

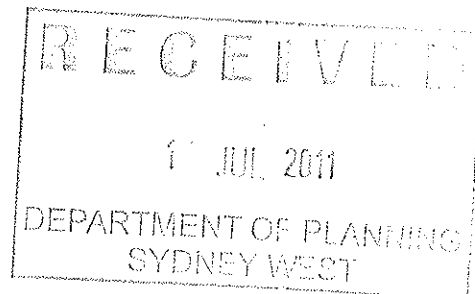
PCU024168

Our Ref: 6358



WOLLONDILLY
SHIRE COUNCIL

Mr Peter Goth
Regional Director Sydney West
Department of Planning & Infrastructure
Locked Bag 5020
PARRAMATTA NSW 2124



11 July 2011

PLANNING PROPOSAL: WONGA ROAD, PICTON – RECLASSIFICATION FROM COMMUNITY TO OPERATIONAL LAND

Dear Mr Goth,

At the Ordinary Council meeting held on 21 March 2011 Wollondilly Shire Council resolved:

That Council forward a planning proposal to the Department of Planning to reclassify the following sites (as shown in the attachments to this report) from "community" to "operational" land:

- Lot 67 DP 3007, Wonga Road, Picton
- Part of Lot 68 DP 3007, Wonga Road, Picton.

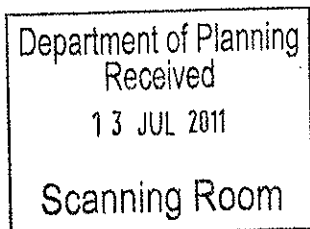
Wollondilly Shire Council requests the Minister for Planning's Gateway Determination on the Planning Proposal in accordance with section 56 of the *Environmental Planning and Assessment Act 1979*. Please find attached a copy of the Planning Proposal, Report to Council and Council resolution.

The attached planning proposal has been prepared in accordance with section 55 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning's 'A guide to preparing a planning proposal' and 'A guide to preparing local environmental plans'.

For further enquiries in relation to this matter, please contact James Sellwood (02) 4677 8260.

Yours faithfully,

Peter Wright
Strategic Planning Manager
Wollondilly Shire Council





**PLANNING PROPOSAL
AMENDMENT TO WOLLONDILLY LEP 2011**

**RECLASSIFICATION FROM COMMUNITY TO OPERATIONAL LAND
LOT 67 and PART OF LOT 68 DP 3007
WONGA ROAD, PICTON**

Part 1 – Objectives or Intended Outcomes

This amendment proposes to reclassify Lot 67 and part of Lot 68 DP 3007, Wonga Road Picton, from community land to operational land to achieve the following outcomes:

- Allow for potential relocation of Council's works depot from its current site in Margaret Street, Picton to Wonga Road, Picton.
- Resolve the anomaly of the use of land classified as community being used for Council's animal shelter and nursery.
- Allow for a range of other potential future operational uses of the subject land if required.

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 *Wollondilly Local Environmental Plan 2011* to include

- Lot 67 DP 3007, Wonga Road, Picton
- Part of Lot 68 DP 3007, Wonga Road, Picton

See Map 1 and 2 for existing and proposed classification of the site.

Part 3 – Justification

Section A – Need for the planning proposal

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

In April 2009 a decision was made to investigate the potential to relocate the depot to Wonga Road, Picton from the current site at Margaret Street, Picton. The concept of relocating the depot to Wonga Road is consistent with the intention for this precinct to contain predominantly employment lands in the future. This strategic intention forms part of Council's adopted Growth Management Strategy.

At its meeting on 21 March 2011, Council resolved:

That Council forward a planning proposal to the department of Planning to reclassify the following sites (as shown in the attachments to this report) from "community" to "operational" land:

- Lot 67 DP 3007, Wonga Road, Picton
- Part of Lot 68 DP 3007, Wonga Road, Picton.

The proposal will also resolve the anomaly of the use of land classified as community being used for Council's animal shelter and nursery and allow for a range of other potential future operational uses of the subject land if required.

The timing of locating a new Council depot on this site will depend on future favourable property market conditions for the sale/redevelopment of the existing Margaret Street Depot site. It is nevertheless prudent to resolve the reclassification issue now so that when conditions are favourable for the sale/redevelopment of the Margaret Street site, Council can act without being delayed by the need to undertake a reclassification procedure.

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

Yes, amending Wollondilly LEP 2011 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*.

As shown on attachment 2 it is proposed to reclassify a portion of Lot 68 only (extending northwards only as far as the northern boundary of the adjacent Picton High School site and extending eastwards to the approximate vegetation line). This means that the remainder of Lot 68 would remain classified as community land which secures its long term future use for public recreation.

Note that while it is proposed to have a split classification on Lot 68, it is proposed to reclassify all of Lot 67 to "operational", even though the eastern parts of that lot are clearly not developable due to vegetation constraints. The reason for this is to enable the option of potential sale of this land should Council in future not require this asset. If the Lot had a split classification, only that part classified as operational would be available for sale and therefore the land would need to be subdivided prior to any sale.

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 for potential relocation of Council's works depot from its current site in Margaret Street, Picton to Wonga Road, Picton when the time is appropriate.
- Resolve the anomaly of the use of land classified as community being used for Council's animal shelter and nursery.
- Allow for a range of other potential future operational uses of the subject land if required.

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 consistent with both the Metropolitan Strategy and draft South West Subregional Strategy 'draft SWSS'.

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

Wollondilly Local Environmental Plan 2011

Wollondilly Local Environmental Plan 2011 'WLEP 2011' came into force on 23 February 2011. The southernmost parcel, Lot 67 is zoned IN2 Light Industrial and the northernmost parcel, Lot 68 is zoned RE1 Public Recreation under WLEP 2011.

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 WLEP 2011 'Classification and reclassification of public land'.

Wollondilly Council Community Strategic Plan

The planning proposal is consistent with Council's Community Strategic Plan particularly objective IO-2: Well managed infrastructure supports sustainable living. The reclassification of this land will contribute to the long term sustainable management of Council's property assets and infrastructure.

Wollondilly Growth Management Strategy

Council resolved on 20 October 2008 *"that as part of its Growth Management Strategy Project, Council investigate the potential for the Wonga Road precinct (extending from Picton High School to the Sewerage Treatment Plant) to provide for future employment uses"*. Subsequently, the Growth Management Strategy (adopted by Council at its February 2011 meeting) has identified this precinct as having potential for future employment uses. There are a number of land owners in this precinct who are interested in pursuing a planning proposal to have their lands rezoned to industrial. This reclassification process compliments that objective and the preliminary traffic study provides useful information to assist those land owners in their considerations.

Both the Wollondilly Community Strategic Plan and the Growth Management Strategy emphasise the need for housing growth in and around existing town centres. The Margaret Street land currently occupied by Council's works depot is ideal for housing development to support the housing needs of our community and the economic viability of Picton town centre.

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 2).

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?

Substantial portions of lots 67 & 68 contain potentially significant vegetation areas. As part of progressing this reclassification, further study of the site's vegetation constraints and identification of appropriate conservation strategies will be required. In principle however, it is Council's aim to only use those parts of the lots that do not have vegetation constraints and to ensure that any significant vegetation is conserved.

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

The land was used as a landfill site until approximately 30 years ago. Subsequent to that time, parts of the site are understood to have been used for the disposal of fill by Sydney Water during the implementation of the Picton Sewerage Scheme. Expert

reports on contamination and remediation strategies will therefore be required as this reclassification process is progressed.

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

The proposal will have a positive social and economic benefit through:

- Allowing more appropriate uses on the Margaret street site in the future if Council's works depot moves to Wonga Rd.
- Allowing for a range of other potential future operational uses of the subject land at Wonga Road if required.

Section D - State and Commonwealth interests.

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

A traffic study has been undertaken to determine the impact of the potential depot relocation along with current development, recent approvals and other potential future developments. This traffic study has indicated that the Wonga Road/Remembrance Driveway intersection will require upgrading. However, the majority of the necessary work is expected to be done by Picton Buslines as a condition of their consent to operate a bus depot in Wonga Road. The traffic study indicates that Council would need to do some work in addition to the work being done by Picton Buslines (left turn deceleration lane) if it intends to locate its depot operations in Wonga Road at some stage in the future. A copy of the preliminary traffic study is attached.

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

No public authorities have been consulted as yet. Council is of the opinion that consultations with the RTA would be required with regard to the intersection upgrade at Wonga Road and Remembrance Driveway. Other consultation with public authorities can occur if deemed necessary by the Gateway determination.

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.

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 preliminary traffic study
- the LEP practice note: Classification and reclassification of land through a Local Environmental Plan (PN09-003) and
- any additional information deemed necessary, including any studies required by the Gateway Determination

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.

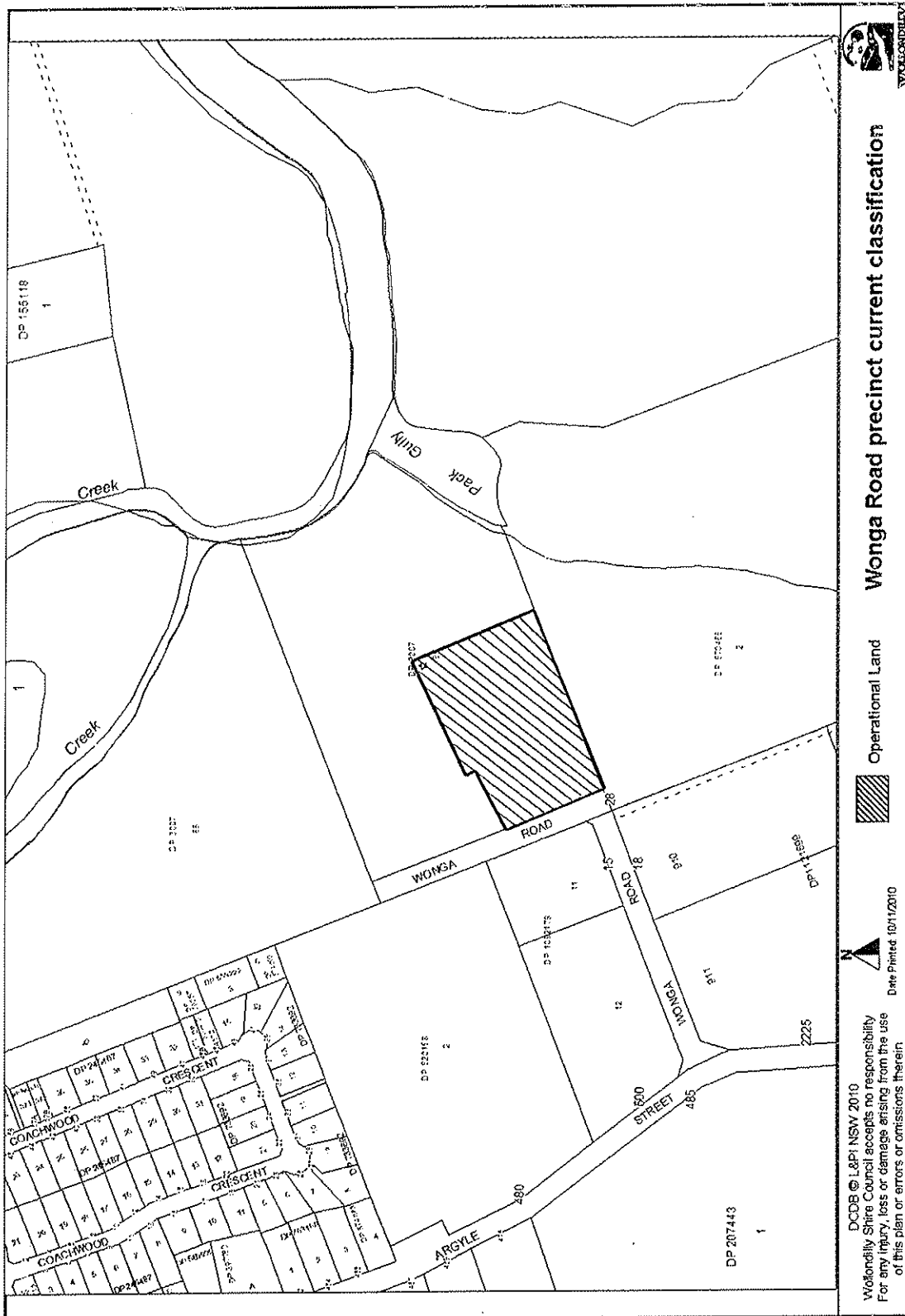
Maps

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

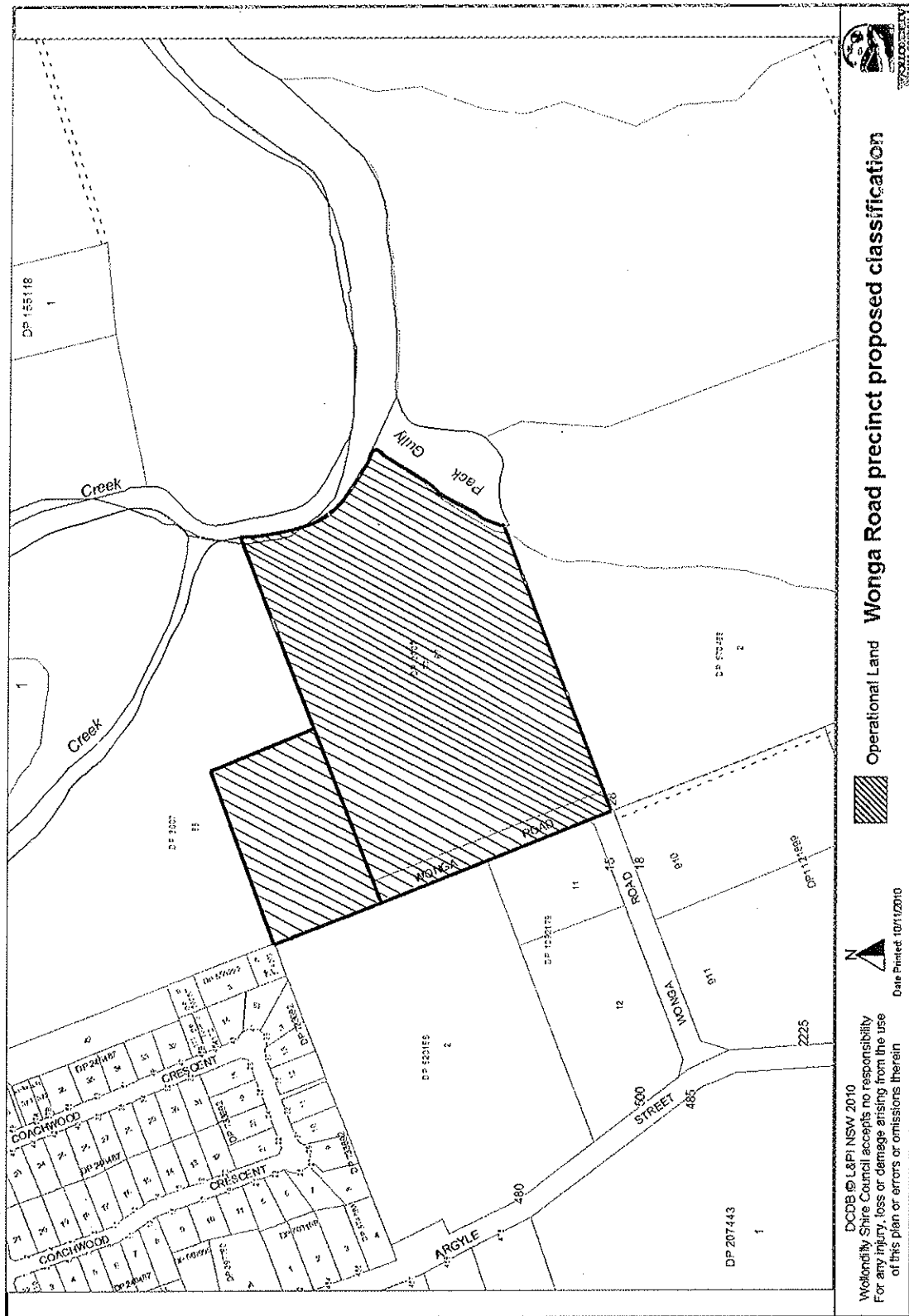
1. Wonga Road Precinct Current Classification
2. Wonga Road Precinct Proposed Classification
3. Aerial view of subject land
4. Zoning under Wollondilly LEP 2011

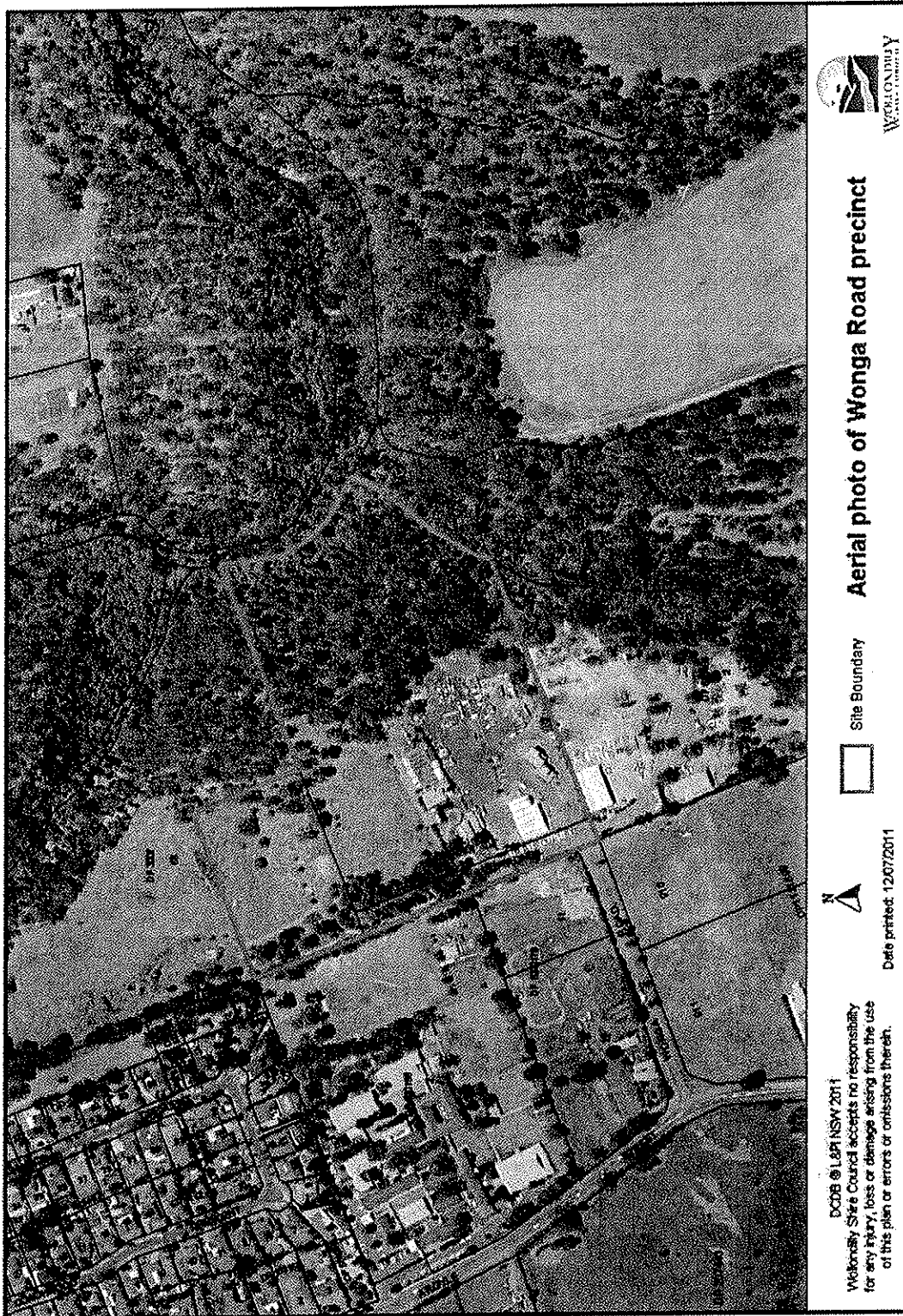
Appendices

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

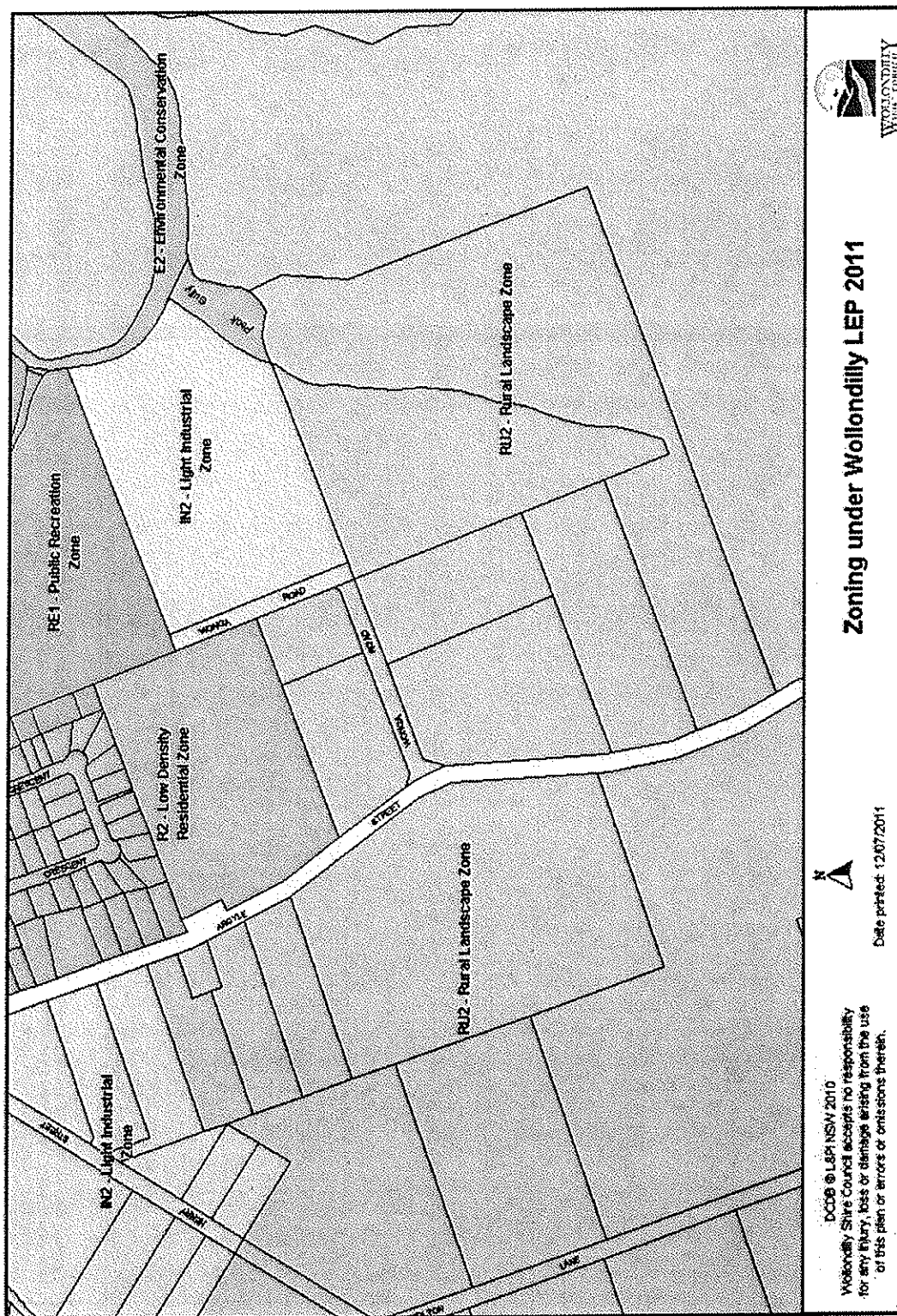


Map 1 – Wonga Road Precinct Current Classification





Map 3 – Wonga Road Site Aerial View



Map 4 – Zoning under Wollondilly LEP 2011

APPENDIX ONE

Table indicating compliance with State Environmental Planning Policies (SEPPs) and deemed SEPPs (formerly Regional Environmental Plans)

	STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)	CONSISTENCY	COMMENTS
1	Development Standards	NA	
4	Development Without Consent and Miscellaneous Complying Development	NA	
6	Number of Storeys in a Building	NA	
14	Coastal Wetlands	NA	Not applicable in the Shire of Wollondilly.
15	Rural Land-Sharing Communities	NA	Not applicable in the Shire of Wollondilly.
19	Bushland in Urban Areas	NA	Not applicable in the Shire of Wollondilly.
21	Caravan Parks	NA	
22	Shops and Commercial Premises	NA	
26	Littoral Rainforests	NA	Not applicable in the Shire of Wollondilly.
29	Western Sydney Recreation Area	NA	Not applicable in the Shire of Wollondilly.
30	Intensive Agriculture	NA	
32	Urban Consolidation (Redevelopment of Urban Land)	NA	
33	Hazardous and Offensive Development	NA	
36	Manufactured Home Estates	NA	Not applicable in the Shire of Wollondilly.
39	Spit Island Bird Habitat	NA	Not applicable in the Shire of Wollondilly.
41	Casino/Entertainment Complex	NA	Not applicable in the Shire of Wollondilly.
44	Koala Habitat Protection	NA	
47	Moore Park Showground	NA	Not applicable in the Shire of Wollondilly.
50	Canal Estates	NA	
52	Farm Dams and Other Works in Land and Water Management Plan Areas	NA	Not applicable in the Shire of Wollondilly.
53	Metropolitan Residential Development	NA	Wollondilly Shire is currently exempted from this SEPP.
55	Remediation of Land	NA	
59	Central Western Sydney Economic and Employment Area	NA	Not applicable in the Shire of Wollondilly.
60	Exempt and Complying Development	NA	
62	Sustainable Aquaculture	NA	Not applicable in the Shire of Wollondilly.
64	Advertising and Signage	NA	
65	Design Quality of Residential Flat Development	NA	
70	Affordable Housing (Revised Schemes)	NA	Not applicable in the Shire of Wollondilly.
71	Coastal Protection	NA	Not applicable in the Shire of Wollondilly.
	SEPP (Affordable Rental Housing) 2009	NA	
	SEPP (Housing for Seniors or People with a Disability)	NA	
	SEPP (Building Sustainability Index: BASIX) 2004	NA	

	SEPP (Kurnell Peninsula) 1989	NA	Not applicable in the Shire of Wollondilly.
	SEPP (Major Development) 2005	NA	
	SEPP (Sydney Region Growth Centres) 2006	NA	Not applicable in the Shire of Wollondilly.
	SEPP (Mining, Petroleum Production and Extractive Industries) 2007	NA	
	SEPP (Temporary Structures) 2007	NA	
	SEPP (Infrastructure) 2007	NA	
	SEPP (Kosciuszko National Park - Alpine Resorts) 2007	NA	Not applicable in the Shire of Wollondilly.
	SEPP (Rural Lands) 2008	NA	Not applicable in the Shire of Wollondilly.
	SEPP (Exempt and Complying Development Codes) 2008	NA	
	SEPP (Western Sydney Parklands) 2009	NA	Not applicable in the Shire of Wollondilly.
	SEPP (Western Sydney Employment Area) 2009	NA	Not applicable in the Shire of Wollondilly.
DEEMED STATE ENVIRONMENTAL PLANNING POLICIES (FORMERLY REGIONAL ENVIRONMENTAL PLANS)		CONSISTENCY	COMMENTS
9	Extractive Industry (No 2)	NA	
20	Hawkesbury–Nepean River (No 2 - 1997)	YES	This proposal is consistent with this SREP.
27	Wollondilly Regional Open Space	NA	Repealed 26/06/2009.
1	Drinking Water Catchments Regional Environmental Plan No 1	NA	Subject lands are not located within the jurisdiction of REP No. 1.

APPENDIX TWO

Table indicating compliance with LEP Practice Note PN 09-003

LEP PRACTICE NOTE PN 09-003 Classification and reclassification of public land through a local environmental plan	
Requirement	Response
Reason why the planning proposal is being prepared	This planning proposal is being prepared to reclassify Lot 67 DP 3007 and Lot 68 DP 3007 as operational land to allow for potential relocation of Council's works depot, resolve an existing anomaly and allow for a range of other potential future operational uses of the subject site.
Current and proposed classification of the land	The land is currently classified as Community land and it is proposed that the land be classified as Operational land.
Reasons for the reclassification	The reclassification of this site from community to operational land will allow for potential relocation of Council's works depot, resolve an existing anomaly and allow for a range of other potential future operational uses of the subject site. Council is not proposing to change the zoning of the subject site in this planning proposal.
Council's ownership of the land	The subject site is currently owned by Council freehold
How and when the interest was acquired	The site has been in Council ownership for a considerable period of time and was part of the original subdivision and land grant dating back to 1828.
The reasons Council acquired an interest	Not known, but prior to the current usage, the land was used as a refuse tip until approximately 30 years ago and have not yet been rehabilitated.
Any agreements over the land	Thiess Services Pty Ltd have a Lease Agreement over Part Lot 67 as per Deposited Plan 1118401. Expires 30/6/2012
An indication of the financial gain or loss from the reclassification	The reclassification of the site has the potential to increase the site modestly in value.
Asset management objectives being pursued, the manner in which they will be achieved and the type of benefits the Council wants (ie how the Council may or will benefit financially).	The longer term financial outcome for Council as a result of undertaking this reclassification process is expected to be favourable as it enables Council to ultimately capitalise on its Margaret Street land asset. It also opens options for Council to achieve better financial outcomes from its Wonga Road land holdings, whether through leasing or sale.
Whether there has been an agreement for the sale or lease of the land	This proposal does not include any new agreements for the sale or lease of the

	land. Thiess Services Pty Ltd have a Lease Agreement over Part Lot 67 as per Deposited Plan 1118401. Expires 30/6/2012.
Relevant matters required in plan making under the EP&A Act	The reclassification is proposed to be carried out in accordance with Division 4 of Part 3 of the EP&A Act.
A copy of the practice note	A copy of the practice note is to be included with the exhibition material. Column 2 – 'Requirements after commencement of the 2008 Part 3 amendment to the EP&A Act when it applies to a proposal' on page 3 of PN 09-003 applies to this planning proposal.

APPENDIX THREE

Assessment against Section 117(2) Ministerial Directions Issued under the Environmental Planning and Assessment Act, 1979

Ministerial Direction	Applicable to Draft LEP	Consistency of draft LEP with Direction	Assessment
1. Employment and Resources			
1.1 Business and industrial Zones	Yes	Yes	The site the subject of this planning proposal is on land that is rezoned IN2 Light Industrial and RE1 Public Recreation under Wollondilly LEP 2011. No zoning change is proposed by this planning proposal and the proposal is consistent with this direction.
1.2 Rural Zones	NA	NA	Direction does not apply.
1.3 Mining, Petroleum Production and Extractive Industries	NA	NA	Direction does not apply.
1.4 Oyster Production	NA	NA	Direction does not apply.
2. Environment and Heritage			
2.1 Environmental Protection Zones	NA	NA	Direction does not apply.
2.2 Coastal Protection	NA	NA	Direction does not apply.
2.3 Heritage Conservation	NA	NA	Direction does not apply.
2.4 Recreation Vehicle Area	NA	NA	Direction does not apply.
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	NA	NA	Direction does not apply.
3.2 Caravan Parks and Manufactured Home Estates	NA	NA	Direction does not apply.
3.3 Home Occupations	NA	NA	Direction does not apply.
3.4 Integrating Land Use and Transport	NA	NA	Direction does not apply.
3.5 Development Near Licensed Aerodromes	NA	NA	Direction does not apply.
4. Housing, Infrastructure and Urban Development			
4.1 Acid Sulphate Soils	NA	NA	Direction does not apply
4.2 Mine Subsidence and Unstable Land	YES	YES	The land subject to the planning proposal is within a proclaimed mine subsidence district. The Mine Subsidence Board may need to be consulted following a Gateway Determination.
4.3 Flood Prone Land	NA	NA	Direction does not apply. The subject land is not identified by Council as being flood prone.
4.4 Planning for Bushfire Protection	YES	YES	The subject land is identified by Council as being bushfire prone. The NSW Rural Fire Service may need to be

Ministerial Direction	Applicable to Draft LEP	Consistency of draft LEP with Direction	Assessment
			consulted following a Gateway Determination.
5. Regional Planning			
5.1 Implementation of Regional Strategies	NA	NA	Direction does not apply.
5.2 Sydney Drinking Water Catchments	NA	NA	Direction does not apply.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	NA	NA	Direction does not apply.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	NA	NA	Direction does not apply.
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	NA	NA	Revoked.
5.6 Sydney to Canberra Corridor	NA	NA	Revoked.
5.7 Central Coast	NA	NA	Revoked.
5.8 Second Sydney Airport: Badgerys Creek	NA	NA	Direction does not apply.
6. Local Plan Making			
6.1 Approval and Referral Requirements	YES	YES	The planning proposal does not include provisions requiring concurrence, consultation or referral to a Minister or public authority. Therefore the planning proposal is consistent with Direction No. 6.1.
6.2 Reserving Land for Public Purposes	NA	NA	This planning proposal reclassifies land from community to operational use but does not reserve land for public purposes.
6.3 Site Specific Provisions	NA	NA	Direction does not apply.
7. Metropolitan Planning			
7.1 Implementation of the Metropolitan Strategy	YES	YES	This planning proposal is consistent with the Metropolitan Strategy.

WOLLONDILLY SHIRE COUNCIL

Report of Wollondilly Shire and its Planning and Economy to the Ordinary Meeting of Council held on Monday 21 March 2011

PE5

Reclassification of Council Owned Land at Wonga Road 247PWRI

TRIM 5254

REPORT

EXECUTIVE SUMMARY

This report deals with the issue of needing to reclassify land owned by Council at Wonga Road, Picton in order to enable the potential future relocation of Council's works depot.

The proposed reclassification will achieve the following outcomes:

- Allow for potential relocation of Council's works depot from its current site in Margaret Street, Picton to Wonga Road, Picton
- Resolve an existing anomaly (community classified land is currently being used for Council's animal shelter and nursery)
- Allow for a range of other potential future operational uses of the subject land if required.

A preliminary traffic study has been undertaken to support the reclassification.

This report notes that current property market conditions preclude Council from being able to achieve a satisfactory sale / redevelopment outcome for the Margaret Street site in the short term, and that therefore the timing for relocation of Council's depot to Wonga Road is as yet undetermined.

This report recommends that Council forward a planning proposal to the Department of Planning to reclassify the following sites from "community" to "operational" land:

- Lot 67 DP 3007, Wonga Road, Picton
- Part of Lot 68 DP 3007, Wonga Road, Picton

BACKGROUND

Council resolved on 20 October 2008 *"that as part of its Growth Management Strategy Project, Council investigate the potential for the Wonga Road precinct (extending from Picton High School to the Sewerage Treatment Plant) to provide for future employment uses"*. Subsequently, the Growth Management Strategy (adopted by Council at its February 2011 meeting) has identified this precinct as having potential for future employment uses.

In April 2009 Council began to investigate the potential to relocate the depot to Wonga Road, Picton from the current site at Menangle Street, Picton. Council owns land in Wonga Road which is potentially suitable for a relocated works depot and the land is adjacent to the general precinct that Council has identified as potentially suitable for future employment uses.

Planning &
Economy

Report of Wollondilly Shire and its Planning and Economy to the Ordinary Meeting of Council held on Monday 21 March 2011

Council's existing works depot has been located in Margaret Street, Picton, since the early 1990s. The land was formerly an RTA depot site and Council's intention at the time was to use the land for a depot as an interim arrangement until suitable industrial land became available and the growth of the Picton town centre precinct warranted a higher value use for the land.

Housing NSW owns land adjacent to the Margaret Street works depot, some of which has not yet been developed for housing. Discussions with senior Housing NSW staff have occurred since late 2007 regarding the creation of a joint master plan for the Housing NSW land and the Council depot lands. These discussions have involved a meeting as recently as 11th February 2011 with representatives of Argyle Housing and BlueCHP Limited (not-for-profit affordable housing organisations). The title of the Housing NSW land is in the process of being transferred to Argyle Housing who are proposing to prepare a joint master plan for their site and the Council depot site. Council expects to be working in partnership with these organisations regarding the preparation of the master plan. However, the timing of any redevelopment of Council's depot site will depend on future favourable property market conditions.

CONSULTATION

If approved by the Department of Planning through the gateway process, the planning proposal would need to be exhibited for 28 days 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 also be required after the exhibition period as the planning proposal is reclassifying land from community to operational. Public notice of the public hearing will be sent and published at least 21 days before the start of the public hearing.

There has been some initial dialogue with the land owners in the precinct who are interested in pursuing rezoning of their land to permit employment uses. A Meeting was held with these land owners on 29th October 2010. At that meeting the land owners were advised:

- That it would be up to them to work together on submitting a planning proposal for the rezoning of their lands.
- That traffic and access issues to their lands would be one of the significant matters needing resolution if their proposal was to proceed.
- That Council would not be a participating land owner in any such rezoning proposal given that Council is not seeking to have any of its Wonga Road land holdings rezoned. Council's reclassification proposal would therefore be a separate matter to their rezoning proposal.
- That Council would be preparing a traffic study to support the reclassification of Council lands and that this study would be made available to the landowners to assist in their preparation of any future planning proposal

WOLLONDILLY SHIRE COUNCIL

Report of Wollondilly Shire and its Planning and Economy to the Ordinary Meeting of Council held on Monday 21 March 2011

RELEVANCE TO COMMUNITY STRATEGIC PLAN OUTCOMES

INFRASTRUCTURE

IO-2 Well managed infrastructure supports sustainable living.

The reclassification of this land will contribute to the long term sustainable management of Council's property assets and infrastructure.

POLICIES & LEGISLATION

As noted above Council's Growth Management Strategy has identified the Wonga Road precinct as having potential for future employment uses.

The Wollondilly Community Strategic Plan and the Growth Management Strategy both emphasise the need for housing growth in and around existing town centres. The Margaret Street land currently occupied by Council's works depot is ideal for housing development to support the housing needs of our community and the economic vitality of Picton town centre.

Under the requirements of the Local Government Act, 1993 all land owned by Council must be classified either "community" or "operational". The subject site is classified community and needs to be reclassified as operational land in or for it to be used for the purpose of a works depot.

The reclassification of land has to be undertaken through an LEP amendment process which must be initiated by a Council resolution to forward a "planning proposal" to the gateway plan-making process administered by the Department of Planning. This process is guided by Part 3 of the *Environmental Planning and Assessment Act*, and the *Local Government Act 1993*.

RELEVANT CONSIDERATIONS

Extent of land proposed for reclassification (see attachments 1 and 2)

Council's Wonga Road land is in two main parcels in DP 3007, Lot 67 with a total area of 6.78 ha, and Lot 68 with a total area of 8.5 ha.

The southernmost parcel, Lot 67 is zoned IN2 Light Industrial under Wollondilly LEP 2011. The eastern parts of this lot are unsuitable for development due to vegetation constraints so its developable land is generally on the western half. As can be seen in attachment 1, the southwestern portion of this lot is classified as operational land. This portion of the lot is leased by Council's waste collection contractor Thiess for use as a waste transfer station. The land immediately to the north of the Thiess operation accommodates Council's plant nursery and animal shelter. Further to the north is an undeveloped portion of Lot 67 (approximately 1.5 ha) with potential to accommodate Council's future works depot.

Note that the plant nursery and animal shelter are Council "operational" uses occurring on "community" classified land. The proposed reclassification would rectify this historical anomaly.

The northernmost parcel, Lot 68 is zoned RE1 Public Recreation under Wollondilly LEP 2011. This land and the northern parts of Lot 67 were used as a refuse tip until approximately 30 years ago and have not yet been rehabilitated. Although lot 68 is classified as community land it is overgrown and not maintained as a useable public open space area.

As shown on attachment 2 it is proposed to reclassify a portion of Lot 68 only (extending northwards only as far as the northern boundary of the adjacent Picton High School site and extending eastwards to the approximate vegetation line). This means that the remainder of Lot 68 would remain classified as community land which secures its long term future use for public recreation.

Note that while it is proposed to have a split classification on Lot 68, it is proposed to reclassify all of Lot 67 to "operational", even though the eastern parts of that lot are clearly not developable due to vegetation constraints. The reason for this is to enable the option of potential sale of this land should Council in future not require this asset. If the Lot had a split classification only that part classified as operational would be available for sale and therefore the land would need to be subdivided prior to any sale.

Possible outcomes enabled by this reclassification

The primary purpose of this proposed reclassification is to enable Council to relocate its depot to the area immediately to the north of the existing animal shelter and nursery. Lot 67 on its own does not have enough developable land area to accommodate a future depot so the proposal therefore incorporates a partial reclassification of the south western corner of Lot 68.

The timing of locating a new Council depot on this site will depend on future favourable property market conditions for the sale/redevelopment of the existing Margaret Street Depot site. It is nevertheless prudent to resolve the reclassification issue now so that when conditions are favourable for the sale/redevelopment of the Margaret Street site, Council can act without being delayed by the need to undertake a reclassification procedure

As stated above, under this proposal most of Lot 68 would remain classified as community land as this enables its long term future use for public recreation. It has been noted that this land could have potential as a playing field area for Picton High School but this would depend on the Department of Education's intentions regarding the school's expansion and also their capacity/willingness to provide appropriate financial input towards the remediation and improvement of the land. The ultimate arrangements regarding ownership of the land and public access would also need to be mutually agreeable to Council and the Department of Education.

Consideration of Key issues

a) Traffic

A preliminary traffic study has been undertaken to determine the impact of the potential depot relocation along with current development, recent approvals and other potential future developments. This traffic study has indicated that the Wonga Road / Remembrance Driveway intersection will require upgrading. However the majority of the necessary work is expected to be done by Picton Buslines as a condition of their consent to operate a bus depot in Wonga Road. The traffic study indicates that Council would need to do some work in addition to the work being done by Picton Buslines (left turn deceleration lane) if it intends to locate its depot operations in Wonga road at some stage in the future

If the rezoning of other lands in the precinct was to occur in the future, further intersection improvements and/or new access road arrangements into the precinct may need to be considered.

b) Contamination

The land was used as a landfill site until approximately 30 years ago. Subsequent to that time, parts of the site are understood to have been used for the disposal of fill by Sydney Water during the implementation of the Picton Sewerage scheme. Expert reports on contamination and remediation strategies will therefore be required as this reclassification process is progressed

c) Vegetation

As noted above, substantial portions of lots 67 & 68 contain potentially significant vegetation areas. As part of progressing this reclassification further study of the site's vegetation constraints and identification of appropriate conservation strategies will be required. In principle however it is Council's aim to only use those parts of the lots that do not have vegetation constraints and to ensure that any significant vegetation is conserved.

d) Interrelationship with future rezoning options

Council's Growth Management Strategy, adopted at its February 2011 meeting, has identified the Wonga Road precinct as having potential for future employment uses. There are a number of land owners in this precinct who are interested in pursuing a planning proposal to have their lands rezoned to industrial. This reclassification process complements that objective and the preliminary traffic study provides useful information to assist those land owners in their considerations.

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FINANCIAL IMPLICATIONS

The traffic study work undertaken to date has cost \$11,500 and has been funded from Council's Property Reserve.

Further costs are expected as the planning proposal progresses, such as:

- Contamination studies
- Environmental studies
- Costs for required Public Hearing

Funding for these items will also need to be drawn from Council's Property Reserve.

The longer term financial outcome for Council as a result of undertaking this reclassification process is expected to be favourable as it enables Council to ultimately capitalise on its Margaret Street land asset. It also opens options for Council to achieve better financial outcomes from its Wonga Road land holdings, either through leasing or sale.

CONCLUSION

The proposed reclassification will achieve the following outcomes:

- Allow for potential relocation of Council's works depot from its current site in Margaret Street, Picton to Wonga Road, Picton
- Resolve an existing anomaly (community classified land is currently being used for Council's animal shelter and nursery)
- Allow for a range of other potential future operational uses of the subject land if required.

This proposal is in keeping with the desired future character of the Wonga Road precinct. Although the timing of the depot relocation is as yet undetermined it is nevertheless prudent for Council to commence the reclassification process now.

ATTACHMENTS

1. Map showing Wonga Road current classification
2. Map showing Wonga Road proposed reclassification

RECOMMENDATION

That Council forward a planning proposal to the Department of Planning to reclassify the following sites (as shown in the attachments to this report) from "community" to "operational" land:

- Lot 67 DP 3007, Wonga Road, Picton
- Part of Lot 68 DP 3007, Wonga Road, Picton

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