

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



FOR INTERNAL USE ONLY Scale 1:1019

38. 231 Hue Hue Road, Jiliby (Lot 16 DP 228750) [CEN]

Area (sqm)	101170
Current Zoning LEP 1991	7(a) Conservation
Proposed Zoning LEP 2012	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 for exploring 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.

Recommendation – continue with reclassification to operational

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



39. Wilfred Barrett Drive, Norah Head (Lot 2 DP 600350, Lot 10 DP 816888) [CEN]

Area (sqm)	1227s00
Current Zoning LEP 1991	7(a) Conservation and 8(a) National Parks
Proposed Zoning LEP 2012	E2 Environmental Conservation

Comment

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40. 1W Wolsley Drive, Tacoma [CEN]

(Pt Lot 1 Sec 28 DP 4460, Pt Lot 2 Sec 28 DP 4460, Pt Lot 3 Sec 28 DP 4460, Pt Lot 4 Sec 28 DP 4460, Pt Lot 5 Sec 28 DP 4460, Pt Lot 6 Sec 28 DP 4460, Pt Lot 7 Sec 28 DP 4460, Lot 1 Sec 29 DP 4460)

Area (sqm)	127967.4
Current Zoning LEP 1991	6(a) Open Space and Recreation and 7(g) Wetlands Management
Proposed Zoning LEP 2012	RE1 Public Recreation and E2 Environmental Conservation

Comment

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Environmental zoned land is valuable for Council for exploring 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.

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



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41. 8 Titania Avenue, Tuggerah [CEN]

(Lot 1 DP 11612, Lot 1 DP 301512, Lot 22 DP 4008, Lot 23 DP 4008, Lot 24 DP 4008, Lot 25 DP 4008, Lot 26 DP 4008, Lot 27 DP 4008, Lot 28 DP 4008, Lot 29 DP 4008, Lot 3 DP 650650, Lot 30 DP 4008, Lot 31 DP 655293, Lot 32 DP 4008, Lot 33 DP 4008, Lot 34 DP 4008, Lot 35 DP 4008, Lot 36 DP 4008, Lot 37 DP 4008, Lot 3A DP 367658, Lot 50 DP 4008, Lot 52 DP 4008, Lot 53 DP 4008, Lot 55 DP 4008, Lot 60 DP 4008)

Area (sqm)	207237
Current Zoning LEP 1991	1(c) Non Urban Constrained Lands, 5(a) Special Uses
Proposed Zoning LEP 2012	E2 Environmental Conservation and SP2 Infrastructure

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 for exploring 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.

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



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42. 375 Pacific Highway Wyong (Lot 1 DP 372294, Lot 12 DP 590935) [CEN]

Area (sqm)	160290
Current Zoning LEP 1991	7(g) Wetlands Management, 6(b) Regional Open Space and Recreation
Proposed Zoning LEP 2012	E2 Environmental Conservation, RE1 Public Recreation

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 for exploring bio banking and offsetting opportunities not available under community classification.

Recommendation – continue with reclassification to operational

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



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43. 136W Gamban Road, Gwandalan (Lots 31-36 Sec 24 DP 30228)

Area (sqm)	3258.3
Current Zoning LEP 1991	6(a) Open Space and Recreation
Proposed Zoning LEP 2012	RE1 Public Recreation

Submitter: Bill Symington

Submission supports sale of one or two of the lots however opposes potential of all 6 parcels being sold.

Comment

No specific objection to reclassification was provided and therefore should proceed with reclassification. Council may explore rezoning options for a number of the parcels and reclassify back to community via a Council resolution.

Recommendation – continue with reclassification to operational.

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



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44. Gwandalan Bowling Club, 70 Gamban Road, Gwandalan (Lot 1 DP 800051&Lot 2 DP 28962)

Area (sqm)	5606
Current Zoning LEP 1991	6(a) Open Space and Recreation
Proposed Zoning LEP 2012	RE2 Private Recreation

Submitter: Bill Symington

Submission requests that any proposal to reclassify any community land should not extend outside the Bowling Club's current lease boundaries.

** Note: Gwandalan Bowling Club made a submission in favour of reclassification. **

Comment

No specific objection to reclassification was provided and therefore should proceed with reclassification.

Recommendation – continue with reclassification to operational.

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



FOR INTERNAL USE ONLY Scale 1:926

45. 173 Kullaroo Road, Summerland Point (Lot 23 DP 708344)

Area (sqm)	104100
Current Zoning LEP 1991	6(a) Open Space, 7(g) Wetlands Management
Proposed Zoning LEP 2012	RE1 Public Recreation, E2 Environmental Conservation

Submitter: Bill Symington

Submission supports reclassification however requests further consultation before any reclassification as there have been several requests in recent years for an expansion of the current site to provide more recreational/community area.

Comment

The land has a proposed zone of RE1 and E2 and is a large area of foreshore bushland including carparking and improvements. There is a site specific PoM No. 4 Boat Harbour and Sandy Beach.

Environmental zoned land is valuable for Council for exploring bio banking and offsetting opportunities not available under community classification. The decision to reclassify should stand.

Recommendation – continue with reclassification to operational.

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



**46. 10 Summerland Road, Summerland Point (Lot 52 DP 758458)
[CEN]**

Area (sqm)	283400
Current Zoning LEP 1991	5(a) Special Uses Sewerage
Proposed Zoning LEP 2012	SP2 Infrastructure

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.

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. Furthermore the property is proposed to be zoned SP2 Infrastructure under draft LEP 2012

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

Recommendation – continue with reclassification to operational.

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47. 28W Roberta Street, Tumbi Umbi (Lot 30 DP607911)

Area (sqm)	2168
Current Zoning LEP 1991	6(a) Open Space and Recreation
Proposed Zoning LEP 2012	RE1 Public Recreation, E2 Environmental Conservation

Submitter: Ian Robb

Comment

Submission requests that the property be removed from reclassification list as it has no frontage onto any street and at the moment forms an important part of a public thoroughfare from Roberta Street to Killarney Vale School, Wyong Rd buses, the Killarney Vale Soccer fields and also the shopping centre of Killarney Vale.

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

Recommendation – continue with reclassification to operational.

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



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48. 30 Rosemount Avenue, Lake Munmorah (Lot 2 DP 206779, Lot 64 DP 241949)

Area (sqm)	7075.8
Current Zoning LEP 1991	2(b) Multiple Dwelling Residential and 6(a) Open Space and Recreation
Proposed Zoning LEP 2012	R1 General Residential and RE1 Public Recreation

Submitter: G Hansen

Comment

Submission supports reclassification.

Site described as public garden and recreation space on the plan of subdivision c.1971. However, park was closed to public 7-10 years ago.

Submission suggested Council covenant the title with protection and maintenance of storm water detention basin and bund, but remove reference to public garden and recreation space.

Submission requested that Council reclassify this site to operational and rezone to permit 2 dwelling entitlements, and sell to private enterprise with proceeds to facilitate the extension of the lakefront shared pathway to Elizabeth Bay. Advertise and explain this rationale to residents.

As submission supports reclassification, the decision should stand.

Recommendation – continue with reclassification to operational.

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



FOR INTERNAL USE ONLY Scale 1:687

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

Appendix 1 – Land reclassification extract from Public Hearing report prepared by Peter Walsh

Specific Recommendations on Land Classification

The baseline position taken here is that reclassification of existing parks and community facilities land would not be supported without further background analysis of the qualities offered to the community by these lands, and/or strategic analysis of open space needs in the setting. It is the writer's view that in some time in the future there may be a case to be made for changes to classification in such instances. But there would need to be demonstration of the case that there would be improved community outcomes as a result.

The reclassification proposals do include areas which do not play a significant community role at all, nor can reasonably be seen to do so in the future. Many sites dominated by existing infrastructure would fit this category, which might be called "routine reclassifications". While the work to date has identified and defined classifications based on infrastructure (eg water and sewerage, drainage,

18

roads/access/parking) an overview of the sites suggests that many of the parcels have multiple uses including current uses as local parks and important bushland walkways.

It has not been possible for the hearing to review all of the proposals to differentiate the two categories. The Table below provides a review of a number of specific sites mentioned in submissions. A specific recommendation is made on these.

Reclassification Site Raised in Submissions	Hearing Report Recommendation
32 and 43W Christopher Cr, 6 Kyle □ Lake Haven <i>"Specific Reason for Reclassification": Unused vacant land. Reclassification to Operational provides flexibility for the future management of the site, enhancing potential options for the long term economic viability through long term lease, potential sale or development of the site.</i>	Reclassification not supported. 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.
83W Gorokan Dr Lake Haven <i>"Specific Reason for Reclassification": Vacant land not functional for use as open space. Reclassification to Operational provides flexibility for the future management of the site, enhancing potential options for the long term economic viability through long term lease, potential sale or development of the site.</i>	Reclassification not supported. 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.
11W Lake Haven Dr, Gorokan (Alfred Green Tree Reserve) <i>"Specific Reason for Reclassification": Contains and facilitates sewer infrastructure and underutilised open space. Planning proposal to rezone the land to R2 Low Density Residential has been submitted for consideration. Reclassification to Operational provides flexibility for the future management of the site, enhancing potential options for the long term economic viability through long term lease, potential sale or development of the site.</i>	Reclassification not supported. 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.
106 Phyllis Avenue, Kanwal <i>"Specific Reason for Reclassification": Not a functional area for open space. Planning proposal to rezone the land to R1 General Residential has been submitted for consideration. Reclassification to Operational provides flexibility for the future management of the site, enhancing potential options for the long term economic</i>	Reclassification not supported. 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

19

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

Reclassification Site Raised in Submissions	Hearing Report Recommendation
<p><i>viability through long term lease, potential sale or development of the site.</i></p>	<p>benefit would need to be better established and require further public engagement. This local community apparently has strong links to the land.</p>
<p>Long Jetty, 36-38 Kitchener Road – Long Jetty Pre School <u>"Specific Reason for Reclassification":</u> <i>Contains and facilitates (sic) existing Council facilities. Reclassification to Operational provides flexibility for the future management of the site, enhancing potential options for the long term economic viability through long term lease, potential sale or development of the site.</i></p>	<p><u>Redassification not fully supported.</u> Site is now zoned 6(a) Open Space and Recreation and is proposed to remain zoned RE1 Public Recreation. RE1 zone confirms a continuing intent to use the land for public purposes. 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.</p>
<p>Berkeley Sports Complex Berkeley Road, Glenning Valley 3 Ha. <u>"Specific Reason for Reclassification":</u> <i>(Contains and facilitates sewer main, playing fields, club house) and carpark where access is required at all times. Reclassification to Operational provides flexibility for the future management of the site, enhancing potential options for the long term economic viability through long term lease, potential sale or development of the site.</i></p>	<p><u>Redassification not supported.</u> These lands were acquired in part for playing fields and associated carparks. No explanation is provided on the proposed safeguards to ensure retention of these important areas of community use. 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.</p>
<p>Chittaway Point Hall 72-76 Geoffrey Road <u>"Specific Reason for Reclassification":</u> <i>Lot 31 contains and facilitates existing sewer main and drainage, Lot 32 contains and facilitates existing drainage and Lot 33 contains and facilitates existing drainage and Hall where access is required at all times. Reclassification to Operational provides flexibility for the future management of the site, enhancing potential options for the long term economic viability through long term lease, potential sale or development of the site.</i></p>	<p><u>Redassification not supported.</u> Insufficient background analysis of the qualities offered to the community by these lands, or strategic analysis of open space/community needs in the setting. On the face of it, this site presents as a local park and community hall, with strong links, or potential for strong links to the local community. 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.</p>
<p>Chittaway Bay Hall and Oval, 2 Ha. <u>"Specific Reason for Reclassification":</u> <i>Contains and facilitates drainage and sewer mains, club house and carpark. Reclassification to Operational provides flexibility for the future management of the site, enhancing potential</i></p>	<p><u>Redassification not supported.</u> Insufficient background analysis of the qualities offered to the community by these lands, or strategic analysis of open space/community needs in the setting. On the face of it, this site presents as a local park</p>

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

Reclassification Site Raised in Submissions	Hearing Report Recommendation
<i>options for the long term economic viability through long term lease, potential sale or development of the site.</i>	and community hall, with strong links, or potential for strong links to the local community. 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.
Berkeley Vale, Tom Stone Park & Childcare "Specific Reason for Reclassification": <i>Contains and facilitates existing water and sewage lines and Council's Childcare centre. Reclassification to Operational provides flexibility for the future management of the site, enhancing potential options for the long term economic viability through long term lease, potential sale or development of the site.</i>	Reclassification not supported. This is one of the reclassification sites which have extensive bushland. A submission which went to considerable efforts to analyse this question indicated that there was evidence to suggest this site included EEC. The identification of EEC does not mean the site is unable to be reclassified, but does mean this question should be considered in the decision for reclassification.

Table: Recommendations on Certain Reclassification Proposals Raised in Submissions²³.**Recommended Action on Other Sites (Including the Sites Identified as Accommodating EEC)**

There was an indication from staff at the hearing that Council's planning staff had not been involved in the analysis of land reclassification proposals, and also that there had been no review of the sites for EEC. One of the submissions²⁴ demonstrated an extensive amount of background research aimed at identifying which of the sites proposed for reclassification from operational to community land had been identified as accommodating EEC. This submission claimed that such areas should be retained as community land and categorised as *natural areas* under the LG Act requirements. This work referencing expert analysis found that over 100ha of land containing EEC was proposed for reclassification. The following sites were indicated as containing EEC and it was emphasised that this was only after a limited review (ie not a full review of the 399 parcels proposed for reclassification).

- 7W Sir Joseph Banks Drive Bateau Bay
- 19-21 and 29 Keren Ave Berkeley Vale
- 38W Wombat St and 19W Marlborough Pl Berkeley Vale
- 75 Pandora Ave Charmhaven
- 2W Bundeena Rd Glenning Valley
- 30W and 32 Sandra St Jilliby
- 231 Hue Hue Rd Jilliby
- 60W Burns Rd Ourimbah
- 40W Coachwood Dr Ourimbah
- 23 Shirley St Ourimbah
- 1 Teralba St and 1W Pacific Hwy Ourimbah
- Wilfred Barrett Dr Norah Head
- 10 Summerland Rd Summerland Point
- 1W Wolseley Dr Tacoma
- 8 Titania Ave Tuggerah
- 1W Britannia Dr Watanobbi
- 375 Pacific Hwy Wyong

In this writer's view it is not out of the question that some parcels of land containing EEC may be suitable for at least part reclassification. However, it is important that the question of the existence of EEC or other important natural or cultural assets be considered in the analysis of the land reclassification question. The baseline position would be to retain each of the sites identified in this submission to community classification. It would also be appropriate to extend this review of EEC over each of the proposed sites for reclassification. For a properly-based decision on this it will be important that Council's deliberations on the identification of what are termed above as "routine reclassifications" be a rounded one. In turn the recommendation from this hearing is that a multi-disciplined staff panel (comprising property, planning, environmental, community, infrastructure interests) review the reclassification proposals to identify routine matters.