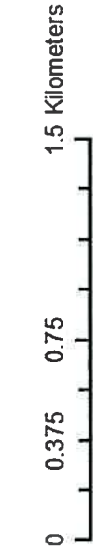
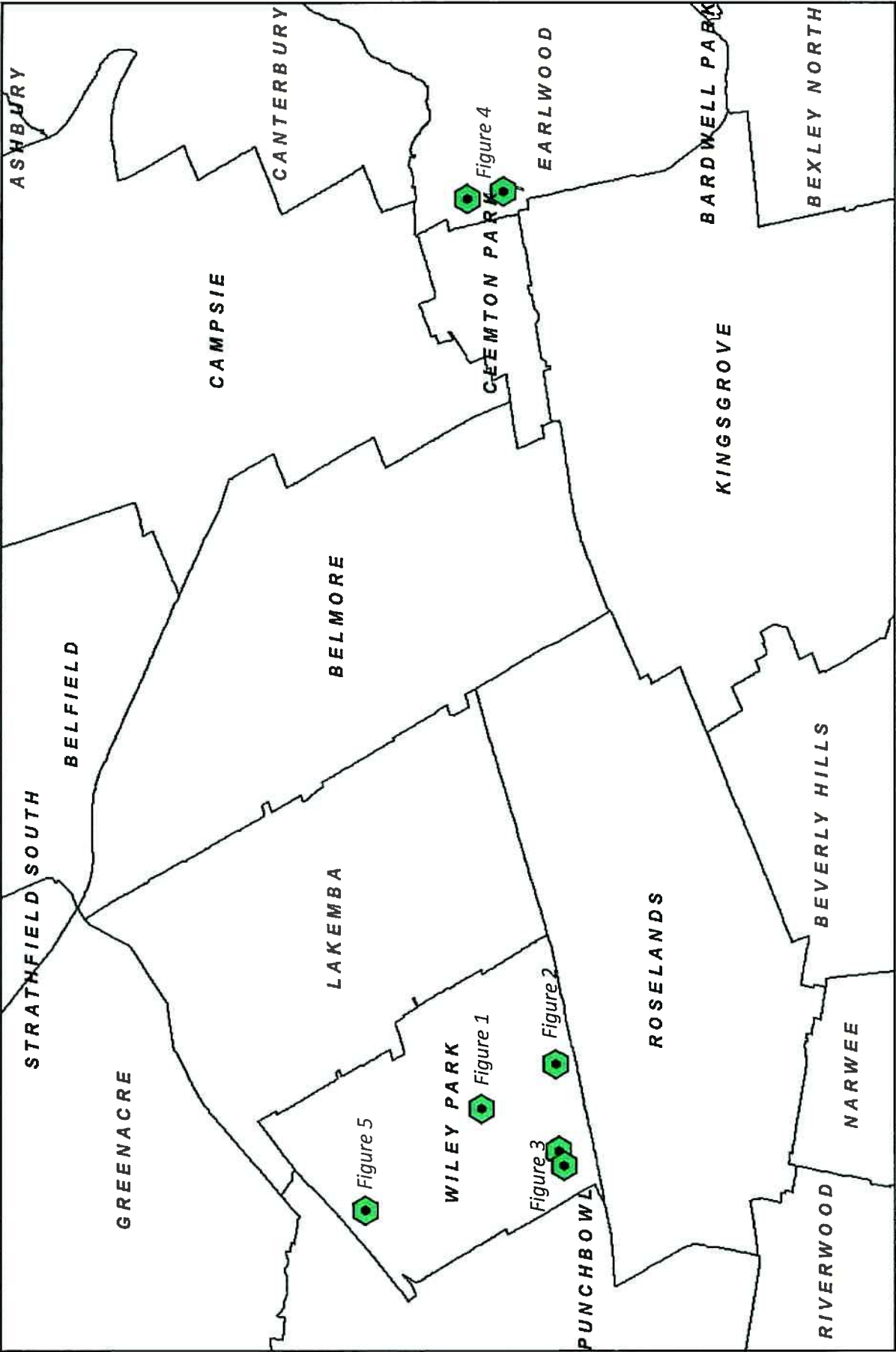


Explanatory Maps



Legend

 Location of parcels of land to which this proposal applies

Map Created: 18 October 2017

Approved by the
Executive Council

Min No: SPECIAL 22 December 2017



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EXPLANATORY NOTE

Proposed reclassification of land under Canterbury Local Environmental Plan 2012 (Amendment No 14)

The Site

The following parcels of land form the subject site:

Address	Lot/DP	Description
13A Denman Avenue, Wiley Park (Figure 1)	Lot 106 DP 6480	The land is zoned R4 High Density Residential, is a narrow rectangular shape and has a total land area of approximately 123.8m ² . The land is vegetated with several mature trees and is currently used as parking for the adjoining residential property.
71A Denman Avenue, Wiley Park (Figure 2)	Lot 107 DP 6480	The land is zoned R4 High Density Residential, is a narrow rectangular shape and has a total land area of approximately 122.7m ² . The land is grassed and accommodates a bin storage area for the adjoining residential flat building.
61A Beauchamp Street, Wiley Park (Figure 3)	Lot 35 DP10980	The land is zoned R3 Medium Density Residential, is a rectangular shape and is approximately 206.65m ² . The site is generally cleared and accommodates two fences associated with the adjoining residential property as well as part of a garage.
66A Beauchamp Street, Wiley Park (Figure 3)	Lot 36 DP10980	The land is zoned R3 Medium Density Residential, is a rectangular shape and is approximately 255.96m ² . The land is grassed and accommodates several garden plants, as well as a fence associated with the adjoining residential property.
1A Calbina Road, Earlwood (Figure 4)	Lot 110 DP10987	The land is zoned R3 Medium Density Residential, has an area of approximately 1,300m ² , and runs along the back boundary of properties facing both Bexley and Ryrie Roads. The site is generally grassed and forms part of the gardens of residential properties.
13A Ryrie Road, Earlwood (Figure 4)	Lot 111 DP10987	The land is zoned R3 Medium Density Residential, has an area of approximately 1,300m ² , and forms an L-shape, fronting Ryrie Road and then running parallel to Ryrie Road up to Calbina Road. The site forms part of gardens associated with adjoining residential properties.
44A Cornelia Street, Wiley Park (Figure 5)	Lot 170 DP 7298	The land is zoned R3 Medium Density Residential, is a rectangular shape and has an area of 102.2m ² . The land has been sealed and is used as a driveway for the adjoining residential dwelling and secondary dwelling at 44 Cornelia Street.

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The Reclassification

The reclassification from community to operational land under the *Local Government Act 1993* will discharge interests on the land relating to draining reserves.

Public Consultation

The planning proposal was exhibited for community consultation for 31 days from 17 January 2017 to 16 February 2017, attracting two public submissions.

Council consulted with Sydney Water as required by the Gateway determination. No objection was raised by the agency.

A public hearing conducted by an independent chair was held on 29 March 2017. It was attended by 6 community members, 3 of whom addressed the hearing.

The public hearing report concludes that proposal to reclassify the parcels of land is in the public interest.

Rationale

The reclassification is considered appropriate considering the following:

- the allotments are small, generally alienated from the public, and are considered impractical for any meaningful open space or community use;
- reclassification will allow Council to appropriately manage its property portfolio and enter in to negotiations or formalise tenure arrangements with adjoining landowners who are currently utilising the land for private use; and
- the proposal is consistent with Council's key strategies for managing and disposing of Council owned land.

Clause 5.2(5) of Canterbury Local Environmental Plan 2012 was made pursuant to section 30 of the *Local Government Act 1993*, which provides for the reclassification of community land as operational. This clause provided that the public land described in Part 2 Schedule 4, to the extent (if any) that it is inserted into that Part and is discharged from all the interests affecting the land or any part of the land (unless otherwise specified).

Canterbury Local Environmental Plan 2012 (Amendment 14) will insert the land identified in the attached extract of Part 2 of Schedule 4, of the proposed amendment into Part 2 Schedule 4 to *Canterbury Local Environmental Plan 2012*.

This will enable the reclassification of the land from community to operational land to allow Council to deal with the land in accordance with Council's key strategies and studies for managing open space and land divestment.

Section 30(2) of the *Local Government Act 1993* provides that an LEP provision that reclassifies community land as operational has effect according to its tenor, but only if the Governor has, before the making of the LEP, approved of the provision. Accordingly, the Governor's approval is sought to include the land in Part 2 of Schedule 4 of the *Canterbury Local Environmental Plan 2012 (Amendment No 14)*.

Parliamentary Counsel has issued an Opinion dated 11 October 2017 that the proposed LEP may be legally made.

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Explanatory Maps



Figure 1 - 13A Denman Avenue, Wiley Park (Lot 106 DP 6480)



Figure 2 - 71A Denman Avenue, Wiley Park (Lot 107 DP 6480)

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Figure 3 - 61A and 66A Beauchamp Street, Wiley Park (Lot 35 and Lot 36 DP 10980)



Figure 4 - 13A Ryrie Road, Earlwood (Lot 111 DP 10987) and 1A Calbina Road, Earlwood (Lot 110 DP 10987)

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Figure 5 - 44A Cornelia Street, Wiley Park (Lot 170 DP 7298)

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