

Report on Land Reclassification Submissions version 0.3 01 May 2013



Wyong Shire Council  
Assessment of land reclassification submissions by  
Economic & Property Development service unit

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## Introduction

This Report provides an overview of a number of properties which were raised in submissions specific to land reclassification, including an analysis of recommendations made by an independent chairperson appointed by Council to chair the land reclassification/LEP Public Hearing which was held at Council on 2 April 2013.

No general matters were raised in public submissions that established that the process was technically unsound or that the reclassifications should not proceed. The process has met all relevant policy and statutory requirements.

The exhibition was conducted in accordance with the relevant sections of the Local Government Act, Environmental Planning and Assessment Act and DoPI Planning practice note PN 09-003 *Classification and reclassification of public land through a local environmental plan*.

The general matters raised were mainly about the process and a particularly about the volume of information presented and the overlaps with the concurrent rezoning. The community may not be entirely aware of the process and the relationships between classification, land zoning and public use of land.

From a strictly technical perspective the land zoning is more important than the land classification in regulating land use; however this may not be completely understood by the community. The main public perception is the intention of the land reclassification will result in public land being sold off. While Council has alerted the community to the fact that it is looking to generating a financial benefit from its' property portfolio, the fact is that no specific properties have been identified for sale in the short term. Most of the submissions are concerned with protecting local amenity and this will be achieved simply because the land won't be sold.

The position taken in assessing reclassifications was that unless there were process errors made or sufficient grounds were raised in submissions to suggest that there is a clear public benefit and the land should be kept for community use, then the Council decision to reclassify should stand.

## Grounds raised in opposition of land reclassification

### Need for open space

Under the draft LEP 2012 over 1800 ha of land is proposed to be zoned RE1 Public Recreation. Aspects of community open space and community facilities needs are also met by environment protection zonings and commercial and residential zonings.

The NSW DoPI standard for open space provision is 2.83 ha/1000 persons (Recreation and Open Space Planning Guidelines for Local Government, DoPI, 2010). Wyong Shire has adopted a standard of 3.0 ha/1000 persons (*Local Parks Strategy, WSC, 2005*).

Based on the standards, a population of 220,000 requires open space of some 660 ha. As there is already some 1800ha there is no overall shortage of open space. The overall figure may however mask local deficiencies in particular types of open space.

### Types of open space

Land is required to meet needs for community facilities, parks and playing fields. Parks can meet regional, district and local requirements. The WSC Council Community Facilities Strategy 2012 provides a plan for the provision of community facilities that will rely on redevelopment of existing sites in established areas. New sites may be needed in northern areas of the Shire.

Local parks have a minimum size requirement of 0.5 ha and ideally are located within 400 metres of most dwellings. This requirement is achieved for most residential lots Wyong shire. Smaller neighbourhood or "pocket" parks tend to be a significant maintenance liability for Councils and are no longer planned for. While smaller areas are required for operational uses there is no need to maintain these operational areas to a standard suitable for community use. The community benefits of open space are optimised if resources are directed to larger and more accessible sites.

The types of Open Space and their minimum sizes as specified in the Local Parks Strategy 2005 are:

Type	Minimum size ha.
Local (small) park	0.5ha
Court (eg basketball)	0.5 ha
Playing fields	4 ha
Large park	2 ha
Semi natural park	2 ha
NB Regional parks are not included, DoPI has a minimum size of 5ha + for regional parks	

There are significant advantages in co-location of parks and facilities with bike paths and neighbourhood commercial centres.

Based on the above:

- Sites under 0.5 ha are not suitable for long term local open space or parks
- Only if contiguous areas of greater than 2 ha are available should land be retained or managed as semi natural areas.
- Open space is best located near or at community focal centres

### Conservation needs

An Environmental Management Framework for Wyong Shire was placed on concurrent exhibition with the reclassifications and the draft LEP 2012. The Framework provides for the overall ecological sustainability of the Shire.

The approach to sustainability adopted by Council is based on land zoning and a future Conservation Strategy for the Shire. The classification of land and Council owned "public land" are not identified as

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means to achieving sustainability objectives including protection of EECs, threatened species and native vegetation generally. Compliance with conservation objectives is based on zonings not classification. In this regard there is no need to rely on community classification for the achievement of broader conservation and environment protection goals which can be adequately achieved through appropriate zonings.

**Provision of community facilities**

The Community Facilities Strategy Summary 2012 made a number of findings relative to the need for community facilities and hence community land.

- Potential oversupply of facilities in The Entrance and Southern Lakes social districts
- Concentration of facilities around town centres such as Wyong, Toukley, the Entrance and Lakehaven.
- Gaps and limited provision the northern and western parts of the shire

**Implications for land classification**

There is more than adequate zoned land to meet community needs for open space, amenity and environment protection purposes. Accordingly there is no compelling argument that community classification must be retained to meet broader community needs.

While individual sites may provide local amenity and open space there is no need for these to be kept under community classification unless they are required for broader community use.

Generally, there is an overall supply of land for community, including conservation, purposes. Council has a policy to "Rationalise parks and recreation areas to ensure they meet community needs" (see 2011/2012 WSC Annual Report).

## Properties to be removed from reclassification list

Land proposed for reclassification in Lake Haven with the arrows indicating properties where specific submissions have been received.



Council has proposed to reclassify some of the properties along the corridor but not others and there are some four separate categories of community land applying under two different Plans of Management (POMs). The current status of corridor is therefore unclear and is required to be resolved prior to reclassification.

In light of the above it is recommended therefore that the following properties in the corridor retain community classification:

1. 32 Christopher Crescent, Lake Haven (Lot 630 DP 816848)
2. 83W Gorokan Drive, Lake Haven (Lot 739 DP 840089)



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**1. 32 Christopher Crescent, Lake Haven (Lot 630 DP 816848)**

<b>Area (sqm)</b>	721
<b>Current Zoning LEP 1991</b>	2(b) Multiple Dwelling Residential
<b>Proposed Zoning LEP 2012</b>	R1 General Residential

Submitters:

- Mr Jack Eglon
- Mr Fred Wratten
- Annette & Stephen Gigg
- Kevin Armstrong (submission in support of potential sale of property)

Submissions summary:

- Petition with 337 signatures against reclassification
- Protected fauna and used by residents for walking
- Oppose any potential for public housing
- Bush regeneration area forms part of a bush corridor
- Opposition to the potential sell off by Council

**Comment**

Land forms part of a corridor which is utilised by the community, for bushland, and fauna habitat (which Council may not have been aware of). The adjoining parcel to the south of the subject property is currently classified as community land and is used by the community for bush regeneration activities and passive open space. The development potential of the site is limited and should retain community classification for community conservation purposes allowing for community input in the use and management of the land.

*Note: The report on LEP Public Hearing prepared for Council by appointed independent chairperson Peter Walsh recommended that the property retain community classification for reasons similar to the above.*

**Recommendation – land to remain classified as community**

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**2. 83W Gorokan Drive, Lake Haven (Lot 739 DP 840089)**

<b>Area (sqm)</b>	2651
<b>Current Zoning LEP 1991</b>	2(a) Residential
<b>Proposed Zoning LEP 2012</b>	R1 General Residential

Submitters:

- Annette & Stephen Gigg
- Fred Wratten
- Kevin Armstrong

Submission summary:

- Petition with 337 signatures
- Endangered Flora and Fauna species confirmed to exist on property

**Comment**

Land forms part of a corridor which is utilised by the community, (which Council may not have been aware of). Endangered flora and fauna was confirmed to exist on the property by Council's Ecologist.

The adjoining parcel to the south of the subject property is currently classified as community land and is used by the community for bush regeneration activities and passive open space. The development potential of the site is limited and should retain community classification for community conservation purposes.

*Note: The report on LEP Public Hearing prepared for Council by appointed independent chairperson Peter Walsh recommended that the property retain community classification for reasons similar to the above.*

**Recommendation – land to remain classified as community**

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**3. 151W Wyong Road, Berkeley Vale (Lot 25 DP 869735) [CEN]**

<b>Area (sqm)</b>	3274
<b>Current Zoning LEP 1991</b>	5(a) Special Uses

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<b>Proposed Zoning LEP 2012</b>	RE1 Public Recreation
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Submitters:

- CEN
- Kevin Armstrong (also opposed proposed zoning of the property)

The property was identified as part of the submission made by Community Environment Network (CEN). The submission did not provide site specific reasons against reclassification however highlighted the loss of endangered ecological communities (EECs), community access to walking tracks, parks, facilities, potential sale of the properties as reasons for opposing reclassification.

The property contains and facilitates existing drainage infrastructure where operational classification is more suitable. The suitability of community classification will need to be confirmed with infrastructure management service unit.

*Note: The report on LEP Public Hearing prepared for Council by appointed independent chairperson Peter Walsh recommended that the property retain community classification for the purposes of consideration of the existence of EECs in the context of land reclassification. A multidisciplinary staff panel would review the suitability of reclassification proposals. The report from the chair did not strictly oppose reclassifying land which contains EECs.*

#### **Recommendation – land to remain classified as community**



#### **4. 2W Benelong Street, The Entrance (Lot 2 DP 614907)**

<b>Area (sqm)</b>	111.6
<b>Current Zoning LEP 1991</b>	2(c) Medium Density Residential
<b>Proposed Zoning LEP 2012</b>	R3 Medium Density Residential

Submitter:

- Mr Doug Darlington

Submission summary:

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- Loss of open space
- Fire sale of Council-owned properties

**Comment**

The site is 111m<sup>2</sup> in area and of irregular shape and appears to have only a minor access function. It would appear to be simpler to leave the site as community rather than revise the site specific PoM in which it is included.

**Recommendation – land to remain classified as community**



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**5. 60W Brittania Drive, Watanobbi (Lot 6077 DP 835228)**

<b>Area (sqm)</b>	4.76
<b>Current Zoning LEP 1991</b>	6(a) Open Space and Recreation
<b>Proposed Zoning LEP 2012</b>	RE1 Public Recreation

**Comment**

The subject property 4.76sqm and abuts Spotted Gum Park with land surrounding classified as community land. No specific need identified requiring reclassification to operational land.

**Recommendation – land to remain classified as community**

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## Properties where proposal to reclassify to operational should continue

### 6. 11W Lake Haven Drive, Gorokan - Alfred Greentree Reserve (Lot 119 DP 26922)

<b>Area (sqm)</b>	9320.5
<b>Current Zoning LEP 1991</b>	6(a) Open Space and Recreation
<b>Proposed Zoning LEP 2012</b>	R2 Low Density Residential

Submitters:

- CEN provided a general submission opposing the reclassification
- Mark Greentree
- Kevin Armstrong

Submissions summary:

- Loss of open space
- Fire sale of Council-owned properties
- Rally organised on site on 23 March 2013 attended by approximately 50 local residents including descendants of Mr Alfred Greentree

#### Comment

The property was created as Open Space and was vested in Council in 1956 having been transferred for 10 shillings from a plan of subdivision. The land no longer serves the purpose for which it was acquired. Council's Recreation Facilities Strategy and Local Parks Strategy have not identified this property for recreational development. The land is currently zoned open space with planning proposal to rezone to R2 Low Density Residential, aligning with adjoining properties.

The subject site provides a significant opportunity for Council to stimulate development on the site opposite the Wyong Leagues club (approximately 9.7ha). Currently the site has limited use for open space activities. Council's open space unit has advised that the site is surplus to Council's needs and does provide an active open space use.

Adjacent residents oppose any form of recreational development on the reserve. There are other large open space parcels of approximately 8000sqm located 300m south of the property at 70 Arlington Street, Gorokan (Lot 273 DP 27201). Furthermore, the Wyong Leagues Club provides approximately 4ha of playing fields and other community facilities and adjoins the Council owned community hall on Wallarah Road.

It is recommended that should potential development opportunities be explored for this property, that the work of Mr Alfred Greentree be honoured by investigating the possible naming of a street or open space within the sub division after Mr Alfred Greentree.

As there are no sufficient grounds identified in the submissions outlining significant community use, the decision to reclassify to operational should remain and the planning proposal should proceed.

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*Note: The report on LEP Public Hearing prepared for Council by appointed independent chairperson Peter Walsh recommended that the property retain community classification for reasons including*

- *Insufficient background analysis of the qualities offered to the community by these lands, or strategic analysis of open space needs in the setting.*
- *On the face of it this site presents as a medium sized park in the suburban landscape of some amenity value. Any proposal to gain capital value from this site, or a portion of it, for community benefit would need to be better established and require further public engagement.*
- *This local community apparently has strong links to the land.*

**Recommendation – continue with reclassification to operational.**



#### 7. 43W Christopher Crescent, Lake Haven (Lot 619 DP 816848)

<b>Area (sqm)</b>	1272
<b>Current Zoning LEP 1991</b>	2(b) Multiple Dwelling Residential
<b>Proposed Zoning LEP 2012</b>	R1 General Residential

Submitters:

- Mr Jack Eglon
- Fred Wratten
- Kevin Armstrong

Submission summary:

- Petition with 337 signatures
- Oppose the possibility for public housing
- Should remain as park/reserve

#### **Comment**

Whilst the property forms part of a corridor referred to in submissions for 32 Christopher Close and 83W Gorokan Dr, Lake Haven, it currently provides access through the site and it is not

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utilised for any known bush regeneration activities. The property is currently zoned residential and is an ideal parcel of land to stimulate development in the vicinity.

As there are no sufficient grounds identified for community use, the decision to reclassify to operational should remain.

*Note: The report on LEP Public Hearing prepared for Council by appointed independent chairperson Peter Walsh recommended that the property retain community classification for the following reasons:*

- *Insufficient background analysis of the qualities offered to the community by these lands, or strategic analysis of open space needs in the setting.*
- *On the face of it this land accommodates significant bushland and fauna habitat and is in active use as walking trails.*
- *This local community apparently has strong links to the land. There is a clear benefit, or need, for direct community involvement in management decisions for this land.*

**Recommendation – continue with reclassification to operational.**



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**8. 6W Kylie Close, Lake Haven (Lot 68 DP 778433)**

<b>Area (sqm)</b>	3366
<b>Current Zoning LEP 1991</b>	2(b) Multiple Dwelling Residential
<b>Proposed Zoning LEP 2012</b>	R1 General Residential

Submitters:

- Mr Jack Eglon
- Fred Wratten
- Kevin Armstrong

Submission summary:

- Objection to the proposal to reclassify these sites as they are Bush Reserve and regeneration areas