

Sutherland Shire Council

Proposed Reclassification of Community Land – Various Parcels

Public Hearing - Report

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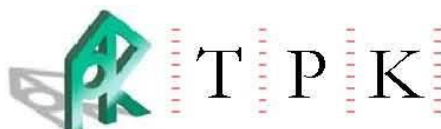


Table of Contents

1	INTRODUCTION	1
1.1	REPORT	1
2	SETTING THE SCENE	2
2.1	WELCOME – LUCIA COSLOVI, PROPERTY OFFICER.....	2
2.2	HEARING OBJECTIVES	2
2.3	LOCATIONS – LANI RICHARDSON, PROPERTY SERVICES MANAGER.....	2
3	INFORMATION GATHERED FROM PUBLIC HEARING	3
3.1	9 KINGSWAY, CRONULLA.....	3
3.1.1	Assumptions.....	3
3.1.2	Concerns	3
3.1.3	Questions	3
3.2	34R-36R CARAVAN HEAD ROAD, OYSTER BAY	4
3.2.1	Assumptions.....	4
3.2.2	Concerns	4
3.2.3	Questions	4
3.3	13R PINNACLE STREET, MIRANDA	5
3.3.1	Assumptions.....	5
3.3.2	Concerns	5
3.3.3	Questions	5
3.4	11 DAMPIER STREET, KURNELL.....	6
3.4.1	Assumptions.....	6
3.4.2	Concerns	6
3.4.3	Questions	6
3.5	PART OF 2R ALEXANDER AVENUE, TAREN POINT.....	7
3.5.1	Assumptions.....	7
3.5.2	Concerns	7
3.5.3	Questions	7
3.6	1 AND 2 MYUNA PLACE, PORT HACKING.....	8
3.6.1	Assumptions.....	8
3.6.2	Concerns	9
3.6.3	Questions	9
4	ACTION PLAN	10

APPENDICES

Appendix 1 Council's PowerPoint presentation

1

Introduction

This report provides a record of the discussions that took place and the information shared at the public hearing, that were held on Wednesday, 28 September 2010, in Council Chambers, Sutherland Shire Council, Eton St, Sutherland.

The hearing was attended by approximately 25 community members. It commenced at 6 35pm and concluded at 8 40pm.

The independent facilitator for the session was Declan Tierney of Tierney Page Kirkland Pty Ltd who brought a clearly defined structure to the process. The mood for the event was non adversarial with everyone in attendance displaying a respectful demeanour at all times. This helped ensure that key issues and concerns were identified and discussed openly.

Tierney Page Kirkland's role was to manage the workshop process. Declan Tierney facilitated the session, with Maria Tierney providing support and assistance in recording participants' input verbatim and in real time.

After concise presentations that provided information regarding the current status of the reclassification of the various subject parcels of land, the adopted methodology allowed attendees to:

- ◆ *Spell out their assumptions regarding the proposed reclassifications.*
- ◆ *Express concerns; and*
- ◆ *Put forward questions.*

1.1

Report

The information contained in this report is an accurate record of the input received from those in attendance. No attempt has been made to draw conclusions or infer meaning.

2 Setting the scene

2.1 Welcome – Lucia Coslovi, Property Officer

Lucia opened proceedings by welcoming participants to the hearing and thanking everyone for taking the necessary time from their busy schedules.

She briefly outlined the rezoning process and rationale underpinning the reasons for initiating the process.

The information presented may be found in Council's PowerPoint presentation in **Appendix 1**.

2.2 Hearing objectives

Before launching into any workshop or hearing, it is important that participants agree on its purpose and the input being sought. The objectives were circulated prior to the workshop and these revisited at the commencement of the session.

The objectives for the hearing were:

- ◆ To update participants on the current status of the proposed reclassifications;
- ◆ To identify issues and concerns;
- ◆ To record questions in regard to proposals;
- ◆ To obtain and record answers to questions, where possible;
- ◆ To record any suggestions put forward by participants; and
- ◆ To develop an action plan as necessary.

2.3 Locations – Lani Richardson, Property Services Manager

Lani followed on by providing a brief “memory jogger” regarding the proposal to reclassify the following sites from Community Land to Operation Land:

1. 9 Kingsway, Cronulla;
2. 34R-36R Caravan Head Road, Oyster Bay;
3. 13R Pinnacle Street, Miranda;
4. 11 Dampier Street, Kurnell;
5. Part of 2R Alexander Avenue, Taren Point; and
6. 1 and 2 Myuna Place, Port Hacking.

Please refer to **Appendix 1** for the information shared.

After the background to each site was completed, members of the public in attendance were invited to put forward their views and comments. The attendees were encouraged to dictate words that succinctly expressed their points. This information was recorded on a computer displayed on the large TV monitors in the chamber. Confirmation was sought that what had been recorded accurately reflected the intended meaning.

3 Information gathered from public hearing

The contributors were asked to provide input by listing their assumptions regarding the situation, their concerns, and / or their questions. The results are in the sections that follow.

3.1 9 Kingsway, Cronulla

3.1.1 Assumptions

No items listed under this heading.

3.1.2 Concerns

- ◆ Concern regarding unknowns in the future; and
- ◆ Option could be for private owners to purchase this land in the future following rezoning.

3.1.3 Questions

- ◆ Why not wait until Council has developed a plan for the land before doing the reclassification?

3.2 **34R-36R Caravan Head Road, Oyster Bay**

3.2.1 ***Assumptions***

- ◆ No items listed under this heading.

3.2.2 ***Concerns***

- ◆ Providing additional access to this block has the potential to increase development.

3.2.3 ***Questions***

- ◆ Do the locals in the area know about the proposal and have their opinions been canvassed?

Council response: Public consultation has taken place and notifications provided in accordance with DoP practice.

3.3 13R Pinnacle Street, Miranda

3.3.1 Assumptions

- ◆ Proposed to relocate this laneway to the east.
- ◆ Council's goal is to provide a more convenient walkway for the public.

3.3.2 Concerns

- ◆ Choosing the best location for the relocated pathway given the development potential in the area.
- ◆ The current lot ownership and the likely development does not match up with the Development Control Plan (DCP).
- ◆ How the developers are currently amalgamating plots and how this may affect the location of the laneway.

3.3.3 Questions

- ◆ If the amalgamation does not go as per the preferred Council plans will the laneway be increased in size?

3.4

11 Dampier Street, Kurnell

3.4.1

Assumptions

- ◆ Original plan for a road on this block of land has been abandoned.
- ◆ The land could be sold off if it were reclassified.
- ◆ If the land is designated community it cannot be sold.
- ◆ Blocking the laneway would deprive residents of access to their properties during major storm events and will be a safety hazard.
- ◆ Recent storm events have seen properties in that area being inundated.
- ◆ It would be reasonable to expect a storm event to require Prince Charles Parade to be reconstructed to cater for a 1 in a 100 year flood event.
- ◆ Torres St was rebuilt higher than the blocks fronting the street which causes flooding to the lower blocks.
- ◆ On the other side of 12 Dampier street is the same situation.
- ◆ The situation in 11 Dampier St is mirrored throughout Kurnell in a line parallel to Prince Charles parade, where it intersects with perpendicular roads, so why is it that only this piece of land is for rezoning.
- ◆ Council's intention in relation to restrictions on this land is to control antisocial behaviour.
- ◆ The original complaints in relation to inappropriate use of this block was to do with parking of heavy vehicles and their engines idling.
- ◆ Although the Local Environment Plan (LEP) does not permit subdivision in this area, the residents would be prepared to give up land voluntarily in order to create a road either formally or informally.

3.4.2

Concerns

- ◆ This land could be used to alleviate drainage issues in the area.
- ◆ The existing flood plan shows drainage relief through that laneway.
- ◆ Council is manoeuvring to block this lane so that it can be sold off, or to block access to the rear lane.

3.4.3

Questions

- ◆ If Council can restrict access following reclassification would residents' use of the laneway be restricted?
- ◆ What is the difference between on community and operational land in relation to public liability?
- ◆ **Council response:** No difference.
- ◆ Can operational land be reclassified back to community land?
- ◆ Can this piece of land be retained as community land?

3.5

Part of 2R Alexander Avenue, Taren Point

3.5.1

Assumptions

- ◆ The reclassification is to facilitate private development.
- ◆ A viable alternative is available by seeking modification of the condition requiring a 3.65m driveway to a 3m driveway on 98 Woodland Rd.
- ◆ There are other options in relation to this block of land that could be explored.
- ◆ This land is flood prone and this was given more weight in the report to Council, dated 17 March 2014 and this has been restated in the documents circulated prior to this hearing.
- ◆ The fact that this land was stated to be flood prone was in fact an error and was changed in the 2015 LEP.
- ◆ Council does not favour long driveways to access rear blocks and the sale of the land would alleviate that issue.
- ◆ Should Council wish to put a footpath in Smith St, this could be achieved through the existing footpath reserve.
- ◆ The master plan shows this as a turfed area and not pedestrian access.
- ◆ The owner of number 98 Woodlands Rd proposes to turf either side of the driveway and for that to be maintained by the owner, including keeping the area free of rubbish
- ◆ The owner of 1 Smith Street would be provided access to the area at any time via right of carriageway.
- ◆ The parcel of land tends to be used as dumping area needing regular clean up by Council
- ◆ The proposed driveway is not in front of 1 Smith St, it is at the rear some 30 metres from the house.
- ◆ The existing brick wall will provide noise amelioration and there will be limited traffic anyway.
- ◆ There is an approved Development Application (DA) for the rear of 98 Woodlands Rd, on the eastern boundary and the development finishes in alignment with the existing house so blocking of views will not happen.
- ◆ The proposed reclassification, if approved, would have a material impact on the value and views of 1 Smith St.

3.5.2

Concerns

- ◆ Should this land not also be offered for purchase to the other adjoining properties, i.e. it should be sold on a competitive basis.
- ◆ The reclassification of this land would mean the loss of valuable public land, which is in conflict with the adopted plan of management for Shorebird Reserve.

3.5.3

Questions

- ◆ The area has been master planned, so why is it appropriate to sell off a portion to create a private driveway?

3.6

1 and 2 Myuna Place, Port Hacking

The residents of Myuna Place presented a document to Council outlining their points of view and objections in detail. The document was titled 'Myuna Place Residents Summary Objection' and was dated 28 September 2016. They also articulated the following points, which were recorded at the time:

3.6.1

Assumptions

- ◆ A sale price has already been negotiated with the land owner of 24 Little Turriell Bay Rd in Sept15 and a document of sale has been prepared subject to reclassification, without any public consultation.
- ◆ There are only 6 driveways in Myuna Place and the residents are united. If this community land were rezoned it would potentially provide access to an addition 6 driveways, doubling traffic in the street.
- ◆ This reclassification would permit a second access to properties in Little Turriell Bay Rd and would facilitate second driveways and access points for second dwellings into a narrow street.
- ◆ There is no footpath in Myuna Place and the reclassification would create safety issues.
- ◆ There are currently two accesses that people in Little Turriell Bay Rd use and one across the community land from Turriell Point Road into Myuna Place from the corner.
- ◆ Only one informal access in Myuna is used and that use is irregular.
- ◆ Access is required to Myuna Place from the granny flat at the rear of 24 Little Turriell Bay Road.
- ◆ The application for a driveway was submitted to provide safe access for a camper and a "tinny" rather than parking them on a public road.
- ◆ Parking on the grass is prohibited by Council - people leaving the swimming pool do so illegally.
- ◆ Council confirmed that the land was dedicated as public reserve when the subdivision was created in the 1970s and it appears to have been created to prevent double road frontages and access from allotments on Little Turriell Bay Road.
- ◆ Council's civil asset department agreed with this statement (previous point) due to the narrow width, steep gradient and ground level differentiation between curb and adjoining back yards of the Little Turriell Bay Road properties.
- ◆ The concerns of the residents are not about a single driveway, it is about rezoning of the entire strip from the top of Myuna to the bottom along the western side that would give the opportunity for second dwellings and driveways to those properties.
- ◆ Before the notification of this proposal was provided to the residents of Myuna Place or the notification in the Leader on 20 July 16, Council issued a letter to the residents in Little Turriell Bay Road dated the 13 July 16, notifying them of proposed reclassification and stating the reclassification would allow the land to be sold to facilitate secondary access to properties from Myuna Place.
- ◆ Currently there are only two properties on Little Turriell Bay Road that do not have access to Myuna Place.
- ◆ There is a lapsed development approval approving a development with access to Myuna place from 30 Little Turriell Bay Road.

- ◆ The current DA before Council, proposes a driveway at the narrowest and steepest point in Myuna Place.
- ◆ There are several precedents within the Council area, where dual access has been provided from streets that are narrower and steeper than Myuna Place.
- ◆ Based on the evidence provided in relation to other local streets, Council's planning department and the Councillors saw some merit in the DA based on a comparison to other streets.
- ◆ Council has made no decision in relation to how this land will be dealt with should the reclassification proceed.
- ◆ The residents in Myuna Place were disadvantaged because the consultation process started late.
- ◆ A legal opinion has been received by the Myuna Place residents indicating two breaches - to Section 45.1 and Section 55.2 of The EPA Act in that it did not demonstrate and provide sufficient assessment and review of the rezoning.
- ◆ The Council statement that the reclassification would result in no significant social or economic effects, is difficult to understand.
- ◆ The Council statement that the proposed rezoning from community to operational land would have no strategic impact is also difficult to understand.

3.6.2

Concerns

- ◆ No items listed under this heading.

3.6.3

Questions

- ◆ No items listed under this heading.

4

Action plan

The final task undertaken in bringing the hearing to a conclusion was to list actions that need to be pursued.

Just one item as identified as shown below:

<i>No</i>	<i>Action</i>	<i>Who</i>	<i>By When</i>
1	Prepare and submit the draft report from tonight's hearing.	Declan Tierney	7 Oct 2016

Appendix 1
Council's PowerPoint presentation

Proposed Reclassification of Community Land

Public Hearing

6.30pm 28 September 2016

WELCOME

- Introductions

- Lucia Beasley – Property Officer, Property Services
- Declan Tierney – Independent Facilitator, Tierney Page Kirkland
- Lani Richardson – Manager, Property Services
- Manjeet Grewal – Director, Shire Services
- Peter Barber – Director, Shire Planning
- Margaret Paige – Acting Manager, Strategic Planning

- Fire evacuation & amenities
- Agenda overview
- Aims by the end of the night



WORKSHOP METHODOLOGY

- DECLAN

Reclassification – what is it?

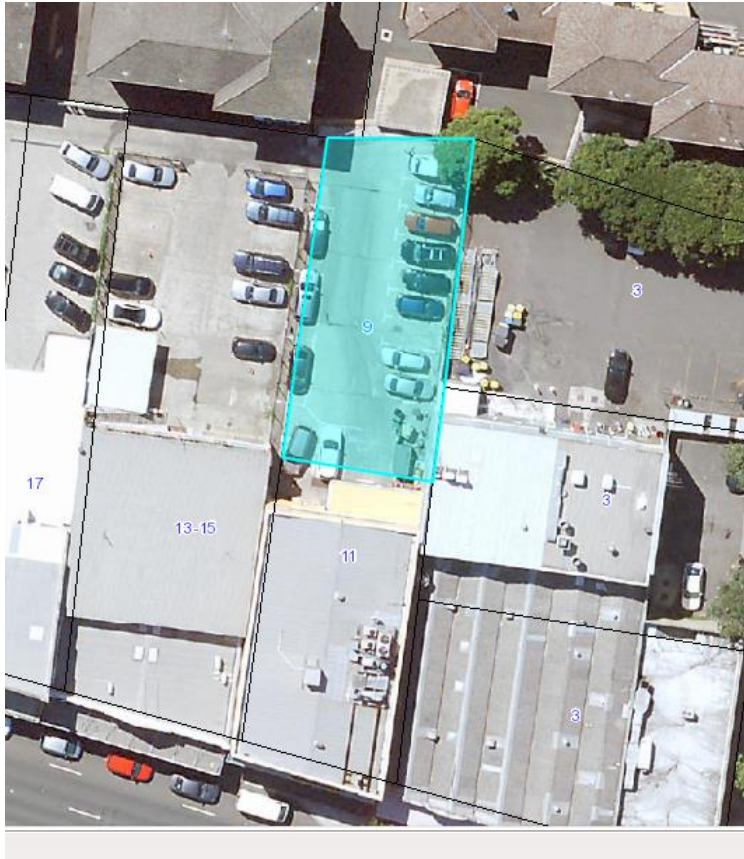
- The process for Councils to convert Community Land to Operational Land.
- It involves :
 - Obtaining Council permission to reclassify
 - Undertaking Community consultation
 - Seeking approval by the Department of Planning & Environment at a state level.



Planning &
Environment



9 Kingsway, Cronulla



- Land locked parcel of land created when the block was subdivided in 1983.
- Can be used and accessed by adjoining owners only and therefore has no community or public use.
- Reclassification will provide greater flexibility in potential future dealings with the land.



34R-36R Caravan Head Road, Oyster Bay

- 50cm wide development control strip
- Adjoining neighbour has requested to purchase to obtain dual access
- Provides no community benefit and is surplus to Council requirements



13R Pinnacle Street, Miranda



- 225m2 drainage reserve
- Sutherland Shire Development Control Plan 2015 proposes to relocate and enhance the pathway to the East.
- Reclassification is needed to enable this to occur

11 Dampier Street, Kurnell

- 624m² lot originally purchased in the 1960s to create a public road. Project has since been abandoned
- Provides informal vehicle access to properties fronting Prince Charles Pde
- Reclassification will provide greater flexibility in future management of the land
- Council has no current plans to change the way it is used



Part of 2R Alexander Avenue, Taren Point

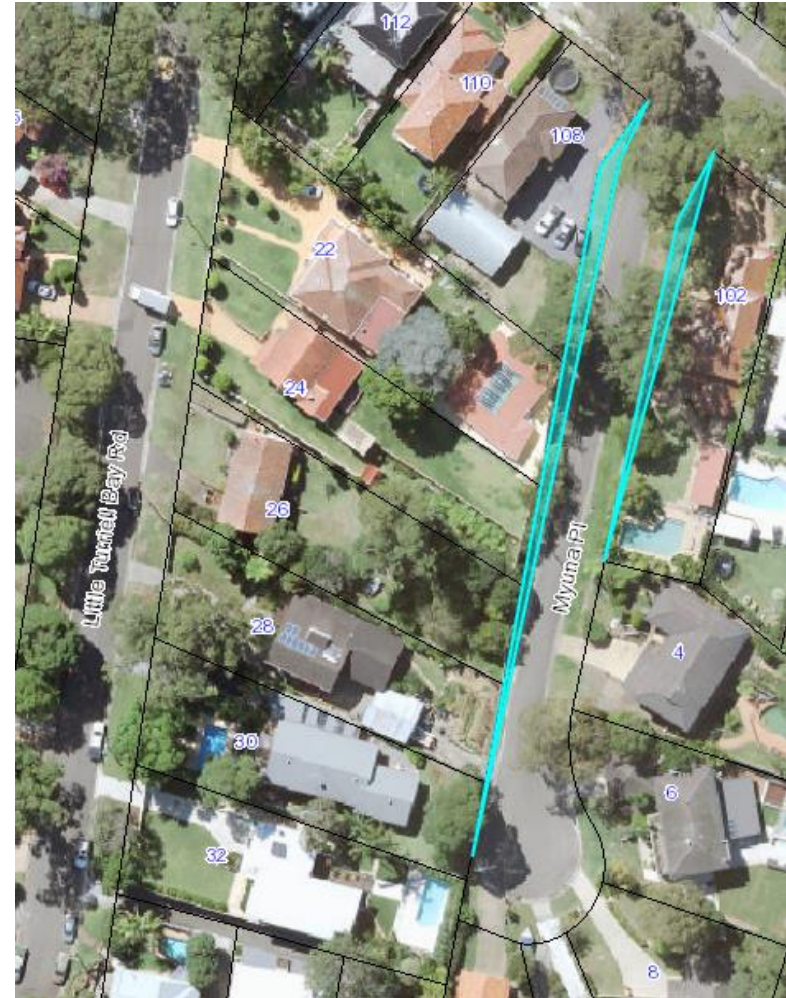


- 3.65m wide access way to provide rear access to 98 Woodlands Road
- Would allow subdivision of block
- Is a deferred Development Consent
- Would formalise current use



1 and 2 Myuna Place, Port Hacking

- Development Control strips either side of road
- Would enable dual access for properties fronting Little Turriell Bay and Turriell Point Roads
- Currently some informal use and request for formal use



NEXT STEPS

- Report is prepared by TPK on the Public Hearing
- Report is prepared by Strategic Planning on submissions from the Exhibition Period
- Report submitted to Council for Council to consider the submissions made and the report of the public hearing
- The Minister (or delegate) determines whether to make the LEP amendment