

Wyong Shire Council Report on Land Reclassification Submissions version 0.3 01 May 2013

- It appears the purpose of reclassification is the sale or lease of these sites for development, probably residential or commercial development.
- Impacts on Bush Regeneration Areas and native species
- Reserves are used by local residents for access and exercise.
- If sold, request that Council place a caveat or covenant on the title specifying development must be high quality to existing standards.

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 utilised for any known bush regeneration activities. The property is an unused vacant parcel of land which contains and facilitates existing water main where operational classification is more suitable. The property is currently zoned residential and could be explored by Council for further development. There are no confirmed instances of endangered flora or fauna habituating on the property.

As there are no sufficient grounds identified for existing 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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9. 10 Lakeside Parade, The Entrance (Lots 61&63 DP 24151)

Area (sqm)	3643.43
Current Zoning LEP 1991	6(a) Open Space and Recreation 2(c) Medium Density Residential
Proposed Zoning LEP 2012	R3 Medium Density Residential

Submitter:

- Mr Doug Darlington
- CEN provided a general submission opposing the reclassification
- Kevin Armstrong

Submission summary:

- Reduction in amount of open space
- Fire sale of Council-owned properties
- Request that parcel be zoned RE1 rather than R3

Comment

The site contains a sewer pump station in the north eastern portion of the site and is and is the former sportsground (netball courts) under PoM 5. It is also impacted by a drainage easement. The land is now considered surplus to Council's needs for recreational purposes and it is intended to seek a rezoning of the land to a similar zoning of the surrounding residential area currently zoned 2(c) (Medium Density Residential Zone).

There were no specific issues raised in regards to reclassification of the site only in principle argument that should be no loss of local open space and the flood issue which has little relevance to classification. No actual community use of the property or need for retention of the property as open space or a park has been established by the submissions.

As there appears to be no need to be maintain the property as community land, the proposed reclassification to operational should continue.

Recommendation – continue with reclassification to operational.

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10. 106 Phyllis Avenue, Kanwal (Lot 79 DP 245685)

Area (sqm)	4966
Current Zoning LEP 1991	2(a) Residential
Proposed Zoning LEP 2012	R1 General Residential

Submitters:

- Neil & Margaret Bevege
- Timothy Holt
- Kevin Armstrong

Submission summary:

- Opposition to potential sale of parcel – should remain as open space and zoned as “Environmental Open Space.”
- Petition with 66 signatures
- Required for environmental purposes and natural floodway
- Used for public access to and from Wallarah Rd

Comment

Land adjoining the Kanwal shops comprising two properties proposed for reclassification. The land has a residential zoning of 2(a) Low Density Residential and is intended to be rezoned to R1 General Residential aligning with the adjoining property. The land is cleared and is crossed by a number of concrete pathways. Council intends to develop the land consistent with its zoning. Council has established a formal small park on adjoining land behind the shops. This land also supports the Kanwal Community Centre.

Although the land has a considerable range of potential public uses as outlined in the submissions, it “need not” be kept as a public park. There is already an established public park in the immediate vicinity. The parcels of land are surplus open space land located in an area where services would adequately support a variety of housing options. The financial gain by redevelopment and costs saved from maintenance of the site would enable funding to be distributed to other community needs or facilities.

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.

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11. 40 Kitchener Road, Long Jetty (Lot 31 DP 12442)

Area (sqm)	696.8
Current Zoning LEP 1991	6(a) Open Space and Recreation
Proposed Zoning LEP 2012	RE1 Public Recreation

Submitters:

- Mr Doug Darlington
- Kevin Armstrong

Submission summary:

- Loss of open space
- Oppose charging commercial rents to community groups

Comment

There are two adjoining properties (the other being 36-38 Kitchener Rd) that were community classified under PoM 9. The PoM recognises the preschool by way of leasing arrangements and the vacant 600 m2 as park.

One submission was concerned about charging community groups commercial rates for leases which is not related to classification. The submission was also concerned about clearing, and loss of community access to walking tracks, parks and facilities in relation to this and a number of other sites. No loss of public access will occur in this location as it is via Kitchener Rd.

The matters raised in submissions are not directly relevant given the circumstances of the two sites proposed for reclassification. No change of use of the sites is likely as a result of reclassification.

Recommendation – continue with reclassification to operational.

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12. 36-38 Kitchener Road, Long Jetty - Long Jetty Pre School (Lot 300 DP 881468) [CEN]

Area (sqm)	1394
Current Zoning LEP 1991	6(a) Open Space and Recreation
Proposed Zoning LEP 2012	RE1 Public Recreation

Submitters:

- CEN
- Kevin Armstrong

Submission summary:

- Loss of open space

Comment

There are two adjoining properties (the other being 40 Kitchener Rd) that were community classified under PoM 9. The PoM recognises the preschool by way of leasing arrangements and the vacant 600 m² as park.

One submission was concerned about charging community groups commercial rates for leases which is not related to classification. The submission was also concerned about clearing, and loss of community access to walking tracks, parks and facilities in relation to this and a number of other sites. No loss of public access will occur in this location as it is via Kitchener Rd.

The matters raised in submissions are not directly relevant given the circumstances of the two sites proposed for reclassification. No change of use of the sites is likely as a result of reclassification.

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:

- *Site is now zoned 6(a) Open Space and Recreation and is proposed to remain zoned RE1 Public Recreation, confirming a continuing intent to use the land for public purposes.*

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- *On the face of it, operational classification extends the flexibility for returns on the existing building via long term lease arrangements. However, the hearing had few details on the site context or the views of Council specialists in community facilities planning and management. Before support it would be appropriate to undertake a strategic analysis of community facilities needs in the locality, and/or obtain views on conditions/requirements for change in classification from Council specialists.*

Recommendation – continue with reclassification to operational.



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13. 38W Wombat Street, Berkeley Vale (Lot 79 DP 241571) [CEN]

Area (sqm)	7923
Current Zoning LEP 1991	6(a) Open Space and Recreation
Proposed Zoning LEP 2012	RE1 Public Recreation and E3 Environmental Management

Comment

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.

Whilst there may be existence of EEC's and other threatened and endangered species on a number of properties proposed for land reclassification, this is not of itself sufficient grounds to remove them from the proposed land reclassification. The classification of land has not been identified as a means for achieving sustainability objectives including protection of EECs, threatened species and native vegetation generally. Compliance with conservation objectives is based on zonings not classification. The property contains and facilitates existing drainage line where operational classification is more suitable.

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The property contains and facilitates existing drainage line where operational classification is more suitable.

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 – continue with reclassification to operational



14. 19W Marlborough Place, Berkeley Vale (Lot 313 DP 31935) [CEN]

Area (sqm)	11790
Current Zoning LEP 1991	6(a) Open Space and Recreation
Proposed Zoning LEP 2012	RE1 Public Recreation, E3 Environmental Management

Comment

The property abuts 38W Wombat Street to the north and 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.

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.

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Recommendation – continue with reclassification to operational.

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15. 75W Panorama Avenue, Charmhaven (Lot 190 DP 25586) [CEN]

Area (sqm)	15800
Current Zoning LEP 1991	6(a) Open Space and Recreation
Proposed Zoning LEP 2012	RE1 Public Recreation and E3 Environmental Management

Comment

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.

Whilst there may be existence of EEC's and other threatened and endangered species on a number of properties proposed for land reclassification, this is not of itself sufficient grounds to remove them from the proposed land reclassification. The classification of land has not been identified as a means for achieving sustainability objectives including protection of EECs, threatened species and native vegetation generally. Compliance with conservation objectives is based on zonings not classification.

The property contains and facilitates existing drainage infrastructure in multiple locations where operational classification is more suitable.

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.

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Recommendation – continue with reclassification to operational**16. 1W Britannia Drive, Watanobbi (Lot 3 DP 793403) [CEN]**

Area (sqm)	50460
Current Zoning LEP 1991	5(c) Local Roads Reservation, 6(a) Open Space and Recreation and 7(g) Wetlands Management
Proposed Zoning LEP 2012	RE1 Public Recreation and E3 Environmental Management

Comment

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.

Whilst there may be existence of EEC's and other threatened and endangered species on the property proposed for land reclassification, this is not of itself sufficient grounds to remove them from the proposed land reclassification list. The classification of land has not been identified as a means for achieving sustainability objectives including protection of EECs, threatened species and native vegetation generally. Compliance with conservation objectives is based on zonings not classification. The property serves as a road buffer for Pacific Hwy and contains existing drainage infrastructure where operational classification is more suitable.

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 – continue with reclassification to operational

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17. 32W Sandra Street, Jiliby (Lot 6 DP 246727) [CEN]

Area (sqm)	34400
Current Zoning LEP 1991	6(a) Open Space and Recreation
Proposed Zoning LEP 2012	RE1 Public Recreation

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Comment

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 is vacant unused land with no existing council infrastructure. No community use identified. The property could be considered to retain community classification.

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 – continue with reclassification to operational

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18. 102W Yeramba Road, Summerland Point (Lot 210 DP 830759, Lot 211 DP 830759, Lot 266 DP 830759)

Area (sqm)	36535.2
Current Zoning LEP 1991	2(b) Medium Density Residential, 5(a) Drainage and 6(a) Open Space
Proposed Zoning LEP 2012	R1 General Residential, E3 Environmental Management and RE1 Public Recreation

Submitter: Bill Symington

Submission supports reclassification however requests further community consultation before any reclassification.

Comment

The property contains and facilitates existing drainage infrastructure where operational classification is more suitable.

Recommendation – continue with reclassification to operational.

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19. Yarramalong Cemetery 1474 Yarramalong Road, Yarramalong (Lot 16 DP 4222)

Area (sqm)	4047
Current Zoning LEP 1991	5(a) Special Uses
Proposed Zoning LEP 2012	SP2 Infrastructure

Submitter:

- Julie Broome
- Kevin Armstrong (supports proposed reclassification to operational)

Submission summary:

- Opposition to reclassification on grounds that community will lose property of historical significance in the event of a sale

Comment

All other Council owned cemeteries are classified as operational and reclassification will not change existing use of the land as a cemetery

Recommendation – continue with reclassification to operational.

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20. Lapidary Club 10 Ourimbah Creek Road, Ourimbah (Lot 7 DP 22433)

Area (sqm)	1011.7
Current Zoning LEP 1991	6(a) Open Space and Recreation
Proposed Zoning LEP 2012	RE1 Public Recreation

Submitter:

- Central Coast Lapidary Club
- Kevin Armstrong

Submission summary:

- Supportive of reclassification on grounds that Club could pursue a long term lease with Council following Operational classification.

Comment

The matter of a lease may be facilitated by a change to an operational classification by making it easier for Council to grant a long term lease subject to reaching agreement with the Club.

Recommendation – continue with reclassification to operational.

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21. 60W Burns Road, Ourimbah (Lot 40 DP 787730) [CEN]

Area (sqm)	19360
Current Zoning LEP 1991	5(a) Special Uses – Drainage 6(a) Open Space and Recreation
Proposed Zoning LEP 2012	RE1 Public Recreation E2 Environmental Conservation

Comment

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. Environmental zoned land is valuable for Council to explore potential bio banking and offsetting opportunities not available under community classification.

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. Furthermore, it was recommended that 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.

Whilst there may be existence of EEC's and other threatened and endangered species on the property proposed for land reclassification, this is not of itself sufficient grounds to remove them from the proposed land reclassification list. The classification of land has not been identified as a means for achieving sustainability objectives including protection of EECs, threatened species and native vegetation generally. Compliance with conservation objectives is based on zonings not classification. The property contains and facilitates existing drainage and sewer infrastructure where operational classification is more suitable.

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Recommendation – continue with reclassification to operational.

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22. 40W Coachwood Drive, Ourimbah (Lot 58 DP 830706) [CEN]

Area (sqm)	27690
Current Zoning LEP 1991	5(a) Special Uses
Proposed Zoning LEP 2012	RE1 Public Recreation E2 Environmental Conservation

Comment

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. Environmental zoned land is valuable for Council to explore potential bio banking and offsetting opportunities not available under community classification.

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. Furthermore, it was recommended that 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.

Whilst there may be existence of EEC's and other threatened and endangered species on the property proposed for land reclassification, this is not of itself sufficient grounds to remove them from the proposed land reclassification list. The classification of land has not been identified as a means for achieving sustainability objectives including protection of EECs, threatened species and native vegetation generally. Compliance with conservation objectives is based on zonings not classification. The property contains and facilitates existing drainage infrastructure where operational classification is more suitable.

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Recommendation – continue with reclassification to operational.**23. 23 Shirley Street, Ourimbah (Lot 3 DP 804485) [CEN]**

Area (sqm)	50600
Current Zoning LEP 1991	1(c) Non Urban Constrained Lands
Proposed Zoning LEP 2012	E3 Environmental Management, E2 Environmental Conservation

Comment

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. Environmental zoned land is valuable for Council to explore potential bio banking and offsetting opportunities not available under community classification.

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. Furthermore, it was recommended that 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.

Whilst there may be existence of EEC's and other threatened and endangered species on the property proposed for land reclassification, this is not of itself sufficient grounds to remove them from the proposed land reclassification list. The classification of land has not been identified as a means for achieving sustainability objectives including protection of EECs, threatened species and native vegetation generally. Compliance with conservation objectives is based on zonings not classification. The property is vacant land not suitable as reserve as it