



## **APPENDIX 2**

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**Report to Council Meeting held on 21 February 2012**



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## WEST PYMBLE POOL FUNDING

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### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

To advise Council of the further investigations carried out in regard to the three sites identified for disposal to repay and augment the Infrastructure and Facilities Reserve for the construction of West Pymble Pool.

**BACKGROUND:**

At its meeting of 6 December 2011 Council in part resolved to sell up to three properties identified as funding sources for the construction of West Pymble Pool to repay the Infrastructure and Facilities Reserve the net value of \$1,738,606.

**COMMENTS:**

All three parcels of land require reclassification from Community Land to Operational Land and rezoning to Residential.

**RECOMMENDATION:**

That Council commence to process to rezone to residential and to reclassify from Community Land to Operational Land under the KPSO the following parcels of land:

1. 21 Calga Street, Roseville Chase
2. 90 Babbage Road, Roseville Chase
3. 4 Binalong Street, West Pymble

## PURPOSE OF REPORT

To advise Council of the further investigations carried out in regard to the three sites identified for disposal to repay and augment the Infrastructure and Facilities Reserve for the construction of West Pymble Pool.

## BACKGROUND

At its meeting of 6 December 2011 Council resolved, in part, to construct the West Pymble Pool. Part of the funding model for this included the nomination of three properties for disposal. Council resolved:

- F. That Council commences the processes outlined in the report for the sale of the three properties identified as funding sources for the construction of West Pymble Pool to repay the Infrastructure and Facilities Reserve the net value of \$1,738,606.*
- G. Any surplus funds from any land sales for this project be transferred to the Infrastructure and Facilities Reserve.*
- H. That a further report be brought back to Council in February 2012 addressing the priority order for land sales from the list in the report to repay the Infrastructure and Facilities Reserve.*

Since that time further research has been carried out on the feasibility and potential returns from these sales. Aerial photographs, maps and plans of subject properties are shown in Attachment A1 and proposed disposal strategies along with financial considerations are outlined in Confidential Attachment A2.

## COMMENTS

### Classification of land

Section 45 of the *Local Government Act 1993* (LGA) prevents Council from selling, exchanging or otherwise disposing of Community classified land other than to become or be added to a Crown Reserve or National Park. Therefore, in concert with the rezoning of the land, all parcels shall be proposed to be reclassified from Community Land to Operational Land in accordance with Section 27 of the LGA .

### Zoning of land

All three parcels of land require rezoning to more appropriate uses. The following table displays the current and proposed zonings for each site.

| Address                       | Current Zoning                                                             | Proposed Zoning                                                          |
|-------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------------------|
| 21 Calga St Roseville Chase   | Recreation Existing 6(a)                                                   | Residential 2(a).                                                        |
| 90 Babbage Rd Roseville Chase | Recreation Existing 6(a)                                                   | Residential 2(a).                                                        |
| 4 Binalong St West Pymble     | Part Business 3(a) – (A3)<br>Part Special Uses<br>Recreation Existing 6(a) | Part Residential 2(c).<br>Part Business 3(a) – (A3)<br>Part Special Uses |

It is proposed to rezone these lands by way of a standalone amendment to the Ku-ring-gai Planning Scheme Ordinance (KPSO) to ensure that proceeds from sale are available as soon as possible for the West Pymble Pool construction. The first step is to prepare a planning proposal to submit to the Department of Planning & Infrastructure (DoPI) for a gateway determination. Should this be granted, formal consultation with the State Agencies and the community commences.

The reclassification of land also requires a public hearing. The public hearing shall be held after the public exhibition of the draft LEP for rezoning and reclassification.

The subject lands will be included in the Principal Local Environmental Plan (PLEP). Whilst it may be argued that Council should wait for this process, as the adopted timetable for public exhibition of the PLEP is September 2012, this would result in an unnecessary delay in the realisation of the land and the subsequent repayment of borrowings from the Infrastructure and Facilities Reserve. By September 2012 it is anticipated that a significant proportion of total expenditure in relation to the pool redevelopment would have already been incurred.

### **GOVERNANCE MATTERS**

The process outlined in this report complies with both Council Policy and legislative requirements.

Upon rezoning and reclassification, the three properties will be disposed of in accordance with Council's *Acquisition and Divestment of Land Policy*, September 2009. This matter will be addressed further at such time as a further report is submitted to Council after a reclassification public hearing.

### **RISK MANAGEMENT**

Some funds will be expended in the reclassification and rezoning processes and preparing the properties for sale. Indicative direct costs for each parcel are outlined in **Confidential Attachment A2**.

### **FINANCIAL CONSIDERATIONS**

The sale of these lands shall result in the repayment of Council's borrowings from the Infrastructure and Facilities Reserve that are funding the pool upgrade. Surplus net funds shall then be used to increase the balance in the Infrastructure and Facilities Reserve. Further details are outlined in **Confidential Attachment A2**.

In order to repay the Infrastructure and Facilities Reserve the net amount of \$1,738,606, it is necessary to dispose of all three properties, therefore no priority order has been established.

### **SOCIAL CONSIDERATIONS**

The redevelopment of West Pymble Pool has major social benefits for the community. Conversely, the disposal of any land may have the potential to impact on surrounding and nearby residents. Each site is discussed below.

#### **21 Calga St Roseville**

Being fully cleared the site may be used by local residents for ad hoc unstructured recreational activities. An inspection of the site shows that it is well maintained. The site is currently mown by Council 13 times per annum.

The land is vacant with no play equipment or recreational infrastructure. The nearest similar open space in the area is at Echo Point Park and Castle Cove Park.

#### 90 Babbage Rd Roseville Chase

The land offers no recreation opportunities and as Echo Point Park is across the road it is considered that the disposal of this land would not significantly affect the provision of open space or other facilities in the locality.

#### 4 Binalong Street West Pymble

Part of the site is currently being used for a pedestrian access way to Yarrara Avenue. This access shall be maintained. Part of the site is currently being used for carparking. The carparking shall be maintained.

It is proposed to excise a rectangular parcel adjacent to the existing residential land and return the balance in public ownership.

The nearest similar open space is the Village Green on the other side of the adjacent West Pymble shops.

### **ENVIRONMENTAL CONSIDERATIONS**

All three properties have been assessed by staff from Council's Strategy and Environment Department and assessed against Council's vegetation mapping system. Each site is now discussed is discussed below.

#### 21 Calga St Roseville

An underground drainage pipe runs through the centre of the block from the street to the rear. Some 47 metres of this pipe would require relocation along boundary with the creation of an appropriate easement to protect Council's interest after disposal.

The area contains exotic grass that is mown by council. Council's vegetation mapping identifies adjacent properties as containing "Other Vegetation" (including planted local or non local species) and some remnant Sydney Sandstone Gully Forest. A brief site assessment was undertaken on 10 January 2012, which confirmed that on site vegetation is dominated by exotic species. A building footprint can be achieved with relocation of the pipe and establishment of the proposed easement.

A review of Council's flora and fauna data base (Biobase) has identified 4 threatened fauna species occurring within 1km of the site. These include Eastern Bentwing-bat, Powerful Owl, Giant Burrowing Frog and Grey-headed Flying Fox. It should be noted that whilst these species may use the vegetation on site it is considered unlikely that it would be significant habitat. One threatened flora record was identified as *Tetratheca glandulosa* occurring within the Willoughby LGA. No threatened flora or fauna have been recorded within 250m of the site.

The site was not identified under either the Riparian or Green Web mapping. There are no *Phytophthora* (a soil and water borne organism that causes root rot in many native Australian plant species commonly leading to death) or Aboriginal Heritage items with the area.

According to Council's contaminated lands register the site is not affected by contaminated lands, nor is it bushfire prone.

Whilst a detailed site inspection for threatened species or Aboriginal heritage has not been undertaken from the preliminary review and the disturbed nature of the site it is considered unlikely that they will occur on site. This more detail assessment is to be undertaken as part of the rezoning application.

#### 90 Babbage Rd Roseville Chase

Council's vegetation mapping identifies the site and adjacent properties as containing "Other Vegetation" (including planted local or non local species). A brief site assessment was undertaken on 10 January 2012, which confirmed that apart from areas cleared and appear to be mown by the adjoining owner, on site vegetation is dominated by exotic species with almost no native vegetation remaining. It is believed that a building footprint can be established to protect any significant vegetation.

A review of Council's flora and fauna data base (Biobase) has identified 4 threatened fauna species occurring within 1km of the site. These include Eastern Bentwing-bat, Powerful Owl, Giant Burrowing Frog and Grey-headed Flying Fox. It should be noted that whilst these species may use the vegetation on site it is considered unlikely that it would be significant habitat. No threatened flora or fauna have been recorded within 250m of the site.

The site was not identified under either the Riparian or Green Web mapping. There are no *Phytophthora* (a soil and water borne organism that causes root rot in many native Australian plant species commonly leading to death) or Aboriginal Heritage items with the area.

According to Council's contaminated lands register the site is not affected by contamination.

Part of the site is classified as category 1 bush fire prone vegetation and the remaining areas on the lot are bushfire prone buffer.

Whilst a detailed site inspection for threatened species or Aboriginal heritage has not been undertaken from the preliminary review and the disturbed nature of the site it is considered unlikely that they will occur on site. A more detail assessment is to be undertaken as part of the rezoning application.

#### 4 Binalong Street West Pymble

The property is located within geographic area known to contain Sydney Turpentine Ironbark Forest (STIF), an Endangered Ecological Community. Council's vegetation mapping identifies the site and adjacent properties as containing Sydney Turpentine Ironbark Forest (canopy species dominant).

A brief site assessment was undertaken on 10 January 2012, which confirmed that the area is generally considered disturbed and consists of Council managed mown grass and scattered plantings of local or non local species. Approximately half of the property is currently a paved community car park for the adjacent West Pymble shopping area.

On the basis of the proposed subdivision of this site, discussed earlier in this report, a house may be built along the existing building line, the area of STIF at the front of the site can generally remain, providing significant amenity planting for the front garden of the site.

The site was not identified under either the Riparian or Green Web mapping.

There are no *Phytophthora* (a soil and water borne organism that causes root rot in many native Australian plant species commonly leading to death) or Aboriginal Heritage items with the area.

A review of Council's flora and fauna data base (Biobase) has identified 6 threatened fauna species occurring within 1km of the site. These include Gang-gang Cockatoo, Brown Treecreeper, Eastern Bent-wing Bat, Red-crowned Toadlet, Powerful Owl and Grey-headed Flying Fox. The area would be unsuitable for Red-crowned Toadlets and it should be noted that whilst the remaining species may use the vegetation on site it is considered unlikely that it would be significant habitat. The Brown Treecreeper has been recorded within 200m of the site. This species is more commonly associated with Eucalypt woodland, typically Box-gum, Stringybark and other rough-barked eucalypts associated with the Cumberland Plain. It is unlikely that vegetation on site would be significant habitat. No threatened flora records have been recorded within 250m of the site.

According to Council's contaminated lands register the site is not affected by contamination.

The site is not bushfire prone.

Whilst a detailed site inspection for threatened species or Aboriginal heritage has not been undertaken, from the preliminary review and given the disturbed nature of the site it is considered unlikely that they will occur on site. A more detail assessment is to be undertaken as part of the rezoning application.

## COMMUNITY CONSULTATION

Statutory community consultation will be carried out through the reclassification and rezoning process. An independently chaired public hearing is also necessary in relation to reclassification from Community Land to Operational Land.

## INTERNAL CONSULTATION

This report was prepared by the Strategy and Environment Department in consultation with staff from Council's Operations Department.

## SUMMARY

This report outlines the findings of further research on the three properties identified as potential land sales as reported to Council on 6 December 2011. It goes on to recommend that Council commence the rezoning and reclassification process for all three parcels of land.

## RECOMMENDATION:

- A. That a Planning Proposal be prepared, in accordance with section 55 of the *Environmental Planning and Assessment Act, 1979*, to amend the *Ku-ring-gai Planning Scheme Ordinance 1971* to rezone and reclassify the following three sites from Community Land to Operational Land:
- 21 Calga Street, Roseville Chase.
  - 90 Babbage Road, Roseville Chase.
  - 4 Binalong Street, West Pymble.
- B. That the above Planning Proposal also include the rezoning of these lands as listed below:

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- 21 Calga Street, Roseville Chase from Recreation Existing 6(a) to Residential 2(a).
  - 90 Babbage Road, Roseville Chase from Recreation Existing 6(a) to Residential 2(a).
  - 4 Binalong Street, West Pymble. A 1,200 square metre parcel of land (abutting 6 Binalong Street) from Business 3(a)-(A3) to Residential 2(c).
- C. That Council grant Owner's Consent for the subdivision of 4 Binalong St West Pymble, in such a way as to permit the creation of a building block of a minimum of 1,095 square metres and the balance becoming the second lot.
- D. That following reclassification and subdivision of 4 Binalong St West Pymble, Council resolve to undertake the necessary action to reclassify back to Community Land status that part of 4 Binalong St West Pymble not required as Operational Land.
- E. That Council undertake a public hearing under the provisions of the *Local Government Act, 1993* for the proposed reclassification of these sites listed below from Community Land to Operational Land:
- 21 Calga Street, Roseville Chase.
  - 90 Babbage Road, Roseville Chase.
  - 4 Binalong Street, West Pymble.
- F. That Council formally seek to discharge all interests for properties known as:
- 21 Calga Street, Roseville Chase.
  - 90 Babbage Road, Roseville Chase.
  - 4 Binalong Street, West Pymble.
- G. That the Planning Proposal by submitted to the Department of Planning and Infrastructure for a gateway determination in accordance with section 56 of the *Environmental Planning and Assessment Act, 1979*.
- H. That upon receipt of a Gateway Determination, the exhibition and consultation process is carried out in accordance with the requirements of the *Environmental Planning and Assessment Act, 1979* and with the Gateway Determination requirements.
- I. That a report be brought back to Council at the end of the exhibition and public hearing processes.

Ian Dreghorn  
Manager Strategic Projects

Andrew Watson  
Director Strategy & Environment

**Attachments:** A1 Review of nominated properties 2012/017368  
A2 Financial considerations *Confidential*.

