



**PLANNING PROPOSAL
AMENDMENT 6 TO DRAFT WOLLONDILLY LEP 2010**

**RECLASSIFICATION FROM COMMUNITY TO OPERATIONAL LAND
MENANGLE SCHOOL OF ARTS COMMUNITY HALL
4 STATION ST MENANGLE**

Part 1 – Objectives or Intended Outcomes

This amendment proposes to reclassify the Menangle School of Arts Hall at 4 Station St Menangle, Lot 1 DP 306368, from community land to operational land to enable the possibility of the land being sold by Council to the Menangle Community Association Inc for a nominal fee.

Part 2 – Explanation of the Provisions

Amend Schedule 4 – Classification and reclassification of public land, Part 1 – Land classified, or reclassified, as operational land – no interests changed in the yet to be gazetted *draft Wollondilly Local Environmental Plan 2010* 'draft LEP 2010' to include the Menangle School of Arts Hall at 4 Station St Menangle, Lot 1 DP 306368.

Part 3 – Justification

Section A – Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

The property section of Council has recommended that the Menangle School of Arts Hall be sold to the Menangle Community Association Inc. for a nominal fee. The hall was previously owned by the Community however the title was transferred to Council in September 2001. In 2005, the Menangle School of Arts Hall was closed after a Structural Engineering Assessment deemed it not sound for public use. In 2009 a decision was made to demolish the hall. The Menangle Community Association Inc. has since expressed an interest in acquiring the Hall from Council with the intent of refurbishing it for future community use.

A reclassification of the site is required to enable the possibility of the land being sold by Council to the Menangle Community Association Inc for a nominal fee. Following completion of the process of reclassification of the title, it has been recommended to Council that a Caveat be placed on the Title that indicates that if in future the Menangle Community Association Inc can no longer manage or maintain the facility then the Title is to be transferred back to Wollondilly Shire Council.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, amending draft Wollondilly LEP 2010 is the best means of achieving the outcomes as a planning proposal is required to reclassify the subject site under section 27(1) of the *Local Government Act 1993*.

3. Will the net community benefit outweigh the cost of implementing and administering the planning proposal?

The reclassification of this land to operational will allow the Menangle School of Arts Hall to be sold to the Menangle Community Association for a nominal fee, providing a benefit to the community as the hall will be able to be used for community purposes rather than demolished. The cost of implementing and administering the proposal will be minimal.

Section B – Relationship to strategic planning framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

This planning proposal is minor and straightforward in nature and is consistent with both the Metropolitan Strategy and draft South West Subregional Strategy 'draft SWSS', particularly the following actions in the draft SWSS:

- F2.3 Provide for urban civic space in planning for centres
- SW2.3.1 Councils to consider the civic space requirements and identify opportunities to enhance existing civic space and provide new civic spaces
- F4.1 Recognise and build upon Sydney's cultural life
- SWF4.3.4 Councils to continue to protect and enhance the unique historical character of towns and places within the subregion

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Wollondilly Local Environmental Plan 1991

The subject site is zoned 5 (a) (Special Uses "A" Zone) and lies within the Menangle Urban Conservation Area under Wollondilly Local Environmental Plan 1991 'WLEP 1991'. The site adjoins two heritage items, being the Menangle Store and St. Patrick's Catholic Church. The proposed reclassification is in accordance with clause 39 of WLEP 1991 'Classification and reclassification of public land as operational land'.

Draft Wollondilly Local Environmental Plan 2010

Draft Wollondilly Local Environmental Plan 2010 'draft WLEP 2010' was exhibited between 2 November and 14 December 2009. This site is proposed to be zoned B1 Neighbourhood Centre under draft WLEP 2010 and is situated within the Menangle Heritage Conservation Area. The site adjoins two heritage items, being the Menangle Store and St. Patrick's Catholic Church and is opposite a heritage listed dairy cottage under draft WLEP 2010. This planning proposal will not have any adverse effects on the subject site nor those sites in its surrounds. The proposed reclassification is in accordance with clause 5.2 of draft WLEP 2010 'Classification and reclassification of public land'.

Wollondilly Council Strategic Plan

The planning proposal is consistent with Council's Community Strategic Plan, particularly the following actions:

Community

CO-2 Services and facilities are more accessible and more fairly distributed.

Infrastructure

IO-2 Well managed infrastructure supports sustainable living.

Draft Wollondilly Growth Management Strategy

This strategy is currently on exhibition. The area immediately to the north of the subject site is zoned for low density residential under both the current and future LEP. This Growth Management Strategy identifies further lands to the north of the subject site as potential residential growth areas. Although there is no indication of how many dwellings this area would support, the potential rezoning of this area could contribute further to the need for community facilities in the Menangle area.

6. Is the planning proposal consistent with applicable state environmental planning policies?

The planning proposal is consistent with applicable State Environmental Planning Policies (see Appendix 1).

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The planning proposal is consistent with applicable Section 117 Directions (see Appendix 3).

Section C - Environmental, social and economic impact.

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

This proposal will not adversely affect any critical habitat or threatened species, populations or ecological communities, or their habitats.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

This proposal is of minor significance and should not have any adverse environmental effects. A merit assessment of environmental effects can be made when future development applications are lodged.

10. How has the planning proposal adequately addressed any social and economic effects?

It is proposed that the reclassification of the Menangle School of Arts Community Hall would be of social benefit to the community as it will re-enable the use of this cultural facility upon purchase by the Menangle Community Association Inc. Adequate facilities are in place to cater for the use of the hall for community purposes, such as on street parking.

This proposal is not intended to have a negative economic effect as it has been recommended to Council that a Caveat be placed on the Title that indicates that if in future the Menangle Community Association Inc. can no longer manage or maintain the facility then the Title is to be transferred back to Wollondilly Shire Council.

Section D - State and Commonwealth interests.

11. Is there adequate public infrastructure for the planning proposal?

Given that this planning proposal is minor in nature this question is not considered relevant.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

No public authorities have yet been consulted with and Council is of the opinion that such consultations would not be required. Nevertheless, consultation with public authorities can occur if deemed necessary by the gateway determination and this section updated accordingly.

Part 4 – Community Consultation

Council proposes that the planning proposal be exhibited in accordance with the requirements of section 57 of the *Environmental Planning and Assessment Act 1979* and section 29 of the *Local Government Act 1993*. A public hearing will be required to be held as the planning proposal is reclassifying land from community to operational. In accordance with the Department of Planning Circular (PN09-003) the public hearing will be held after the close of the exhibition period. Public notice of the public hearing will be sent and published at least 21 days before the start of the public hearing.

Despite this planning proposal being identified as 'low impact' it is proposed that the planning proposal will be placed on public exhibition for a minimum of 28 days as the proposal is to reclassify land from community to operational use. Written notification of the community consultation will be provided in a local newspaper and on Council's website.

In addition to this, adjoining and nearby neighbours will be notified in writing. The written notice will contain:

- a brief description of the intended outcomes of the planning proposal
- an indication of the land which is affected by the proposal
- information on where and when the planning proposal can be inspected
- the name and address of Council for the receipt of submissions and
- the closing date for submissions.

During the public exhibition period the following documents will be placed on public exhibition:

- the planning proposal
- the gateway determination
- the council report
- the LEP practice note: Classification and reclassification of land through a Local Environmental Plan (PN09-003) and
- any additional information deemed necessary.

Additional criteria under '*A guide to preparing local environmental plans*'

If the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished.

The provisions of this planning proposal do not extinguish any interests in the land.

The concurrence of the landowner, where the land is not owned by the relevant planning authority

The subject site is currently owned by Council, the relevant planning authority for this planning proposal.

Maps

There are no mapping changes as a result of this planning proposal. The following maps have been included for information:

1. Aerial view of subject land
2. Zoning under Wollondilly LEP 1991
3. Proposed zoning under draft Wollondilly LEP 2010
4. Heritage Items and Heritage Conservation Area – LEP 1991
5. Heritage Items and Heritage Conservation Area – draft Wollondilly LEP 2010

Appendices

1. Table indicating compliance with applicable State Environmental Planning Policies (SEPPs) and deemed SEPPs (formerly Regional Environmental Plans)
2. Table indicating compliance with LEP Practice Note PN 09-003
3. Table indicating compliance with applicable section 117(2) Ministerial Directions issued under the Environmental Planning and Assessment Act