

**Appendix 3 – MORISSET LAND ACQUISITION
REVIEW BACKGROUND REPORT**

Planning Proposal RZ 5 2014

**REVIEW OF LAND RESERVATION
ACQUISITION MAPS IN DRAFT LAKE
MACQUARIE LEP 2014:
MORISSET PLANNING DISTRICT**



Background Report (April 2014)

Prepared by Integrated Planning, Lake Macquarie City Council

REVIEW OF LAND RESERVATION ACQUISITION MAPS
MORISSET PLANNING DISTRICT

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EXECUTIVE SUMMARY

Land Reservation Acquisition (LRA) maps in Draft Lake Macquarie Local Environmental Plan (LMLEP) 2014 identify private land that Council and government agencies want to purchase for future public purposes. A review of the LRA maps found that 37 areas (45 ha) are identified in the Morisset planning district and the majority are proposed to be purchased by Council. Only one area can be purchased by Council using development contributions, and the remaining areas represent a future acquisition liability of \$9.6m to Council.

The review recommends removing 22 areas and adding two new areas to the LRA maps. Removing the 22 areas will not have adverse environmental or social implications, and is estimated to reduce Council's future acquisition liability from \$9.6m to \$2.8m. Adding the two new areas will assist Council purchase land for community and recreation facilities, and will not have any financial implications as the land will be purchased using developer contributions.

The review also recommends deferring a decision to remove or retain eight of the 37 areas, and further investigating planning tools to enhance Council processes associated with the identification, budgeting and acquisition of land for public purposes.

PART 1 – INTRODUCTION

1.1 LAND RESERVATION ACQUISITION (LRA) MAPS

The Land Reservation Acquisition (LRA) maps in Draft Lake Macquarie Local Environmental Plan (LMLEP) 2014 identify private land that Council and government agencies want to purchase for future public purposes. The LRA maps and provisions in Draft LMLEP 2014 identify:

- the proposed use of the land (e.g. parks, reserves, community facilities and roads); and
- nominate the authority to purchase the land (e.g. Council or a government agency).

‘Owner-initiated acquisition’ provisions apply to land shown on the LRA maps, which can force the nominated Council or government agency to purchase the land immediately if requested by the landowner.

1.2 REVIEW OF THE MORISSET PLANNING DISTRICT

As per the resolution of Council, as part of adoption of the Morisset Development Contributions Plan, Integrated Planning staff have conducted a review of the LRA maps for the Morisset planning district. The review focused on the Morisset planning district, as Council has updated the Development Contributions Plan 2012 – Morisset Contributions Catchment (Morisset S94 Plan) for this area. The objectives of the review were to determine:

1. if any land needs to be retained or removed from the LRA maps; and
2. if any land identified in the Morisset 94 Plan needs to be added to the LRA maps.

1.3 REPORT STRUCTURE

The report is structured in four parts as outlined below:

- **Part 2** provides a summary of the legislative context applying to the LRA maps;
- **Part 3** details results from a review of the existing LRA maps and recommends land to be retained and removed from the maps;
- **Part 4** presents results from a review of the Morisset S94 Plan and recommendations land to be added to the LRA maps; and
- **Part 5** outlines a summary of the review findings, recommendations, and implications for Council.

PART 2 – BACKGROUND INFORMATION

2.1 LEGISLATIVE CONTEXT

Environmental Planning and Assessment (EP&A) Act 1979

Under Section 26.1(c) of the Environmental Planning and Assessment (EP&A) Act 1979, Councils and government agencies can zone private land for public purposes in Local Environmental Plans (LEP). Under Section 27 of the EP&A Act 1979, when private land is zoned exclusively for a public purpose 'owner-initiated acquisition' provisions under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991 apply to the land.

Land Acquisition (Just Terms Compensation) Act 1991

The owner-initiated acquisition provisions in Division 3 of Part 2 Land Acquisition (Just Terms Compensation) Act 1991 require the relevant Council or government agency to immediately purchase land zoned exclusively for a public purpose, if the landholder can demonstrate they will suffer 'hardship' as a result of the land being zoned for a public purpose. Under Section 24 of the Land Acquisition (Just Terms Compensation) Act 1991, hardship is defined as:

- the landowner being unable to sell the land at its market value due to it being identified to be acquired for public purposes, or
- it is necessary for the landowner to sell the land for pressing personal, domestic or social reasons.

Draft Lake Macquarie Local Environmental Plan (LMLEP) Plan 2014

Draft LMLEP 2014 has been prepared in accordance with the standard instrument LEP template introduced by the NSW government, and includes 'Land Reservation Acquisition' (LRA) maps. Clause 5.1 of Draft LMLEP 2014 states that 'owner-initiated acquisition' provisions under Division 3 of Part 2 Land Acquisition (Just Terms Compensation) Act 1991, apply to land shown in LRA maps. Draft LMLEP 2014 also lists the relevant government authority (e.g. Roads and Maritime Services or National Parks and Wildlife Services) that will be required to purchase the private land shown in LRA maps under the owner-initiated acquisition provisions, if requested by the landowner. Clause 5.1A also limits private development on land shown on the LRA maps, other than for the proposed public purposes. However, Council or the respective government agency purchasing the land can undertake development other than for public purposes.

Note: The LRA maps in Draft LMLEP 2014 are a general conversion of land identified to be purchased by Council or other government agencies in LMLEP 2004. Not all the land shown on the LRA maps is zoned exclusively for public purposes. The LRA maps include land zoned for residential, industrial, environmental and business purposes.

LMLEP 2004 previously allowed Council to potentially defer purchasing land, if the need for the land had not yet been created. However, no such provisions were allowed to be included in Draft LMLEP 2014 by the NSW government.

PART 3 – REVIEW OF EXISTING LRA MAPS

3.1 EXISTING LRA MAPS

The LRA maps in Draft LMLEP 2014 identify approximately 100 lots, or part lots, as shown in Figure 1. In total, the LRA maps identify 45ha of land.

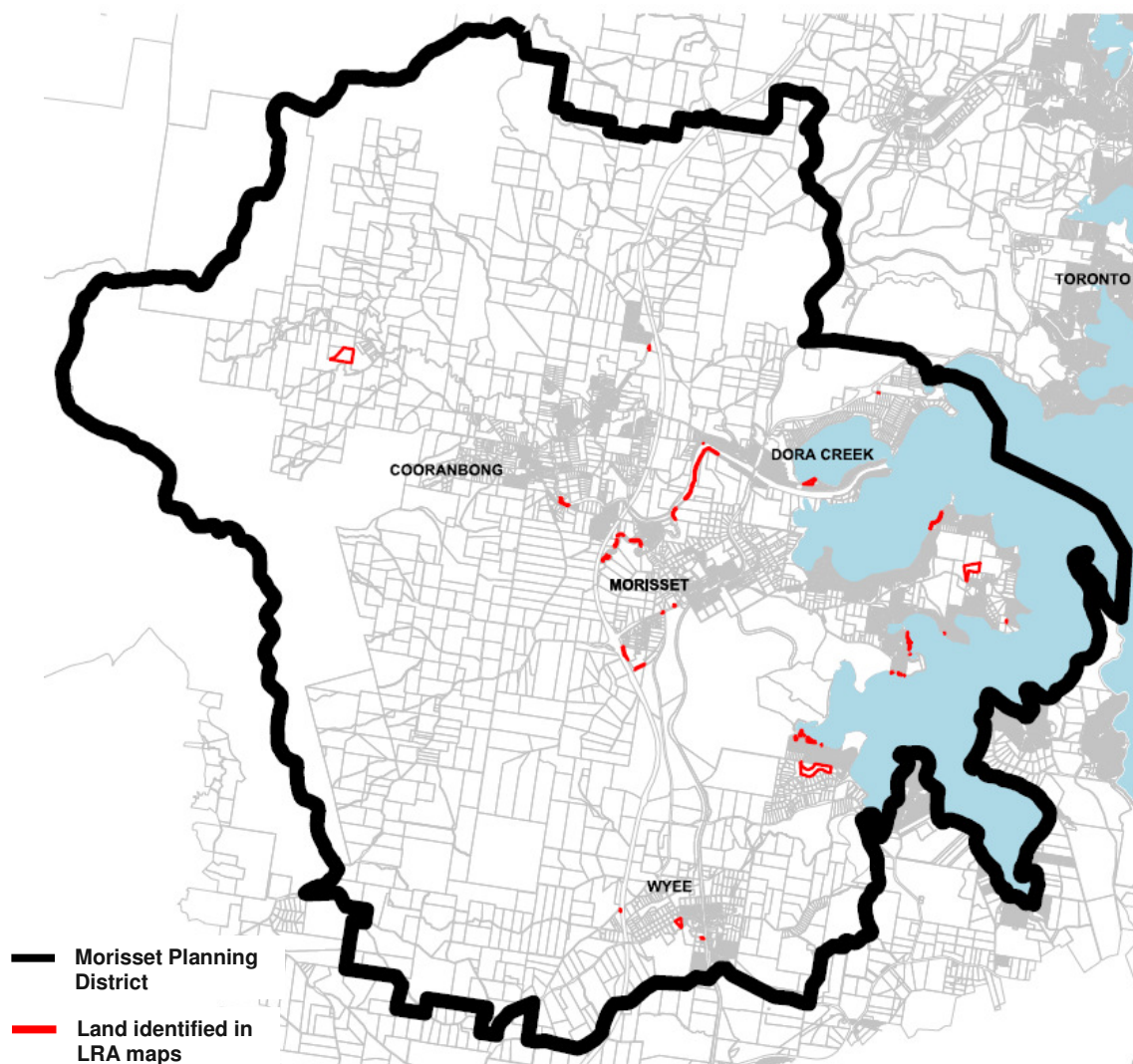


Figure 1 – Land identified in LRA maps in Draft LMLEP 2014

REVIEW OF LAND RESERVATION ACQUISITION MAPS
MORISSET PLANNING DISTRICT

3.2 REVIEW RESULTS

The LRA maps were reviewed to determine if any land parcels need to be retained or removed. The review consisted of the following tasks:

- The existing land shown in LRA maps was grouped into 37 distinct areas;
- The 37 areas were evaluated and ranked into a range of acquisition priority categories; and
- Council's Property Department estimated the indicative cost to purchase the areas.

A general summary of the review results are provided in Table 1. Further review results for each individual area are provided in Appendix 1.

Table 1 – Review results: existing land in LRA maps		
Acquisition priority	Number of areas	Estimated acquisition cost
Essential: the areas are identified in the Morisset S94 Plan and will be purchased using S94 funds.	1 area: • Wyee - Area 2	The area is identified to be purchased by Council. The estimated acquisition cost to Council is \$0 , as the area will be purchased using developer contributions.
High priority: the areas are not included in the Morisset S94 Plan, however, Council staff have identified that the areas have high community, environmental or transport value.	6 areas: • Balcolyn - Area 1 • Morisset Park 1 - Area 7 • Morisset Park 2 - Area 1 to 4	All the areas are identified to be purchased by Council, however, none are identified in the Morisset S94 Plan to be purchased using development contributions. The estimated acquisition cost to Council for all the areas is \$1.3m .
Medium priority: the areas are not included in the Morisset S94 Plan, however, Council staff have identified that the areas have high community, environmental or transport value. The areas also have site constraints or an acquisition alternative such as land use zoning.	18 areas: • Dora Creek 1 - Area 1 • Dora Creek 2 - Area 1 to 3 • Dora Creek 3 - Area 1 • Dora Creek 4 - Area 1 to 4 • Martinsville - Area 1 • Mirrabooka - Area 1 • Morisset Park 1 - Area 1 to 6 • Wyee Point - Area 2	All the areas are identified to be purchased by Council, however, none are identified in the Morisset S94 Plan to be purchased using development contributions. The estimated acquisition cost to Council for all the areas is \$5m .
Low priority: the areas are not included in the Morisset S94 Plan and Council staff have identified that the areas have low to medium community, environmental or transport value.	8 areas: • Cooranbong - Area 1 • Dora Creek 2 - Area 4 • Morisset 1 - Area 1 and 2 • Morisset 2 - Area 1 and 2 • Sunshine - Area 1 • Wyee - Area 1	Two areas are identified to be purchased by RMS. The remaining six areas are identified to be purchased by Council, however, none are identified in the Morisset S94 Plan to be purchased using development contributions. The estimated acquisition cost to Council for the six areas is \$3.3m .
Nil: the areas have already been acquired or only remains in the LRA maps due to administrative error.	4 areas • Balcolyn - Area 2 to 3 • Eraring - Area 1 • Wyee Point - Area 1	All the areas are identified to be purchased by Council, however, the areas have already been acquired or only remains in the LRA maps due administrative error. The estimated acquisition cost to Council is \$0 .
Total	37 Areas	\$9.6m

3.3 CONSULTATION

3.3.1 COUNCIL DEPARTMENTS

A series of meetings were convened with Council staff to discuss and provide comment on the review results. Attendees included staff from the following Council departments: Developer Contributions, Sustainability, Community and Social Planning, Recreation and Land Planning, Property and Asset Management. A summary of the key comments from Council staff are provided in table 2, along with planning responses from Council's Integrated Planning department. Comments for each individual area are provided in Appendix 2.

Council staff comments	Planning response
Essential and high priority areas Council staff identified that essential and high priority areas <u>should be retained</u> in the LRA maps.	<i>Council staff comments to <u>retain</u> the areas are supported, as they are consistent with the review results.</i>
Medium priority areas Council staff identified that the following medium priority areas <u>do not require to be retained</u> in the LRA maps: • Dora Creek 4 - Area 3 • Martinsville - Area 1 • Mirrabooka - Area 1 • Morisset Park 1 - Area 1 to 6 • Wyee Point - Area 2 <u>Potential wetland retreat areas</u> Sustainability identified that the following areas are potential wetland retreat areas: • Dora Creek 1 - Area 1 • Dora Creek 2 - Area 1 to 3 • Dora Creek 3 - Area 1 • Dora Creek 4 - Area 1, 2 and 4 Potential wetland retreat areas are sites that existing wetland communities could retreat to under a predicted sea level rise of up to 0.9m by 2100. Sustainability has requested that a decision to retain or remove these areas <u>should be deferred</u> until after completion of a proposed Wetland Retreat Study (Stage 2) in late 2014.	<i>Council staff comments to <u>remove</u> the identified areas are supported, as they are consistent with the review results.</i> <i><u>Potential wetland retreat areas</u> Comments from Sustainability, to <u>defer</u> a decision on these areas, are <u>supported</u>. It is unknown if the areas are wetland retreat areas and require to be purchased by Council. Deferring a decision for 6 to 9 months until completion of the Wetland Retreat Study (stage 2) will allow further assessments to be undertaken.</i>
Nil and low priority areas Council staff identified that nil and low priority areas <u>do not require to be retained</u> in the LRA maps.	<i>Council staff comments to <u>remove</u> the areas are supported, as they are consistent with the review results.</i>

Additional comments

Council staff discussed the owner-initiated acquisition provisions applying to the LRA maps. Council staff noted that the LRA maps are generally not suitable for identifying land Council wants to purchase in the medium to long-term. In general, land should only be shown on the LRA maps that Council wants to purchase in the short-term (e.g. 5 years).

In addition, Council staff discussed the potential to develop other land acquisition planning tools to identify land that Council has an interest in acquiring in the medium to long-term. This could include land to be purchased or dedicated for community and/or environmental

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purposes. One concept discussed included a 'land acquisition register' outlined in Appendix 5. Council staff recommended further investigating the development of a planning tool such as land acquisition register.

Planning response

Council staff suggestions further investigated other planning tools such as a land acquisition register, are supported. The development of a land acquisition register has the potential to improve Council processes associated with the identification, budgeting and acquisition of land.

3.3.2 GOVERNMENT AGENCIES

Two of the 37 areas are identified to be purchased by Roads and Maritime Services (RMS). These two areas are Cooranbong - Area 1 and Wyee - Area 1. RMS confirmed (letter dated 4 February 2014) that the areas no longer require to be purchased.

3.4 DISCUSSION AND RECOMMENDATIONS

4.3.1 ESSENTIAL AREAS

The review found that only one of the 37 areas identified in the LRA maps is an essential area. The area is identified to be purchased by Council in the Morisset S94 Plan. The estimated acquisition cost to Council is \$0, as the area will be purchased using developer contributions levied under the Morisset S94 Plan. Consultation with Council departments identified that the essential area should be retained in the LRA maps.

Recommendation 1

Retain the following essential area in the LRA maps:

- ***Wyee - Area 2***

3.4.2 HIGH PRIORITY AREAS

High priority areas represent six of the 37 areas identified in the LRA maps. High priority areas have high recreation and/or environmental value. The LRA maps identify that all six areas are proposed to be purchased by Council, however, the areas are not identified in the Morisset S94 Plan and cannot be purchased using development contributions. The estimated acquisition cost to Council is \$1.3m. Consultation with Council departments identified that all the high priority areas should be retained in the LRA maps.

Recommendation 2

Retain the following six high priority areas in the LRA maps:

- ***Balcolyn - Area 1***
- ***Morisset Park 1 - Area 7***
- ***Morisset Park 2 - Area 1 to 4***

3.4.3 MEDIUM PRIORITY AREAS

Medium priority areas represent 18 of the 37 areas in the LRA maps and have high community and/or environmental value. However, the areas also have site constraints or have environmental values that could be protected under a conservation zoning. The LRA maps identify that all 18 areas are proposed to be purchased by Council, however, the areas are not identified in the Morisset S94 Plan and cannot be purchased using development contributions. The estimated acquisition cost to Council is \$5m.

Consultation with Council departments identified that the following 10 medium priority areas should be removed from the LRA maps:

- Dora Creek 4 - Area 3
- Martinsville - Area 1
- Mirrabooka - Area 1
- Morisset Park 1 - Area 1 to 6
- Wyee Point - Area 2

Recommendation 3

Remove the following 10 medium priority areas from the LRA maps:

- ***Dora Creek 4 - Area 3***
- ***Martinsville - Area 1***
- ***Mirrabooka - Area 1***
- ***Morisset Park 1 - Area 1 to 6***
- ***Wyee Point - Area 2***

REVIEW OF LAND RESERVATION ACQUISITION MAPS

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However, consultation with Sustainability identified that a decision to retain or remove the following eight areas should be deferred until after completion of a proposed Wetland Retreat Study (Stage 2) in late 2014:

- Dora Creek 1 - Area 1
- Dora Creek 2 - Area 1 to 3
- Dora Creek 3 - Area 1
- Dora Creek 4 - Area 1, 2 and 4

It is unknown if these are wetland retreat areas that should be purchased by Council. Deferring a decision for 6-9 months until completion of the proposed Wetland Retreat Study (Stage 2) will allow further assessments to be undertaken.

Recommendation 4

Defer a decision to remove or retain the following eight medium priority areas from the LRA maps, until after completion of the Wetland Retreat Study (Stage 2) in late 2014:

- ***Dora Creek 1 - Area 1***
- ***Dora Creek 2 - Area 1 to 3***
- ***Dora Creek 3 - Area 1***
- ***Dora Creek 4 - Area 1, 2 and 4***

3.4.4 LOW PRIORITY AREAS

Low priority areas represent eight of the 37 areas identified in the LRA maps. Low priority areas do not have high community, transport or environmental value. The LRA maps identify that:

- two of the low priority areas are proposed to be purchased by RMS; and
- the remaining six areas are proposed to be purchased by Council.

These six areas are not identified in the Morisset S94 Plan and cannot be purchased using development contributions. The estimated acquisition cost to Council is \$3.3m.

Consultation with RMS identified that the two areas can be removed from the LRA maps. Consultation with Council departments identified that the six areas should be removed from the LRA maps.

Recommendation 5

Remove the following eight low priority areas from the LRA maps:

- ***Cooranbong - Area 1***
- ***Dora Creek 2 - Area 4***
- ***Morisset 1 - Area 1 and 2***
- ***Morisset 2 - Area 1 and 2***
- ***Sunshine - Area 1***
- ***Wyee - Area 1***

3.4.5 NIL AREAS

Nil areas represent four of the 37 areas identified in the LRA maps. All four areas are proposed to be purchased by Council. The estimated acquisition cost to Council is \$0, as the areas have already been acquired, or only remain in the LRA maps due to administrative error. Consultation with Council departments identified that all the nil areas should be removed from the LRA maps.

REVIEW OF LAND RESERVATION ACQUISITION MAPS

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Recommendation 6

Remove the following four nil areas from the LRA maps:

- ***Balcolyn - Areas 2 to 3***
- ***Eraring - Area 1***
- ***Wyee Point - Area 1***

3.4.6 IMPROVING COUNCIL PROCESSES

Consultation with Council staff (outlined under 'additional comments' in section 5.1.1 of this report) identified that the development of a 'land acquisition register' could improve Council processes associated with the identification, budgeting and acquisition of land required for public purposes. The concept of a land acquisition register is outlined in Appendix 5. However, the costs / benefits and other issues associated with developing a land acquisition register require further investigation.

Recommendation 7

Investigate the feasibility of developing a land acquisition register to improve Council processes associated with the identification, budgeting and acquisition of land required for public purposes

PART 4 – REVIEW OF MORISSET S94 PLAN

4.1 MORISSET S94 PLAN

The Development Contributions Plan 2012 – Morisset Contributions Catchment (Morisset S94 Plan) identifies that 16 land parcels are required to be purchased by Council for future community infrastructure purpose such as parks, libraries and road upgrades. These land parcels are shown in Figure 2.

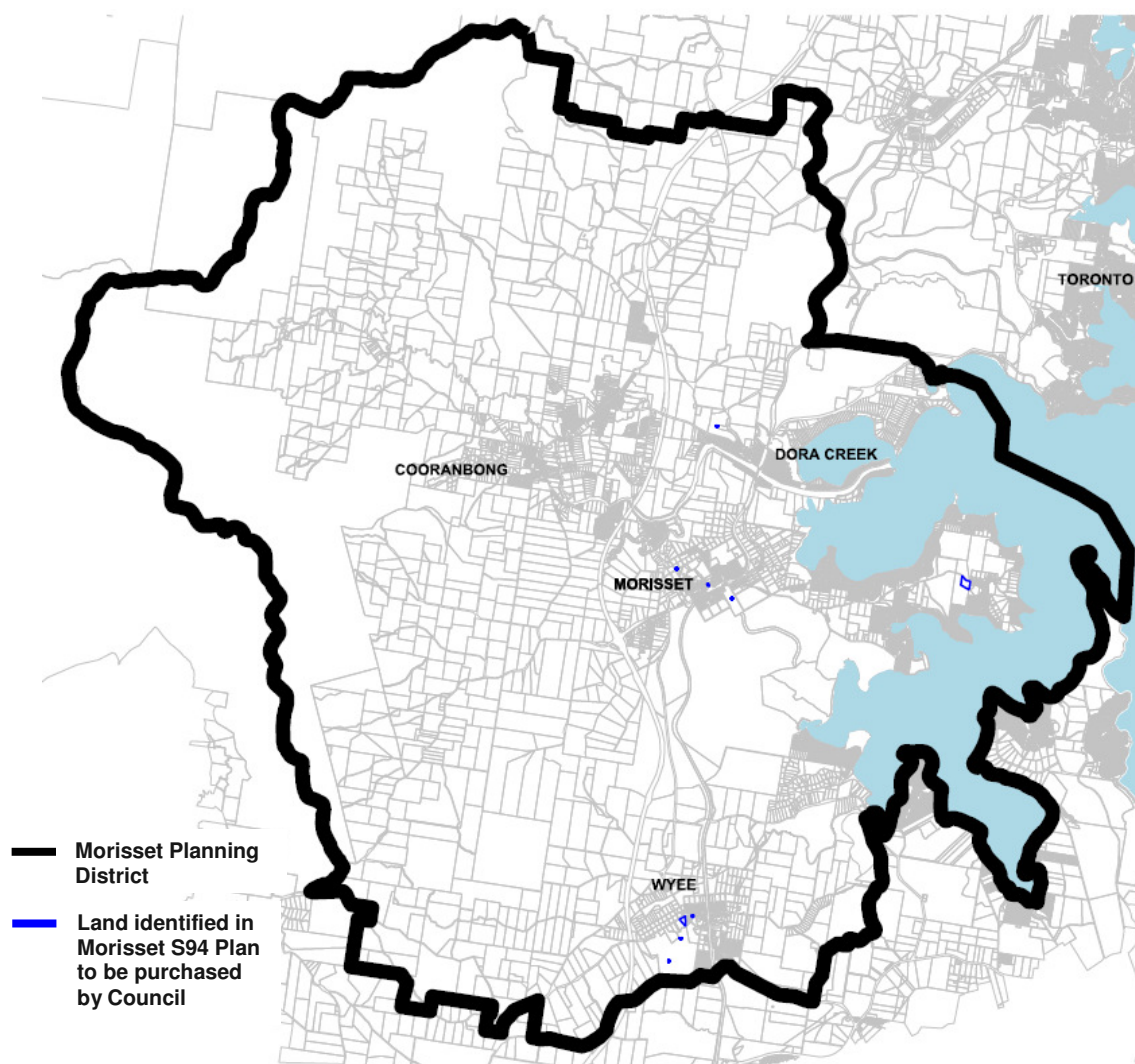


Figure 2 – Land identified in Morisset S94 Plan to be purchased by Council

4.2 REVIEW RESULTS

The Morisset S94 Plan was reviewed to determine if any land identified in the plan requires to be added to the LRA maps. The review consisted of the following tasks:

- the land identified to be purchased in the Morisset S94 Plan was grouped into 8 distinct areas;
- the 8 areas were evaluated to determine if they were already included in the LRA maps; and
- Council's Property Department estimated the indicative cost to purchase the areas.

A general summary of the review results are provided in Table 2. Further review results for each individual area are provided in Appendix 3.

Table 3 – Review results: Morisset S94 land		
Is the area already included in the LRA maps?	Number of areas	Estimated acquisition cost
Yes	1 area: • S94 Wyee - OS-017 (or referred to as Wyee – Area 2 in part 3 of this report)	The area is identified to be purchased by Council in Morisset S94 Plan. The estimated acquisition cost to Council is \$0, as the area will be purchased using developer contributions.
No	7 areas: • S94 Dora Creek - OS-009 • S94 Mirrabooka - OS-003 • S94 Morisset - R-001 • S94 Morisset - OS-013 • S94 Morisset - CF-004 to 007 & 011 • S94 Wyee - OS-004,019,022 & 029 • S94 Wyee - CF-007 to 009	The areas are identified to be purchased by Council in Morisset S94 Plan. The estimated acquisition cost to Council is \$0, as the areas will be purchased using developer contributions.
Total	8 areas	\$0

REVIEW OF LAND RESERVATION ACQUISITION MAPS

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4.3 CONSULTATION

4.3.1 COUNCIL DEPARTMENTS

A meeting was convened for Council staff to discuss and provide comment on the review results. Attendees included staff from the following Council departments: Developer Contributions, Community and Social Planning, Recreation and Land Planning, and Property. A summary of the key comments from Council staff are provided in table 4, along with planning responses from Council's Integrated Planning department. A summary of the comments for each individual acquisition area are provided in Appendix 4.

Table 4 – Council staff comments on additional acquisition land review findings	
Council staff comments	Planning response
Land already shown in LRA maps	
Council staff identified that the following area is already identified in the LRA maps and <u>should be retained</u> : S94 Wyee - OS-017 (or referred to as Wyee – Area 2 in part 3 of this report)	<i>Council staff comments <u>to retain the area</u> in the LRA maps are supported.</i>
Land that is not shown in LRA maps	
Council staff identified that the following areas <u>should be added</u> to the LRA maps: - S94 Mirrabooka - OS-003 - S94 Wyee - CF-007 to 009	<i>Council staff comments <u>to add the areas</u> to LRA maps are supported. Adding the areas to the LRA maps will assist Council purchase the land.</i>
Council staff identified that the following areas <u>do not need to be added</u> to the LRA maps: - S94 Dora Creek - OS-009 - S94 Morisset - R-001 - S94 Morisset - OS-013 - S94 Morisset - CF-004 to 007 & 011 - S94 Wyee - OS-004,019,022 & 029	<i>Council staff comments <u>not to add the areas</u> to the LRA maps are supported. The areas do not require to be added to LRA maps for various reasons noted in appendix 4.</i>

4.3.2 GOVERNMENT AGENCIES

Consultation with government agencies was not required.

4.4 DISCUSSION AND RECOMMENDATIONS

The Morisset S94 Plan was reviewed to determine if any land identified in the plan requires to be added to the LRA maps. A total of eight areas (consisting of 16 land parcels) were identified to be purchased by Council using development contributions levied under the Morisset S94 Plan.

The review found only one of the eight areas is currently identified in the LRA maps. This area is S94 Wyee – OS-17 (referred to as Wyee – Area 2 in part 3 of this report). Recommendation 1 of this report proposes retaining the area in the LRA maps.

Consultation with Council departments identified that only two additional areas require to be added to the LRA maps. The remaining five areas do not require to be added to the LRA maps for various reasons including:

- the land is in the process of being purchased by Council via direct negotiation,
- the land is adequately zoned and shown in an Area Plan,
- the land does not intend to be purchased in the next 5 years.

Recommendation 8

Add the following two essential acquisition areas in the LRA maps:

- ***S94 Mirrabooka - OS-003***
- ***S94 Wyee - CF-007 to 009***

PART 5 – SUMMARY AND IMPLICATIONS

5.1 SUMMARY

LRA maps in Draft LMLEP 2014 identify private land that Council and government agencies want to purchase for future public purposes. Council is required to purchase land shown on the LRA maps, if requested by a landowner.

A review of the LRA maps for the Morisset planning district has been undertaken to determine:

1. if any land needs to be retained or removed from the LRA maps; and
2. if any land identified in the Morisset 94 Plan needs to be added to the LRA maps.

The review included consultation with Council departments and RMS, and identified that 37 areas (45 ha) are identified in the LRA maps, of which:

- two of the 37 areas are proposed to be purchased by Roads and Maritime Services (RMS); and the
- remaining 35 of the areas are proposed to be purchase by Council. Only one of the 35 areas can be purchased using developer contributions levied under the Morisset S94 Plan, and the remaining areas represent a future acquisition liability of \$9.6m to Council.

The review recommends:

- retaining seven of the 37 areas shown on the LRA maps;
- removing 22 of the 37 areas shown on the LRA maps;
- deferring a decision to remove or retain eight of the 37 areas from the LRA maps, until a study applying to the areas has been completed in late 2014. The study will determine if the areas are wetland retreat areas and require to be purchased for public purpose; and
- Adding two new areas identified in the Morisset S94 plan to the LRA maps.

A summary of the recommended changes to the LRA maps are outlined in table 5 and in Figure 3.

The review also recommends further investigating planning tools such as a land acquisition register to enhance Council processes associated with the identification, budgeting and acquisition of land for public purposes.

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Table 5 – Summary of recommended changes to LRA maps

Summary of recommendations	Justification
Areas to be retained (7 areas): <u>Essential</u> • Wyee - Area 2 <u>High priority areas</u> • Balcolyn - Area 1 • Morisset Park 1 - Area 7 • Morisset Park 2 - Area 1 to 4	- Proposed recreation facility identified in Morisset S94 Plan - Required to complete a foreshore reserve - Required to complete a foreshore reserve - Required to complete a foreshore reserve
Areas to be deferred (8 areas) <u>Medium priority areas</u> • Dora Creek 1 - Area 1 • Dora Creek 2 - Area 1 to 3 • Dora Creek 3 - Area 1 • Dora Creek 4 - Area 1, 2 and 4	- Potential wetland retreat area (further assessment required) - Potential wetland retreat area (further assessment required) - Potential wetland retreat area (further assessment required) - Potential wetland retreat area (further assessment required)
Areas to be removed (22 areas) <u>Medium priority areas</u> • Dora Creek 4 - Area 3 • Martinsville - Area 1 • Mirrabooka - Area 1 • Morisset Park 1 - Area 1 to 6 • Wyee Point - Area 2 <u>Low priority areas</u> • Cooranbong - Area 1 • Dora Creek 2 - Area 4 • Morisset 1 - Area 1 and 2 • Morisset 2 - Area 1 and 2 • Sunshine - Area 1 • Wyee - Area 1 <u>Nil areas</u> • Balcolyn - Area 2 to 3 • Eraring - Area 1 • Wyee Point - Area 1	- Not required to be purchased. The area is owned by RMS. - Not required to be purchased. The area is owned by the Crown. - Not suitable for public open space due to site constraints (native vegetation) - Partially acquired foreshore reserve, however, continued acquisition not recommended due to high acquisition costs, unknown maintenance costs, site constraints, and a potential requirement that Council would have to compulsorily acquire the areas in order to complete the reserve in a timely manner. - Not required to be purchased. The area is subject to a deed requiring that it be dedicated to Council if the adjacent land is subdivided. - No longer required for road widening purposes - Not required to be purchased. Subject to a development consent condition requiring the area be retained as a landscape buffer. - In the process of being purchased by Council - Proposed road link that is no longer required - No longer required for road widening purposes - Already purchased by Council, but not removed from LRA maps - Already purchased by Council, but not removed from LRA maps - Should have been removed from LRA maps as part of a past amendment
Areas to be added (2 areas) • S94 Mirrabooka - OS-003 • S94 Wyee - CF-007 to 009	- Proposed recreational facilities identified in Morisset S94 plan - Proposed communities facilities identified in Morisset S94 Plan

REVIEW OF LAND RESERVATION ACQUISITION MAPS MORISSET PLANNING DISTRICT

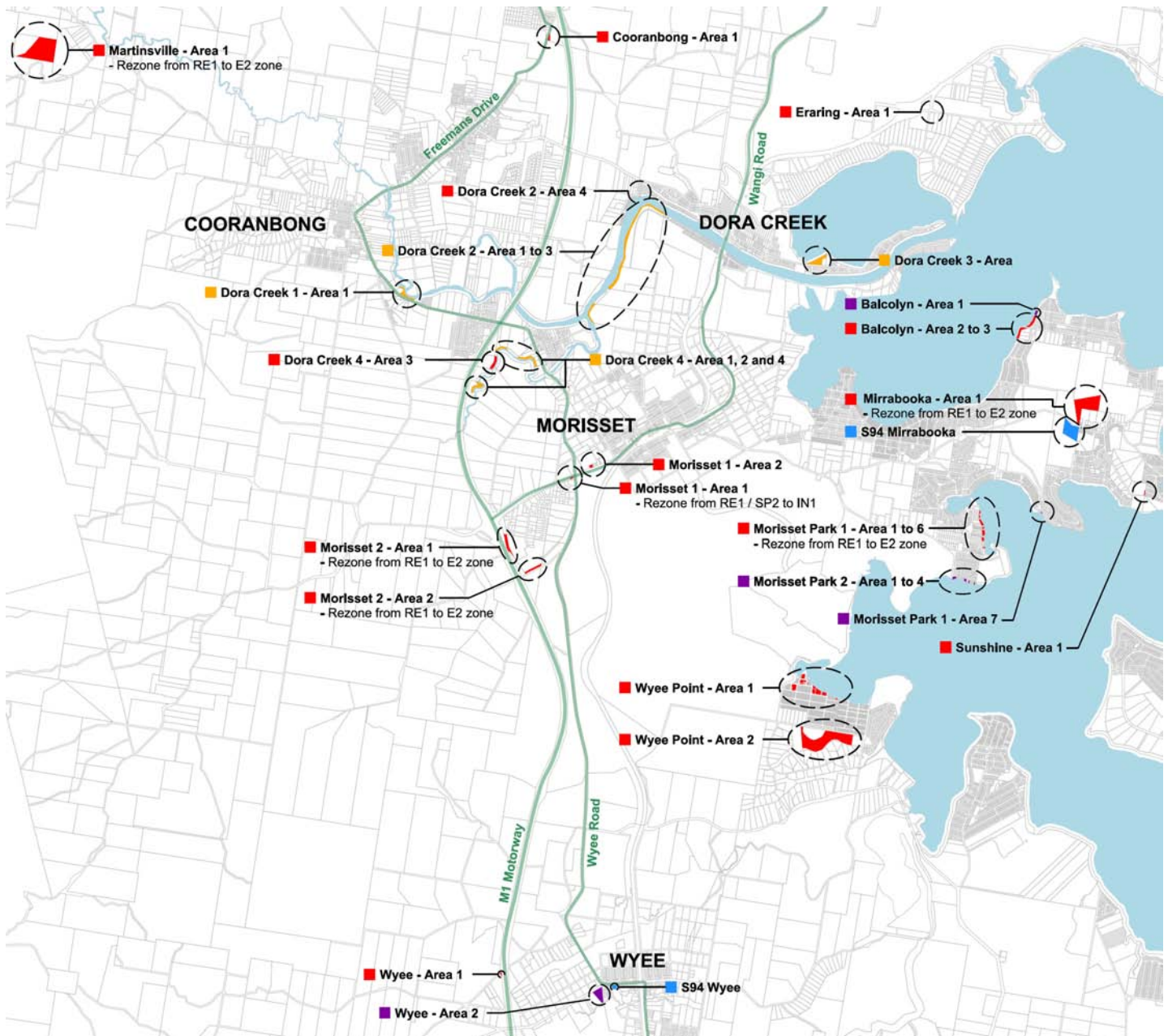


Figure 3 – Map of recommended changes to LRA maps

5.2 IMPLICATIONS

Policy implications

An amendment to Draft LMLEP 2014 will be required to implement the recommendations to remove 22 areas and add two areas to the LRA maps. An outline of the amendment to Draft LMLEP 2014 is provided in table 6, and includes changes to the zoning maps. Land use zoning changes are required in some instances where land proposed to be removed from the LRA maps is zoned for an exclusive public purposes, such as RE1 public recreation. In these cases, retaining the RE1 zoned is not appropriate, and the land will be rezoned consistent with the surrounding land uses, or for environmental purposes to protect environmental values on the site. Reclassification of some land may also be required, and needs further investigation.

Table 6 – Proposed amendments to Draft LMLEP 2014		
Areas	LRA maps amendments	Zoning map amendments
Existing LRA map areas		
Medium priority areas		
• Dora Creek 4 - Area 3	Remove from LRA map	Retain E2 zone
• Martinsville - Area 1	Remove from LRA map	Rezone from RE1 to E2 zone
• Mirrabooka - Area 1	Remove from LRA map	Rezone from RE1 to E2 zone
• Morisset Park 1 - Area 1 to 6	Remove from LRA map	Rezone from RE1 to E2 zone
• Wyee Point - Area 2	Remove from LRA map	Retain RU4 zone
Low priority areas		
• Cooranbong - Area 1	Remove from LRA map	Retain RU2 zone
• Dora Creek 2 - Area 4	Remove from LRA map	Retain R2 zone
• Morisset 1 - Area 1 and 2	Remove from LRA map	Rezone from RE1 / SP2 to IN1 (however, further assessment needed to confirm suitability of IN1 zone)
• Morisset 2 - Area 1 and 2	Remove from LRA map	Rezone from RE1 to E2 zone
• Sunshine - Area 1	Remove from LRA map	Retain R2 zone
• Wyee - Area 1	Remove from LRA map	Retain E2 zone
Nil areas		
• Balcolyn - Area 2 to 3	Remove from LRA map	Retain E2 zone
• Eraring - Area 1	Remove from LRA map	Retain E2 zone
• Wyee Point - Area 1	Remove from LRA map	Retain E2 zone
Morisset S94 Plan areas		
• S94 Mirrabooka - OS-003	Add to LRA map	Retain RU6 Transition zone
• S94 Wyee - CF-007 to 009	Add to LRA map	Retain R2 zone

Social implications

The main social implications associated with the recommendations are as follows:

- The recommendation to remove 22 areas from the LRA maps is not anticipated to have significant social impacts on the community. None of the 22 areas are identified in the Morisset S94 Plan as required for future community, recreation or transport purposes. Some of the areas have recreational value, however, due to other factors such as high land acquisition costs and/or site constraints, retaining the areas in the LRA maps has not been recommended.
- The recommendation to add two areas to the LRA maps will assist Council purchase land for future community and recreation facilities identified in the Morisset S94 Plan, and will result in positive outcomes for the community.

REVIEW OF LAND RESERVATION ACQUISITION MAPS

MORISSET PLANNING DISTRICT

Environmental implications

The main environmental implications associated with the recommendations are as follows:

- The recommendation to remove 22 areas from the LRA maps is not anticipated to result in significant environmental impacts. Areas with environmental values are already protected by an E2 Environmental Conservation zone under Draft LMLEP 2014, or will be zoned E2.
- The recommendation to add two areas to the LRA maps will not result in significant environmental impacts. Adding the areas to the LRA maps will not change the land use zoning applying to the areas.
- The recommendation to defer a decision to remove or retain eight areas from the LRA maps will allow further investigations to be undertaken to determine if the areas are wetland retreat areas and require to be purchased for public purposes.

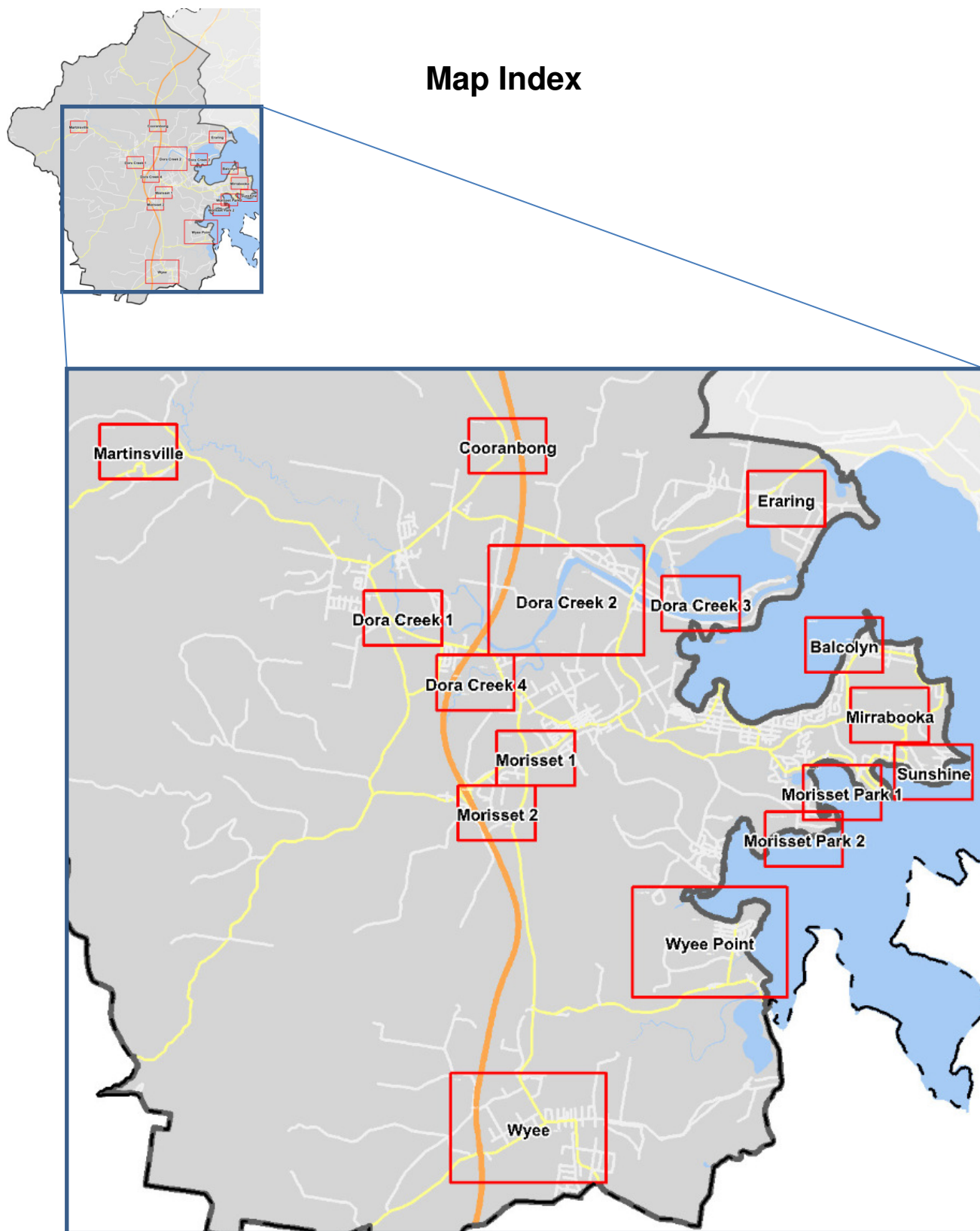
Financial implications

The main financial implications associated with the recommendations are as follows:

- The recommendation to remove 22 areas from the LRA maps will have positive financial outcomes. Only one area in the LRA maps is identified to be purchase using developer contributions. The remaining areas represent a future acquisition liability to Council of \$9.6m. Removing the 22 areas is estimated to reduce Council's future acquisition liability from \$9.6m to \$2.8m.
- The recommendation to add two areas to the LRA maps will not have any financial implications, as the land will be purchased using development contributions.
- The recommendation to defer a decision to remove or retain eight areas from the LRA maps will result in all the areas being retained in the LRA maps for 6-9 months, until further investigations have determined if the areas require to be purchased by Council. The eight areas represent a future acquisition liability of \$1.5m. However, it is unlikely that all the landowners will approach Council to request acquisition of the land during this period. The eight areas have been identified for acquisition since LMLEP 2004 was gazetted in 2004, and landowners have not requested Council purchase the areas.

APPENDIX 1 – REVIEW RESULTS FOR EXISTING LRA MAPS

Map Index



REVIEW OF LAND RESERVATION ACQUISITION MAPS
MORISSET PLANNING DISTRICT



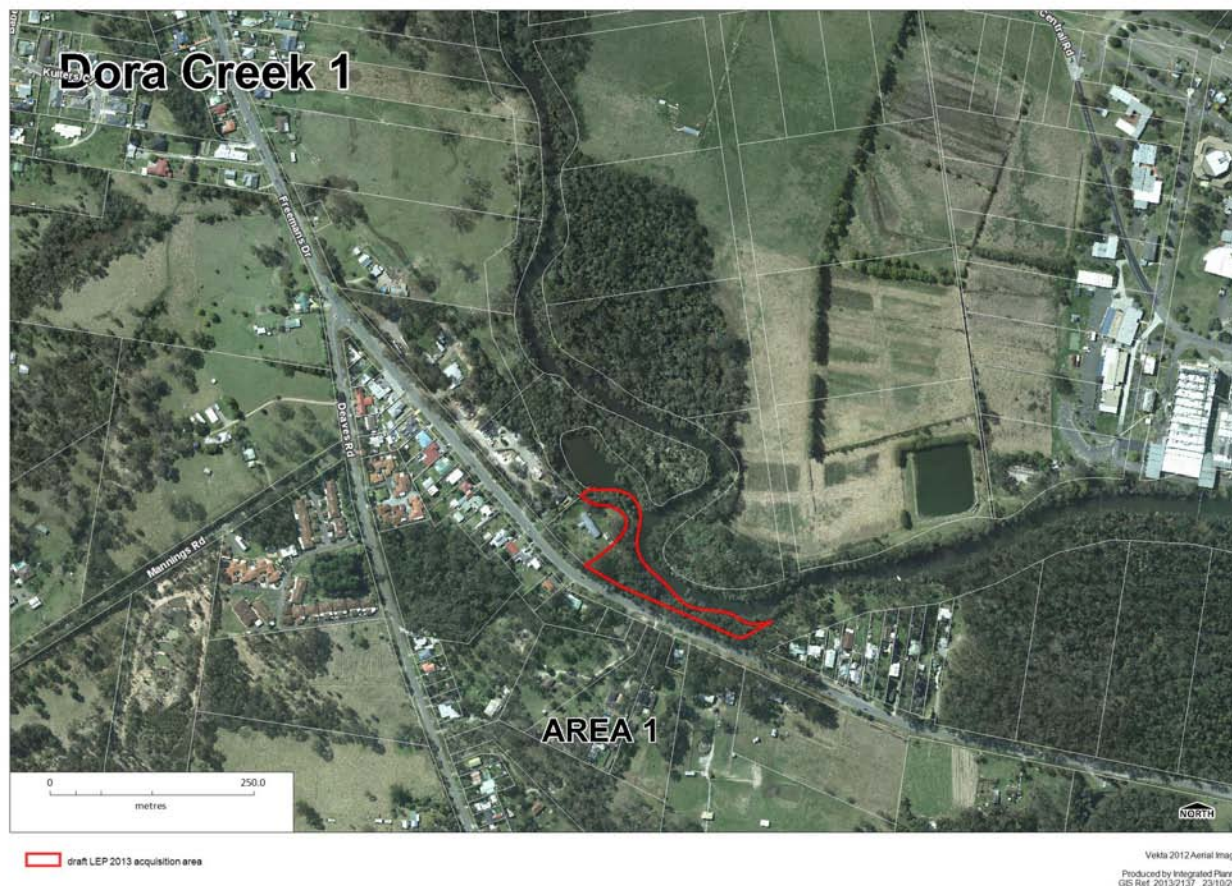
Acquisition Area	Acquisition Priority	Acquisition Cost
Balcolyn		
Area 1	High: The area was identified for acquisition in the Review of Waterfront Acquisition Land (2008). The area is not identified for acquisition under the S94 Development Contributions Plan for Morisset (2012), however, internal departments have identified that the area has high community and environmental value. Acquisition of the area will provide a key link between a Council foreshore reserve at Shingle Splitters Point to the north, and Council and NSW Crown Lands foreshore reserves to the south. The area also includes conservation value native vegetation, and is not significantly affected by sea level rise.	\$425,000
Area 2 to 3	Nil: The area is not required for acquisition. Part of the area was acquired for the purpose of a foreshore reserve in 2011, however, the land has not been removed from Draft LMLEP 2014.	Nil

REVIEW OF LAND RESERVATION ACQUISITION MAPS
MORISSET PLANNING DISTRICT



Acquisition Area	Acquisition Priority	Acquisition Cost
Cooranbong		
Area 1	Low: The area has been identified for acquisition by RMS. Consultation with RMS has confirmed that the land is no longer required for acquisition. The area is also not considered to have any transport value for Council.	Nil (RMS acquisition)

REVIEW OF LAND RESERVATION ACQUISITION MAPS
MORISSET PLANNING DISTRICT



Acquisition Area	Acquisition Priority	Acquisition Cost
Dora Creek 1		
Area 1	Medium: The area is not identified for acquisition under the S94 Development Contributions Plan for Morisset (2012) and has no other identified community or transport values. The area has high environmental value which could be protected under the existing E2 zone applying to the land. The area is also adjacent to Council owned land containing a riparian corridor. Only 25% of the area will be permanently inundated by a predicted 0.9m sea level rise by 2100, however, the parts of the area that will be permanently inundated will limit a physical connection between the area and the adjacent Council owned land containing the riparian corridor.	\$85,000

REVIEW OF LAND RESERVATION ACQUISITION MAPS

MORISSET PLANNING DISTRICT



Acquisition Area	Acquisition Priority	Acquisition Cost
Dora Creek 2		
Area 1 to 2	Medium: The area was identified for acquisition in the Review of Waterfront Acquisition Land (2008). However, the area is not identified for acquisition under the S94 Development Contributions Plan for Morisset (2012). Recent consultation with Recreation Planning indicates that the area no longer has community value. A large amount of the area is cleared, however, the area does have high environmental value which could be protected under the existing E2 zone applying to the land. Only 25% of the area will be permanently inundated by a predicted 0.9m sea level rise by 2100, however, the parts of the area that will be permanently inundated will limit access across the site.	\$470,000
Area 3	Medium: The area is zoned for open space and was identified for acquisition in the Review of Waterfront Acquisition Land (2008). However, the area is not identified for acquisition under the S94 Development Contributions Plan for Morisset (2012). Recent consultation with Recreation Planning indicates that the area no longer has community value. A large amount of the area is cleared, however, the area does have high environmental value which could be protected under a conservation zoning. Approximately 25-50% of the area will be inundated by a predicted 0.9m sea level rise by 2100.	\$55,000
Area 4	Low: The area is not identified for acquisition under the S94 Development Contributions Plan for Morisset (2012) and has no other identified community or transport value. The area has low environmental value. Up to 50% of the area will be inundated by a predicted 0.9m sea level rise by 2100.	\$20,000

REVIEW OF LAND RESERVATION ACQUISITION MAPS
MORISSET PLANNING DISTRICT



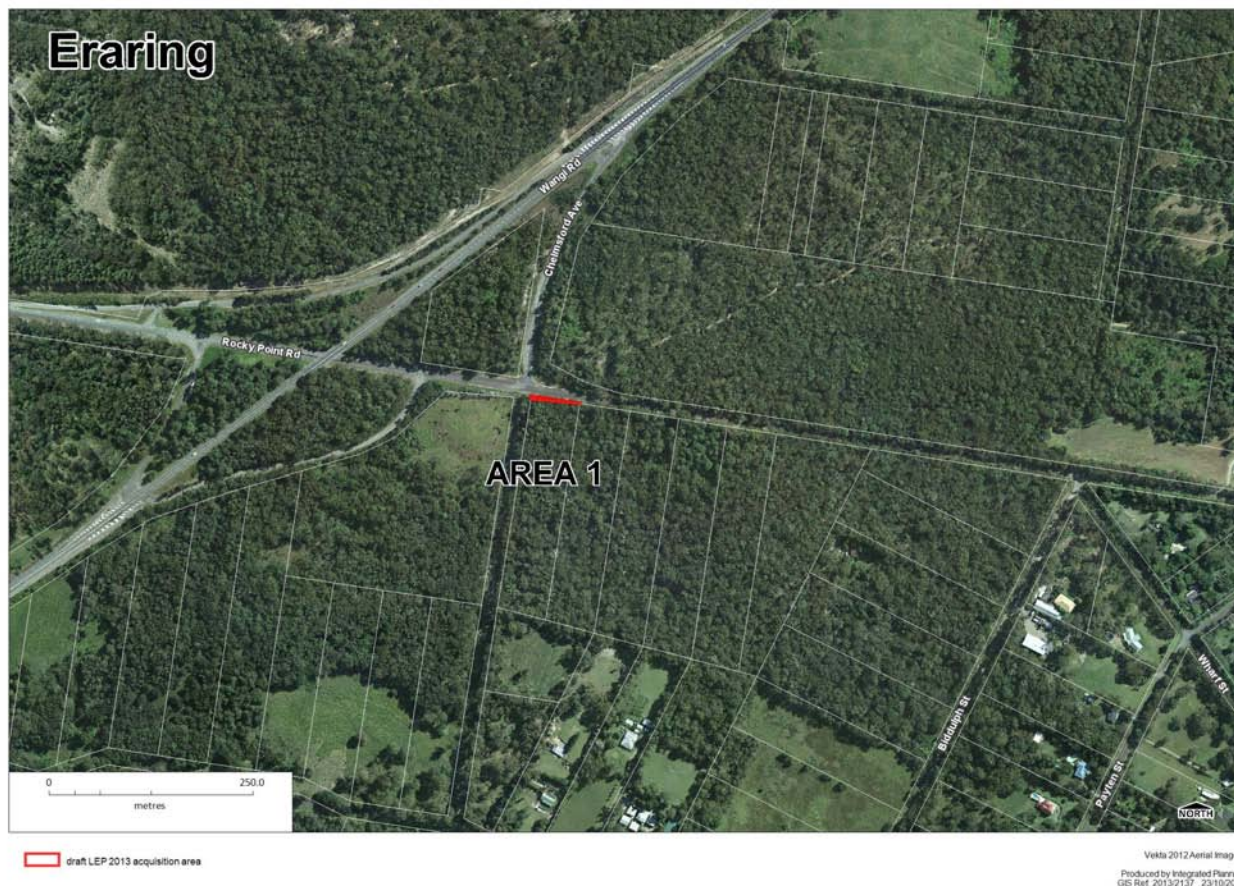
Acquisition Area	Acquisition Priority	Acquisition Cost
Dora Creek 3		
Area 1	Medium: The area was identified for acquisition in the Review of Waterfront Acquisition Land (2008). However, the area is not identified for acquisition under the S94 Development Contributions Plan for Morisset (2012). Recent consultation with Recreation Planning indicates that the area no longer has community value. The area does have high environmental value which could be protected under the existing E2 zone applying to the land. The area will be completely inundated by a predicted 0.9m sea level rise by 2100.	\$590,000

REVIEW OF LAND RESERVATION ACQUISITION MAPS
MORISSET PLANNING DISTRICT



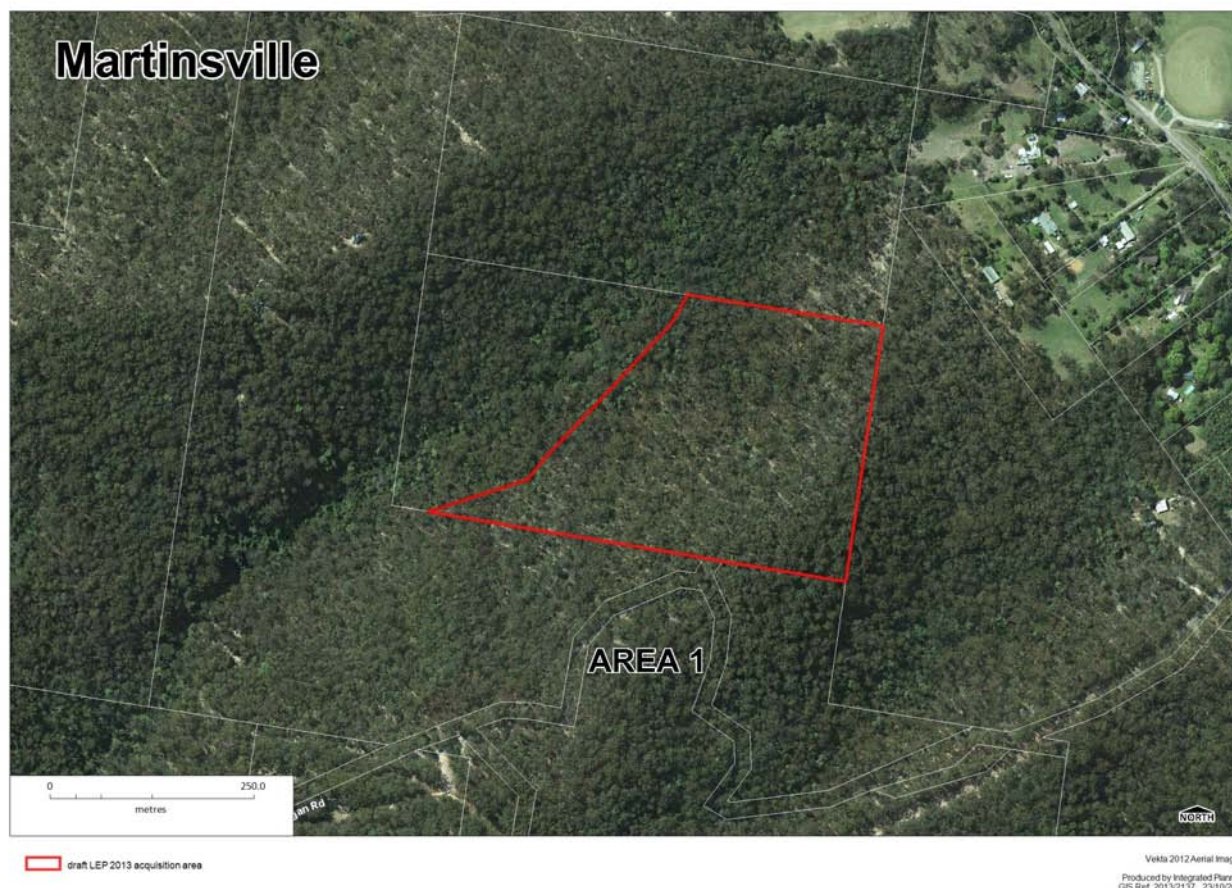
Area	Acquisition Priority	Cost
Dora Creek 4		
Area 1 to 4	Medium: The area was identified for acquisition in the Review of Waterfront Acquisition Land (2008). However, the area is not identified for acquisition under the S94 Development Contributions Plan for Morisset (2012). Recent consultation with Recreation Planning indicates that the area no longer has community value. Area 1 is largely cleared, however, the other areas have high environmental value which could be protected under the existing E2 zone applying to the land. Some parts of the area will not be affected by a predicted 0.9m sea level rise by 2100, and other parts will be permanently inundated. The parts that will be permanently inundated will limit a physical between the land parcels and Council owned land in the adjacent area. Area 3 is also owned by NSW Roads and Maritime Services.	\$242,500

REVIEW OF LAND RESERVATION ACQUISITION MAPS
MORISSET PLANNING DISTRICT



Area	Acquisition Priority	Cost
Eraring		
Area 1	Nil: The area is not required for acquisition. The area has been acquired, however, the land has not been removed from Draft LMLEP 2014.	Nil

REVIEW OF LAND RESERVATION ACQUISITION MAPS
MORISSET PLANNING DISTRICT



Area	Acquisition Priority	Cost
Martinsville		
Area 1	Medium: The area is owned by NSW Crown Lands. The area is zoned for open space, however, is not identified for acquisition under the S94 Development Contributions Plan for Morisset (2012). The areas has no other identified community value. The area has high environmental value which could be protected under a conservation zoning. The area is not affected by sea level rise.	\$150k

REVIEW OF LAND RESERVATION ACQUISITION MAPS
MORISSET PLANNING DISTRICT



Acquisition Area	Acquisition Priority	Acquisition Cost
Mirrabooka		
Area 1	Medium: The area is zoned for open space, however, is not identified for acquisition under the S94 Development Contributions Plan for Morisset (2012). The area has no other identified community value. The area has high environmental value which could be protected under a conservation zoning. The area is not affected by sea level rise.	\$500,000

REVIEW OF LAND RESERVATION ACQUISITION MAPS
MORISSET PLANNING DISTRICT



Acquisition Area	Acquisition Priority	Acquisition Cost
Morisset 1		
Area 1	Low: The area is currently used for industrial purposes. The area is not identified for acquisition under the S94 Development Contributions Plan for Morisset (2012). The area has no identified community, environmental or transport value.	\$1,250,000
Area 2	Low: The area is owned by the NSW government and is currently used by Ambulance Services of NSW. The area is not identified for acquisition under the S94 Development Contributions Plan for Morisset (2012). Additional community, environmental or transport values have not been identified.	\$1,500,000

REVIEW OF LAND RESERVATION ACQUISITION MAPS **MORISSET PLANNING DISTRICT**



Acquisition Area	Acquisition Priority	Acquisition Cost
Morisset 2		
Area 1	Low: The area is a landscaped buffer between development on the site and the Freeway required under a development consent condition. The area is currently zoned for open space, however, is not identified for acquisition under the S94 Development Contributions Plan for Morisset (2012).	\$500,000
Area 2	Low: The area is zoned for open space, however, is not identified for acquisition under the S94 Development Contributions Plan for Morisset (2012). No other community or environmental values has been identified. The area consists of undeveloped land. <i>Note: This area is in the process of being acquired. The acquisition costs is estimated at \$150,000</i>	\$50,000

REVIEW OF LAND RESERVATION ACQUISITION MAPS
MORISSET PLANNING DISTRICT



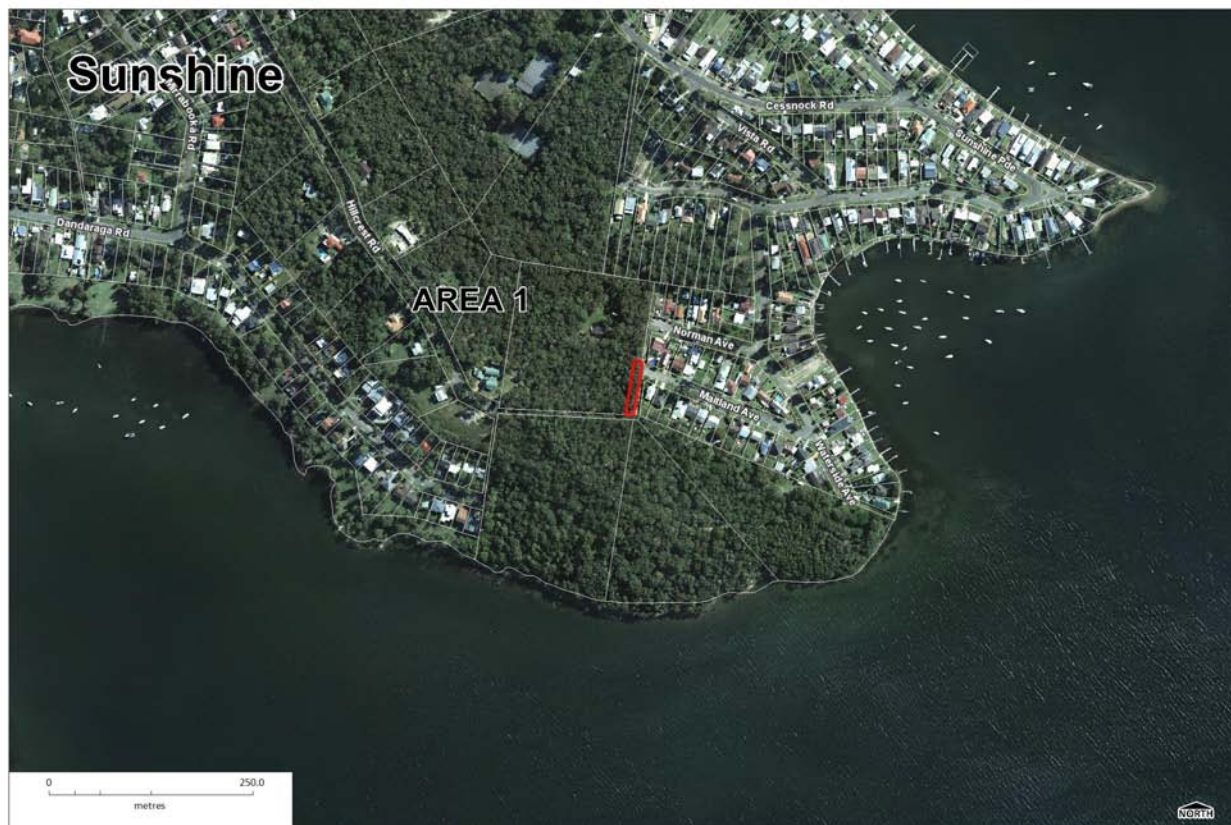
Acquisition Area	Acquisition Priority	Acquisition Cost
Morisset Park 1		
Area 1 to 6	Medium: The area is zoned for open space and was recommended for acquisition under the Review of Waterfront Acquisition Land (2008). Some parts of the area have already been acquired by LMCC, and continued acquisition of the area will provide a key link between Council foreshore reserves to the north and south of the area. However, the area is not identified for acquisition under the S94 Development Contributions Plan for Morisset (2012). The area is also significantly affected by sea level rise. Up to 50% of the area will be inundated by a predicted 0.9m sea level rise by 2100. Some parts of the area will be completely inundated and mitigation measures will be required in order to provide access along the foreshore to existing Council land holdings.	\$2,420,000
Area 7	High: The area was identified for acquisition in the Review of Waterfront Acquisition Land (2008). Internal departments have identified that the area has high community value and medium environmental value. The area is not affected by sea level rise. The area is not identified for acquisition under the S94 Development Contributions Plan for Morisset (2012), however, acquisition of the area will provide a link between Council foreshore reserves to the east and west of the area.	\$50,000

REVIEW OF LAND RESERVATION ACQUISITION MAPS
MORISSET PLANNING DISTRICT



Acquisition Area	Acquisition Priority	Acquisition Cost
Morisset Park 2		
Area 1 to 4	High: The area was identified for acquisition in the Review of Waterfront Acquisition Land (2008). Internal departments have identified that the area has high community value and medium environmental value. The area is not significantly affected by seal level rise. The area is not identified for acquisition under the S94 Development Contributions Plan for Morisset (2012), however, acquisition of the area will provide a key link between the Lake Macquarie State Conservation Area (Morisset Site) to the west and Council foreshore reserve to the east.	\$820,000

REVIEW OF LAND RESERVATION ACQUISITION MAPS
MORISSET PLANNING DISTRICT



 draft LEP 2013 acquisition area

Vektis 2012 Aerial Imagery
 Produced by Integrated Planning
 GIS Ref: 2013/2137 23/10/2013

Acquisition Area	Acquisition Priority	Acquisition Cost
Sunshine		
Area 1	Low: The area is not identified for acquisition under the S94 Development Contributions Plan for Morisset (2012). The area has high environmental value, however, is only 1000sqm in area. The area has no community value and has not been identified as required by transport planning. <i><u>Note:</u> the area could permit widening an existing road reserve from 6m to 23m, which would enable the construction of a second vehicle access connection to Council owned land that is zoned for residential and environmental conservation purposes.</i>	\$7,500

REVIEW OF LAND RESERVATION ACQUISITION MAPS **MORISSET PLANNING DISTRICT**



Acquisition Area	Acquisition Priority	Acquisition Cost
Wyee Point		
Area 1	Nil: The area is not required for acquisition. The land should have been removed under amendment No. 50 to LMLEP 2004. However, due to an administrative error the land was not removed.	Nil
Area 2	Medium: The area is not identified for acquisition under the S94 Development Contributions Plan for Morisset (2012) and has no other identified community or transport value. The area has high environmental value which could be protected under the existing E2 zoning applying to the land. <i>Note: A deed applies to this area outlining dedication of the land to Council at the time of subdivision.</i>	\$530,000

REVIEW OF LAND RESERVATION ACQUISITION MAPS **MORISSET PLANNING DISTRICT**



Acquisition Area	Acquisition Priority	Acquisition Cost
Wyee		
Area 1	Low: The area has been identified for acquisition by RMS. Consultation with RMS has confirmed that the land is no longer required for acquisition. The area is also not considered to have any transport value for Council.	Nil (RMS acquisition)
Area 2	Essential: The area is identified for acquisition under the S94 Development Contributions Plan for Morisset (2012) for the purpose of New Neighbourhood Park (OS-017).	Nil (S94 acquisition)

APPENDIX 2 – CONSULTATION SCHEDULE FOR EXISTING LRA MAPS

Introduction

This consultation schedule summarises Council staff comments from four interdepartmental meetings held on: 5 November 2013, 19 November 2013, 18 February 2013 and 11 March 2014. Attendees included: Developer Contributions, Sustainability, Community and Social Planning, Recreation and Land Planning, Property, and Asset Management.

Comments on Existing LRA Maps

Summary of Council staff comments	Planning response from Integrated Planning
Essential acquisition areas	
Wyee - Area 2	
Council staff identified that the area <u>should be retained</u> in the LRA maps in Draft LMLEP 2014	<i><u>Planning response</u> Council staff comments to <u>retain</u> the area are supported, as they are consistent with the review results. The Morisset S94 Plan proposes that the area will be purchased by Council for the purpose of a new neighbourhood park.</i>
High priority acquisition areas	
Balcolyn - Area 1	
Council staff identified that the area <u>should be retained</u> in the LRA maps in Draft LMLEP 2014	<i>Council staff comments to <u>retain</u> the area are supported, as they are consistent with the review results. The area will provide the final land parcels required to create a continuous Council foreshore reserve around Shingle Splitters point.</i>
Morisset Park 1 - Area 7	
Council staff requested a site visit to confirm that the area was required to provide access to an existing Council foreshore reserve. A site visit was undertaken confirming that the land is required to provide access. Following the site visit, Council staff reconvened to discuss the findings and identified that the area <u>should be retained</u> in the LRA maps in Draft LMLEP 2014	<i>Council staff comments to <u>retain</u> the area are supported, as they are consistent with the review results. The area is required to provide access to an existing Council foreshore reserve.</i>
Morisset Park 2 - Area 1 to 4	
Council staff identified that the areas <u>should be retained</u> in the LRA maps in Draft LMLEP 2014	<i>Council staff comments to <u>retain</u> the areas are supported, as they are consistent with the review results. The area will provide the final land parcels required to create a continuous Council foreshore reserve.</i>
Medium priority acquisition areas	
Dora Creek 4 - Area 3	
Council staff identified that the area <u>does not require to be retained</u> in the LRA maps in Draft LMLEP 2014	<i>Council staff comments to <u>remove</u> the area are supported. The area is also owned by RMS, and owner-initiated acquisition provisions in the Land Acquisition (Just Terms Compensation) Act 1991 do not apply to land owner by government agencies.</i>

REVIEW OF LAND RESERVATION ACQUISITION MAPS
MORISSET PLANNING DISTRICT

Summary of Council staff comments	Planning response from Integrated Planning
Dora Creek 1 - Area 1 Dora Creek 2 - Area 1 to 3 Dora Creek 3 - Area 1 Dora Creek 4 - Area 1, 2 and 4 Council staff requested further assessment to determine if the areas are required for public purposes. <u>Potential wetland retreat areas</u> As part of the further assessments, Council's Sustainability department identified that the areas are mapped in Stage 1 of the <i>Wetland Retreat Study (Lake Macquarie Wetlands Climate Change Assessment)</i> undertaken in 2010. Sustainability stated that the areas may be potential wetland retreat areas. Potential wetland retreat areas are areas that existing wetland communities could retreat to under a predicted sea level rise of up to 0.9m by 2100. Sustainability also identified that Stage 2 of the Wetland Retreat Study is proposed to be completed by the end of 2014. Stage 2 of the study will include higher resolution modelling of potential wetland retreat areas and will make management and land use planning recommendations for wetland retreat areas (which could include recommendations to purchase the areas). Subsequently, Sustainability requested that a decision to remove or retain the areas <u>should be deferred</u> until after the completion of Stage 2 of the Wetland Retreat Study, which is anticipated to be completed by the end of 2014.	<u>Further assessments</u> A further assessment of the land was undertaken and identified that: • Most of the areas contain Endangered Ecological Communities (EEC), except Dora Creek – Area 2 and Dora Creek 4 – Area 1. • Areas with EEC are protected under a conservation zoning in Draft LMLEP 2014. • Council does not have plans to actively manage or revegetate degraded parts of the land. • Council's Asset Management department does not require to purchase the areas in order to provide access for maintenance purposes to Council owned land in the vicinity. Subsequently, purchasing the areas <u>are not supported</u>, as the further assessment did not identify that acquisition will significantly improve environmental protection or land management outcomes. <u>Further assessments: potential wetland retreat areas</u> As part of the further assessment, a review of Stage 1 of the Wetland Retreat Study was undertaken. The review indicated that Stage 1 of the study does not have significant implications for all the areas. Only the following areas are 'potential wetland retreat areas': • Dora Creek 1 – Area 1 • Dora Creek 4 – Area 1, 2 and 4 However, Council's Sustainability department advised that Stage 2 of the Wetland Retreat Study will include higher resolution modelling that could identify all the areas as wetland retreats areas, and that they may require to be purchased by Council. Sustainability also advised that the study will be completed by the end of 2014. Subsequently, it is <u>unknown</u> if the areas are wetland retreat areas and require to be purchased by Council. <u>Deferring</u> a decision to remove or retain these areas from Draft LMLEP 2014 is <u>supported</u>, as it will allow the further assessments to be undertaken. <u>Note:</u> Deferring a decision will also result in all the areas remaining in Draft LMLEP 2014 until further assessments are completed and any areas not required to be purchased can be removed from the LRA maps. During this period, landowners could request that Council purchase the areas, which have an estimated acquisition cost of \$1.5m. The likelihood that all the landowners will approach Council with requests to purchase all the areas is not considered high. The landowners have not requested that Council purchase these areas to date, and the areas been identified for acquisition in LMLEP 2004 since 2004.

REVIEW OF LAND RESERVATION ACQUISITION MAPS
MORISSET PLANNING DISTRICT

Summary of Council staff comments	Planning response from Integrated Planning
Martinsville - Area 1	
Council staff identified that the area <u>does not require to be retained</u> in the LRA maps in Draft LMLEP 2014	<i>Council staff comments to <u>remove</u> the area are supported. The area is also owned by the Crown, and owner-initiated acquisition provisions in the Land Acquisition (Just Terms Compensation) Act 1991 do not apply to government agencies.</i>
Mirraboooka - Area 1	
Council staff identified that the area <u>does not require to be retained</u> in the LRA maps in Draft LMLEP 2014	<i>Council staff comments to <u>remove</u> the area are supported, as they are consistent with the review results. The land has significant environmental values and is not suitable to be developed for public open space, such as sports fields. The Morisset S94 Plan also identifies the Mirraboooka quarry site across the road for recreational uses.</i>
Morisset Park 1 - Area 1 to 6	
Council staff requested additional assessments be undertaken to determine if the areas are required for public purposes. Additional assessments were undertaken and included a site visit and a review of the proposal. Following the completion of the additional assessments, Council staff reconvened to discuss the findings. Council staff acknowledged the recreation values associated with Morisset Park - Area 1 to 6. Council staff also noted that 40% of the land for the foreshore reserve had already been purchased. However, proceeding to acquire more land was not supported due to a range of broader considerations including: • high land acquisition costs (\$2.4m); • the likelihood that Council would have to compulsorily acquire land and demolish private jetties and boat sheds in order to complete the foreshore reserve; • unknown additional costs (demolition of jetties and boat sheds) and long-term maintenance liabilities to Council (maintenance of sea walls in a sea level rise vulnerable area); and • the sea level rise vulnerability of the land. Selling land already purchased back to landowners was also discussed. However, this action was not seen as a high priority, as Council would not obtain a significant financial return.	<i>Council staff comments to <u>remove</u> the areas are supported. The recreation values associated with the area are acknowledged, however, proceeding to acquire more land is not supported due to a range of broader considerations including high acquisition costs, the potential to have to compulsorily acquire the land, unknown additional costs, and the sea level rise vulnerability of the land.</i>
Wyee Point - Area 2	
Council staff identified that a deed may apply to the land requiring conservation areas to be dedicated to Council at subdivision. Additional research was undertaken confirming the existence of the deed. Following the additional research, Council staff reconvened to discuss the findings. Council staff identified that the area <u>does not require to be retained</u> in the LRA maps in Draft LMLEP 2014.	<i>Council staff comments to <u>remove</u> the area are supported. The area does not require to be purchased, as it will be dedicated to Council if the surrounding land is ever subdivided.</i>

REVIEW OF LAND RESERVATION ACQUISITION MAPS
MORISSET PLANNING DISTRICT

Summary of Council staff comments	Planning response from Integrated Planning
Low priority acquisition areas	
Cooranbong - Area 1 Dora Creek 2 - Area 4 Wyee - Area 1 Morisset 1 - Area 1 and 2 Morisset 2 - Area 1 and 2	
Council staff identified that the areas <u>do not require to be retained</u> in the LRA maps in Draft LMLEP 2014.	<i>Council staff comments to <u>remove</u> the areas are supported, as they are consistent with the review results.</i>
Sunshine - Area 1	
Council staff requested additional assessments be undertaken to determine if the land was required for public purposes. Additional assessments were undertaken and included a site visit. Following the completion of the additional assessments, Council staff reconvened to discuss the findings. Council staff identified that the area <u>does not require to be retained</u> in the LRA maps in Draft LMLEP 2014.	<i>Council staff comments to <u>remove</u> the area are supported, as they are consistent with the review results.</i>
Nil acquisition areas	
Balcolyn - Area 2 to 3 Eraring - Area 1 Wyee Point - Area 1	
Council staff identified that the areas <u>do not require to be retained</u> in the LRA maps in Draft LMLEP 2014.	<i>Council staff comments to <u>remove</u> the areas are supported, as they are consistent with the review results.</i>

Additional comments

Summary of Council staff comments	Planning response
In addition to the acquisition areas, the purpose and suitability of identifying land for acquisition in the LRA maps were discussed. Council staff noted a key benefit of identifying land for acquisition in the LRA maps includes: - the land being clearly identified as required for public purposes, and that - Council wants to purchase the land. However, limitations also include: - Council can be forced to purchase land prior to it being needed, or sufficient S94 contributions being accrued, - Council's negotiation options to acquire land can be reduced (such as seeking developer dedication of the land instead of Council purchasing the land), - In some cases it is too early to show land in the LRA maps, as the exact location of the land has not been determined, - In some cases land does not need to be shown on the LRA maps as it is already appropriately zoned and/or shown in Area Plans, and - Acquisition provisions in Draft LMLEP 2014 are less flexible than LMLEP 2004, and do not allow Council to defer purchasing land shown on the LRA maps.	<i>Council staff recommendations to further investigation of the development of a land acquisition planning tool, such as a 'land acquisition register', is supported. The development of a land acquisition register has the potential to improve Council processes associated with the identification, budgeting and acquisition of land in the long-term.</i>

REVIEW OF LAND RESERVATION ACQUISITION MAPS

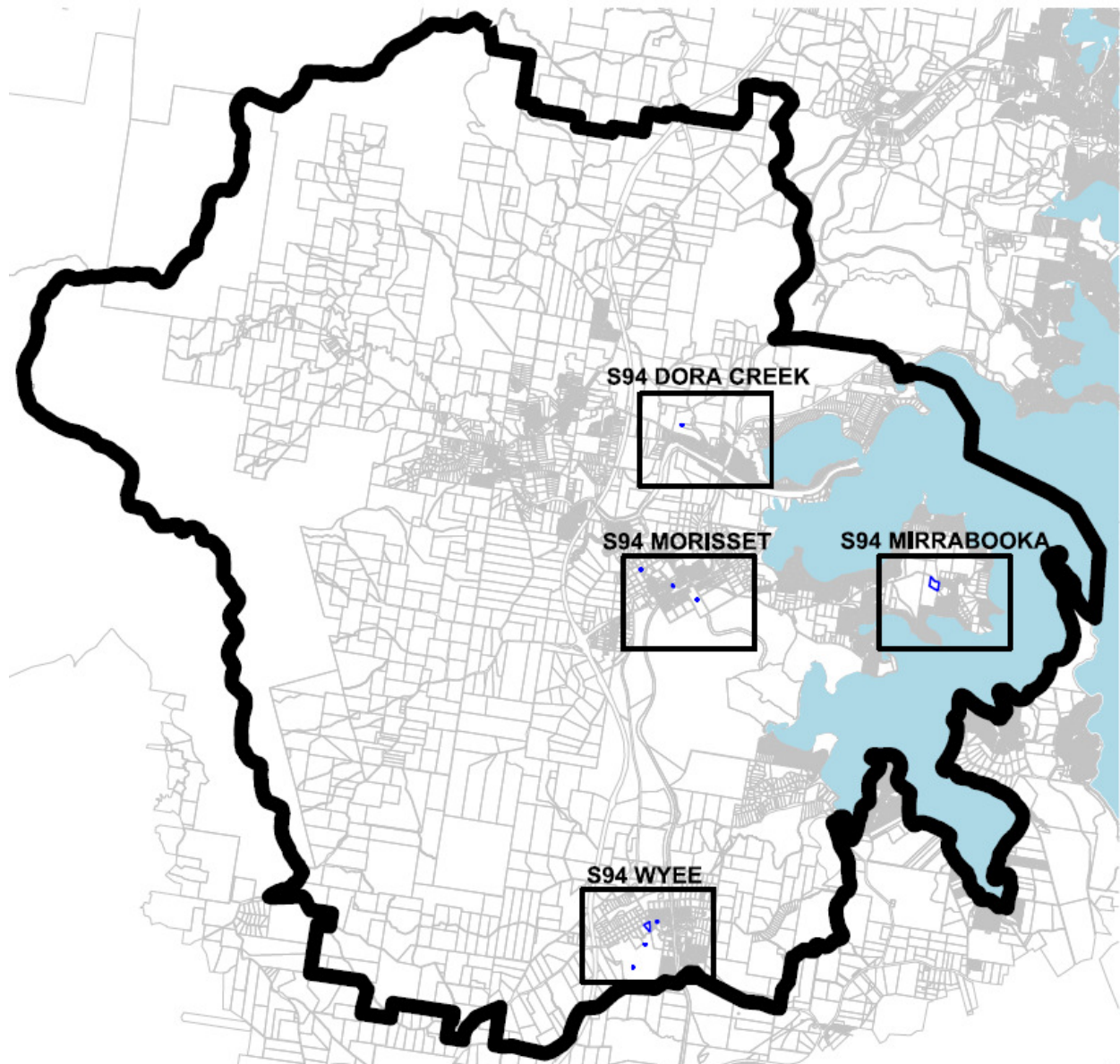
MORISSET PLANNING DISTRICT

Due to these limitations it is generally only practical to show land in the LRA maps that intendeds to be purchased immediately (e.g. in the next 5 years). Other planning tools may be more suitable for identifying land that Council wants to acquire in the long-term.

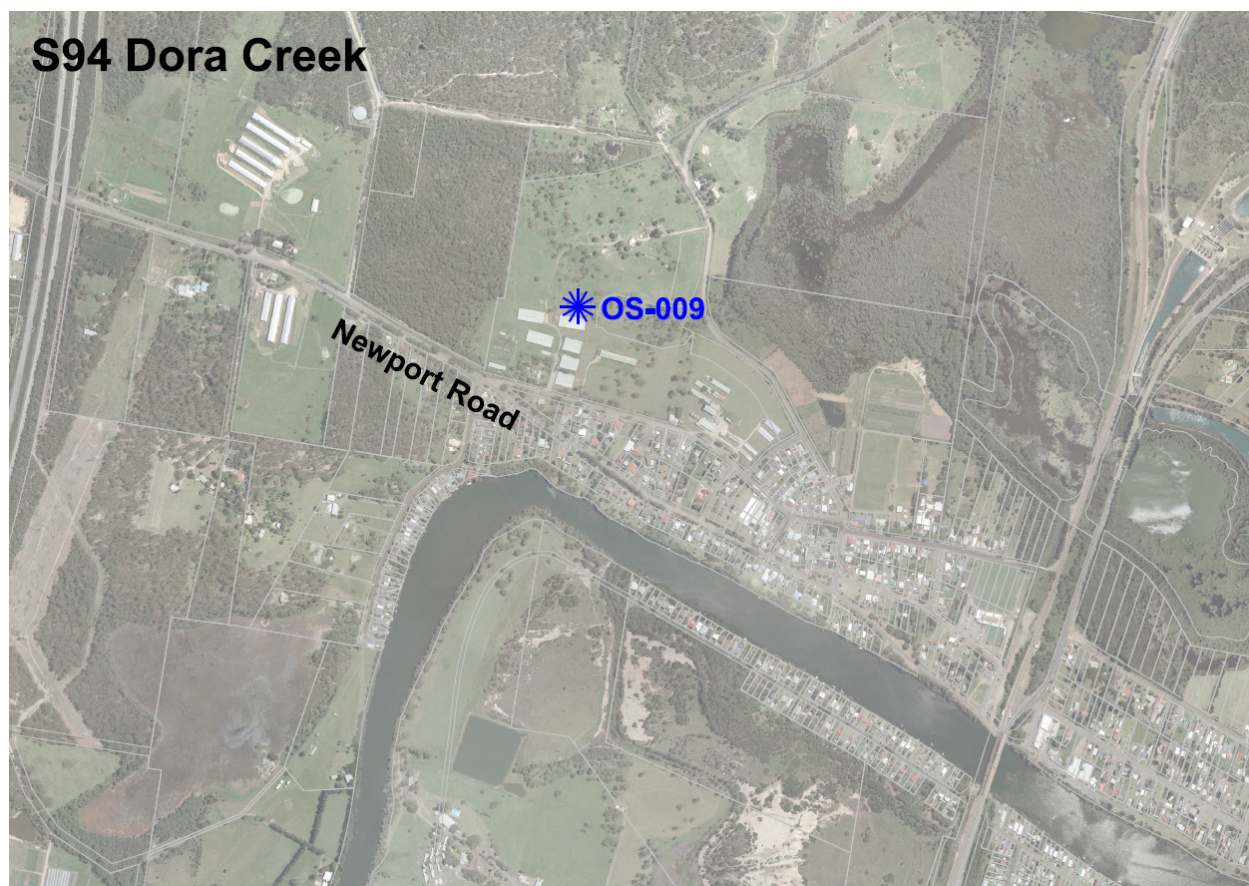
In addition, Council staff discussed the potential to develop other land acquisition planning tools. One concept discussed included a 'land acquisition register' outlined in Appendix 5. Council staff recommended further investigating the development of a planning tool such as land acquisition register.

APPENDIX 3 – REVIEW RESULTS FOR MORISSET S94 PLAN

Map Index



REVIEW OF LAND RESERVATION ACQUISITION MAPS
MORISSET PLANNING DISTRICT



Acquisition Area	Acquisition Priority	Acquisition Cost
S94 Dora Creek		
OS-009	Essential: The area is identified for acquisition under the Morisset S94 Plan for a new Local Park (5000m ²). The proposed park is located within a large undeveloped land area (former poultry farm) is zoned R2 Low Density Residential under Draft LMLEP 2014. Public parks are permitted in the R2 zone. An Area Plan has already been prepared and adopted for the site identifying that a 5000m ² local park is required on the site.	Nil (RMS acquisition)

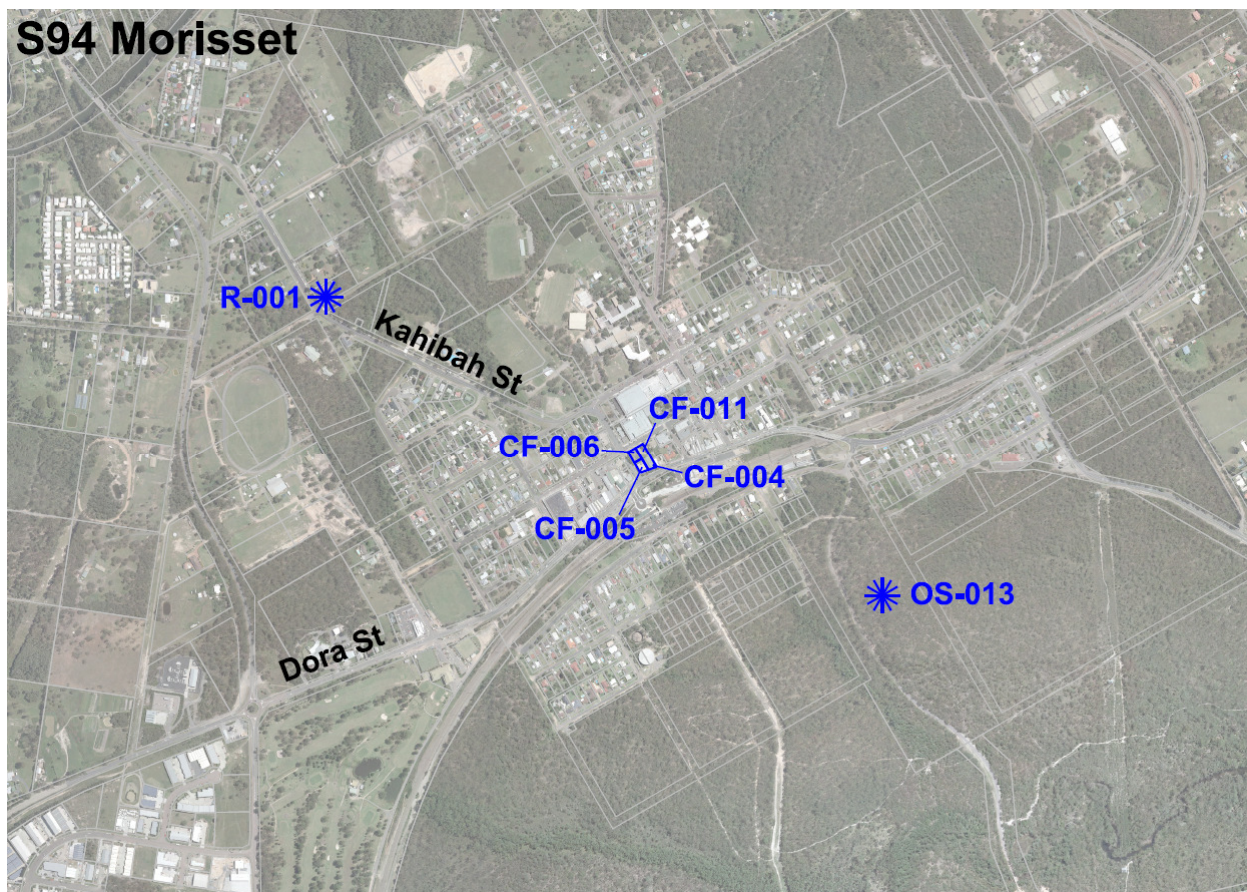
REVIEW OF LAND RESERVATION ACQUISITION MAPS
MORISSET PLANNING DISTRICT

S94 Mirrabooka



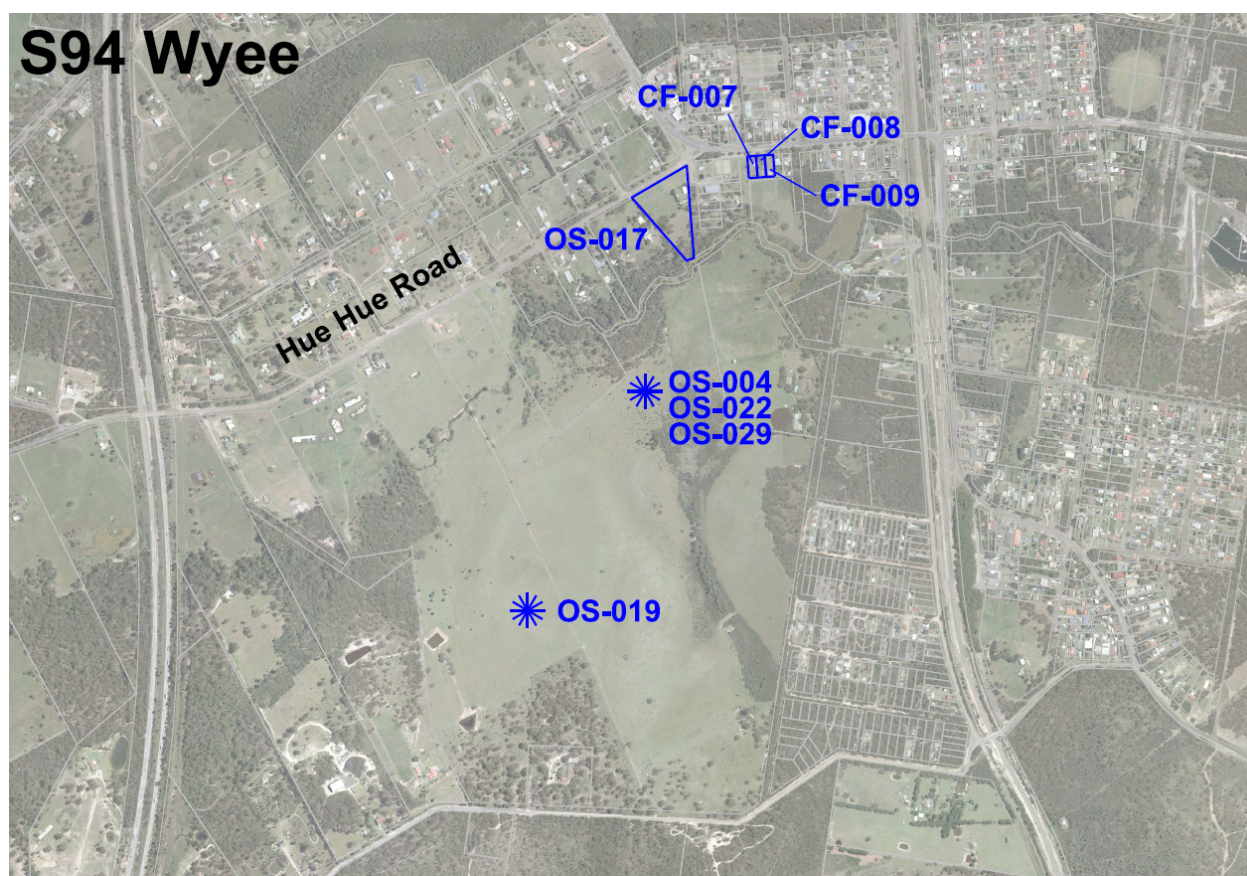
Acquisition Area	Acquisition Priority	Acquisition Cost
S94 Mirrabooka		
OS-003	Essential: The area is identified for acquisition under the Morisset S94 Plan for a new sportsground / 2 playing fields. The land is a former quarry site and 50% of the site is covered in native vegetation. The land area is owned by the NSW Aboriginal Land Council, and negotiations are in progress to purchase the land. The land is zoned RU6 transition zone under Draft LMLEP 2014, which does not permit community sportsgrounds. In order to develop the land for sports grounds, the land would need to be rezoned RE1 Public Recreation under draft LMLEP 2014. Zoning the land RE1 would require it to be shown on the LRA maps. Some parts of the land with native vegetation may need to be zoned E2.	Nil (S94 funded)

REVIEW OF LAND RESERVATION ACQUISITION MAPS
MORISSET PLANNING DISTRICT



Acquisition Area	Acquisition Priority	Acquisition Cost
S94 Morisset		
R-001	Essential: A small area approximately 100m ² has been identified for acquisition under the Morisset S94 Plan for a new roundabout. The proposed roundabout is located on private land zoned R2 Low Density Residential under Draft LMLEP 2014, which permits road works.	Nil (S94 funded)
OS-013	Essential: The area is identified for acquisition under the Morisset S94 Plan for a new local park. The proposed park is identified within a large undeveloped land parcel zoned RU6 Transition under Draft LMLEP 2014. The RU6 zone does not permit residential development or public parks. The land is covered in native vegetation and further investigations require to be undertaken by the landowner to determine if the land can be viably developed for residential purposes.	Nil (S94 funded)
CF-004 to 007 and 011	Essential: The area is identified for acquisition under the Morisset S94 Plan for the following new community facilities: • Additional Children's Services floor space • Additional Youth services floor space • Additional General Community Space • New Branch Library The land is zoned B3 Commercial Core under Draft LMLEP 2014, which permits community facilities controlled by a public authority or non-profit community organisation. Council is currently negotiating acquisition of the land.	Nil (S94 funded)

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Acquisition Area	Acquisition Priority	Acquisition Cost
S94 Wyee		
OS-017	Essential: The area is identified for acquisition under the Morisset S94 Plan for a new neighbourhood park. The land is already zoned RE1 Public Recreation and identified for acquisition under draft LMEP 2013.	Nil (S94 funded)
OS-004, 019, 022 & 029	Essential: The area is identified for acquisition under the Morisset S94 Plan for the following new open space reserves and recreation facilities: • New Sportsground • New Local Park • New Netball Courts • New Dog Area The recreation facilities are proposed to be located within a large undeveloped land area that is zoned R2 Low Density Residential under draft LMEP 2013. Public parks are permitted in the R2 zone. Draft LMEP 2013 requires that an Area Plan is prepared for the site by the land owner prior to subdivision, which must include a network of passive and active recreational areas.	Nil (S94 funded)
CF-007 to 009	Essential: The area is identified for acquisition under the Morisset S94 Plan for new community facilities: • Additional General Community Space • Additional Children's services floor space • Additional Youth services floor space The community facilities are located on three privately owned land parcels zoned R2 Low Density Residential under Draft LMLEP 2014. The R2 zone permits community facilities.	Nil (S94 funded)

APPENDIX 4 – CONSULTATION SCHEDULE FOR MORISSET S94 PLAN

Introduction

This consultation schedule summarises Council staff comments from an interdepartmental meeting held on 11 March 2014. Attendees included: Developer Contributions, Community and Social Planning, Recreation and Land Planning, and Property.

Summary of Council staff comments	Planning response from Integrated Planning
S94 Dora Creek - OS-009	
Council staff noted that a development consent issued for the land identifies that the proposed park will be dedicated to Council as a S94 offset. Council staff identified that the area <u>does not need to be added</u> to the LRA maps in Draft LMLEP 2014.	<i>Council staff comments <u>not to add the area</u> to the LRA maps are supported.</i>
S94 Mirrabooka - OS-003	
Council staff noted that a request to purchase the land has been made to the landowner (NSW Aboriginal Land Council). A response will take time due to the multiple levels of internal consultation with the Aboriginal Land Council. Council staff identified that if adequate progress to purchase the land has not been made, the area <u>should be added</u> to the LRA maps in Draft LMLEP 2014.	<i>Council staff comments <u>to add the area</u> to the LRA maps, if no progress has been made to purchase the land, are supported.</i>
S94 Morisset - R-001	
Prior to the meeting, this matter was discussed with Council's Transportation Planning department. The department stated the existing road reserve is anticipated to be wide enough to accommodate the proposed roundabout. As a result, adding land for acquisition to the LRA maps is <u>not required</u> at this stage.	<i>Council staff comments <u>not to add the area</u> to the LRA maps are supported.</i>
S94 Morisset - OS-013	
Council staff noted that it is too early to commence rezoning land for public open space, as it is unknown if the adjacent land will be developed for residential housing. Council staff identified that the area <u>does not need to be added</u> to the LRA maps.	<i>Council staff comments <u>not to add the area</u> to the LRA maps are supported.</i>
S94 Morisset - CF-004 to 007 & 011	
Council staff noted that Council has recently resolved to purchase the area directly from the landowners. Subsequently, Council staff identified that the area <u>does not need to be added</u> to the LRA maps.	<i>Council staff comments <u>not to add the area</u> to Draft LMLEP 2014 are supported.</i>
S94 Wyee - OS-017	
Council staff identified that the area is already identified in the LRA maps and <u>should be retained</u> .	<i>Council staff comments <u>to retain the area</u> in the LRA maps are supported.</i>
S94 Wyee - OS-004,019,022 & 029	
Council staff noted that an Area Plan is required to be prepared for the land and must identify the location of the proposed parks. The parks would be purchased by Council (using S94 contributions) or dedicated to Council (as a S94 offset). Council staff identified that the area <u>does not need to be added</u> to the LRA maps in Draft LMLEP 2014.	<i>Council staff comments <u>not to add the area</u> to the LRA maps are supported.</i>
S94 Wyee - CF-007 to 009	
Council staff identified that the area <u>should be added</u> to the LRA maps in Draft LMLEP 2014..	<i>Council staff comments <u>to add the area</u> to the LRA maps are supported.</i>

APPENDIX 5 – LAND ACQUISITION REGISTER

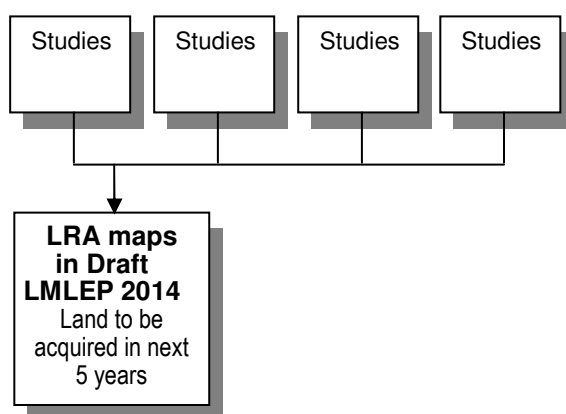
Overview

A land acquisition register could be developed to improve the identification, budgeting and acquisition of land required for public purposes. The LRA maps in Draft LMLEP 2014 are generally only suitable for identifying land that Council wants to purchase in the short-term (e.g. next 5 years), as Council can be forced to purchase the land immediately, even if Council does not need the land for many years. The LRA maps also do not record information such as the purpose of acquiring the land, the cost and when the land needs to be purchased by.

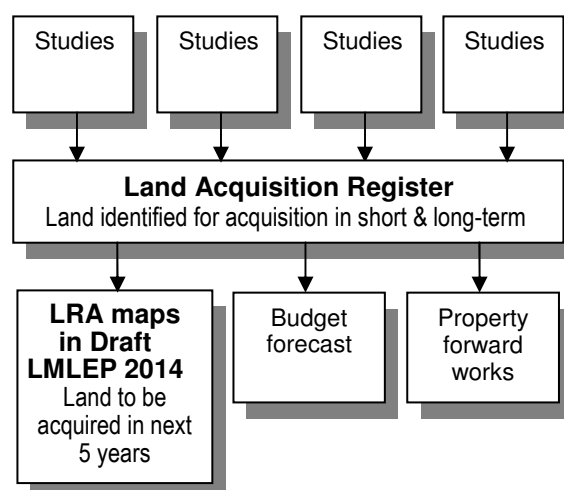
A land acquisition register could be developed to:

- identify all the land that Council wants to acquire (purchase or accept as a dedication) for public purposes both in the short-term and long-term;
- provide a clear outline of Council's land acquisition liability for budget forecasting purposes;
- assist prioritising which land parcels should be purchased each year; and
- tracking progress to acquire land.

The land acquisition register would not replace or duplicate the LRA maps, rather provide strategic guidance on what land should be shown on the LRA maps. Schematic diagrams comparing the function of the LRA maps and the potential functions of a land acquisition register are outlined below.



Schematic Diagram 1 – Existing LRA maps



Schematic Diagram 2 – Land acquisition register

A land acquisition register could be developed as a database viewable as a map layer in Lake Maps (similar to other map layers including 'Council controlled land'). The register could include the following content:

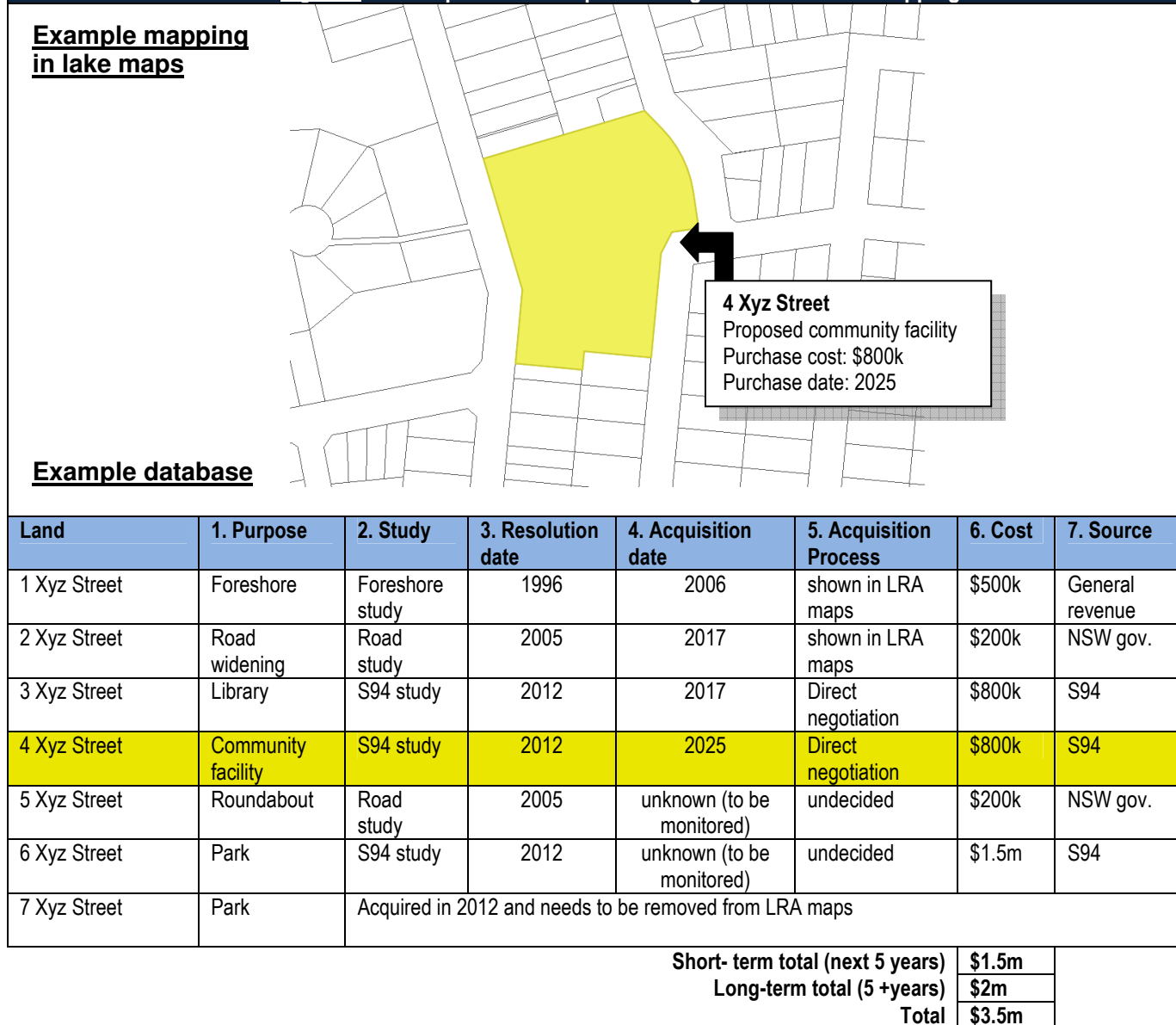
1. the purpose for acquiring the land;
2. the study identifying acquisition of the land;
3. the Council resolution endorsing the study;
4. the proposed date to acquire the land (e.g. short-term or long-term);
5. the proposed acquisition process (e.g. direct negotiation with the land owner, zoning and identifying the land in the LRA maps, accepting as a dedication);
6. the estimated cost to purchase the land; and
7. proposed funding source.

An example of how a land acquisition could look is shown in figure 1.

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Figure 1 – Example of land acquisition register content and mapping



Further considerations

Further assessment is required to confirm the costs and benefits of developing a land acquisition register. A range of additional matters relating to the management of the register that need further consideration include:

- Which department should own the register?
- Who approves land being added and removed from the register?
- Should the register be publically available?

Note: Council's Property department has indicated that it would be beneficial if the register was linked to Council's Land Information System (Pathway). In particular, it could be beneficial if an email alert was sent to Council's Property Department when S149 certificates are issued for land on the register. The S149 certificate could indicate that the land may be for sale, and it could be timely for Council to approach the land owner to discuss purchasing the land. Investigation is required to determine if the potential email alert would comply with relevant legislation relating to the privacy and collecting personal information.