

**INQUIRY INTO INTEGRITY OF THE NSW  
BIODIVERSITY OFFSETS SCHEME**

**Organisation:** Community Environment Network Inc.

**Date Received:** 28 November 2021

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Partially  
Confidential



**Community Environment Network Inc.**

*An alliance of community & environment groups.*



28 November 2021

The Chair  
Cate Faehrmann MLC  
NSW Upper House  
Sydney NSW 2000

**Submission to Legislative Council's Planning and Environment Committee's Inquiry  
into the Integrity of the NSW Biodiversity Offsets Scheme**

Dear Chair,

The Community Environment Network (CEN) is a Not-For-Profit Incorporated Association with Deductible Gift Recipient (Charity) status. CEN was founded in 1997, with the goal of providing a network for environmental and community organisations. CEN's mission is to support ecologically sustainable development (ESD) and oppose threats to ESD as defined in NSW Legislation.

Please accept this late submission which outlines some of the CEN observations and experiences in regard to the NSW Biodiversity Offsets scheme. CEN currently has nearly 20 staff, working on a range of environmental programs and projects. These are funded by fee for service contracts, grants, donations and volunteer effort. Our gross revenue last year was \$1.6 million and all that money goes back into the environment through on ground works, education programs and supporting volunteers.

**Background to CENs involvement with NSW Offset Schemes**

Since the early 2000s, CEN has been aware of the various biodiversity offset schemes that have been used in NSW. Firstly, we had a trial scheme by NPWS and Planning, then a scheme through OEH and Catchment Management Authorities (CMAs) and lastly the current scheme under the *Biodiversity Conservation Act 2016*. The scheme operating through OEH and CMAs had a system of Red Flags where some Development Applications would not be approved due to the importance of the habitat.

Our submission focuses on 3 coastal freshwater wetland case studies on the Central Coast. In all three case studies the land was owned by Local Government, yet the area and condition of the freshwater wetlands has been eliminated or will significantly decrease to only a token of its original value. It is clear that the reason the scheme fails to protect important environmental areas (and hence biodiversity) is a lack of will to ensure wetlands are protected.

This lack of will is facilitated by economic, political and convenience drivers. Profit for government or developers is the biggest factor even on council-owned land. As an example, in 2010, wetlands were valued at approximately \$20,000 per hectare and were protected by a range of legislative controls and support such as State Environmental Planning Policy (SEPP 14) in coastal NSW, a Wetlands Zoning in the former Wyong Shire Council (WSC) and the Wetland Acquisitions scheme in NSW. However, that same wetland with a rezoning for residential development can be worth around \$600,000 per hectare before development just from rezoning.

CEN staff work through programs and other on-ground activities and this involves a lot of interaction with government and private landholders. Conversations with private landholders reveal a desire to protect their biodiversity but no economic mechanism for them to do so. Private landholders are divided into two strands, commercial or lifestyle. Most rural landholdings are a mix and this is where landholders become frustrated with the various types of schemes. To offer land for commercial offsets a landholder needs to invest in expensive consultants' reports. Many who would like to do this do not have the \$20,000 to \$40,000 needed for the BAM assessment. This means that landholders who want to protect their biodiversity (including wetlands) are unable to do so.

### **Context for Freshwater Wetlands**

Wetland ecosystems support high levels of biodiversity, providing habitat for a wide range of animals including waterbirds, fish, frogs, turtles, invertebrates and water-dependent plants.

According to the NSW EPA State of Environment Report (2018) in relation to Freshwater Wetlands:

*"The condition, extent, abundance and biodiversity are all getting worse."*

Consequently, why doesn't the situation improve? One of the reasons is the structure of government departments where biodiversity is always secondary to mining, planning or sacrificed for economic growth. Hence, the mechanisms to protect wetlands (and biodiversity) need to be legislated with real economic costs for destruction or decline.

Since 2000, CEN has written numerous submissions and letters to Ministers for Planning and Local Government on coastal wetlands as well submissions to ICAC inquiries. In the mid-1990s, there was a concerted effort to save and protect wetlands. The NSW Government and the Natural Resources Minister implemented a range of strategies and programs to improve biodiversity and wetlands. These included establishing broadly based Ministerial Advisory Committees on Coastal wetlands and Acid Sulphate Soils. In addition, a Coastal Wetlands Acquisition Scheme to transfer, acquire or purchase and protect coastal wetlands was established and funded. In many cases these wetlands were then handed over to local government to manage with appropriate zoning. This system led to many wetlands being protected, however, it failed if Councilors did not support the protection. Consequently, from about 2010 onwards we started to see the sale of these publicly owned lands with rezoning to follow. ICACs Operation Spicer in 2014 identified the political players and the donations.

In summary, there is no lack of treaties, policies, guidelines or schemes even when the land is publicly owned. However, it is clear from the EPA State of Environment Report that wetlands and consequently biodiversity are declining.

### **Case Study 1 – Freshwater wetland on Council Land at Kangy Angy**

Location: Besides Northern Railway at Kangy Angy



**Photo 1A Kangy Angy wetland prior to construction**  
(Source Map six)





**Photo 1B Construction of Rail Infrastructure on the Kangy Angy Wetland**  
(Source Apple Maps)



**Photo 1C Illustrates Swamp Mahogany Forest with *Melaleuca Biconvexa* and *Gahnia siebaerana*** (Source Transport NSW New Intercity Fleet – Maintenance Facility Review of Environmental Factors)

### **Observations**

There are many wetlands in the former WSC that were obtained by council through a range of mechanisms including the NSW Wetland Acquisitions Scheme and a specific wetlands zoning. The wetland at Kangy Angy was deemed to be protected by the zoning and a range of legislation including the repealed *Threatened Species Conservation Act 1995*. Transport for NSW decided to build a railway facility there despite alternative less environmentally important land being available already within an industrial zoning. However, a local developer did not want the facility on that industrially zoned land near to a proposed residential development. Planning failed to ensure the wetlands were protected and filling the wetland was the inevitable outcome.

The contractor John Holland Constructions are nice people with an ethic on their website:

#### **"Sustainability**

*Sustainability is fundamental to everything we do at John Holland.*

#### **Health & Safety**

*Everybody who works with us has the right to go home safely. There is nothing more important.*

#### **Environment**

*Preserving our environment for future generations is a focus of all our projects."*

CEN outlined the loss of biodiversity and the destruction of the wetland to John Holland, but it still happened resulting in the loss of the wetland and no resulting measurable benefit to wetlands on the Central Coast through the required offsetting.

### **Biodiversity Outcomes:**

The rail infrastructure facility required the clearing of 25.5 hectares of native vegetation which contained known habitat for the species of *Melaleuca biconvexa* – Swamp Mahogany – Cabbage Palm Forest vegetation community. The species occupies 2.2 hectares of this vegetation which resulted in the direct removal of approximately 3,984 *Melaleuca biconvexa* plant stems.

Although the Review of Environmental Factors discusses biodiversity offsets CEN holds the view that such offsets were unlikely to be available and as it turned out there was an easier and cheaper way to meet the offset obligations.

*"Transport for NSW met its biodiversity offset requirements for the Mariyung Maintenance Facility project through:*

- A financial contribution to the NSW Biodiversity Conservation Fund. The funding will be used by the Biodiversity Conservation Trust to purchase biodiversity credits from landowners containing the same vegetation and habitat type that was impacted by the project.*
- A financial contribution to the Mahony's Toadlet Saving our Species Conservation Program, to fund further research and conservation work on the Mahony's Toadlet.*
- The retirement of biodiversity credits sourced from private landowners within the Lake Macquarie and Hunter regions."*



## **Case Study 2 – Freshwater wetland on Council Land at Thompson Vale Road Doyalson.**

Location: Thompson Vale Road land at Doyalson is situated 800 metres south of the coal ash dam of Vales Point Power Station



**Photo 2A Thompson Vale Road, Doyalson wetland**  
(Source Apple Maps)

### ***Observations***

CEN was first involved in this private land in about 2000 when illegal clearing of protected vegetation occurred. The landholder from that time Terrace Towers decided to use the land to farm goats. This land is a rare wetland type and was purchased by council in 2014 for \$7 million as an offset to a proposed airport. Later the council had the land assessed for biodiversity credits and they were evaluated at in excess of \$20 million for BOS. Recently, the lands were sold to an unnamed purchaser for an undisclosed sum for an unknown purpose by the Central Coast Council Administrator. A clear case of a lack of transparency by a council.

The land is also important in preventing pollution of the Tuggerah Lakes.

Two letters in appendix 2a. attached give the full story.

CEN is seeking advice on what can be done due to the possible collusion and deception by council in this case. The lack of transparency in selling public land is alarming and significantly inhibits our ability to respond.

### ***Biodiversity Outcomes:***

The Doyalson wetland is located on Spring Creek. The Spring Creek system has a distinctive fine scale structure that is representative of an increasingly rare wetland type in the region.

This structure has the characteristic gilgai or pock-marked surface with small holes up to half metre deep every few metres. These holes provide water storage and habitat to frogs, invertebrates and other aquatic plants while the high ground in between the holes as a dry type of vegetation.

The former WSC has documented in its 2003/2004 State of the Environment Report that under present technology constructed wetlands can only achieve a 50% reduction in nutrients such as phosphorous. Available data for Spring Creek suggests development would increase these nutrients by 600%. Consequently, development within the catchment will lead to a serious decline in the wetlands including the loss of sensitive species and their replacement with weed species.

The site contains the vegetation community of the Swamp Sclerophyll Forest on Coastal Floodplain which is classified as an Endangered Ecological Community containing *Melaleuca biconvexa* and frog habitat. The former WSC engaged external consultants to prepare a Biodiversity Steward Agreement. It is calculated the biodiversity credits on the land could be valued between \$22.4 million to \$33.7 million.

The site is in close proximity to multiple state conservation areas and a nature reserve and is a critical link in the wildlife corridor of the north Wyong area. The land has the potential for passive recreational opportunities as it is adjacent to the suburb of Blue Haven and in close proximity to the suburb of San Remo.



### **Case Study 3 – Freshwater wetland on Council Land at Lisarow**

Location: Adjacent to Lisarow Railway Station



**Case Study 3 – Photo A Lisarow wetland prior to construction**  
(Source Map six)



**Case Study 3 – Photo B Early stages of road upgrade**  
(Source Apple Maps)



**Case Study 3 – Photo C Illustrates the presence of mature *Melaleuca Biconvexa***

(Source Transport NSW Upgrading the Pacific Highway, Ourimbah Street to Parsons Road, Lisarow 2 Submissions Report)

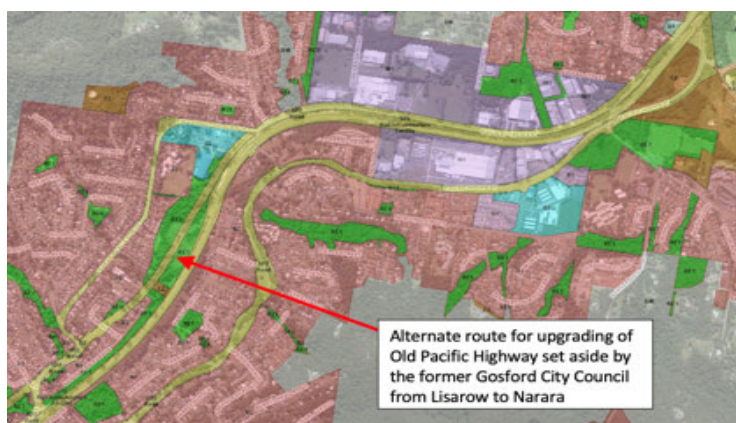
The Species Impact Statement prepared by Transport NSW confirmed there is likely to be an unavoidable and significant impact on about 2.6 hectares of *Melaleuca Biconvexa*, despite the mitigation measures that have been developed.

**Observations**

This is the only freshwater wetland in the former Gosford City Council (GCC) east of the M1 Motorway. The wetland has been massively impacted by highway widening. In 1988 the wetland was assessed as part of a Bicentennial Natural Heritage report to quote: “...”

In the early 1980s the former GCC, aware of the need to provide a traffic bypass around the Gosford City Centre for traffic using the Old Pacific Highway, planned and rezoned an alternative route. The alternative route is located on the western side of the rail corridor. Between Lisarow to West Gosford.

Illustrated in Fig 3A is an alternative route for the upgrading of the Old Pacific Highway



**Fig 3A Zoning Map** (Source Central Coast Council Online Mapping)

If Transport NSW had selected the alternate route this would have avoided any impact upon the Lisarow wetland. Because Transport NSW did not select the alternative route all traffic on the route of the Old Pacific Highway has been directed to the eastern side of the rail corridor.

As all traffic has been directed to the eastern side of the rail corridor just 4 kilometers south in the adjoining suburb of Narara Transport NSW is now planning a major rail crossing to redirect traffic back to the western side of the rail corridor.

Prior to the enactment of the *Land Acquisition (Just Terms Compensation) Act 1991*, Lot 6 DP 1223073, was zoned for acquisition as it contains the open body of water of the Lisarow wetland. The acquisition of the land resulted in the matter going before the Supreme Court of NSW. Notwithstanding that Council offered market value the Supreme Court ruled that as the land was adjacent to Lisarow railway station Council was required to pay in excess of \$1 million for this single parcel of land above the market value.

#### *Biodiversity Outcomes*

The Species Impact Statement (SIS) documents the flora on the site consisting of:

*Two Endangered Ecological Communities (EECs) recognised as Swamp Sclerophyll Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions (Swamp Sclerophyll Forest) and Freshwater Wetlands on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South Basin and South East Corner Bioregions (Freshwater Wetlands) occur as remnant vegetation adjoining the Pacific Highway. The distribution of Melaleuca biconvexa is mainly associated with the Swamp Sclerophyll Forest and margins of the Freshwater Wetlands.*

The SIS records

*... the forested habitats ... [on the site as providing] foraging and prey resources for a range of nectivorous and carnivorous fauna, as well as refuge and shelter for highly mobile and disturbance tolerant fauna such as bats and birds. This suggests there is potential for several threatened fauna species to occur, in particular the Grey-headed Flying-fox, Powerful Owl and threatened hollow-roosting microbats. The Grey-headed Flying-fox was identified in the study area and the swamp forest habitats provide critical foraging habitat for this species; in accordance with the Draft National Recovery Plan for the Grey-headed Flying-fox (DECCW 2009) ...*

*The open wetland habitats are utilised by a number of common amphibian and bird species and provide locally important food resources for a range of nectivorous fauna, in particular the Grey-headed Flying-fox. This is due to the dominance of mature Swamp Mahogany (Eucalyptus robusta); an important keystone winter-flowering species productive during nectar resource bottlenecks. Such resources are also known to be utilised by nomadic threatened species such as Swift Parrot, Regent Honeyeater and Little Lorikeet.*

According to the SIS, the development resulted in the:

- *Loss of 3.84 hectares of native vegetation) including:*
  - *0.35 hectares of Freshwater Wetlands on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South Basin and South East Corner Bioregions (Endangered Ecological Community TSC Act).*



- 2.78 hectares of Swamp Sclerophyll Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions (Endangered Ecological Community TSC Act).
- 0.71 hectares of coastal Narrabeen Moist Forest.
- Direct impact to 2.61 hectares of habitat occupied by *Melaleuca biconvexa* supporting up to an estimated 2,153 mature stems. A further possible indirect impact of 0.73 hectares is predicted and the total loss, approximately 2,575 individuals, is considered significant.
- Loss of 3.84 hectares of habitat for protected and threatened fauna (including food resources, shelter and refuge areas during non-breeding life-cycle events), with a particular impact to wide-ranging nectivorous fauna such as Grey-headed Flying-fox, Swift Parrot, Regent honeyeater and Little Lorikeet, in addition to foraging habitat for microbats and the Powerful Owl. The loss is not considered significant for these threatened fauna, due to the small and highly modified condition and the isolation of the habitats.
- Increased fragmentation of terrestrial and aquatic fauna habitat and indirect edge effects from road noise, increased light and wind turbulence reducing the value of the habitat for sedentary populations.
- Clearing and degradation of groundwater dependant ecosystems and wetlands.
- Alteration of existing hydrology regimes.
- Potential changes to water quality as a result of works in or adjacent to aquatic habitats.
- Potential for invasion and spread of weeds into areas disturbed by the construction as well as in situ habitats remaining adjacent to the road.
- Potential for spread of disease pathogens into remnant habitats during construction.
- A contribution to cumulative impacts associated with habitat loss in the locality affecting the long-term viability and survival of local flora and fauna populations, and ecological communities.

## Conclusions:

From the above CEN have made the following deductions:

1. Excuses given for damaging or destroying these freshwater wetlands include cost, cheapest alternative or indifference. Governments have no serious interest in protecting freshwater wetlands – the legislation is impractical, unaffordable or inconvenient.
2. Some Councillors and developers appear to be “at War with Nature” and appear to support destruction of wetlands at any opportunity. Probably because protected wetlands mean threatened species, wildlife corridors could create future development issues as well as providing evidence of flooding or the availability of flat land.
3. Developers do not want the Biodiversity Offset Scheme to operate as it will increase what they have to pay for Offsets in a competitive (bidding) market. While land may offer real offsetting opportunities, the cost of the offsets will be higher due to rarity. Better from the developer’s point of view to say there are no offsets available and to pay the Government or National Parks and Wildlife Service a much cheaper cash option.
4. The involvement of all levels of government with developers can only be controlled by removing discretion from the planning legislation as it applies to biodiversity. If



governments and developers do not care about wetlands, then the most that may be achieved is to highlight the elimination or decline of EECs and Species.

**Recommendations:**

Alternative mechanisms to permanently protect biodiversity are needed and for the system to have legislated targets. This would include:

- a. Permanently protecting publicly owned wetlands
- b. Setting binding targets on local government to provide land for biodiversity offsets schemes
- c. Providing private landholders with up front assistance to join biodiversity offset schemes

Yours sincerely,

John Asquith OAM  
Deputy Chairman

Gary Chestnut  
Chairperson

## APPENDICES:

### 1. Case Study 1 – Kangy Angy Rail Facility

- a. Letters from CEN to Transport NSW dated 4 July 2016
- b. Media release announcing offsets agreement dated 12/11/2021



#### **Community Environment Network Inc.**

*An alliance of community and environment groups from Lake Macquarie, Wyong and Gosford.*

4 July, 2016

New Intercity Fleet Maintenance Facility  
Principal Manager  
Environmental Impact Assessment  
Transport for NSW (TfNSW)  
Locked Bag 6501,  
St Leonards NSW 2065

[projects@transport.nsw.gov.au](mailto:projects@transport.nsw.gov.au)

Dear Sir,

#### **Re REF Intercity Fleet Maintenance Facility at Kangy Angy**

The Community Environment Network (CEN) is an incorporated NFP organisation which supports the principles of Ecologically Sustainable Development and opposing threats to ESD. CEN has 400 members including 70 groups.

**The members and supporting groups of CEN are very concerned by the proposal for the intercity fleet maintenance facility being proposed for Kangy Angy and object to this proposal.**

**CEN believes that an Environmental Impact Statement is needed for this proposal.**

The site selection of Kangy Angy has been a flawed process, where the site selection was based upon simplicity of ownership arrangements rather than suitability of the site. Although a number of potential sites were identified, TfNSW determined to purchase the Warnervale Site or the Kangy Angy site because the site ownership structure was simpler than other sites. Specifically, Council was willing to sell either of these two sites to TfNSW whereas the other sites were deemed to be more complex in their ownership arrangements. To select a site for an industrial development such as the fleet facility based on ease of purchase is poor planning.

The REF makes clear that both the Warnervale site and the Kangy Angy site have significant ecological values and that the development on either site will have a significant impact on threatened species and endangered ecological communities.

It is clear that constructing the facility at Kangy Angy which is not an industrial or commercial area, will have a significant impact on the environment, especially:

1. Residents' lifestyle, amenity and property values;
2. Excessive noise from railway workshops and wash down facilities on a 24 hour x 7 days basis in a residential area;

3. Flooding impacts on surrounding properties and neighbours, diversion of natural flows by fill and embankments and displacement and blocking of floodwaters.
4. Loss of significant environmental lands;
5. Loss of significant Endangered Ecological Communities and Threatened Species;
6. Generic and minimalist approach to assessment of frog species, and;
7. Impact of water quality of the floodplain and Ourimbah creek which is part of the drinking water supply.

The background to this project whereby consultants identified sites at Warnervale, and CEN are now forced to defend high quality environmental land at Kangy Angy, does not reflect a good process or use of objective information by Transport NSW. Several sites were assessed by TfNSW and profiled in the 2014 GHD report. Kangy Angy was not even considered. Within a few months from September 2015 a frantic pace has been set by TfNSW to establish the facility at Kangy Angy.

History shows that Warnervale sites were considered to establish the facility but we know that the then Wyong Council, in an effort to keep Warnervale for a "future" University precinct, offered this flood prone land at Kangy Angy for the facility. Council knows that flooding was an issue, clearly demonstrated in their major study of Ourimbah Creek precinct (CSS 2013) and that the E2 and E3 zoning would be destroyed by this project.

CEN and other community members are concerned by the lack of consideration of flooding issues in the REF. Wyong Council has not fully briefed Transport of New South Wales team and we refer you to the major Ourimbah Creek Catchment Flood Study by Catchment Simulation Solutions (2013) and its associated maps therein. CEN are concerned by major discrepancies identified between the flood maps in the REF and maps prepared by Consultants for Wyong Council that accompanied the 2012 LEP.

**CEN believes that an Environmental Impact Statement is required for this site.** Section 112(1C) provides that an EIS is not required for an activity where an SIS has been prepared and the SIS determines that the activity will have a significant affect on threatened species / habitat/endangered ecological communities if the impacts of the activity will not significantly affect the environment other than those located on the land.

Consequently, due to the significant off site impacts, the REF and SIS have not sufficiently assessed the impacts of the activity (being the construction of the fleet facility and associated works such as the clearing of native vegetation). This is exemplified by the fact that the frog study identified an undescribed frog. The fact that the frog is undescribed and the status of the frog is unknown means that the SIS and REF could not possibly determine whether the activity will have an impact on this species beyond the land on which the activity is located. That is, it could be possible that the activity could significantly impact the undescribed frog if the site hosts a significant proportion of the local population. Without carrying out a full EIS, the affect on the frog cannot be known. It is possible that the carrying out the activity on the site could contribute to the extinction of the species before it is properly identified. If this is the case, then the failure to carry out an EIS in accordance with the legislative requirements could amount to a legal error in the assessment process.

In addition, CEN has no doubt that an Environmental Impact Statement is justified and necessary as the project:

- Is much bigger than has been demonstrated by Transport NSW, specifically, Stage 2 is not identified in any detail, this will require additional property acquisition;

## Media release announcing offsets agreement dated 12/11/2021

Sent: Friday, November 12, 2021 4:10 PM  
To: Jackie Pearson  
Cc: [Customer@rms.nsw.gov.au](mailto:Customer@rms.nsw.gov.au) <[customer@transport.nsw.gov.au](mailto:customer@transport.nsw.gov.au)>  
Subject: Kangy Angy Maintenance Centre: Enquiry

Dear Jackie,

I refer to your recent enquiry regarding Biodiversity Offsets for the Kangy Angy Maintenance Facility project.

Firstly, thank you for getting in touch with Transport for NSW and for your interest Maintenance Facility project at Kangy Angy. And secondly, my apologies for the delay responding to your enquiry.

I can confirm that all biodiversity offsets have been secured for the project, including for the Swift Parrott and Regent Honeyeater.

Transport for NSW met its biodiversity offset requirements for the Mariyung Maintenance Facility project through:

- A financial contribution to the NSW Biodiversity Conservation Fund. The funding will be used by the Biodiversity Conservation Trust to purchase biodiversity credits from landowners containing the same vegetation and habitat type that was impacted by the project.
- A financial contribution to the Mahony's Toadlet Saving our Species Conservation Program, to fund further research and conservation work on the Mahony's Toadlet.
- The retirement of biodiversity credits sourced from private landowners within the Lake Macquarie and Hunter regions.

(The updated status of the project's Biodiversity Offset will be reflected in next year's EPBC compliance report).

Thank you again for your interest in the Mariyung project. Should you have any further questions, the project team can be reached by calling **1800 684 490** or by emailing [projects@transport.nsw.gov.au](mailto:projects@transport.nsw.gov.au).

Media enquiries should be directed to [media@transport.nsw.gov.au](mailto:media@transport.nsw.gov.au)

Kind regards

Transport for NSW  
Community Engagement Manager, Mariyung project

Transport for NSW



Transport  
for NSW

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## **Notice of Motion - Proposed New Intercity Fleet Maintenance Facility Project Kangy Angy**

### **Summary**

The purpose of this Councillor Support Update is to provide an update on the Transport for New South Wales (TfNSW) New Intercity Fleet Maintenance Facility Project and the proposed modification to the threatened species concurrence. Council was notified of the modification via a letter from the Office of Environment and Heritage (OEH) on 5 March 2019.

At its Ordinary Meeting on 25 March 2019, Council:

#### *Resolved*

- 253/19 *That Council request the Chief Executive Officer review the circumstances relating to Transport for New South Wales application to Office of Environment and Heritage (OEH) for a modification of the threatened species concurrence - proposed New Intercity Fleet Maintenance Facility Project at 53 - 55 Orchard Rd Kangy Angy issued by OEH on 22 August 2016, noting that OEH issued a second concurrence for the project on 29 August 2017.*
- 254/19 *That Council request that the Chief Executive Officer identify grounds, if any, to oppose the modification request.*
- 255/19 *That Council, in the event that any grounds are identified as per paragraph 2, request the Chief Executive Officer write a submission to OEH detailing the grounds.*
- 256/19 *That Council request the Chief Executive Officer provide a copy of the submission to Councillors once it is finalised and further clarify if any trees proposed for removal are on Council land.*

A Council response was sent to the OEH on 28 March 2019. The background on the project and the proposed recent modification is detailed below.

### **Project Background**

Transport for New South Wales proposed a New Intercity Maintenance Facility Project at 53-55 Orchard Road, Kangy Angy, NSW 2258 that was initially conceived in May 2014. The primary need for the proposed New Intercity Maintenance Facility is a direct result of the procurement of the New Intercity Fleet trains and the requirement to maintain these trains. The NSW government also identified an opportunity to improve current train operations across the Sydney metropolitan network through the development of the New Intercity Fleet Maintenance Facility at Kangy Angy. The purpose of the New Intercity Fleet Maintenance Facility is to:

- Deliver additional maintenance capacity to handle an increase in the intercity fleet

size and a planned consolidation of intercity fleet maintenance activities.

- Deliver a maintenance facility dedicated to the maintenance of the New Intercity Fleet to realise the operating and maintenance benefits associated with replacing an older fleet with a newer, modern fleet.
- Provide Sydney Trains with the ability to use other maintenance facilities more efficiently.

### **Initial Proposal**

The initial proposal identified a development footprint of approximately 50 ha and would result in the removal of 42.3 ha of native vegetation including:

- Clearing of 25.5 ha of Swamp Sclerophyll Forest (SSF) Endangered Ecological Community (EEC) listed as endangered under the *Biodiversity Conservation Act 2016* (BC Act)
- Direct removal of 3,984 Biconvex Paperbark plants (5014 stems recorded at site) listed as vulnerable under the BC Act and *Environment Protection Biodiversity Conservation Act 1999* (EPBC Act); and
- Potential impacts to 33.3 ha of groundwater dependent ecosystems due to changes in hydrology.

Preliminary investigations and the Biodiversity Assessment Report (provided with the REF) concluded the project would have a significant impact on SSF and Biconvex Paperbark and therefore, a Species Impact Statement (SIS) was prepared.

The SIS identified that 14 threatened species and one EEC were considered as 'affected species' and underwent a detailed impact assessment. The assessment concluded the following:

- the project is likely to result in a significant impact on SSF on the basis that it would add incrementally to fragmentation of the EEC in the locality, and habitat will be removed that is important to the long-term survival of the EEC in the locality;
- the project is unlikely to result in a significant impact to *Melaleuca biconvexa* on the basis that it would not prevent cross-pollination or seed dispersal within the local population, and the subject site is unlikely to be of critical importance to the long-term survival of the species; and
- the project is unlikely to have a significant impact on the remaining affected species as the extent of habitat to be removed comprises a small proportion of the suitable habitat in the locality and would not adversely affect the long-term survival of these species in the locality.

The OEH issued a threatened species concurrence for the project on the 22<sup>nd</sup> August 2016. Council provided submission on the initial proposal to the OEH in November 2016.

### **Previous modification – Additional Species Impact Statement**

Since the original SIS was prepared, a newly described frog was listed as endangered under

Council provided comments in a submission letter to the OEH on the 28 March 2019 that included (Attachment 1):

- The need for thorough and rigorous environmental impact assessment to be conducted.
- Areas of vegetation that were dismissed as only containing exotic vegetation had native vegetation and needed to be assessed accordingly.
- Clearing is proposed on Lot 9 DP 615308, 19 Enterprise Drive Berkeley Vale that is Council owned land and is zoned as RE1 – Public Recreation. Therefore, the State Environmental Planning Policy 19 applies and must be covered in the environmental assessment.
- A recommendation was made that offsets for the modification are secured within the Central Coast LGA.

This information is provided to Councillors on behalf of **Scott Cox, Director Environment and Planning**.

## 2. Case Study 2 – Doyalson Secret Land Sale

Letter from CEN to Council dated 29 October 2021. This letter contains

- Attachment A – Extract from Wyong Shire Council State of Environment Report 2003/2004

Letter from CEN to Council dated 4 November 2021. This letter contains

- Attachment A - PowerPoint presentation (not included)
- Attachment B - Letter to Council dated 17 December 2020
- Attachment C - Letter to Council dated 25 May 2021



**Community Environment Network Inc.**

*An alliance of community & environment groups.*



29 October 2021

Rik Hart  
Administrator  
Central Coast Council  
[theadministrator@centralcoast.nsw.gov.au](mailto:theadministrator@centralcoast.nsw.gov.au)

### **RE: Sale of environmentally sensitive land at 200-1550 Thompson Vale Road, Doyalson**

Dear Rik,

Thank you for your letter of 29 October 2021 and arranging for – Director Corporate Affairs & Chief Financial Officer to respond on your behalf to the letter from Community Environment Network (CEN) of 23 September 2021, regarding the sale of land at Thompson Vale Road, Doyalson. CEN has monitored this land since 2000 due to its environmental significance.

Reflecting upon the two letters received raises the following questions:

Question i. Given the fact that the federal government paid \$69.2 million in 2019, for the biodiversity offset of just 296 hectares for development to enable Sydney's second international airport to proceed (see paragraphs herein numbered 6.0 and 6.1), what is the value of the biodiversity offset for the 144 hectares of land at 200-1550 Thompson Vale Road, Doyalson?

Question ii. At the Executive Leadership Team (ELT) meeting conducted on 17 November 2020, were you informed regarding:

- a. The environmental character of the land at 200-1550 Thompson Vale Road, Doyalson as stated in the following paragraphs herein numbered 1.0, 1.1, 1.2, 1.3, 1.4, 7.0, 8.0, 9.0, 10.0, 11.0 and 11.1?
- b. The history of the purchase of the land at 200-1550 Thompson Vale Road, Doyalson as stated in the following paragraphs herein numbered 2.1, 2.2, 2.3 and 2.4?
- c. Council's actions in managing the land at 200-1550 Thompson Vale Road, Doyalson as a Natural Asset as stated in the following paragraph herein numbered 4.2, 7.0, 7.1 and 7.2?
- d. The potential value of the biodiversity offsets available on the land at 200-1550 Thompson Vale Road, Doyalson as a result of Council preparing the proposed



Biodiversity Stewardship Agreement (BSA) as discussed in the following paragraphs herein numbered 4.1, 4.1.1, 4.1.2, 4.1.3, 4.1.4, 6.0, 6.1 and 6.2?

- e. If the relevant Council staff, Director or Directors attending the ELT did not relay the history, environmental character, Council's management of the site, the site-specific management plan and the potential value of the biodiversity credits, does this constitute a breach of Clause 3.2 of Council's Code of Conduct?

Question iii. Was Council's top tier valuer provided:

- a. A copy of the former Wyong Shire Council report on the purchase of the land at 200-1550 Thompson Vale Road, Doyalson for the sum of \$7 million in June 2014 as discussed in the following paragraphs herein numbered 2.0, 2.1 and 2.2?
- b. A copy of Council's stated objective of not allowing development on the land at 200-1550 Thompson Vale Road, Doyalson, which contains Spring Creek Wetland which is increasingly rare within the region as explained in the following paragraphs herein numbered 1.0, 1.1, 1.2, 1.3 and 1.4?
- c. A copy of Council's proposed BSA, that was prepared for the land at 200-1550 Thompson Vale Road, Doyalson which is discussed in the following paragraphs herein numbered 4.1, 4.1.1, 4.1.2 and 4.1.3?

Question iv. In the contracts of the bill of sale for the land at 200-1550 Thompson Vale Road, Doyalson has Council included:

- a. Reference to the former Wyong Shire Council 2003/2004 State of the Environment (SoE) Report which states that due to the low natural phosphorus levels of the Spring Creek Wetland that any development within the wetland catchment would increase the nutrient levels to Tuggerah Lakes by 600% (even with the installation of artificial wetlands), that Council's stated policy object is to not to allow any decline of this rare wetland (and runoff into Tuggerah Lake)?
- b. A copy of Council's proposed BSA as it directly impacts upon the value and use of the land?

Question v. Have any of Council's former Directors been involved in the current sale of the land at 200-1550 Thompson Vale Road, Doyalson as a potential purchaser or an entity related to a potential purchaser?

Question vi. Could you please confirm whether the information presented in the following paragraphs herein numbered 2.0, 2.1, 2.2, 2.4, 2.5, 4.0, 4.1, 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.2 and 6.2 is correct?

Question vii. Could you please authorise the release of the proposed BSA that was prepared for the land at 200-1550 Thompson Vale Road, Doyalson as discussed in the following paragraphs herein numbered 4.1, 4.1.1, 4.1.2, 4.1.3 and 4.1.4?

Question viii. Given the facts contained in the following paragraphs herein numbered 2.2, 2.4, 4.1, 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.2, 5.0, 5.1, 5.2, 5.3, 5.4 and 6.2 will you arrange for an independent and comprehensive review of the due diligence of the sale of the land at 200-1550 Thompson Vale Road, Doyalson?

Question ix. Given the facts contained in the following paragraphs herein numbered 1.0 to 13.2 will you instruct Council staff to cease the sale of the land at 200-1550 Thompson Vale Road, Doyalson?

To place the questions into context the following facts regarding the history, environmental character and the potential to generate significant income in the sale of biodiversity credits of the land at 200-1150 Thompson Vale Road, Doyalson is presented in chronological order.

1. CEN, has determined that the former Wyong Shire Council's State of Environment Report (SoE) in 2003/2004 undertook a case study of the Wallarah Creek Catchment (The full case study is presented in Attachment A). Key elements of the case study stated:
  - 1.1. *"Walarah Creek catchment (shown on map) is a good example of how "thinking catchment" can add value to our management of biodiversity. This catchment is still largely undeveloped, particularly the northern part which has a high proportion of vegetation cover and is drained by branches of Spring Creek. **In terms of biodiversity, this is a significant area, with records of many threatened species of animals and plants.** The ridges and slopes are covered in a woodland type which is found locally only in the north of the Shire. **51% of this type of vegetation has been lost from our region. Downslope areas are comprised of a species rich of complex wetland system characterised by low nutrients and Gilgi soils** (the Spring Creek system is the largest of this type in the Shire).*
  - 1.2. ***Flora and fauna surveys have confirmed that the Spring Creek wetland system is in excellent health. Water quality data indicates that this catchment may be very different to other catchments in the Shire.** Sampling in Spring Creek has found consistently low phosphorus levels. ... Phosphorus is a plant nutrient that can also be considered a pollutant in some vegetation types because it occurs naturally in very low levels in natural systems. Such 'low nutrient systems' are particularly susceptible to decline when their catchments are developed...*
  - 1.3. *The Spring Creek Wetland system has a distinctive fine scale structure that is representative of **an increasingly rare wetland type in the region** this structure has a characteristic Gilgi or pockmarked surface with small holes up to half a metre deep every few metres while the higher ground in between the holes has a dryer type of vegetation.*
  - 1.4. ***... Available data suggests development would increase these nutrients by 600%. Under such a scenario, development in the catchment at the present time is inconsistent with the Council's stated objective of not allowing wetlands to decline.**" (bold emphasis added)*
2. CEN is aware as recorded in item 3.4 of the Ordinary Council meeting of the former Wyong Shire Council held on 25 June 2014, the Terrace Tower Group approached Council offering its land holdings at Jilliby and at Doyalson. The holdings are owned by two separate companies which are members of the Terrace Towers Group being Warner Business Park Pty Ltd for the Jilliby land and Woodbury Park Pty Ltd for the Doyalson land.
  - 2.1. The Council report documents the owner of Woodbury Park Pty Ltd comprising the lots listed below were purchase for the value of \$7 million
    - Lot 31 DP 586913 (1550 Thompson Vale Road, Doyalson, NSW)
    - Lot 762 SP 746526 (200 Thompson Vale Road, Doyalson, NSW)
    - Lot 32 DP 586913 (740 Thompson Vale Road, Doyalson, NSW)
    - Lot 78 DP 755245 (740 Thompson Vale Road, Doyalson, NSW).
  - 2.2. The council report states the reason for purchasing the Doyalson land is because it "... will likely provide opportunities for ... environmental offset ..." <sup>1</sup>
  - 2.3. At the time the land was purchased at Doyalson it was extremely controversial as the community was aware the Valuer General valued the land at \$5 million and the council

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<sup>1</sup> Former Wyong Shire Council amended item 25 June 2014, Ordinary Council meeting page 3.

purchased the land for \$7 million meaning the Terrace Towers Group was paid \$2 million above the Valuer General's valuation.

2.4. Following when the land was purchased in late 2014, the General Manager (GM) of Terrace Towers Group (the vendor) was then appointed by the former Wyong Shire Council into a newly created position as Council's Assets and Property Director in early 2015.

3. In your letter of 29 October 2021 and letter of 18 October 2021 you both state:

3.1. "The land was purchased from Terrace Towers by the former Wyong Shire Council to revegetate and then use to provide offsets for the development of the Regional Airport planned at Kiar Ridge. The Regional Airport was abandoned in 2015 and therefore the land became surplus to Council's requirements."

3.2. "The land was purchased from general funds and not developer contributions."

4. Notwithstanding the statements made by you and in paragraph 3.1 that the Doyalson land became surplus to Council's needs this is contrary to information held by CEN.

4.1. It is CEN's understanding that Council engaged external consultants at considerable cost to prepare a Biodiversity Stewardship Agreement (BSA) with the aim of calculating the biodiversity credits that are available at the Doyalson site.

4.1.1. We consider the reason why Council would have proceeded to calculate the biodiversity credits even though the regional airport was abandoned in 2015, was because of the presence of the Swamp Sclerophyll Forest on Coastal Floodplain which is classified as an Endangered Ecological Community (EEC), multiple threatened species such as *Melaleuca biconvexa* and frog habitat on the land, which meant that the site would generate significant biodiversity credits. The biodiversity credits could then be sold on the open market or used to offset other local projects such as the Kangy Angy Rail Maintenance Facility (for which TfNSW has still only acquired one third of the mandated offsets).

4.1.2. Given the presence of the EEC, multiple threatened species and frog habitat over a large area, CEN would anticipate that the biodiversity credits would be worth tens of millions of dollars.

4.1.3. Given the condition of consent for the construction of the railway infrastructure at Kangy Angy it is anticipated that TfNSW would be open to purchase the available biodiversity credits at Doyalson thus enabling Council to retain this environmentally sensitive land and receive a financial benefit from TfNSW. Of particular interest to TfNSW would be the biodiversity offset for the *Melaleuca biconvexa* and the frog habitat.


4.1.4. Given the fact that TfNSW has not been able to secure the required biodiversity offsets for its now-operational development located on formerly environmentally sensitive land that was sold by Council whilst under Administrator Ian Reynolds, it was anticipated that Council would be able to sell the biodiversity credits available at the Doyalson land at a premium price and at least retain the benefits of that offsetting within the local area.

4.2. Council managed the land as a Natural Asset Reserve as it removed multiple dangerous mountain bike structures, proactively undertook hazard reduction burns to reduce bushfire risk from Council reserves and erected a steel barrier restricting vehicle access.

5. On 30 November 2020, Council considered item 5.5 which was a report from the Department of Innovations and Futures. Titled: *Sale of Council Operational Assets*. On page 11 of this amended item report it contains a map summarising the restrictions, strategic implications and community risks of selling 200-1550 Thompson Vale Road, Doyalson. A copy of the relevant text and map is present.

Parcel Information – 200, 1550, 740 Thompson Vale Road Doyalson 2262 – Spring Creek Business Park			
Lots & DP	762/746526; 31/586913; 32/586913; 78/755245;	Site Description	4 x Lots known as Spring Creek Business Park
Land Size	234.85 hectares	Classification	Operational land Council resolution 9.9.2015 - no public trust.
Zone	RU6 Transition & E2 Environmental Conservation	Ecology	Potential Industrial Release Zone Figure 9 Proposed Biodiversity Corridor
How it came into Council ownership	The land was purchased for full market value, the land included in this contract is 31/586913, 762/746526 and 32/586913. Not subject to a public trust & not dedicated.	Easements and Restrictions	Lot 762 - Easement for Transmission Line 60 wide. Lot 32 - Easement for Transmission Line Variable Width Lot 78 - Crown Plan for Lot 78 notes Open Forest Gum, swampy, Central Coast Regional Plan 2036 Figure 6 - North Growth Corridor
Loss of Rent (Existing Tenants)	Licence for Wyong Coal is still current and has an expiry of next June 2021, with a one-year option. PA \$11,000 inc. GST.	Strategic Implications of Selling	Identified as a strategically located, constrained site within the North Wyong Shire Structure Plan. Loss of proposed Biodiversity Stewardship Agreement site. Loss of potential materials storage site for CCC Roads.
Risks (Community)	-		

### Images

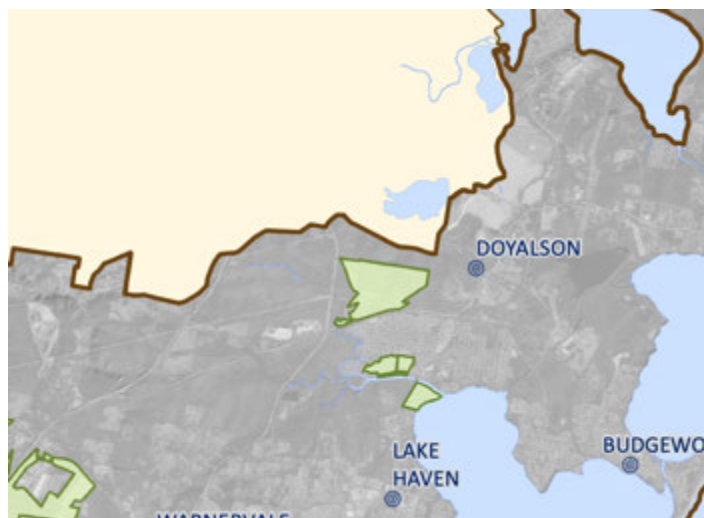


**Fig A - Parcel information for 200-1550 Thompson Vale Road, Doyalson<sup>2</sup>**

- 5.1. The above table states:
- 5.1.1. The land size is 234.85 hectares.
  - 5.1.2. The land was purchased at full market value.
  - 5.1.3. Licence with Wyong Coal is still current and has an expiry of next June 2021, with a one year option PA \$11,000 including GST
  - 5.1.4. Loss of Biodiversity Stewardship Agreement (BSA).
- 5.2. The Council report states the land size of 200-1550 Thompson Vale Road, Doyalson is 234.85 hectares. However, in a letter received from you dated 29 October 2021, you now state the area of the land at 200-1550 Thompson Vale Road, Doyalson is 144.02 hectares. This indicates that there is a substantial error in the Council report of 30 November 2020.

<sup>2</sup> Central Coast Council meeting agenda and minutes URL  
[https://cdn.centralcoast.nsw.gov.au/sites/default/files/Council/Meetings\\_and\\_minutes/amendeditem55saleofcounciloperationalassets.pdf](https://cdn.centralcoast.nsw.gov.au/sites/default/files/Council/Meetings_and_minutes/amendeditem55saleofcounciloperationalassets.pdf)

- 5.3. Notwithstanding the substantial error in the Council report on the land size it is noted in paragraph 5.1.3 that the Council report states that Wong Coal is paying \$11,000 per annum for a licence that expires next June 2021, with a one year option.
- 5.4. Given the fact that the Council report documents the \$11,000 income associated with the licence to Wyong Coal the question arises why the Council report does not document the value of the Biodiversity credits associated with the loss of the proposed BSA?
6. Although the value of the potential value of biodiversity offsets is not presented in the Council report of 30 November 2021, on the 17 February 2021, The Guardian Newspaper contained an article from an environmental investigation titled '*Development should stop*': serious flaws in offsets plan for new western Sydney airport. In this newspaper article it states:
  - 6.1. *The final airport offsets package also included a \$10m contribution to a Greening Australia seed propagation program **and the purchase of some biodiversity offset credits, which the government paid \$69.2m for in 2019 over an area covering about 296ha** (bold emphasis added).*
  - 6.2. Given the fact that the Federal Government purchased some biodiversity offset in 2019 over an area of land covering 296 ha for \$69.2 million if the same ratio per hectare of biodiversity offset was applied to the 144 hectares at Doyalson, this could potentially be worth \$33.7 million. Even if Council only achieved 2/3 the ratio for the biodiversity offsets, Council would still be looking at a value of around \$22.4 million for the biodiversity offsets.
7. Central Coast Council's Biodiversity Strategy 2020, identifies the land at 200-1550 Thompson Vale Road, Doyalson as a Natural Asset as illustrated in the following Figure B.



**Fig B Natural Asset land at Doyalson<sup>3</sup>**

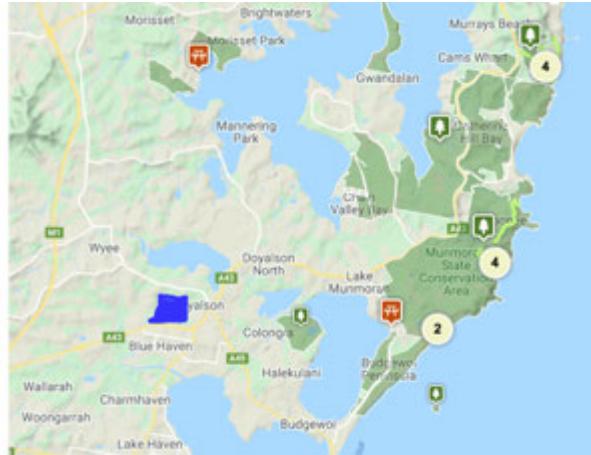
The green shading on Fig A represents land that is classified by the Central Coast Council as a Natural Asset.

- 7.1. A notation on Map 1 of Council's Biodiversity Strategy 2020, states that the land at 200-1550 Thompson Vale Road, Doyalson has a site specific management plan.

<sup>3</sup> Source: Central Coast Council Biodiversity Strategy 2020 - page 36



- 7.2. As the Doyalson land is reported as having a site specific management plan provides *prima facie* evidence that the land is being managed as a Natural Asset and is part of Council's ongoing operations.
8. Fig C documents the land at 200-1550 Thompson Vale Road, Doyalson is located in close proximity to Munmorah State Conservation Area, Lake Macquarie State Conservation Area and Colongra Swamp Nature Reserve.



**Fig C Location of State Conservation Areas and Nature Reserves<sup>4</sup>**

The blue area represents the land owned by the Council at Doyalson. The dark green areas represent the State Conservation Areas and the Nature Reserve.

9. Fig D documents the land at 200-1550 Thompson Vale Road, Doyalson is a key component in Council's adopted regional biodiversity corridor plan.



**Fig D Regional Biodiversity Corridor<sup>5</sup>**

The blue area represents the land owned by the Council. The dark grey hash line marked 4 represents the biodiversity corridor which provides a link connecting the coastal reserves to the foothills and provides an inter-regional landscape break.

<sup>4</sup> Source: National Parks and Wildlife Service URL <https://www.nationalparks.nsw.gov.au/visit-a-park/>

<sup>5</sup> Source: Central Coast Regional Plan 2036 page 36

10. Fig E documents that the land at 200-1550 Thompson Vale Road, Doyalson is identified as containing areas of high conservation value.



**Fig E Areas of High Biodiversity Conservation Vale<sup>6</sup>**

The purple outline represents the land owned by the Council. The intensity of the red shading identifies areas of high conservation value outside the current protected area network within the Central Coast Local Government Area.

11. Fig F documents that the land at 200-1550 Thompson Vale Road, Doyalson contains a mapped endangered ecological community. The site is also adjacent to the suburb of Blue Haven and in close proximity to San Remo.



**Fig F Location of Endangered Ecological Communities and proximity to existing residential suburbs of Blue Haven and San Remo<sup>7</sup>**

The orange outline represents the land at 200-1550 Thompson Vale Road, Doyalson. The fern green shading represents the mapped area of Swamp Sclerophyll Forest on Coastal Floodplain which is classified as an Endangered Ecological Community (EEC). The land to the south of the link road is the suburbs of Blue Haven and San Remo.

<sup>6</sup> Source: Central Coast Council Biodiversity Strategy 2020 - page 59

<sup>7</sup> Central Coast Council online mapping layer containing vegetation communities at URL <https://maps.centralcoast.nsw.gov.au/public/>

- 11.1. The proximity of the land at 200-1550 Thompson Vale Road, Doyalson to the suburbs of Blue Haven and Sam Remo provides the opportunity to establish a range of passive recreational activities similar to what is provided in the Coastal Open Space System (COSS).
12. letter of 18 October 2021 states:
  - 12.1. "The Doyalson land was identified for inclusion in the Business Recovery Plan, being operational and surplus to Council's needs. The land was reviewed by Council's Executive Leadership Team on 17 November 2020 who endorsed the list of Tranche 1. This was then reported to Council on 30 November 2020 and the sale was resolved."
  - 12.2. The due diligence process included:
    - 12.2.1. "Reviewing these sites against Council resolutions and historical records"
    - 12.2.2. "Ensuring Council retains ownership of land that is needed for its current and future service delivery"
    - 12.2.3. "Ensuring that any sale would not contravene legislative requirements"
    - 12.2.4. "Consultation with internal stakeholders affected by the disposal of these assets"
  - 12.3. "Council engaged a top tier valuer to provide Council with a valuation for the land."
13. When the list of Council Assets proposed for sale was presented to the community (in November 2020) there was a strong reaction. As a result of the community reaction Mr Persson advised the community that no environmental land would be sold. Having the opportunity to meet Mr Persson on several occasions I am aware that he considered himself an environmentalist.
  - 13.1. This position of being an environmentalist is stated on line 35 and 36 on page 553 of his recent evidence to the Central Coast Council Public Inquiry transcript.
  - 13.2. Given Mr Persson's position as the Interim Administrator and his public statement that no environmental land was to be included, CEN was reassured that no environmental land was to be included in Council property asset sale. The public confirmation to protect Council's environmental property assets from sale was taken up by you when you were appointed Council's Administrator.

In conclusion CEN requests that:

- A. An independent and comprehensive review of the due diligence of the sale of the land at 200-1550 Thompson Vale Road, Doyalson be undertaken because:
  - a. When the land was purchased in late 2014 from the vendor, Terrace Towers, the purchase was extremely controversial as the owners were paid \$2 million above the Valuer General's valuation (ref to paragraph 2.2)
  - b. Following the purchase in 2014 from Terrace Towers, in early 2015, the GM of Terrace Towers was appointed to a newly created position within the former Wyong Shire Council as the Assets and Property Director (ref to paragraph 2.4).
  - c. The biodiversity credits on the land could be valued between \$22.4 million to \$33.7 million (ref to paragraphs 4.1, 4.1.1, 4.1.2, 4.1.3, 4.1.4 and 6.2).
- B. The Central Coast Council not sell this land due to it being extremely important to the Central Coast for the following reasons:
  - a. Catchment management of Tuggerah Lakes, any development of the extremely poor soils will lead to increased nutrient runoff into the Tuggerah Lakes (ref to paragraphs 1.1 to 1.3).

- b. Council's SoE in 2003/2004 indicates that development of the Thompson Vale Road will increase nutrient runoff into the Tuggerah Lakes system by 600%. Further, development of the site is inconsistent with Council's stated objective of not allowing wetlands to decline (ref to paragraph 1.4).
- c. It contains the vegetation community of the Swamp Sclerophyll Forest on Coastal Floodplain which is classified as an EEC, *Melaleuca biconvexa* and frog habitat (ref to paragraphs 4.1.1, 4.1.2 and 11.0 and fig F).
- d. The biodiversity credits on the land could be valued between \$22.4 million to \$33.7 million (ref to paragraphs 4.1, 4.1.1, 4.1.2, 4.1.3, 4.1.4 and 6.2).
- e. It is in close proximity to multiple state conservation areas a nature reserve and is a critical link in the natural corridors of the north Wyong area (ref to Figs C and D in paragraphs 8 and 9)
- f. The land has the potential for recreational opportunities as it is adjacent to the suburb of Blue Haven and in close proximity the suburb of San Remo (ref to Fig F and paragraph 11.1)

The CEN looks forward to your response to questions i to ix. In the interests of full disclosure, a copy of this letter is being forwarded to the Minister for Local Government and Commissioner McCullough of the Central Coast Council Public Inquiry.

Yours sincerely,

Gary Chestnut  
Chair  
Community Environment Network

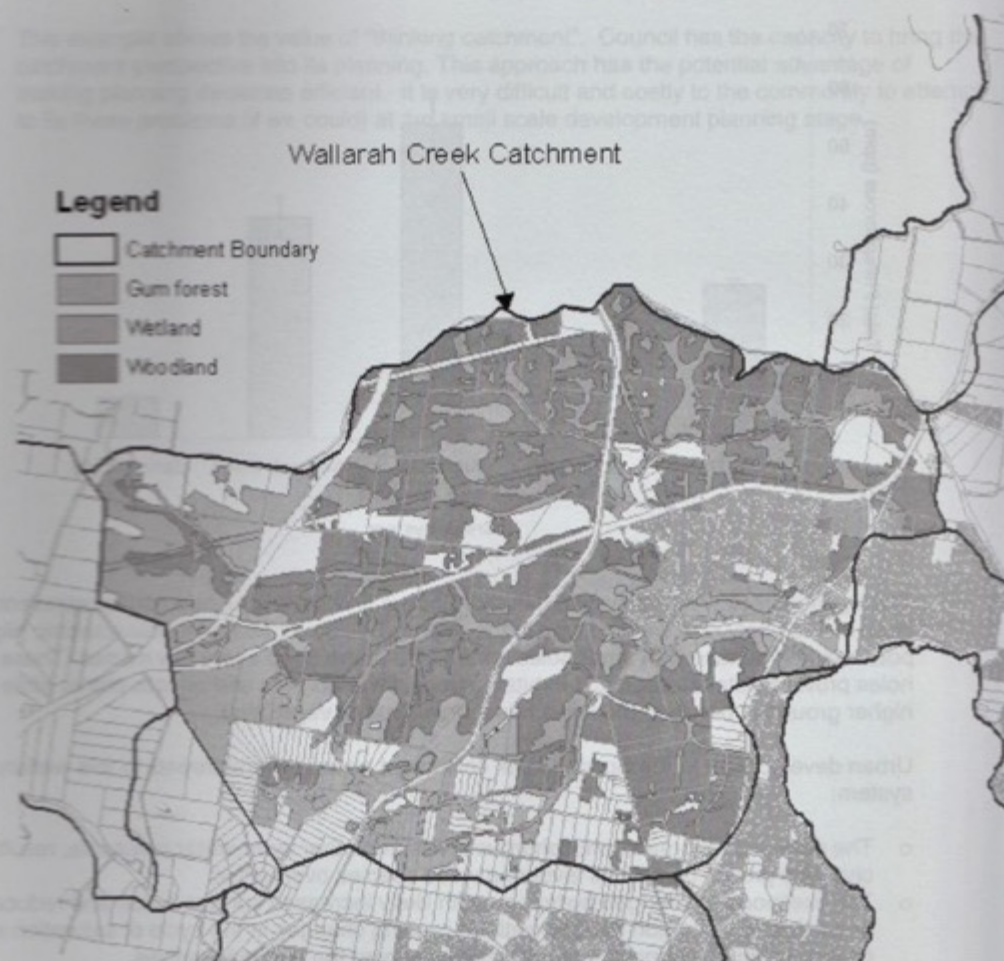
Cc Minister for Local Government; Commissioner of Central Coast Council Public Inquiry



### Catchment Planning Case Study 1: The Wallarah Creek Catchment

Walarah Creek catchment (shown on map) is a good example of how "thinking catchment" can add value to our management of biodiversity. This catchment is still largely undeveloped, particularly the northern part which has a high proportion of vegetation cover and is drained by branches of Spring Creek. In terms of biodiversity, this is a significant area, with records of many threatened species of animals and plants. The ridges and slopes are covered in a woodland type which is found locally only in the north of the Shire. 51% of this vegetation type has been lost from our region. Downslope areas are comprised of a species rich and complex wetland system characterised by low nutrients and Gilgai soils (the Spring Creek system is the largest of its type in the Shire).

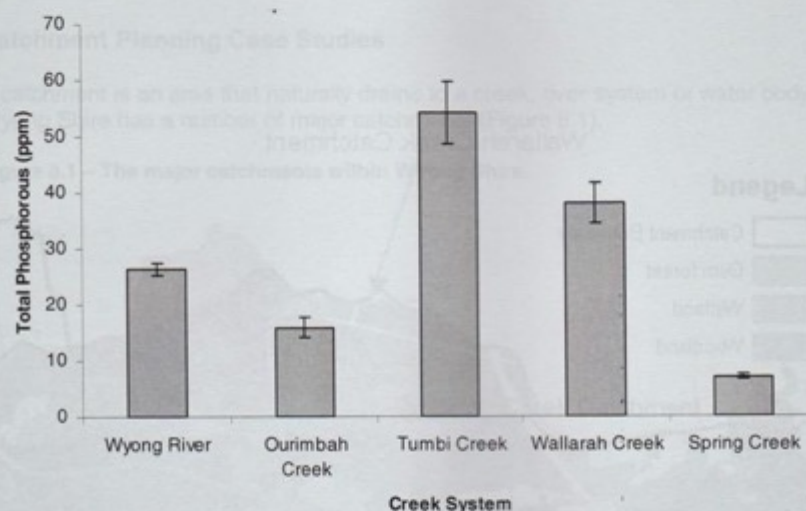
**Figure 8.2 – Wallarah Creek catchment showing boundary and broad vegetation types.** Wallarah Creek flows from west to east into Lake Budgewoi. Spring Creek drains the wetlands (in blue) in the north of the catchment to Wallarah Creek.





Flora and fauna surveys have confirmed that the Spring Creek wetland system is in excellent health. Water quality data indicates that this catchment may be very different to other catchments of the Shire. Sampling in Spring Creek has found consistently low phosphorous levels (Figure 8.3). Phosphorous is a plant nutrient, but can also be considered a pollutant in some vegetation types because it occurs naturally in very low levels in these systems. Such "low nutrient systems" are particularly susceptible to decline when their catchments are developed. Low nutrient catchments when urbanised in Sydney have undergone serious decline including the loss of sensitive species and their replacement with a variety of weed species (King & Buckney 2000). This is associated with elevated phosphorous levels in the order of six times the natural level in streams (Preston 1995) and also in soils (Lieshman 1990). These effects can occur over large areas.

**Figure: 8.3 Phosphorous status of five creek systems in Wyong, Shire (2003 sample data).**



The Spring Creek wetland system has a distinctive fine scale structure that is representative of an increasingly rare wetland type in the region. This structure has a characteristic gilgai or pock-marked surface with small holes up to half a metre deep every few metres. These holes provide water storage and habitat to frogs, invertebrates and aquatic plants while the higher ground in between the holes has a dryer type of vegetation.

Urban development in the Spring Creek catchment poses several threats to this wetland system:

- The potential for greater phosphorous levels and other stormwater pollutants, resulting in changed growth conditions favouring weed species over native;
- The likelihood of changed hydrology, with likely increased surface runoff and reduced groundwater infiltration into the wetland causing changes in the cycle of saturation and drying, again favouring certain weed species over the endemic natives.
- Recreational activities by future residents will tend to carry over into the wetland (including walking, cubby house building, trail bike tracks, etc);
- Hunting activities of domestic dogs and cats (feeding on birdlife, frogs and small to medium sized mammals), thereby reducing wetland biodiversity and potentially changing ecosystem function (e.g. the impact of loss of swamp wallabies)

Council's Management Plan contains a specific target that "plant populations in wetlands do not decline further". Available evidence indicates that development that has the above impacts will cause decline of this wetland system, preventing Council from meeting its target.

The challenge for water sensitive design in this area is:

1. A total or integrated water cycle catchment strategy which ensures no change to the pre-development hydrology of the catchment and wetland.
2. No change in pre-development nutrient and other pollutant loads to the wetland. This is very difficult to achieve with present technology. Constructed wetlands, for example, achieve only a 50% reduction in nutrients such as phosphorous (Department of Environment and Conservation 1998). Available data suggests development would increase these nutrients by 600%. Under such a scenario, development in the catchment at the present time is inconsistent with Council's stated objective of not allowing wetlands to decline.

This example shows the value of "thinking catchment". Council has the capacity to bring this catchment perspective into its planning. This approach has the potential advantage of making planning decisions efficient. It is very difficult and costly to the community to attempt to fix these problems (if we could) at the small scale development planning stage.

## References



## Community Environment Network Inc.

An alliance of community & environment groups.



4 November 2021

Rik Hart  
Administrator  
Central Coast Council  
[theadministrator@centralcoast.nsw.gov.au](mailto:theadministrator@centralcoast.nsw.gov.au)

### RE: Sale of environmentally sensitive land at 200-1550 Thompson Vale Road, Doyalson

Dear Rik

Following your radio interview with Scott Levi conducted on Tuesday 2 November 2021, I would like to direct your attention to a series of meetings, correspondence and a resolution of Council. I have transcribed the radio interview by listening to the podcast which can be accessed via

<https://www.abc.net.au/radio/centralcoast/programs/breakfast/breakfast/13604684>

At the podcast timeline interval 2:18:34 Mr Levi introduces the topic:

Scott Levi *"We are talking about a large site at 200 which is over 140 hectares we believe is at Thompson Vale Road, Doyalson the CEN says ...."*

Between the timeline of 2:19:10 to 2:19:58 a discussion between Mr Levi and you records:

Scott Levi *"Is it a bit late then, surely that these things should be made public, so we know that our Council is doing the right thing by the community and the environment?"*

Rik Hart *"Well Scott they were made very public remember that they were put out for consultation the tranches they went out much earlier under Dick Persson during that time there was no response from CEN on this particular site, I in fact did meet with CEN as well, it was not raised at that meeting either so unfortunately in that sense it's too late because the site is under contract and contracts have been exchanged and settlement is due next year so it is a little bit unfortunate that people are coming to the party now and with concerns now when in fact it was out there for people to make comment on and that didn't occur ... " (yellow highlighted and underline added)*

In respect to your comment "... they were made very public ... they were put out for consultation ... during that time there was no response from CEN on this particular site ..." I would direct your attention to Council's video webcast of the Ordinary Council meeting conducted on 30 November 2021 via URL [30-11-2020 Central Coast Council Meeting – YouTube.](#)

Viewing the video, I observe that you are in attendance and during public forum a number of community members were invited to address Council. Two of the community members present at the meeting invited to speak were former Mayor of the Central Council.

At the video timeline interval at 14:54 Ms Cooper is recorded as stating:

Ms Cooper *"... it was announced these blocks [ie. the Doyalson land] would be part of the reclassification and be up for sale late Friday night when many coasties are putting their feet up after a long work week and after commute that's very disappointing it doesn't appear to me or many others to be transparent. Why haven't you taken the time to listen to any residents. Why are you taking advice from staff that have regular meetings with the UDIA and yet none with residents' groups? Mr Persson there is so much you need to be told there have been many mistakes made in the past so let's not perpetuate it." (Green highlighted emphasis added)*

The statement made by Ms Cooper that the “Tranche 1” lands for sale were placed on the Council’s website in the Business Paper sometime after 5pm on Friday 27 November 2020 for the Council meeting held on Monday 30 November 2020 is contrary to clause 3.3 of Council’s Code of Meeting Practice Policy. Clause 3.3 states:

*“The Agenda Paper will be distributed by 5.00 pm three business days before the meeting”*

At the video timeline interval at 16:10 Ms Smith is recorded as stating:

Ms Smith *“... I would like to speak against the recommendation as it currently stands in item 5.5 Sale of Council Operational Assets [which includes the Doyalson land] I do have concerns about the decision to be made tonight to proceed with the sale of these lands without community consultation ...”*  
*(green highlight emphasis added)*

In respect to Ms Cooper’s and Ms Smith’s comments I draw your attention to the highlighted statements *“Why haven’t you taken the time to listen to any residents ... Mr Persson there is so much you need to be told there have been many mistakes made in the past so let’s not perpetuate it ... the decision to be made tonight to proceed with the sale of these lands without community consultation.”*

The community representatives are presenting a united front for the need for Community consultation. Notwithstanding the request for community consultation for “Tranche 1” Mr Persson resolves:

5.5 Sale of Council Operational Assets	
Time commenced:	7.05pm
Moved:	Mr Persson AM
<b>Resolved</b>	
1257/20	That Council resolve to sell the following properties for not less than market value as determined by an independent valuer;
a)	200 Thompson Vale Road Doyalson 2262 (Lot 762 DP 746526) 740 Thompson Vale Road Doyalson 2262 (Lot 32 DP 586913) 740 Thompson Vale Road Doyalson 2262 (Lot 78 DP 755245) 1550 Thompson Vale Road Doyalson 2262 (Lot 31 DP 586913)

To proceed with the immediate sale of land from 200-1550 Thompson Vale Road, Doyalson. Therefore, the statements made by you *they were made very public ... they were put out for consultation ... during that time there was no response from CEN on this particular site ...* is not correct. Furthermore, based upon the statements made by Ms Cooper, it appears that Council did not comply with Clause 3.3 of Council’s Code of Meeting Practice Policy.

In respect to your comment *“...it was out there for people to make comment on and that didn’t occur ...”*

Again, viewing the video timeline interval at 18.08 Ms Smith states:

Ms Smith *“... I also note that there are significant environmental land to be listed for sale. The Doyalson land parcels are identified as a Natural Asset in Council’s recently adopted Biodiversity Strategy. The land contains an endangered community, it is centrally located in a wildlife corridor identified in the State Government’s Central Coasts Regional Plan 2030 and is classified as having a high biodiversity conservation value. This is not mentioned in the report which raises questions on the quality of the information that you are being provided with to make your decision.”*

At the timeline interval commencing at 46:18 Mr Persson is recorded as stating:

Ms Persson *“... the speakers have covered quite a lot of ground in this item [ie item 5.5] and I didn’t propose to go over all of that and I might just ask – no I wouldn’t throw to Mr Hart ...”*



In the video recording it is noted that Ms Smith did raise the environmental value of the land. Therefore, your statement made by you on the 2 November 2021 that “... it was out there for people to make comment on and that didn’t occur” is not correct that the public did make comment on the environmental value before Council made a determination.

In respect to your comment, *I in fact did meet with CEN as well, it was not raised ... it is a little bit unfortunate that people are coming to the party now.*”

Although CEN did not have the opportunity to raise the environmental value of the Thompson Vale Road, Doyalson because there was no public consultation of “Tranche 1” land, I accompanied the CEO of the Community Environment Network (CEN) Ms Sam Willis, to a meeting with Mr Dick Persson and . This meeting took place on Tuesday 17 December 2020.

At this meeting I had the opportunity to provide a detailed presentation of the opportunity to expand the Coastal Open Space System (COSS) into the former Wyong Shire Council via a Power Point presentation. A print copy of the Power Point presentation is provided in Attachment A. In addition to presenting the Power Point presentation Council was presented with a report titled *Strengths, Weaknesses, Challenges and Opportunities of the Coastal Open Space System* (COSS Report).

Slide 26 in the presentation copied below documents that in the presentation, I highlighted the environmental value of the Thompson Vale Road land at Doyalson.



**Fig A - Copy of slide 26 in COSS presentation from CEN**

Although it is impractical to read the text in Fig A, from pages 40 to 44 of the COSS report it provides a comprehensive and in-depth analysis of the environmental values of the land at Thompson Vale Road, Doyalson. The environmental values are summarised on page 44 which identifies the Doyalson land as:

- *A Council Natural Asset with a site-specific management plan.*
- *Land which has been identified as containing areas of high biodiversity conservation value outside of protected areas.*
- *Mapped areas of the Swamp Sclerophyll Forest on Coastal Floodplain Endangered Ecological Community.*
- *Land that is located within a proposed regional biodiversity corridor which provides a link connecting the coast to the foothills and provides an inter-regional landscape break between the Central Coast and Lake Macquarie.*
- *Land that is in close proximity to Munmorah State Conservation Area, Lake Macquarie State Conservation Area, Colongra Swamp Nature Reserve.*

At the conclusion of the meeting forwarded a letter to Mr Persson along with a personal copy of the COSS Report. A copy of this letter is contained in Attachment B. I wish to draw your attention to point 5 of the letter which states:

*Finally, we request that the following land included in the first tranche of Council properties to be sold, be **withdrawn from the sales process** pending further investigation of its ecological importance/sensitivity: Spring Creek Business Park Thompson Vale Road, Doyalson – proposed biodiversity corridor.*



Not only did CEN raise the matter with Council on 17 December 2020, I wish to acknowledge that I meet with you on 25 May 2021 to discuss the public consultation regarding “Tranche 2” lands. I attended this meeting along with \_\_\_\_\_ from the Central Coast Branch of the Australian Conservation Foundation and \_\_\_\_\_ from Save Central Coast Reserves. You may recall at this meeting you gave a very comprehensive explanation of Council’s financial situation.

Following the meeting I sent you a letter dated 27 May 2021. A copy of the letter is included in Attachment C. In this letter I wish to draw your attention to the following statements:

*... I would particularly like to thank you for your explanation of the asset sales process currently being undertaken by Central Coast Council. Your clarification of the \$90 million ‘basket’ of assets with sale potential, that will need to be prioritised to meet the required \$60 million asset sales, was invaluable.*

Appreciating that as Council’s Interim Chief Executive Officer you instructed staff to prepare a wish list containing a \$90 million basket of assets. I prepared a list of all advertised parcels of land in Tranches 1, 2 and 3. In the accompanying letter in Attachment C, I go on to explain:

*We appreciate the opportunity to provide constructive input on “which \$30 million” of that asset basket the community believes the Council should not sell. CEN would also like to offer some alternative assets that we consider to be more surplus to needs and appropriate for sale than any of those currently listed.*

In the accompanying letter in Attachment C, I present a series of alternative sites. Following the discussion on alternative sites in the accompanying letter in Attachment C, I state:

*Based on our discussion with you today, we have taken the liberty of sorting operational assets that we believe Council has currently earmarked for potential sale and ranked them in order from most suitable for sale to least suitable for sale. The second list is of operational properties that we believe Council must retain due to their value to the environment and/or amenity and liveability.*

In the first table in the letter in Attachment C, this contains the list of all Operational Assets listed by Council. In this first list the land at Thompson Vale Road, Doyalson is placed at the bottom of the table indicating it is the least preferred parcel of land for sale in Council’s \$90 million wish list. In the second table which lists properties for retention by Council, the land at Thompson Vale Road, Doyalson is listed as the number one priority to retain.

Therefore, your statement made by you on the 2 November 2021 that “... I in fact did meet with CEN as well, it was not raised ... it is a little bit unfortunate that people are coming to the party now.” is not correct.

Based upon

- a) The video recording of Council meeting of 30 November 2020
- b) The alleged non-compliance with clause 3.3 of Council’s Code of Meeting Practice Policy
- c) The meeting of CEN with Mr Persson and Mr Scott on 17 December 2020
- d) The letter from CEN to Mr Persson on 17 December 2020
- e) The meeting of CEN, Central Coast Branch of the Australian Conservation Foundation and Save Central Coast Reserves on 25 May 2021
- f) The letter from CEN to you on 27 May 2021

I would request you reconsider the public statement you made on 2 November 2021 and present a clarification to the community that both the public and CEN were unable to make a submission regarding the Doyalson land as “Tranche 1”, which included the land at Thompson Vale Road, Doyalson was not placed out for public consultation. Furthermore, the Agenda Paper containing the properties listed for sale at the Council meeting of 30 November 2020 did not comply with clause 3.3 of Council’s Code of Meeting Practice Policy, providing CEN or the community adequate notice of the potential sale of the land.

It is now clear that on five occasions between 30 November 2020 and May 2021, CEN and the general public raised the issue of the sale of the land in Thompson Vale Road, Doyalson. Council has clearly deceived, CEN and the public. CEN requests that the land on Thompson Vale Road, Doyalson should be withdrawn from sale and permanently protect by implementing the BSA.

In addition, notwithstanding that “Tranche 1”, which included the land at Thompson Vale Road, Doyalson was not placed on consultation or complied with clause 3.3 of Council’s Code of Meeting Practice Policy, based upon c), d), e) and f) you are now aware that CEN requested Council in December 2020 and again in May 2021 to withdraw the land from sale due to high environmental value. To remove any misunderstanding within the community regarding the sale of the land at Thompson Vale Road, Doyalson may I humbly suggest you request the Minister for Local Government expand the Terms of Reference for Commissioner McCullouch as part of the current Public Inquiry to examine all procedures followed by Council in notifying, selecting and proceeding with the contract negotiations for the land at Thompson Vale Road, Doyalson.

In the interests of full disclosure, a copy of this letter is being forwarded to the Minister for Local Government, Commissioner McCullouch of the Central Coast Council Public Inquiry and Scott Levi ABC Radio presenter.  
Yours sincerely,

Gary Chestnut  
Chair  
Community Environment Network

Cc Minister for Local Government; Commissioner of Central Coast Council Public Inquiry; Scott Levi ABC Radio presenter

## Attachment B – Letter to Dick Persson dated 17 December 2020



### Community Environment Network Inc.

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*An alliance of community and environment groups from Lake Macquarie, Wyong and Gosford.*

PO Box 149, OURIMBAH NSW 2258      Phone: 43494756

17 December 2020

Mr Dick Persson AM  
theadministrator@centralcoast.nsw.gov.au

Dear Mr Perrson,

It was lovely to meet you today. Thank you for the opportunity to discuss the **zoning and expansion of the Coastal Open Space System (COSS)** and the **permanent protection of Porters Creek Wetland**. As per your request, we write to confirm our **five key objectives**. The Community Environment Network (CEN) believes the following matters of environmental significance need to be concluded as quickly as possible by Central Coast Council:

1. An agreement between Central Coast Council and the NSW Biodiversity Conservation Trust (BCT) for the **permanent protection of Porters Creek Wetland** was nearing completion in September. We respectfully request that you complete this agreement as a matter of urgency. Please refer to the letter (attached) our Deputy Chair, Mr John Asquith OAM, wrote to you on 10 November, for more information about why Porters Creek Wetland's protection is such an important issue for the region.
2. In relation to the **Coastal Open Space System**, it is CEN's considered view that the E2 zone is not appropriate for COSS as it permits uses that are unsuitable for environmentally sensitive lands. **We seek your support for an E5 zone to be added to the NSW Standard Instrument**. We have written to Planning Minister, Mr Rob Stokes MP, requesting that he signs off on the E5 zone for the whole state as soon as possible. This E5 zoning would provide suitable protection for the Coast's COSS lands and for similar public environmental land across NSW.
3. If the NSW Minister for Planning rules out the introduction of an E5 zoning, the Community Environment Network believes Central Coast Council should consider **zoning all existing and future COSS land as E1 Regional Park** in consultation with the National Parks and Wildlife Service, traditional custodians and the community. This will enable Council to retain ownership and management of COSS land, perhaps using a trust structure.
4. It is our hope that, before the conclusion of your tenure as Administrator, the Council progresses its objective of **expanding the Coastal Open Space System to the whole of the Central Coast local government area**. A copy of our report regarding how COSS could be expanded to the former Wyong LGA was left with Mr Cox at the conclusion of our meeting. We will hand-deliver a duplicate for your personal consideration.
5. Finally, we request that the following land included in the first tranche of Council properties to be sold, be **withdrawn from the sales process** pending further investigation of its ecological importance/sensitivity: Spring Creek Business Park Thompson Vale Road, Doyalson – proposed biodiversity corridor.

Thanks again for your time and interest. We look forward to keeping you informed about important environmental issues during your time with Central Coast Council.

Yours sincerely,

Sam Willis  
CEO

Community Environment Network  
PO Box 149  
Ourimbah 2258

### Attachment C – Letter to Ric Hart dated 25 May 2021



**Community Environment Network Inc.**  
*An alliance of community and environment groups from Lake Macquarie and the Central Coast.*

27 May 2021  
Mr Rik Hart  
Administrator  
Central Coast Council  
Hely St Wyong 2259

Dear Mr Hart,

Thank you for taking the time to meet on Tuesday, May 25, with representatives from the Community Environment Network (CEN) along with from the Central Coast Branch of the Australian Conservation Foundation and from Save Central Coast Reserves.

CEN is the Central Coast's peak environmental organisation so we are thankful that you were prepared to meet with us and representatives from two other groups.

On behalf of CEN, I would particularly like to thank you for your explanation of the asset sales process currently being undertaken by Central Coast Council. Your clarification of the \$90 million 'basket' of assets with sale potential, that will need to be prioritised to meet the required \$60 million asset sales, was invaluable.

We appreciate the opportunity to provide constructive input on "which \$30 million" of that asset basket the community believes the Council should not sell. CEN would also like to offer some alternative assets that we consider to be more surplus to needs and appropriate for sale than any of those currently listed.

Thank you for also clarifying that land classified as Community will not be considered for reclassification or sale "unless absolutely necessary". We will be certain to pass that sentiment on to our members and supporters. It was also a relief to hear you clarify that only operational land that has not received a great deal of public opposition will be considered for sale as part of Tranche 3 at this stage.

We also look forward to learning more about the options you are exploring with the Norah Head community in relation to their community hall and playground.

At the conclusion of our meeting, you undertook to provide answers to the following questions:

- a. **How can the community keep abreast of how the asset sales process is going eg where is tranche 1 up to, what is the status of tranche 2 as a list of tranche 2 properties has not been made public?**
- b. **How will the community be able to assess value for money from asset sales if valuations and sale prices are not placed in the public domain?**
- c. **Will any of the asset sales be via auction?**
- d. **What is the strategic makeup of the committee that has been responsible for identifying assets for sale? Is it a whole-of-council team?**
- e. **Has the whole of Council's operational lands portfolio been audited? If so, is the total land portfolio available to the public? What has been the criteria to identify operational land appropriate for sale ie how is lazy and surplus to needs defined?**

**f. What communication strategy is Council implementing to address communities' fears and confusion surrounding asset sales to build trust?**

CEN appreciates that Council is in a difficult financial position, that tough decisions have to be made and that Council does not have the support of the current NSW Government. We accept your explanation that the NSW Government would not be willing to provide \$60 million in funding in lieu of Council asset sales.

CEN urges Council to give its full consideration to the following asset sales instead of some of the smaller properties currently in Tranche 3.

1. Warnervale Airport – can you please clarify why the urgency to reach \$60 million of asset sales was overridden by Mr Persson's resolution on April 13 *"That Council authorise the Chief Executive Officer to explore inclusion of 4 and 10 Warren Road, Warnervale and 140 Sparks Road, Warnervale into the draft Airport Masterplan and to suspend the sales of these land parcels until the Airport Masterplan is finalised"*?

The combined market value of 4 and 10 Warren Road and 140 Sparks Road would surely make up a significant portion of the required \$60 million asset sales target. CEN believes Central Coast Council should remove itself from the commercial risks involved in pursuing the development of a general aviation hub at Warnervale. It is not the core business of a local government. The airport could be sold as a going concern or as land for development. We urge Council to conduct a cost benefit analysis comparing the ongoing operation of the airport versus the closure of the airport and the land to be rezoned and sold as industrial land.

2. Central Coast Group Training – the Council-owned building at 3 Bounty Close is another example of an asset which would reap an excellent commercial price in the current market. We urge Council, before considering the reclassification and sale of Community land, to review all non-commercial arrangements, particularly those with organisations like Central Coast Group Training, to put such legacy relationships on a commercial footing instead of providing ratepayer assistance to fundamentally lucrative operations and commercial assets. Other examples would be subsidising the loan repayment of the Terrigal Trojans who have received hundreds of thousands of dollars in Federal and State Government grants, and the cross-subsidisation of the cinema operator at Charmhaven. There are, unfortunately, many others 'deals' that were put together by the Wyong Council that were not in the best interests of the community.
3. Consolidation of Council works depots – it is CEN's understanding that Council has work depots that are surplus to needs. We understand the need to keep some locations, such as Woy Woy, which has bore water infrastructure, but we question the need to hang on to the extensive operational land currently owned and under-utilised at locations such as the Erina depot.
4. Sale of Wyong Council building – If Council's public face in its regional capital (Gosford) can be via a library, why does Central Coast Council need to retain either the Gosford or Wyong purpose-built premises? Mr Hart, you mentioned that the \$90 million asset basket represents less than 1% of Council's total land portfolio. Could employees be relocated across other sites so that both the former Council buildings could be sold? Council meetings could be held in alternate venues such as the Erina Centre and the Art House. The sale of the Wyong building would provide an excellent site for infill development of affordable housing close to services and public transport.

Based on our discussion with you today, we have taken the liberty of sorting operational assets that we believe Council has currently earmarked for potential sale and ranked them in order from most suitable for sale to least suitable for sale. The second list is of operational properties that we believe Council must retain due to their value to the environment and/or amenity and liveability.

Our list is collated from Council agenda items 5.5 on 30 November 2020 and the interactive map on [Your Voice Our Coast](#) as we understand there were errors in relevant agenda items dealt with on 27 April. At this stage we have not ranked/included any assets classified as *Community Land* although we do intend to complete this exercise and send you the results in case *Community Land* needs to be reclassified and sold to make up any shortfall in reaching the \$60 million target.



CEN considers protection of the natural environment paramount. However, the liveability of Gosford and its position as a social and cultural hub for the Central Coast region is also a critical part of our commitment to sustainable development in the built environment. Consequently, and in an attempt to be balanced and respect your need to reach \$60 million of asset sales, we would be prepared to accept the conditional sale of the Thompson Vale Road land at Doyalson in exchange for the withdrawal of lots from 49 to 71 Mann Street, Gosford. The Mann Street properties were earmarked for the long-promised Regional Performing Arts Centre in Gosford.

Mr Hart, the community campaign for a Regional Performing Arts Centre dates back to the 1980s. More recently (early 2000s) the community was promised it would be built on the site of the former Gosford Public school, now the location of the new ATO, state office building and Central Coast Quarter. A decision to sell the lots between 49 and 71 Mann will result in the loss of promised State and Federal Government funding for the project and further stymie the community's aspirations for an arts and cultural precinct. We understand that the development of such a precinct would be a long-term aspiration given the Council's financial trajectory but we do hope you consider the community's commitment to this project, and its importance to future generations, when making your decision about asset sales.

We are eager to communicate the outcomes of our discussions with you to our members and supporters so we are looking forward to your earliest possible response.

Yours sincerely,

Gary Chestnut  
Executive Member  
Community Environment Network