



Item No: 2.4
Title: RZ/3/2023 - Request to Prepare Planning Proposal
- Reclassification of Council Land
Department: Environment and Planning

26 September 2023 Ordinary Council Meeting

Reference: F2017/01072 - D15813421
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Executive: Luke Sulkowski, Director Environment and Planning (Acting)

Recommendation

That Council:

- 1** ***Notes advice provided by the Local Planning Panel and confirms that no rezoning is proposed as part of the Planning Proposal to reclassify Council land identified in Attachment 1.***
- 2** ***Requests a Gateway Determination from the Minister for Planning and Public Spaces in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979, in relation to the Planning Proposal in Attachment 1.***
- 3** ***Undertakes community and public authority consultation in accordance with the Gateway Determination requirements.***
- 4** ***Receives a report to further consider the Planning Proposal following public consultation.***

Report purpose

To seek Council endorsement to request Gateway Determination from the Minister for Planning and Public Spaces for a Planning Proposal to reclassify Council owned land from Community to Operational and undertake community consultation for the proposal.

Executive Summary

Council resolved on 22 August 2023 to undertake a bulk reclassification of land, which included the reclassification of land from operational to community and community to Operational. A Planning Proposal has been prepared to initiate an amendment to the *Central Coast Local Environmental Plan 2022 (CCLEP 2022)* and *State Environmental Planning Policy (Precincts Regional) 2021 (SEPP Precincts)* to reclassify Council owned land from community to operational. The Planning Proposal sets out the land to be reclassified, including the extinguishing of Public Reserve Trusts and other encumbrances where required.

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Two of the sites to be reclassified are included in the boundary of *State Environmental Planning Policy (Precincts Regional) 2021* and therefore an amendment to both the *Central Coast Local Environmental Plan 2022* and *State Environmental Planning Policy (Precincts Regional) 2021* is required.

Background

At its Ordinary Meeting of 22 August 2023, Council resolved:

137/23

That Council:

- 1 Commence the reclassification of 80 lots of operational land located in 12 suburbs to community land in accordance with Section 34 of the Local Government Act 1993. The street addresses and legal descriptors of the 80 lots of land proposed for reclassification are listed in Attachment 1 and involve:
 - a. four sites with improvements (five lots in all) at Glenning Valley (part of Berkley Sports Complex), Kanwal (Lakelands Community Centre), Wamberal (Wamberal Memorial Hall) and Yarramalong (St Barnabas Church); and
 - b. nine park and natural area sites (some of which are groups of sites, comprising 75 lots in all) at Buff Point, Davistown, Hamlyn Terrace, Jilliby, Lisarow, Noraville, Springfield and Watanobbi.
- 2 Publicly exhibit the proposed reclassification of these 80 lots of land from operational to community for not less than 28 days.
- 3 Note that once reclassified as community land, these sites will be subject to further community engagement through a future categorisation process and included in a revised Council Community Land Plan of Management.
- 4 Revoke Council resolutions 202/21/1, 202/21/6 and 202/21/7 of 27 July 2021 to reclassify and/or sell the following three sites of community land:
 - a. Land at 4 and 6 Tyrrell Place KILLARNEY VALE (Lot 479 DP 704452 and Lot 478 DP 704452);
 - b. Land at 8 and 10 Bay Village Road BATEAU BAY (Lot 51 DP 1154778 and Lot 2 DP 1154356); and
 - c. Land at 10W Woodcutters Road WOONGARAH (Lot 32 DP 1044070).
- 5 Commence the reclassification of the following four lots from community land to operational land in accordance with Section 34 of the Local Government Act 1993 (Attachment 2):

- a. *Land facing Henry Parry Drive that provides access to the former Council Chambers at 49-51 Mann St GOSFORD, being Lot 1 in DP 251476;*
 - b. *Land abutting Kanangra Drive to the east known as 50W Parraweena Drive GWANDALAN, being Lot 1 in DP 1043151;*
 - c. *Land being part of 6W Kemira Road LAKE MUNMORAH; being part of Lot 79 in DP 217918; and*
 - d. *Land at 20 Summerland Road SUMMERLAND POINT known as Summerland Sporties, and currently leased to Doyalson-Wyee RSL Club, being part of Lot 4 in DP 263812.*
- 6 *Progress the subdivision of land to facilitate reclassification of part of 6W Kemira Road LAKE MUNMORAH and part of 20 Summerland Road SUMMERLAND POINT.*
- 7 *Note Council's intention to progress resolutions 52/21 of 22 March 2022 and 202/21/8-13 of 27 July 2021 to reclassify the following seven sites from community to operational land:*
- a. *18 Dane Street, GOSFORD, being Lot 2 DP 1011876;*
 - b. *48W Wallarah Road, GOROKAN, being Lot 2 DP 733448;*
 - c. *191 Wallarah Road, KANWAL, being Lot 21 DP 813270;*
 - d. *75 Bungary Road, NORAH HEAD, being Lot 5 Sec 24 DP 758779 and Lot 1 DP 860696;*
 - e. *Part 2-4 Park Road, THE ENTRANCE, being Lot 10 DP 1285833 (part only) and Lot 1 DP 406038 (part only);*
 - f. *13 and 15 Yaralla Road, TOUKLEY, being Lot 78 DP 20493 and Lot 79 DP 20493; and*
 - g. *Car park and curtilage, Austin Butler Access, WOY WOY, being Lot 19 DP 235385 (part only).*
- 8 *As part of the consultation process to reclassify land described in parts 5 and 7, seek community feedback on the following options with respect to Austin Butler Access, WOY WOY (Lot 9 DP 235385 [part only]):*
- a. *Retain the site in Council ownership, or*
 - b. *Proceed with the sale and allocate all proceeds from that sale via the 10-year Long Term Financial Plan to the greening of the local community, for example, via an extensive street tree planting program.*

Current Status

A Planning Proposal has been prepared to progress points 5 and 7 of the above resolution. The Planning Proposal was reported to the Local Planning Panel Meeting of 14 September 2023 for their consideration.

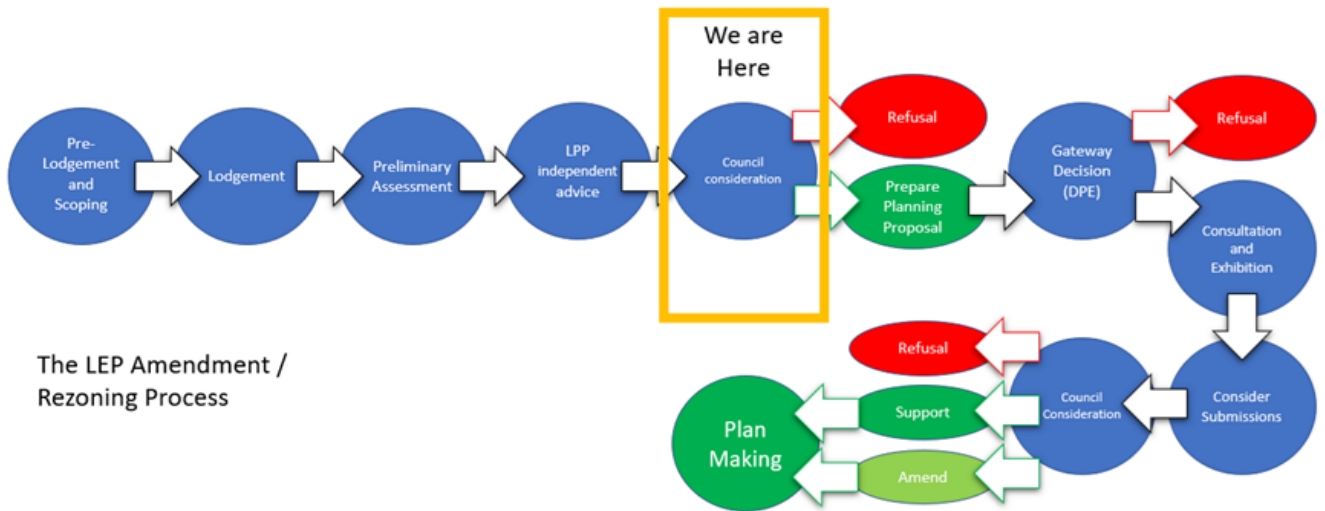


Figure 1 – Local Environmental Plan amendment process

Report

The Planning Proposal proposes to reclassify the following Council owned land from community to operational and extinguish Public Reserve Trusts and other encumbrances where required. The Planning Proposal does not propose to rezone any of the sites.

Two of the sites to be reclassified are included in the boundary of *State Environmental Planning Policy (Precincts Regional) 2021* and therefore an amendment to both the *Central Coast Local Environmental Plan 2022* and *State Environmental Planning Policy (Precincts Regional) 2021* is required. The following sites (as resolved by Council at its meeting of 22 August 2023) are proposed to be reclassified:

- 18 Dane Drive, Gosford
- 49-51 Mann Street, Gosford
- 50W Parraweena Rd, Gwandalan
- 48W Wallarah Road, Gorokan
- 191 Wallarah Road, Kanwal
- Part 6W Kemira Road, Lake Munmorah (part)
- 75 Bungary Road, Norah Head
- Part 20 Summerland Road, Summerland Point (leased area)
- 2-4 Park Road, The Entrance (Bowling club site only)
- 13-15 Yaralla Road, Toukley
- Car Park & Curtilage/ Austin Butler Way, Woy Woy – 51 Chambers Place, Woy Woy (part)

Consultation

The Planning Proposal will be made available for 28 days for community consultation and undertaken in accordance with any determinations made by the Gateway. Council will also facilitate a Public Hearing following the conclusion of the public exhibition period.

The Planning Proposal was reported to the Local Planning Panel on 14 September 2023, as a requirement of the plan making process. Although the Local Planning Panel has decision making powers for Planning Proposals, all Planning Proposals must be forwarded to the Local Planning Panel for advice before Council considers whether or not to forward the Planning Proposal to the Minister for Planning and Public Spaces requesting a Gateway Determination.

The Local Planning Panel considered the Planning Proposal and provided the following advice:

The Panel support the reclassification of land except those sites zoned SP2 – Infrastructure or RE1 – Public Recreation. Such sites should be deferred until the completion of an environmental assessment of their rezoning potential. Once completed appropriate classification of the sites can be determined and if required any future planning proposal would include:

- *Rezoning of the Land including supporting environment assessment studies, and*
- *Reclassification of the land under the Local Government Act 1993.*

The Planning Proposal does not intend to rezone any of the sites as part of this proposal and is seeking to reclassify the land only.

Further information on the sites zoned RE1 Public Recreation and SP2 – Infrastructure is provided below. The proposed reclassification of the land does not change the current land use. Should a future use of the land be proposed that was not permitted within the current land use zone, detailed environmental assessment would be undertaken at that time to inform any future determination on whether to rezone the land.

18 Dane Drive, Gosford NSW 2250 (RE1 Public Recreation)

Gosford City Bowling Club is proposed to be reclassified to operational land and retained in Council ownership. The site is leased to the Central Coast Leagues Club and the Gosford Bowling Club is provided access to the site by the Leagues Club. The lease to the Central Coast Leagues Club expires in December 2024.

At the Ordinary Council Meeting of 23 March 2021, Council resolved to adopt the Stadium Implementation Plan and make it available on Council's website. A key component of the

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Implementation plan is to develop a precinct masterplan for the stadium and 18 Dane Drive, Gosford.

A further report to Council was prepared for the 27 April 2021 Council Meeting seeking a resolution to rezone and reclassify 18 Dane Drive, Gosford to Operational Land to enable greater opportunities defined in the Stadium Implementation Plan. This matter was deferred to allow for community consultation. Community consultation was undertaken between 30 April and 21 May 2021, the key findings from the community's submission included:

- Consideration of user groups who may be affected;
- Stadium management rights could be provided to another party;
- support for the rezoning and reclassification process to stimulate the Stadium
- request for more music concerts being held at the Stadium.

At the 22 March 2022 Ordinary Council Meeting, a further report was brought to Council on the submissions and outcomes following the public exhibition of the Central Coast Stadium- Rezoning and Reclassification proposal. Council resolved *"That Council commence the rezoning and reclassification process for Lot 2, DP 1011876 which will allow grater Masterplan outcomes"*

Council is not proposing to sell the site or change the current lease conditions in place with Central Coast Leagues Club. Council has indicated its intention to extend a further lease to the Leagues Club, subject to agreement on lease terms. Detailed environmental investigations would be undertaken at the time that a preferred alternative use of the site is ready to progress.

Part 6W Kemira Road Lake Munmorah 2259 NSW (SP2 Infrastructure)

Following public consultation, Council resolved on the 22 November 2022 to endorse a Planning Proposal (as amended), draft Central Coast Development Control Plan Chapter (as amended) and draft Planning Agreement for lands at 6W Kemira Road and 285-325 Pacific Highway, Lake Munmorah.

The Planning Proposal sought to rezone lands from RU6 Transition and C2 Environmental Conservation to R2 Low Density Residential, SP2 Infrastructure, RE1 Public Recreation and C2 Environmental Conservation under CCLEP 2022. The subject Planning Proposal will result in the creation of an additional 300 low density residential lots.

The proposal sought to apply a SP2 Infrastructure zone to a portion of 6W Kemira Road Lake Munmorah to enable the construction of a collector road to provide access to the future residential subdivision via Chisholm Avenue and Tall Timbers Road, Lake Munmorah.

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The rezoning was finalised in December 2022. The portion of 6W Kemira Road defined by the SP2 Infrastructure Zone now requires subdivision and reclassification from community to operational land before it can be dedicated as a public road.

A detailed environmental assessment was undertaken as part of the Planning Proposal (to rezone the site) and no further assessment is required. Council is not proposing to sell the site, as it will be dedicated as a public road.

Part 2-4 Park Road The Entrance 2259 NSW (RE1 Public Recreation)

The proposed reclassification of land relates to the bowling club land only and not the adjacent open space. The site is home to The Greens Bowling Club, with the land leased to The Mingara Club on a 20-year lease which was renewed in October 2022. The club is responsible for the maintenance and improvements of buildings and bowling greens.

In March 2020, a fire destroyed the club, with The Mingara Club responsible for demolition and rebuilding of the club and bowling facilities. The Mingara Club requested to purchase the land from Council to assist in obtaining the necessary finances to rebuild the club.

DA/1163/2021 was approved last year for the redevelopment of the fire damaged club. The proposed reclassification of the land from community to operational will facilitate the long-term lease or sale of the land to The Mingara Club, to assist in the redevelopment of the site. The long-term lease or sale of the land will not change the use of the site as a bowling club.

The proposed reclassification of the land does not change the current land use. Should a proposed future use of the land be proposed that was not permitted within the current land use zone, detailed environmental assessment would be undertaken at that time to inform any future determination on whether to rezone the land.

191 Wallarah Road, Kanwal 2259 NSW (RE1 Public Recreation)

The land was transferred from the Wyong District Rugby League Football Club to Wyong Shire Council in October 1991 as part of the subdivision of land to create a youth and community centre and car park.

Wyong Leagues Club operate under license in the lower area of the club and items are also stored in the lower section of building. Community bookings are currently managed by Council's Community Facilities Booking team. It is proposed that community bookings will continue under Wyong Leagues Club ownership.

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The site is proposed to be reclassified to enable long term lease or sale of the property to the Wyong Rugby Leagues Club Group. The proposed reclassification of the land does not change the current land use.

Should a future use of the land be proposed that is not permitted within the current land use zone, detailed environmental assessment would be undertaken at that time to inform any future determination on whether to rezone the land.

48W Wallarah Road, Kanwal 2259 NSW (RE1 Public Recreation)

The site is used by the Wallarah Bay Recreation Club and is land-locked and therefore is only able to be accessed by water or through the club site. The site is currently licenced and maintained by the Wallarah Bay Recreation Club, which has made improvements to the land.

Council intends to reclassify the land to enable the long term lease or sale of the land to the Wyong Rugby League Club Group. The reclassification of the land is not intended to change the use of the land.

Should a future use of the land be proposed that is not permitted within the current land use zone, detailed environmental assessment would be undertaken at that time to inform any future determination on whether to rezone the land.

Part of 1 Austin Butler Acc. Woy Woy 2256 NSW (RE1 Public Recreation)

The Planning Proposal does not seek to rezone the land, only to reclassify it from community to operational land. Should a future use of the land be proposed that is not permitted within the current land use zone, detailed environmental assessment would be undertaken at that time to inform any future determination on whether to rezone the land.

Part 20 Summerland Road, Summerland Point (RE1 Public Recreation)

Part of 20 Summerland Road, Summerland Point is proposed to be reclassified to allow for the long-term lease of the site to the Doyalson Wyee RSL Club, who operate Summerland Sporties. The long-term lease will allow for upgrading of the club. The reclassification of the site will apply only to the current leased areas and not to the entire parcel of land.

Should a future use of the land be proposed that is not permitted within the current land use zone, detailed environmental assessment would be undertaken at that time to inform any future determination on whether to rezone the land.

Financial Considerations

At its meeting held 19 October 2020, Council resolved the following:

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1108/20 *That any motions put before Council for the remainder of this term of Council that have financial implications require the Chief Executive Officer to provide a report on how those additional costs will be met.*

The following statement is provided in response to this resolution of Council.

The Planning Proposal, public consultation and public hearings will be undertaken using Council's adopted operational budget and will not have an impact on Council's bottom line.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

R-G2: Engage and communicate openly and honestly with the community to build a relationship based on trust, transparency, respect and use community participation and feedback to inform decision making.

Risk Management

There have been no material risks to Council associated with the preparation of Planning Proposals, which are part of the regular business of Council.

Council will have a further opportunity to consider whether it wishes to progress reclassification of some or all of these parcels following the proposed consultation.

Options

- 1 Support the recommendation to request a Gateway Determination from the Minister for Planning and Public Spaces in relation to the Planning Proposal provided in Attachment 1. **This is the recommended option.**
- 2 Resolve not to support the Planning Proposal. This option will not allow for the reclassification of land.

Attachments

1	Planning Proposal - Reclassification of Council Owned Community Land to Operational Land September 2023	Provided Under Separate Cover	D15836110
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