

WOLLONDILLY SHIRE COUNCIL

Report of Wollondilly Shire and its Planning and Economy to the Ordinary Meeting of Council held on Monday 18 June 2012

PE3

Preparation of a Draft Planning Proposal - Reclassification of part of Warragamba Waste Management Centre
73SPER

TRIM 6636

APPLICANT:

Wollondilly Shire Council

OWNER:

Wollondilly Shire Council

Planning &
Economy



REPORT

EXECUTIVE SUMMARY

- Council has a lease arrangement with Crown Castle for part of Lot 9 DP 703167 in Production Avenue, Warragamba, for the erection, maintenance and operation of telecommunications facilities
- The lease must be increased by 25 square metres and this requires reclassification of part of the site
- This report aims to regularise the current use of the site.
- This report recommends Council support the preparation of a draft Planning Proposal to reclassify that part of the site subject to the telecommunications lease. The report also recommends the non-statutory initial notification period be waived in this instance as a public notice has been given and a public hearing and community engagement will occur during the Planning Proposal process. No specialist studies and no agency or department consultations are considered necessary.

BACKGROUND

Attachment 1 shows a layout of Lot 9 DP 703167 and immediate surrounds as indicated in the '*Plan of Management for the Former Warragamba Waste Management Centre and Bushland Reserve*'. The Plan of Management was adopted by Council on 15 August, 2011. Attachment 2 shows the area of land proposed to be reclassified to accommodate the leased area for the existing telecommunications facilities.

Council made Resolution 269/2011 which committed to the reclassification of part of the site associated with the lease for the telecommunications facility.

The area of land to be subject to the lease is currently classified as Community Land. Reclassification shall be consistent with the Plan of Management.

DESCRIPTION OF SITE AND SURROUNDS

The total area of Lot 9 DP 703167 is 14.31 hectares. The site of the lease area for the telecommunications facility is 98.4 square metres. The lease area is a rectangular area close to, and accessed from, Production Avenue, Warragamba (see Attachment 2).

Approximately 4 hectares of Lot 9 was used as a non-putrescible landfill from the early 1960's to 30 June 2007. Between July 2007 and 30 June 2008 a resource recovery centre was operated by Council on the same area. The waste management area is currently undergoing remediation.

The remainder of the site is well vegetated and includes a watercourse and some steeply sloping land and is categorised Natural Area (Bushland) in the Plan of Management.

CONSULTATION

Manager Environment and Waste Management Officer

The Manager Environment and Waste Management Officer have advised that the potential reclassification shall not impact upon the remediation works for the waste management centre. The area the subject of remediation is intended to be classified operational to maximise opportunities for potential future uses and to support the ongoing requirements for site management. The reclassification of this portion will be subject to a separate report and draft Planning Proposal.

Property Administration Officer

Council's Property Administration Officer is dealing with the lease arrangements and advises the reclassification is essential to the terms of the lease.

Submissions

As explained in the 'Relevant Considerations' section of this report, public notice has been given of Council's intention to make a resolution which reclassifies the subject land. The public notice allows 28 days for submissions to Council. The closing date for submissions was 13 June, 2012. Should any submissions be received they shall be provided to Council under separate cover prior to the Ordinary Meeting of 18 June, 2012.

RELEVANCE TO COMMUNITY STRATEGIC PLAN OUTCOMES

Governance

- A community that is supported through engagement, collaboration and partnerships across government agencies and private business
- A transparent, effective and sustainable Council

The proposal is currently subject to a public notice and will be further subject to a public hearing and community engagement should the Minister support the Planning Proposal proceeding beyond the Gateway.

POLICIES & LEGISLATION

- Environmental Planning and Assessment Act, 1979
- Environmental Planning and Assessment Regulation, 2000
- Local Government Act, 1993
- Local Government Regulation 2005

RELEVANT CONSIDERATIONS

1. Reclassification

The reclassification of the land shall be in accordance with Sections 27, 28 and 30 to the Local Government Act, 1993. Specifically the land is to be reclassified from community to operational and a Planning Proposal for the reclassification shall be prepared and forwarded to the Minister for Planning and Infrastructure for Gateway determination.

In accordance with Section 30 to the Local Government Act, 1993, the reclassification:

- (i) does not require any trusts, estates, interests, dedications, conditions, restrictions and covenants to be discharged,
- (ii) there are no reservations that except the land out of a Crown grant; and
- (iii) there will be no change to reservations relating to minerals.

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In accordance with Section 34 to the Local Government Act, 1993, Council is required to give public notice of a proposed resolution to reclassify the land. The public notice must give the terms of the proposed resolution and a description of the subject land. The public notice must grant a 28-day period during which submissions can be made to Council. In anticipation of a resolution being made in response to this report, a public notice was placed in locally circulating newspapers and on Council's website. The closing date for submissions was 13 June, 2012. Should any submissions be received they shall be provided to Councillors prior to the Ordinary Council meeting of 18 June, 2012 under separate cover. A copy of the text for the public notice is included in Attachment 3.

2. Statement of Council's Interest

Council owns Lot 9 DP 703167 freehold and Council does not intend to sell or dispose of the land in conjunction with the reclassification.

The Plan of Management identifies further intentions to reclassify to operational the area of approximately 4 hectares formerly used for the Waste Management Centre. However, this shall be subject to a separate report to Council.

The reclassification shall not change the current or likely future use of the subject land and will not impact on the current or potential future use of the site by the general public.

3. Planning Proposal

A draft Planning Proposal can be prepared by Council's Strategic Planning staff should Council resolve to reclassify the land. The draft Planning Proposal is required to amend Wollondilly Local Environmental Plan, 2011 to list the subject land in Schedule 4 Part 1.

The draft Planning Proposal can be forwarded to the Minister for Planning and Infrastructure for the Gateway process.

4. Growth Management Strategy, other Strategies and other relevant matters

The classification of the land is not a matter addressed by Council's Growth Management Strategy, the Draft Subregional Strategy or the Metropolitan Strategy.

The reclassification is not inconsistent with the Ministerial Directions issued in accordance with Section 117 to the Environmental Planning and Assessment Act, 1979.

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FINANCIAL IMPLICATIONS

This matter has a minor financial impact on Council's adopted budget in that a lease arrangement is a source of revenue for Council.

A public hearing will require the engagement of an external facilitator. The costs of a public hearing can be met through the Strategic Planning budget.

CONCLUSION

The reclassification shall have no significant impact. Council's initial non-statutory notification period is considered unnecessary given that a public notice has been published and a 28 day period for submissions has occurred. Furthermore the reclassification process shall require a public hearing and public exhibition.

A draft Planning Proposal can be prepared and forwarded to the Gateway process.

ATTACHMENTS

1. Annotated map of Lot 9 DP 703167 (No.9) Production Avenue, Warragamba
2. Area of land to be reclassified from community to operational.
3. Text of Public Notice

RECOMMENDATION

1. That Council reclassify that part of Lot 9 DP 703167 (No.9) Production Avenue, Warragamba as shown in the survey plan prepared by Boxall Surveyors titled 'Warragamba Waste Management Centre Production Avenue, Warragamba NSW 2752 Revision A' and dated 08/12/2011 (as shown in Attachment 2 to this report) from community land to operational land in accordance with the relevant requirements of the Local Government Act, 1993 and the Environmental Planning and Assessment Act, 1979.
2. That Council prepare a draft Planning Proposal to reclassify that land identified in Part 1 of this Resolution in accordance with the requirements of the Local Government Act, 1993 and the Environmental Planning and Assessment Act, 1979 to list that land in Schedule 4 to Wollondilly Local Environmental Plan, 2011.
3. That the draft Planning Proposal be forwarded to the Minister for Planning and Infrastructure for the Gateway process.

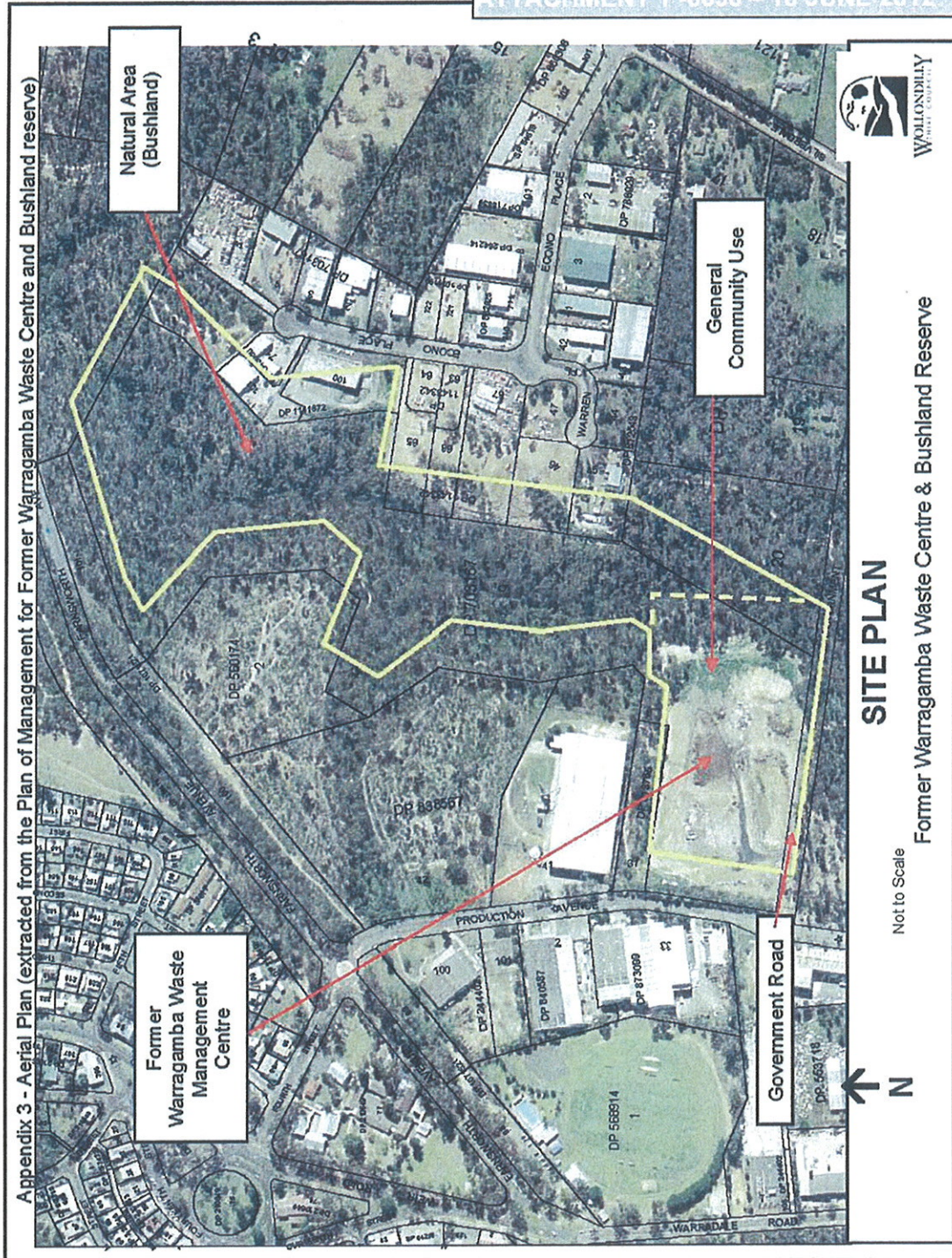
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4. That the non-statutory initial notification period be waived in the circumstances noting that a public notice has already sought submissions in accordance with Section 34 to the Local Government Act, 1993 and the Planning Proposal process will require community engagement and a public hearing should the Planning Proposal proceed.
5. That any person who made a submission in response to the public notice be notified of this resolution.

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ATTACHMENT 3 -6636 - 18 JUNE 2012



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PUBLIC NOTICE OF INTENTION TO RECLASSIFY LAND

At its Ordinary Meeting of 18 June, 2012 Wollondilly Shire Council will consider making a Resolution to reclassify land from 'Community' to 'Operational' in accordance with the relevant provisions of the *Local Government Act, 1993* and the *Environmental Planning and Assessment Act, 1979*.

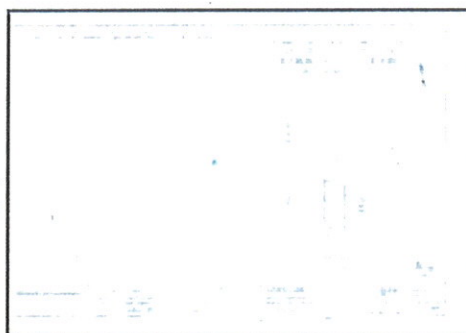
The land the subject of the reclassification is shown in the plan below and is part of Lot 9 DP 703167 (No 9) Production Avenue, Warraganba and contains telecommunications facilities.

The reclassification:

- (i) does not require any trusts, estates, interests, dedications, conditions, restrictions or covenants to be discharged,
- (ii) there are no reservations that except the land out to a Crown grant; and
- (iii) there will be no change to reservations relating to minerals.

The reclassification is consistent with Council's adopted 'Plan of Management for the Former Warraganba Waste Management Centre and Bushland Reserve'.

Council owns the land freehold and does not intend to dispose of / sell the land. The reclassified land shall be subject to a lease for the ongoing maintenance and operation of the existing telecommunications facility. The terms of the lease were subject to Council resolution 269/2011 made on 21 November, 2011.



SUBMISSIONS

Council must give public notice of the intention to make a resolution to reclassify land. A period of 28 days from the date of this notice is granted for submissions to be made to Council. Should you wish to make a submission to Council on this matter please forward such comments in writing (letter, facsimile or e-mail). All correspondence should make reference to TRIM 6636. Council's address for written correspondence is:

Wollondilly Shire Council
Attention: Strategic Planning
P.O. Box 21, PICTON NSW 2571
Council's email address is: council@wollondilly.nsw.gov.au.
Council's facsimile number is 4677 2339.

Submissions should be received by Council no later than close of business Wednesday 13 June, 2012 so that feedback can be considered with the report to the Ordinary Meeting of Council.

Report

A report on the matter will be included in the Ordinary Council Meeting Agenda for 18 June, 2012. The agenda will be available for downloading from Council's website or in hard copy from Council's Customer Service counter from Friday 1 June, 2012.

The report shall also be listed for discussion in the agenda of the Community Forum to be held on Tuesday 12 June, 2012. Community Forums are open to the public. Anyone wishing to make a presentation to the Community Forum should contact Council's Governance station Phone 4677 1107.

Contact

Should you have any questions regarding this matter please contact Sophie Perry in Council's Strategic Planning section on phone 4677 1151.

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