

**INFORMATION REQUIRED FOR RECLASSIFICATION OF LAND
(with reference to Department of Planning Practice Note 09-003)**

1. Justification of planning proposal

Lot 32 DP 1004057 and Lot 3 DP 16095 are both classified as 'community' under the Local Government Act 1993 since they were never classified by Council as 'operational' during the 12 months following the introduction of this Act.

Detailed justification for the planning proposal has been provided in the planning proposal in Attachment 1. In brief, the rezoning of Lots 3 and 4 DP 16095 and Lot 32 DP 1004057, and reclassification (Lots 3 and 32 only) will facilitate low density residential development on the western, Hill Road frontage of the site and the protection, revegetation and management of the remainder of the site which is partially occupied by critically endangered ecological communities. Council intends to acquire Lot 4 DP 16095 in order to obtain consistent ownership across the site.

Lot 32 is zoned part Residential 2(b) (in the most vegetated area) and part 6(a) (Open Space). It is unembellished and a combination of low, medium and high significance vegetation, also subject to weeds. Despite its current zoning (Open Space 6(a)), Lot 3 has been a rental property, not used by the public for any recreational purposes since its purchase in 1981.

Lots 3 and 32 are not required for open space purposes as repeatedly determined by Recreational Needs studies undertaken for Council. The most recent Recreation Needs Study undertaken in 2003 identified the following needs in West Pennant Hills:

- tennis courts;
- cycling and rollerblading paths;
- family parks;
- skate facility;
- walking tracks; and
- unleashed dog exercise area.

The above needs are incorporated into masterplans for the View Street and Colbarra Place Reserves which are located near the subject site. To provide most of the above facilities on the subject site (apart from walking trails) would prove difficult due to the various constraints. Facilities such as tennis courts and associated parking facilities also require large areas of reasonably flat land. The Study also found that the Hill Road Reserve is not suitable as a location for an indoor sports centre, and that there were indoor facilities within reasonable travel distance from the site.

The current planning proposal would enable Council achieve a pattern of zoning across the entire site which is an accurate reflection of the site's characteristics and opportunities for significant conservation and some low impact pedestrian activity. To enable the rezoning to proceed, the land must be reclassified.

2. Reasons why Council acquired an interest

Lot 3 DP 16095 – This property was designated as 'active recreation' in the West Pennant Hills Principles Plan on 18 December 1979 to be acquired by Council, whilst the general area was earmarked for low density development. Council purchased this property on 13 May 1981 for \$100,000. The home on this property has been rented by Council to various occupants since the early 1980s. It has never been utilised for open space purposes.

Lot 32 DP 1004057 – This property was created from the subdivision of Lot 2 DP 715055 (purchased for \$200,000 in 1988), Lot 5 DP 16095 (purchased for \$500,000 in 1988) and Lot 61 DP 801125 (created from a subdivision of Lot 6 DP 16095 for road widening) with DP 1004057, registered in 1999. Lot 6 was purchased by Council for \$122,500 in 1981.

Information on file from 1985 suggests that Council intended to develop part of former Lot 5 for residential purpose, and together with acquisition of adjoining lands provide some open space to front Hill Road for a Pony Club site. This did not eventuate, and furthermore, since this time a substantial part of the subject site (being Lots 32, 3 and 4) was considered as a location for a school in the early to mid 1990's. Clearly no intended use of the site whether it be for development or open space has ever eventuated.

3. Details to accompany the exhibition

Refer to Attachment 12.

4. Any proposal to extinguish or retain other interests in the land through reclassification

There are no interests in the land that need to be changed as part of the planning proposal. As outlined in the attached Council report, the Department of Education withdrew any interest in the land as a potential school site in 1996.

5. Justification/explanation as to why such interests are being extinguished

Not applicable

6. Any rezoning associated with the reclassification

The reclassification is associated with the rezoning detailed in the planning proposal in Attachment 1.

7. Any comments by a Government Agency

As outlined in the planning proposal, Council has been consulting with DECCW regarding the proposed zoning and Council's future intentions for the site. DECCW has not raised any concerns specifically relating to the reclassification of land.

8. Consideration of relevant Directions

The Local Planning Directions are addressed in the body of the planning proposal.

ATTACHMENT 12

EXHIBITION MATERIAL RELATING TO RECLASSIFICATION OF LAND

1. Reasons for preparing the planning proposal, including the merits of the proposal.

The planning proposal is being prepared to rezone the subject site to part E2 Environmental Conservation, and part E4 Environmental Living, and to reclassify Lot 3 DP 16095 and part of Lot 32 DP 1004057 to 'operational' land to facilitate some minor and low scale residential development on the Hill Road frontage of the site, and the conservation and protection of the land to the rear which contains critically endangered ecological communities.

2. Current and proposed land classification

Lot 3 DP 16095 – currently classified 'community' under the Local Government Act 1993 since it was never officially classified as 'operational'.

Part of Lot 32 DP 1004057 – currently classified as 'community' since it is made up of three previous properties, only one of which (Lot 61 DP801125) was ever classified 'community'.

3. Reasons for the reclassification

Reclassification of the land is required to enable Council to rezone the land as specified in the planning proposal, to part E2 Environmental Conservation, and part E4 Environmental Living. The land is not required for open space purposes.

4. Council's ownership of the land

Council owns both Lot 3 DP 16095 and Lot 32 DP 1004057.

5. Nature of Council's interest in the land

Council owns both properties freehold. Lot 3 DP 16095 together with the small dwelling on site has been rented to various tenants since its purchase in the early 1980s. Lot 32 is partly zoned Residential 2(b) and unable to be developed due to the significant vegetation, and partly zoned Open Space 6(a), but is unembellished and not utilised for any formal recreational purpose.

6. How and when the interest was first acquired

Lot 3 DP 16095 Council purchased this property on 13 May 1981 for \$100,000.

Lot 32 DP 1004057 – This property was created from the subdivision of Lot 2 DP 715055 (purchased for \$200,000 in 1988), Lot 5 DP 16095 (purchased for \$500,000 in 1988) and Lot 61 DP 801125 (created from a subdivision of Lot 6 DP 16095 for road widening) with DP 1004057, registered in 1999. Lot 6 was purchased by Council for \$122,500 in 1981.

7. Reasons Council acquired an interest in the land

Lot 3 DP 16095 was purchased with a view to utilising it for open space or recreational purposes shortly after it was identified in the West Pennant Hills Principles Plan in 1979. The home on the property has been rented out since the early 1980s and it has never been utilised for open space purposes.

Lot 32 DP1004057 was formed from various properties acquired by Council. Files suggest that Lot 5 DP 16095 which makes up a portion of current Lot 32, was being considered partly for residential development, and partly for open space (Pony Club) purposes, neither of which eventuated.

8. Any agreements over the land

There are no agreements over the land. Any interest expressed in the land by the Department of Education were withdrawn in the mid 1990's.

9. Financial gains / losses / benefits

The envisaged acquisition of Lot 4 DP 16095 which lies between Council-owned Lot 32 DP 1004057 and Lot 3 DP 16095, and the future conservation of the E2 Environmental Conservation zoned area of the site depends on funds that would be generated from the development of that portion of the site fronting Hill Road that is proposed to be reclassified (and rezoned E4 Environmental Living).

As part of the planning proposal, Council would lose the existing partial residential zoning of Lot 32 DP 1004057 (approximately 4788m²), but gain a total area of 7327m² capable of low scale residential development to be zoned E4 Environmental Living on Lots 32 and 3.

10. Asset management objectives being pursued

The subject land is not required for open space purposes, therefore Council intends to manage these assets (Lot 32 and Lot 3, together with Lot 4 if successfully acquired), as outlined in the planning proposal. Council's objective is to manage the E2 zoned portion of the site through the ongoing protection and conservation of the endangered vegetation, and fund this through the development and/or sale of the land proposed to be zoned E4.

11. Any agreement for the sale or lease of the land

Whilst Council has entered into discussions with the owners of Lot 4 DP 16095, 3 Hill Road, there has been no agreement on the sale or purchase of this land. Council has not entered into any discussions regarding the sale of its current assets Lot 32 or Lot 3.

12. Any relevant matters required in plan making under the EP&A Act.

The planning proposal has been prepared in accordance with the requirements of the Environmental Planning & Assessment Act 1979.