. Adamthwaite
 Cr. Langford
 Cr. Pauling
 Cr. Harrison
 Cr. Baker
 Cr. Belcher
 Cr. Buckley
 Cr. Cubis
 Cr. Gilbert
 Cr. Grigg

Against the Motion

(Carried)

End

The minutes of Ordinary Council Meeting on 24/10/2016 is located in TRIM folder titled 'GOVERNANCE - COUNCIL MEETINGS - Minutes and Agenda - Council Agendas & Minutes - PDF Version'

16STRAT039 2016 Housekeeping Amendment – Lake Macquarie Local Environmental Plan 2014

Council Ref: F2016/01077 – D07924402

Report by: Statutory Property Officer – Joanne Marshall

Précis:

The parcels of Council-owned land nominated in this report are classified as Community Land under the Local Government Act 1993 (LG Act 1993). Each parcel has been investigated by Council staff, and has received support to commence action to reclassify and rezone the lands. This report seeks Council's consent to the following actions:

- To consider reclassification of the lands from Community Land to Operational Land;
- To dedicate four of these parcels of land as road; and
- To rezone one of those parcels from Open Space (Public Recreation) to a Low Density Residential zone.

Recommendation:

- A. Council authorises preparation and submission of a Planning Proposal pursuant to section 55 of the Environmental Planning and Assessment Act 1979, to the Department of Planning & Environment (DP&E), as follows:
- i) Reclassification of part of Lot 42 DP 1132840 (1A Lawson Road, Macquarie Hills) from Community Land to Operational Land for the purpose of road dedication;
 - ii) Reclassification of Lots 17 & 18 Sec 3 DP 2149 (11B Charles Street, Edgeworth) from Community Land to Operational Land for the purpose of road dedication;
 - iii) Reclassification of Lot 2 DP 506536 (163C Dudley Road, Whitebridge) & Lot 1 DP 372638 (193C Dudley Road, Whitebridge) from Community Land to Operational Land for the purpose of road dedication;
 - iv) Reclassification of Lots 25 & 26 Sec H DP 631 (28C Thomas Street, Barnsley) from Community Land to Operational Land for the purpose of road dedication;
 - v) Reclassification of Lot 16 Sec 3 DP 2149 (11A Charles Street, Edgeworth) from Community Land to Operational Land for the purpose of sale on the open market;
 - vi) Reclassification of Lot 13 Sec B DP 4063 (142 Main Road, Speers Point) from Community Land to Operational Land for the purpose of possible expansion of Council's offices;
 - vii) Reclassification of Lot 2 Sec 17 DP 1097 (26 High Street, Toronto) from Community Land to Operational Land, for the purpose of amalgamation into adjoining lots and sale on the open market;
 - viii) Reclassification of Lot 1 DP 717715 (725 Main Road, Edgeworth) from Community Land to Operational Land for the purpose of sale on the open

market;

- ix) Reclassification of Lot 8 DP 791995 (known as 0 Pacific Highway, Pinny Beach) from Community Land to Operational Land, for the purpose of amalgamation into the adjoining lot which is Operational Land and consideration of future development options for the land; and
 - x) Reclassification of Lot 1011 DP 1140442 (59A Pacific Highway, Charlestown) from Community Land to Operational Land, and rezone from RE1 Public Recreation to R2 Low Density Residential, for the purpose of sale on the open market.
- B. Upon receipt of DP&E's Gateway Determination under section 56 of the EP&A Act 1979, and if approval is given, Council authorises the exhibition of the Planning Proposal and conduct a public hearing for the reclassification matters.
- C. Council authorises notification of the public hearing, in a local newspaper, in accordance with section 29 of the Local Government Act 1993.

Background:

1A Lawson Road, Macquarie Hills (Lot 42 DP 1132840) (illustrated in red on Attachment 1).

Between 1965 and 1969, the eastern end of Lawson Road (approximately 767sqm) was redirected to intersect with Wentworth Road instead of Macquarie Road. This left an isolated parcel of land (approximately 1,100sqm) surrounded by road or road reserve.

In 2004, an adjoining landowner, Macquarie Christian Life Centre Incorporated, approached Council to undertake a reclassification of the isolated parcel (1,100sqm) as well as land to the south of the church for overflow car parking. Concurrently a road closure application was submitted for the old section of Lawson Road where it intersected with Macquarie Road. The reclassification was gazetted as Amendment No 3 to LMLEP 2004 in August 2006. The road was closed in 2007.

Unfortunately, Amendment No 3 did not include the dedication of the northern section of Lawson Road where it now intersects with Wentworth Road. In addition, the land was not listed as Operational Land in 1993, therefore by default the land is now Community Land.

As a result of this, part of the road now travels over Community Land which needs to be reclassified to allow it to be dedicated as road to formalise its current use.

11B Charles Street, Edgeworth (Lots 17 & 18 Sec 3 DP 2149) (illustrated in red on Attachment 3).

Council resumed the subject lands on 17 August 1962 by Government Gazette notice. The purpose of the resumption was for,

“...the planning of a new road and subdivision, and selling or leasing the whole or any portion of such land in one or more lots...”

Since then, Lots 17 & 18 have become a formed road and have been used as a roadway for many years.

Unfortunately, the land was not listed as Operational Land in 1993, therefore by default the land is Community Land. Community Land cannot be sold or dedicated as road.

Before the land can be dedicated as public road, the site needs to be reclassified as Operational Land to allow the land to be dedicated as road to formalise its current use.

163C & 193C Dudley Road, Whitebridge (Lot 2 DP 506536 & Lot 1 DP 372638) (illustrated in red on Attachment 5).

In 1949, Council acquired both parcels of land for the widening of Dudley Road, with the lots being created later. Lot 2 DP 506536 was created in 1963 and Lot 1 DP 372638 was created in 1950 and contained a statement that a strip 33 feet wide be dedicated to the public as an addition to Dudley Road. However, a notation against the lands at the Lands & Property Information (LPI) states that the lands are not public road.

The roadway has now been constructed over these parcels. The lots were not advertised as Operational Land with the 1993 statutory advertising. It is likely it was

deemed not necessary at the time as the lands were acquired for road purposes and possibly thought to be road.

The land is currently classified as Community Land and contains formed roadways. Before the land can be dedicated as public road, the site needs to be reclassified to Operational Land.

28C Thomas Street, Barnsley (Lots 25 & 26 Sec H DP 631) (illustrated in red on Attachment 7).

The land was originally subdivided in 1880 with Albert Street providing a connection between George and Thomas Streets only. In 1882, the land to the south was subdivided and Albert Street was extended to Cliffbrook Street. However, the two blocks on the southern side of Thomas Street were never dedicated as road, although they were being used as road.

It appears that the land was acquired by Council in 1957, however it is unsure as to why.

The lots were not advertised as Operational Land in the 1993 statutory advertising, as it is likely it was thought not necessary at the time as the road was formed. However, as the land is not dedicated as road, or classified as Operational Land, it has now become Community Land by default.

As the roadway has been constructed over these parcels, the reclassification of the land to Operational Land will formalise the correct land classification and enable the road to be dedicated.

11A Charles Street, Edgeworth (Lot 16 Sec 3 DP 2149) (illustrated in red on Attachment 9).

The land known as 11A Charles Street is approximately 303sqm and is located on the corner of Charles Street and Albert Street, Edgeworth. It is surrounded by low density residential properties, is currently vacant and denude of vegetation. When the land is reclassified it is proposed to be sold as a residential block in keeping with the adjoining properties.

Council resumed the subject land, along with Item 2 (11B Charles Street, Edgeworth) on 17 August 1962, by Government Gazette notice.

The purpose of the resumption was for,

“...the planning of a new road and subdivision, and selling or leasing the whole or any portion of such land in one or more lots...”

Unfortunately, the land was not listed as Operational Land in 1993, and therefore by default is Community Land. Community Land cannot be sold (although this was the original intention of the land once the road was dedicated) and now requires a reclassification to sell the land.

142 Main Road, Speers Point (Lot 13 Sec B DP 4063) (illustrated in red on Attachment 11).

The land known as 142 Main Road is approximately 809sqm and is located immediately south-west of Council's Administrative Centre building, and is currently vacant. Council currently owns all the land south of its Administrative Centre to Nord Street, which are all classified as Operational Land, except this parcel.

Council acquired the property on 31 May 1995 for future extensions to Council's Administrative Centre. Council's resolution obtained on 20 March 1995 which

authorised the acquisition of the property, recommended that the land become Operational Land following acquisition. Unfortunately, following extensive searches of all local newspapers, a copy of the Public Notice has not been located. Therefore, the land has been deemed as Community Land.

Accordingly, to allow for future extensions to the Administrative Centre or uses associated with the Administrative Centre, the land needs to be reclassified to Operational Land.

26 High Street, Toronto (Lot 2 Sec 17 DP 1097) (illustrated in red on Attachment 13).

The land known as 26 High Street is approximately 395sqm and is located on the eastern side of High Street, immediately south of the intersection with the unformed road known as Bridge Street.

Council purchased the subject land on 22 November 1995. At this time, Council owned the sites to the north (used for storing Council's road base) and south (leased to the adjoining factory) of which both were classified Operational Land. When this land became available for purchase, it was considered appropriate for Council to purchase for future investment purposes.

Since then, the long-term lease to the adjoining factory has expired, and the lessee continues to occupy the land under the leaseholder provisions. When Council's Depot (north) relocates, Council previously resolved to sell all the sites and part of Bridge Street, which the Depot now occupies.

Unfortunately, the land was not listed as Operational Land upon its purchase, and therefore by default is Community Land.

The Local Government Act does not permit the sale of Community Land, and the land will therefore require reclassification to Operational Land so it can be sold.

725 Main Road, Edgeworth (Lot 1 DP 717715) (illustrated in red on Attachment 15).

The land known as 725 Main Road has an area of 569m² and adjoins a similarly sized parcel (known as Lot 2), also owned by Council, which has access to Main Road.

Council has previously determined that these lots are surplus to Council's needs and accordingly will now offer these parcels for sale on the open market.

Lot 1 formed part of a larger lot which was acquired by Council in 1984, partly for public open space, partly for road widening and partly for resale.

Following subdivision in 1985, the land acquired for road widening was dedicated for public road, Lots 1 and 2 DP 717715 were created for resale purposes and the balance of the land (acquired for open space) was dedicated as Public Reserve.

The subject land (Lots 1 & 2) has been offered for sale several times, including a public auction on 24 March 2009, where it failed to reach the reserve price.

It has recently become known that only Lot 2 was classified as Operational Land, therefore Lot 1 needs to be reclassified before it can be sold.

Pacific Highway, Pinny Beach (Lot 8 DP 791995) (illustrated in red on Attachment 17).

Lots 7 & 8 DP 791995 form the old Swansea Quarry which is known as 465 Pacific Highway, Pinny Beach. The quarry has been decommissioned, and Council is currently investigating possible future uses for the site.

The bulk of the quarry was contained within Lot 7, which was classified as Operational Land in 1993.

Lot 8 is a small parcel (only 153sqm) and lies between the quarry site and the new Pacific Highway. Previous access to the quarry site was gained over Lot 8. It appears that Lot 8 was created when Roads & Maritime Services acquired the land for the new relocated Pacific Highway in 1989. This small parcel of land appears to have been residue land from an adjoining lot that was acquired by Main Roads (for the construction of the Pacific Highway) and then transferred back to Council.

Unfortunately, Lot 8 was not included in the public notification advertisement in 1993 for Operational Land, and consequently has become Community Land by default.

The use of Community Land is restricted by permitted uses under a Plan of Management (POM) and this land would fall under the generic POM. Residential uses, roads and vehicular access (other than for access to a community facility) are not permitted on Community Land.

Approval is being sought to reclassify the land from Community Land to Operational Land so that Lot 7 and Lot 8 are classified the same, which will then increase the possible future uses available for the old Swansea Quarry site.

59A Pacific Highway, Charlestown (Lot 1011 DP 1140442) (illustrated in red on Attachment 19).

The land was originally two lots being Lots 10 & 11 of Sec 7 in DP 299. This was a Crown Reserve (72149) for a Public Hall notified 17 January 1947.

On 1 March 1957 part of the land was dedicated as public road (Pacific Highway) giving the residue block a triangular shape. On 10 September 1976, the land was vested to the Shire of Lake Macquarie by Government Gazette and then became known as Lot 1011 DP 1140442.

The land is located on a corner block surrounded by low-density residential properties and has a land area of approximately 840 sqm.

Adjoining the site to the west is a small access road, which services approximately eight properties. Further to the west is the Pacific Highway.

The land is irregular in shape and being so close to the Pacific Highway is considered unsafe for a pocket park. Accordingly, Community Planning staff have indicated that the land is now surplus and as the land is classified Community Land it cannot be sold until the land is reclassified as Operational Land.

Proposal:

It is proposed that Council considers the reclassifications, and rezonings where applicable, of lands at Macquarie Hills, Edgeworth, Whitebridge, Barnsley, Speers Point, Toronto, Pinny Beach and Charlestown from Community Land to Operational Land, to allow dealings in the land that are restricted by a community classification.

The reclassification will facilitate the dedication of some lands for road, the sale of some lands and provide increased future development opportunities that Council may pursue for the remaining land.

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

Consultation:

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

1A Lawson Road, Macquarie Hills (Lot 42 DP 1132840)

This property was considered by RAP at its meeting on 15 December 2015 and no issues or objections were raised.

11B Charles Street, Edgeworth (Lots 17 & 18 Sec 3 DP 2149)

This property was considered by RAP at its meeting on 15 December 2015 and no issues or objections were raised.

163C & 193C Dudley Road, Whitebridge (Lot 2 DP 506536 & Lot 1 DP 372638)

This property was considered by RAP at its meeting on 15 December 2015 and no objections were raised. However, in regards to 163C Dudley Road, it was recommended to change the shape of the lot boundary to ensure that the road did not protrude into the adjacent land parcel (163 Dudley Road).

28C Thomas Street, Barnsley (Lots 25 & 26 Sec H DP 631)

This property was considered by RAP at its meeting on 15 December 2015 and no issues or objections were raised.

11A Charles Street, Edgeworth (Lot 16 Sec 3 DP 2149)

This property was considered by RAP at its meeting on 15 December 2015 and no issues or objections were raised.

142 Main Road, Speers Point (Lot 13 Sec B DP 4063)

This property was considered by RAP at its meeting on 15 September 2015 and no issues or objections were raised.

26 High Street, Toronto (Lot 2 Sec 17 DP 1097)

This property was considered by RAP at its meeting on 3 December 2015. In general, no objections were raised with the reclassification. However, further consultation with Sustainability and Community Planning regarding the existing industrial zoning north of the site should occur prior to the reclassification proceeding.

725 Main Road, Edgeworth (Lot 1 DP 717715)

This property was considered by RAP at its meeting on 22 June 2016. RAP had concerns over the flooding on the site and sale of the land, particularly 723 Main Road, Edgeworth. Further discussion should occur with appropriate officers about the flooding.

Pacific Highway, Pinny Beach (Lot 8 DP 791995)

This property was considered by RAP at its meeting on 22 June 2016. No objections were raised, however it was suggested that the lots should be amalgamated once reclassified.

59A Pacific Highway, Charlestown (Lot 1011 DP 1140442)

This property was considered by RAP at its meeting on 15 September 2015. In general, no objections were raised with the reclassification. Community Planning staff identified that the land was not required for recreational purposes, and supported the reclassification and sale of the land. Council's Development Assessment & Compliance staff identified that the land to the north appeared to have had road widening, and this should apply to this land if required.

Assets staff have since confirmed that an adequate width (3.5m) for footpath should be provided along the access road. This will be confirmed through survey.

Council's Conveyancing Paralegal was also consulted in the preparation of this report.

Implications:

Policy Implications:

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

Environmental Implications:

Of the ten parcels of land, only one contains substantial trees and vegetation, which is Item 9 – Pacific Highway, Pinny Beach (Lot 8 DP 791995). Although this is a small parcel of land, it contains a gravel access road, which cuts across the block with dense vegetation providing a screen to the old quarry site from the Pacific Highway. The vegetation is mainly *Lantana*, with *Coral* and other trees.

The reclassification of the land will not affect the existing vegetation on site, but the possible future development of the quarry site may. However, this would be subject to a development application and existing vegetation on the site would be addressed at that stage.

Social Implications:

Items 1-4 are all land that contain formed roads over them and the reclassification will formalise their use so they can then be dedicated as road. These are:

- Item 1: 1A Lawson Road, Macquarie Hills
- Item 2: 11B Charles Street, Edgeworth
- Item 3: 163C & 193C Dudley Road, Whitebridge
- Item 4: 28C Thomas Street, Barnsley

Items 5 (11A Charles Street, Edgeworth) and 10 (59A Pacific Highway, Charlestown) are currently vacant blocks of land in residential areas which are proposed to be sold on the open market for residential uses.

Item 6 (142 Main Road, Speers Point) did contain a derelict house which has been demolished and is now vacant. It is intended that this land will be used for the possible future expansion of Council's Administrative Centre building, and is surrounded by other land that has been purchased for this same use.

Item 7 (26 High Street, Toronto) is located within the Toronto Industrial area and is currently leased to the adjoining factory for storage. Its reclassification will not change its current zoning, and it is expected that upon sale it will continue to be used for industrial purposes.

Item 8 (725 Main Road, Edgeworth) is located in the north east corner of the Edgeworth commercial centre. Although the land (and the adjoining parcel also

owned by Council) is vacant, it is zoned for commercial use, and it is expected that upon sale it will provide a valuable addition to the Edgeworth commercial centre.

Item 9 (Pacific Highway, Pinny Beach) is a small parcel of land between the Pacific Highway and the old Swansea Quarry site (465 Pacific Highway). Upon reclassification, the land will be able to be amalgamated within the quarry site, so any future development will include all the land.

The proposed reclassifications will either formalise the existing use of the lands, or enable the lands to be used in accordance with adjoining lands. As such, it is considered that the reclassifications will not have any detrimental social impacts upon the surrounding areas.

Infrastructure Asset Implications:

The reclassification of Items 1-4 are being reclassified so they can be dedicated as roads. Council's Asset Management department has agreed to accept these roads upon dedication (although they are already carrying out the maintenance on them).

Items 6, 8 and 10 are currently on Council's mowing schedule, so the sale of 8 and 10 will negate the requirement for future maintenance of that land.

No implications to Council's existing or proposed infrastructure assets have been identified for the remaining properties identified as items 5, 7 and 9.

Financial Implications:

The reclassification of the land will result in the following financial implications:

Items 1-4 have formed roads over them and the sites will be transferred to Asset Management, as follows:

- Item 1: 1A Lawson Road, Macquarie Hills
- Item 2: 11B Charles Street, Edgeworth
- Item 3: 163C & 193C Dudley Road, Whitebridge
- Item 4: 28C Thomas Street, Barnsley

Items 6 and 9 (142 Main Road, Speers Point and Pacific Highway, Pinny Beach) will not be sold, but will be reclassified for future development of Council's Administrative Centre building and the Swansea Quarry, respectively. Council will bear the costs of these sites so they are ready if Council decides to develop these sites.

Item 5 (11A Charles Street, Edgeworth) was acquired for "*selling or leasing the whole or any portion of such land in one or more lots*" and sale from the proceeds will therefore go to the Property & Investment Reserve.

Item 7 (26 High Street, Toronto) was purchased by Council for "*future investment purposes*" and sale from the proceeds will therefore go to the Property & Investment Reserve.

Item 8 (725 Main Road, Edgeworth) was acquired by Council in 1984, partly for public Open Space, partly for road widening and partly for resale. The road has now been widened, and the s94 Contributions plan for Glendale does not identify it for Open Space purposes. Accordingly, sale from the proceeds will be shared between the Property & Investment Reserve and the Community Land Reserve funds.

Item 10 (59A Pacific Highway, Charlestown) was originally a Crown Reserve for Public Hall when the Pacific Highway carved through the site leaving a triangular shaped parcel of land, which was dedicated to Council. Sale proceeds will therefore go to the Community Land Reserve.

Council will bear the costs for those sites to be sold but will recoup these costs at the time of sale.

Further, Items 8 and 10 are currently on Council's cyclic mowing list. The sale of these sites will remove the need for this on-going maintenance cost to Council.

Risk and Insurance Implications:

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

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

Options:

3. To proceed as recommended and commence preparation of a Planning Proposal to include each property. This option is favoured as Council generally supports each proposed reclassification as a strategic project that has merit.
4. To retain any of the lands as Community Land. This option is not favoured as land has been identified as surplus to Council's needs and the reclassifications facilitate a fiscal return to Council for investment in community needs and other Council projects, or require reclassification to facilitate future Council use.

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
28C Thomas Street, Barnsley	Lots 25 & 26, Sec H, DP 631
725 Main Road, Edgeworth	Lot 1, DP 717715
0 Pacific Highway, Pinny Beach	Lot 8, DP 791995
142 Main Road, Speers Point	Lot 13, Sec B, DP 4063
163C Dudley Road, Whitebridge	Lot 2, DP 506536
193C Dudley Road, Whitebridge	Lot 1, DP 372638

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

Column 1 Locality	Column 2 Description	Column 3 Any trusts etc not discharged
59A Pacific Highway , Charlestown	Lot 1011 DP 1140442	Excludes minerals & land below 20 metres (Gov Gazette 10.09.1976 Folio 3891) as noted on Certificate of Title Folio Identifier 1011/1140442
11A Charles Street, Edgeworth	Lot 16, Sec3, DP 2149	Nil
11B Charles Street, Edgeworth	Lots 17 & 18, Sec3, DP 2149	Nil
Part of 1A Lawson Road, Macquarie Hills	Part of Lot 42, DP 1132840, identified as “Operational Land” on the Land Reclassification (Part Lots) Map	Stratum in Title as noted on Certificate of Title Folio Identifier 42/1132840 Minerals rights (C680429) as noted on Certificate of Title Folio Identifier 42/1132840 Rights to Mine (F451827) as noted on Certificate of Title Folio Identifier 42/1132840 Easement for transmission line (K556111) as noted on Certificate of Title Folio Identifier 42/1132840 Easement for Water Main (M2869) as noted on Certificate of Title Folio Identifier 42/1132840
26 High Street, Toronto	Lot 2, Sec 17, DP 1097	Nil

ANNEX F PUBLIC AUTHORITIES SUBMISSIONS



NSW RURAL FIRE SERVICE



The General Manager
Lake Macquarie Council
Box 1906
HUNTER REG MAIL CENTRE NSW 2310

Your reference: F2016/01077
Our reference: L14/0008

3 February 2017

Attention: Joanne Marshall

Dear Sir/Madam,

Draft Housekeeping Amendment to Lake Macquarie Local Environmental Plan 2014 - Various Sites

Reference is made to Council's correspondence dated 24 January 2017 seeking comment in relation to the above Planning Proposal which seeks to amend the Lake Macquarie Local Environmental Plan 2014.

The New South Wales Rural Fire Service (NSW RFS) has reviewed the proposal with regard to Section 4.4 of the directions issued in accordance with Section 117(2) of the *Environmental Planning and Assessment Act 1979*.

The objectives of the direction are:

- (a) *to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and*
- (b) *to encourage sound management of bush fire prone areas.*

The direction provides that a planning proposal must:

- (a) *have regard to Planning for Bushfire Protection 2006,*
- (b) *introduce controls that avoid placing inappropriate developments in hazardous areas, and*
- (c) *ensure that bushfire hazard reduction is not prohibited within the APZ.*

Based upon an assessment of the information provided, the NSW RFS raises no objection to the proposal. The aims and objectives of *Planning for Bushfire Protection 2006* should be considered in any subsequent development application.

If you have any queries regarding this advice, please contact Lucy Donnelly, Development Assessment and Planning Cadet Officer, on 1300 NSW RFS.

Yours sincerely,

Jason Maslen
Team Leader, Development Assessment and Planning
Planning and Environment Services (East)

Postal address

NSW Rural Fire Service
Records Management
Locked Bag 17
GRANVILLE NSW 2141

Street address

NSW Rural Fire Service
Planning and Environment Services (East)
42 Lamb Street
GLENDENNING NSW 2761

T 1300 NSW RFS
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E csc@rfs.nsw.gov.au
www.rfs.nsw.gov.au



Subsidence Advisory NSW

117 Bull Street, Newcastle West NSW 2302
Tel 02 4908 4300 | www.minesub.nsw.gov.au
24 Hour Emergency Service: Free Call 1800 248 083

FN88-02458L0
TENQ17-15374L1
Your reference: F2016/01077

General Manager
Lake Macquarie Council
Atten: Joanne Marshall

Via email: jmarshall@lakemac.nsw.gov.au

7 February 2017

Dear Joanne

REZONING APPLICATION NO F2016/01077
Various reclassifications

The Subsidence Advisory NSW has no objections to the proposed rezoning as described in your letter of 24 January 2017 and accompanying plan.

The applicant should be advised to seek the Subsidence Advisory NSW approval for any proposed subdivision or the erection of improvements at the appropriate time.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Paul Gray'.

Paul Gray
Senior Advisor Residential Subsidence Regulation

ANNEX G – PUBLIC HEARING REPORT

**Michael Murray and Associates Pty
Ltd**

Public Hearing Report

Reclassification of Community Land

Tuesday 2 May 2017

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

Michael Murray & Associates
4 Kanwary Close
Raymond Terrace NSW 2324
Phone: 0419 638344

Email: mm@mmurray.com.au

Background

A public hearing was conducted in the Committee Room at Lake Macquarie City Council Administration Centre on Tuesday 2 May 2017 to enable members of the community to express, and have recorded their views on the proposal to reclassify the following parcels of land:

- *Item 1: 1A Lawson Road MACQUARIE HILLS, Part of Lot 42 DP 1132840*
- *Item 2: 11B Charles Street EDGEWORTH, Lots 17 & 18 Sec 3 DP 2149*
- *Item 3: 163C & 193C Dudley Road WHITEBRIDGE, Lot 2 DP 506536 & Lot 1 DP 372638*
- *Item 4: 28C Thomas Street BARNSELY, Lots 25 & 26 Sec H DP 631*
- *Item 5 11A Charles Street EDGEWORTH, Lot 16 Sec 3 DP 2149*
- *Item 6: 142 Main Road SPEERS POINT, Lot 13 Sec B DP 4063*
- *Item 7: 26 High Street TORONTO, Lot 2 Sec 17 DP 1097*
- *Item 8: 725 Main Road EDGEWORTH, Lot 1 DP 717715*
- *Item 9: 0 Pacific Highway PINNY BEACH, Lot 8 DP 791995*
- *Item 10 59A Pacific Highway CHARLESTOWN, Lot 1011 DP 1140442*

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

Attendance

The hearing was attended by Council staff members Joanne Marshall, Statutory Property Officer, Stephen Prince, Recreation and Land Planning Coordinator, and Michael Murray the independent facilitator.

One member of the public arrived for the hearing and signed in. When it was apparent no other community members would be attending, he indicated that he had no specific feedback on the proposals and had only attended to offer support to those who wanted to express a view on the proposals under consideration and left the hearing.

The Process

The meeting was opened at 6.00pm and formally closed in the absence of any community participants at 6.30pm.

The Feedback

No submissions were received at the hearing.

Conclusion

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

The meeting closed at 6:30pm.

A handwritten signature in black ink, appearing to read "Michael Murray". The signature is fluid and cursive, with the first name "Michael" and last name "Murray" clearly distinguishable.

Michael Murray

Managing Director, Michael Murray & Associates

3rd May 2017

ANNEX H – SUPPORTING INFORMATION