



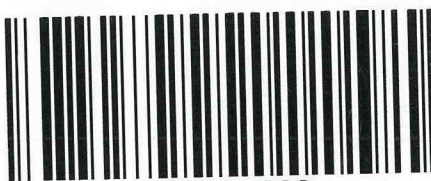
WINGECARRIBEE
SHIRE COUNCIL

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20 April 2012



PWG000999

Our Ref: 5901/15
Contact: Susan Stannard

Ms Ann Martin
NSW Department of Planning
PO Box 5475
WOLLONGONG NSW 2520



Re: Planning Proposal to reclassify land known as Lot 6, Section 11, DP 759070, corner of Mittagong and Jellore Streets Welby, from 'Community' land to 'Operational' land' for the purpose of siting a demountable building to accommodate the Southern Highlands Foursquare Church.

Dear Ann

In accordance with section 55 of the Environmental Planning and Assessment Act 1979, please find enclosed a completed Planning Proposal as described above, together with the completed s.117 Directions and other relevant documents.

Because the Planning Proposal does not result in any change of zoning or permitted land use on the subject land, the Planning Proposal has not, as yet, been sent to the Sydney Catchment Authority for comment. This would be done as part of the public exhibition of the Proposal, if requested by the Gateway.

This Proposal results from a Resolution of Council on 28 March 2012 to prepare a Planning Proposal as described above. A copy of the Report and associated Minutes extract are also enclosed.

If you require further information, please contact me on 4868 0854, or susan.stannard@wsc.nsw.gov.au

Yours sincerely

Susan Stannard
Land Use Planner
Strategic and Community Development



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 28 March 2012

REPORT OF GENERAL MANAGER

o-CS14 Proposed Use of Land in Welby for Southern Highlands Four Square Church

Places

Reference:

PN969601

Responsible Officer:

Manager Strategic and Community Development

PURPOSE

The purpose of this report is to recommend that Council proceed with the preparation of a Planning Proposal to reclassify land known as Lot 6, Section 11, DP 759070 corner of Mittagong and Jellore Streets Welby from 'Community' land to 'Operational' land for the purpose of siting a demountable building to accommodate the Southern Highlands Four Square Church.

SUMMARY

On 6 June 2011, Council resolved to give Southern Highlands Four Square Church, the lessees of the Council owned Mineral Springs Hall located on Mineral Springs Reserve in Mittagong 12 months to vacate the premises so as to make way for the building to become the permanent Aboriginal Community and Cultural Centre. Date of vacation is 31 May 2012.

Since then Council staff have been assisting the SH Four Square Church group to find alternative premises, either temporary, long term rental or purchase. A site in Welby located on the corner of Jellore and Mittagong Streets which is owned by Council and currently vacant has been identified as a potential suitable site and is supported by the SH Four Square Church.

In order for the site to be used as a place of public worship under the provisions of the Local Government Act 1993, Council will need to reclassify the land from 'Community' land to 'Operational' land. The land is zoned R2 Low Density Residential which permits places of public worship and therefore the land does not need rezoning.

The report recommends that Council commence preparation of a Planning Proposal in order to reclassify the land from 'Community' to 'Operational' so as to allow Council to enter into an arrangement with Southern Highlands Four Square Church for the use of the land as a place of public worship.

DESCRIPTION OF PROPOSAL

BACKGROUND

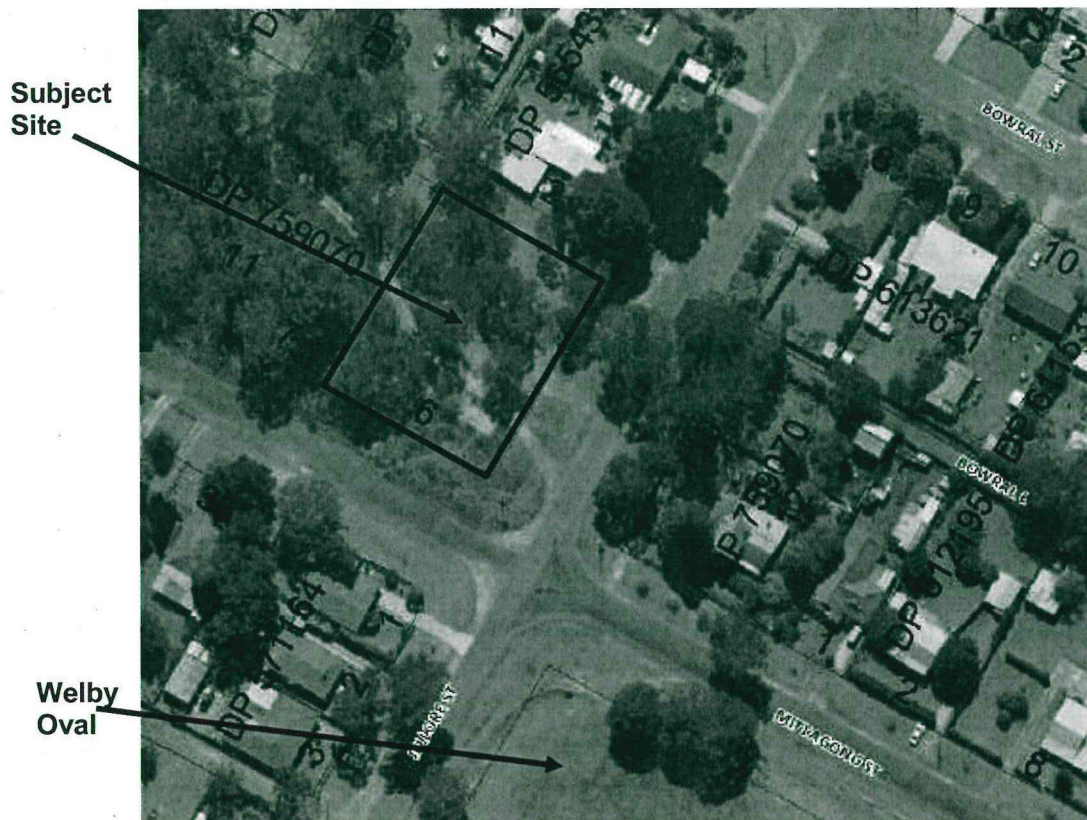
The hall located on the Mineral Springs Reserve is currently leased to the Southern Highlands Foursquare Church who has occupied the hall for almost 20 years as a place of public worship. Councillors and staff met with representatives of the Church in early 2010 to discuss the issue of discontinuing the current lease arrangements so as to facilitate a transfer of the building as the Aboriginal Community and Cultural Centre. This resulted in a letter being received from the Church in October 2010 advising that alternative premises had

not been found at that stage. It was made quite clear to the Foursquare Church that Council would not terminate the lease without considerable notice.

The Southern Highlands Four Square Church is required to vacate the premises by 31 May 2012. In the interim, SH Four Square Church is entering into a hire of Welby Hall on Sundays to conduct their church services.

A number of potential sites owned by Council have been identified as potentially suitable for the establishment of a place of public worship subject to development consent. The Four Square Church would have an option to purchase immediately or lease a property with the option to purchase in the future.

After several site investigations and information sessions with Councillors and meetings with members of the Southern Highlands Four Square Church, the most preferred site identified is Lot 6, Section 11, DP 759070 corner of Mittagong and Jellore Streets Welby. The location is shown in the following map.



Site History

The site previously accommodated a bushfire shed but this has been removed and only the concrete slab remains.



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As the land is no longer needed for this purpose and given the large park, 'Welby Oval' which accommodates a Community Hall is located diagonally south east of the subject site, the land is unlikely to be needed for future public open space or for public purposes.

DETAILS OF PROPOSAL

Subject Site and Locality

The subject land is generally level with a light cover of trees predominantly in the west. The subject land is adjoined on three sides by roads, two made and an unmade laneway. The land to the west is undeveloped and covered by vegetation leading down to the Hume Highway. Other nearby land is occupied by low density detached residential housing. As mentioned previously, Welby Oval is located directly to the south east of the subject site.

The site has a total area of 2023 square metres

STATUTORY ASSESSMENT

Wingecarribee LEP2010

The site is zoned R2 Low Density Residential under WLEP 2010. Places of public worship are permissible in the R2 Low Density Residential zone. A Land Use application will be required to be lodged and consent received prior to any development taking place.

Development Control Plans

For the purposes of this phase of the process, the Development Control Plan covering Welby does not apply. However considerations of the DCP will be assessed at the LUA stage.

State Environmental Planning Policies

Assessed at the LUA stage.

Section 79C Evaluation

Assessed at the LUA stage.

Relevant State Legislation

For the purposes of reclassifying land from 'Community' to 'Operational', Council must resolve to proceed in accordance with the process outlined in the Local Government Act 1993. In addition, reclassification of the 'Community' land to 'Operational' land requires the preparation of Planning Proposal in accordance with the Environmental Planning and Assessment Act 1979 and amendment to Wingecarribee LEP 2010 by including details of the subject land in Part 2 of Schedule 4 *Land classified, or reclassified, as operational land*.

Subject to reclassification proceeding, other state legislation such as *Native Vegetation Act*; and *Threatened Species Conservation Act* will be assessed at the LUA stage.



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

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REPORT OF GENERAL MANAGER

CONSULTATION

Internal Referrals

Internal consultations taken place to date has been with Council's Property Officer and Business Unit.

Further Internal consultations relating to development matters will take place should a Land Use Application subsequently be lodged to use the site as a Place of Public Worship.

Neighbour Notification (or Advertising)/Public Participation

At this point in time, no neighbour notification has taken place. Subject to Council resolving to proceed with reclassifying the subject land from 'Community' to 'Operational' land extensive neighbour notification including the holding of a Public Hearing will take place which will enable submissions from the public to be received and considered. Submissions would be reported to Council prior following the consultation period.

SUSTAINABILITY ASSESSMENT

- **Environment**

The site has a light cover of trees. Places of Public Worship are a permitted land use activity under the R2 Low Density Residential Zone. Subject to the reclassification of the land taking place, aspects regarding the location of buildings, parking etc will be dealt with as part of the land use application process.

- **Social**

Council's social charter is to assist community groups and organisations with establishing their own facilities or them accessing Council owned facilities. The Southern Highlands Four Square Church has been associated with a Council owned facility for almost 20 years.

- **Broader Economic Implications**

There are no economic implications associated with this matter.

- **Culture**

There are no Cultural implications associated with this matter.

- **Governance**

There are no governance implications associated with this matter.

RELATIONSHIP TO CORPORATE PLANS

The establishment of a permanent home for the Aboriginal Cultural Centre is listed in the 2011-2013 Delivery Program and the 2011-2012 Operational Plan for completion in June 2012. Council has made a decision that the Mineral Springs Hall in Mittagong is to be the location for the facility. Therefore there is a need to assist the Southern Highlands Foursquare Church to find an alternate location to ensure the cultural centre progresses.



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

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REPORT OF GENERAL MANAGER

RELATED COUNCIL POLICY

Subject to the outcomes of the reclassification process, the sale or lease of the land will be undertaken in accordance with Council Policies.

BUDGET IMPLICATIONS

The preparation of the Planning Proposal and undertaking of the Public Hearing will be covered by Council's Strategic Planning Operations budget.

Subject to the implementation of the reclassification process, the arrangement of selling or leasing the land to Southern Highlands Four Square Church will be the subject of a separate report to Council.

OPTIONS

1. Council resolve to prepare a Planning Proposal to reclassify the subject land from 'Community' to 'Operational'
2. Council identify alternative land which could be made available for the Southern Highlands Four Square Church.
3. Council advise the Southern Highlands Four Square Church that no Council owned land will be made available for them.

ATTACHMENTS

There are no attachments to this report.

RECOMMENDATION

1. THAT preparation of a Planning Proposal to reclassify Lot 6, Section 11, DP 759070 Mittagong Street Welby from 'Community' land to 'Operational' land be commenced in accordance with the provisions of the Local Government Act 1993, Environmental Planning and Assessment Act 1979 and the Guide to Preparing Local Environmental Plans.
 2. THAT following the public consultation process, the matter be reported back to Council.
 3. THAT the Southern Highlands Four Square Church be advised of Council's decision.
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MINUTES OF THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 28 March 2012
REPORT OF GENERAL MANAGER

CORPORATE & STRATEGY

o-CS14 Proposed Use of Land in Welby for Southern Highlands Four Square Church

Reference: PN969601
Responsible Officer: Manager Strategic and Community Development

The purpose of this report is to recommend that Council proceed with the preparation of a Planning Proposal to reclassify land known as Lot 6, Section 11, DP 759070 corner of Mittagong and Jellore Streets Welby from 'Community' land to 'Operational' land for the purpose of siting a demountable building to accommodate the Southern Highlands Four Square Church.

The Manager Strategic and Community Development addressed Council on this matter.

MN 52/12

MOTION moved by Clr G McLaughlin and seconded by Clr T D Gair:

1. ***THAT preparation of a Planning Proposal to reclassify Lot 6, Section 11, DP 759070 Mittagong Street Welby from 'Community' land to 'Operational' land be commenced in accordance with the provisions of the Local Government Act 1993, Environmental Planning and Assessment Act 1979 and the Guide to Preparing Local Environmental Plans.***
2. ***THAT following the public consultation process, the matter be reported back to Council.***
3. ***THAT the Southern Highlands Four Square Church be advised of Council's decision.***

PASSED

In accordance with the Local Government Act (section 375A – Recording of voting on planning matters) Council must record the Councillor's vote in relation to this matter.

Councillor	For	Against
Clr J G Arkwright	x	
Clr J R Clark	x	
Clr T D Gair	x	
Clr K Halstead	x	
Clr G McLaughlin	x	
Clr J Mauger	x	
Clr D Stranger	x	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	