

o-CS4 Proposed Development and Sale (No Street Number) Lot 126 Deposited Plan 263356 Anembo Street, Moss Vale, being "Operational" Land

**Economy
Leadership**

Reference: 7122, PN30800
Responsible Officer: Manager Governance, Manager Business Services

PURPOSE

Reporting on proposed development and sale of land classified as "operational" land for the purpose of raising revenue. The land the subject of this report is (No Street Number) Lot 126 Deposited Plan 263356 Anembo Street, Moss Vale ('the Anembo Street land').

SUMMARY

The Anembo Street land was acquired from NSW Human Services in October 2010 following gazettal of the land to Council as Public Reserve in 2003.

DESCRIPTION OF ITEM

BACKGROUND

On 31 January 2003 notice was published in the *New South Wales Government Gazette* dedicating the land, known as Lot 126 Deposited Plan 263356 as Public Reserve, vesting in the name of the Council of the Shire of Wingecarribee.

On 24 February 2003, the then NSW Department of Housing forwarded the original Certificate of Title for Lot 126 Anembo Street, Moss Vale together with a copy of the Gazette Notification to Council to complete the dedication process. It appears however that the Certificate of Title was simply placed in Council's safe and no further action was taken.

As part of the Wingecarribee LEP process, this land was considered for potential reclassification. On Wednesday 17 December 2008, Council resolved as follows:

THAT Council NOT proceed with the reclassification and rezoning of Part of Lot 126, DP 263356, Anembo Street (Unnamed Reserve) Moss Vale and zone the land RE1 Public Recreation accordingly.

By letter received 12 July 2010 from Human Services Housing NSW, Council was notified that the subject property remained in the name of Housing. The request was made that Council urgently rectify the oversight. This was attended to and the Certificate of Title issued in Council's name on 14 October 2010.

Upon reporting of this matter on 11 August 2010, it was resolved that the land be classified as "Operational" Land.

- 1. THAT the General Manager and Mayor be delegated authority to execute a Real Property Request form under the Common Seal of the Council to enable the Certificate of Title for Lot 126 DP263356 being Public**

Reserve, Anembo Street, Moss Vale to be transferred into Council's ownership.

2. THAT pursuant to Section 31 of the Local Government Act 1993, Lot 126 Deposited Plan 263356 be classified as 'operational' land. OC 173/10

As this land is under-utilised and unimproved, it is considered appropriate that part of the land be developed following consultation and public exhibition of any initial development proposal. It was and is fully intended that a large portion of the land remain dedicated as Public Reserve and perhaps up to four (4) residential lots be created.

HISTORY OF ADJOINING LAND

As part of an earlier review of land deemed surplus to Council's needs, vacant land including and adjoining the subject property was reported to Council and considered on Wednesday 14 December 2005.

The properties reviewed were Lot 16 Sec 3 DP975386, Lot 126 DP263356, Lot B DP158739, Pt Lot 29 Sec 3 DP975386 and - Lots 7 & 8 Sec 3 DP 975386, Watson Road, Anembo Street and Berrima Road, Moss Vale

In considering land surplus to Council's needs, Council resolved on Wednesday 14 December 2005 as follows:

"THAT further investigations be undertaken to determine possible options for the site taking into consideration potential geotechnical and contamination issues AND THAT Lot 20 DP 262941 be included in the investigations." (MN549/05)

SUGGESTED ACTIONS

Based on discussions during the informal Councillor Briefing Sessions, it is suggested that the following works occur:

- a. a Draft Plan of Subdivision be drawn up to enable retention of open space for the community and provision of up to a maximum of four (4) residential allotments.
- b. The proposed Draft Plan of Subdivision should then be the subject of community consultation and public exhibition simultaneous to a Planning Proposal to rezone the land appropriately.
- c. That, following consultation with the community and public exhibition of the Draft Plan of Subdivision, a report on the submissions received during the consultation and exhibition phase be brought back to Council for final approval (or otherwise) of the Plan of Subdivision.

DETAILS OF PROPOSAL

Subject Site and Locality

Inspection of the site and the surrounding area has been undertaken.

The subject property is within an area that primarily comprises residential development.

The subject property adjoins land that was formerly part of the Moss Vale Waste Depot – being the old quarry off Berrima Road. As contamination of land can arise from activities that took place on or adjacent to a site, it will be necessary to identify any past or present potentially contaminating activities and undertake a preliminary assessment of any site contamination before proceeding with a Draft Plan of Subdivision.

The area of the land is approximately 1.013 hectares. It has a wide street frontage to Anembo Street (just over 100 metres) and also access via Anulka Street.

STATUTORY ASSESSMENT

ASSESSMENT - KEY ISSUES

Wingecarribee LEP2010

The land is zoned RE1 – Public Recreation. This zoning originates from the gazettal to Council in 2003.

As the land has been classified as “Operational” land upon transfer to Council via resolution, it is necessary for Council to resolve to prepare a Planning Proposal which will be forwarded to DOPI for a Gateway Determination. If supported by DOPI, the Determination will advise what consultation is required. The Determination will also indicate the time frame within which the Planning Proposal needs to be completed

Relevant State Legislation
Local Government Act, 1993.

CONSULTATION

As outlined above, it is recommended that the proposed Draft Plan of Subdivision be the subject of consultation with the community and subsequent public exhibition.

Following community consultation and public exhibition of the Draft Plan, a report be brought back to Council for final approval (or otherwise) of the Plan of Subdivision.

SUSTAINABILITY ASSESSMENT

- **Environment**

Council’s commitment to the principles of Ecologically Sustainable Development (ESD) recognises that urban areas generally, and towns in particular, provide opportunities for environmental conservation. Although such areas are heavily utilised by residents, workers and visitors, it is important to recognise that even small improvements in the natural environment can be achieved, and to act on those opportunities.

As the subject property adjoins land that was formerly part of the Moss Vale Waste Depot – being the old quarry off Berrima Road, it is recommended that any past or present potentially contaminating activities be identified and a preliminary assessment of any site contamination be prepared before proceeding with a Draft Plan of Subdivision. Subject to Council satisfaction that potential development of the site is feasible, a Planning Proposal and Draft Plan of Subdivision can be prepared for public exhibition.

- **Social**

It is likely that any redevelopment of the subject property will result in a small residential development (up to four (4) residential lots) and a large area of open space remaining as Public Reserve.

- **Culture**

There are no positive or negative impacts on Aboriginal culture and non-Aboriginal culture identified.

- **Broader Economic Implications**

The potential development and/sale of up to four (4) residential allotments will presumably have a positive economic impact on Council's budget however it is not anticipated that this would have any positive or negative broader economic implications.

- **Governance**

With thorough reporting and through following due process, there is proper governance of Council's property administration. Proper governance includes probity and transparency in Council's decision-making processes.

RELATIONSHIP TO CORPORATE PLANS

Within the 2011-2013 Delivery Program & 2011/2012 Operational Plan adopted by Council on 22 June 2011 (M/N208/11), it is Council's mission *"to create and nurture a vibrant and diverse community, growing and working in harmony with our urban, agricultural and natural environments."*

One of Council's visions which is appropriate for consideration in this report is *"Places that are safe, maintained, accessible, sympathetic to the built and natural environment, that support the needs of the community"*.

Identified within the Wingecarribee 2031 are the following goals which are linked to the subject of this report:

- a. *"Wingecarribee housing options are diverse" – provide higher density housing within....Moss Vale". (3.4)*
- b. *"Ensure future development respects the character of the area in which it is located, and reinforce that character with appropriately sited and designed new development" (3.3.2).*
- c. *"Regulate and encourage the Community to maximise sustainable living through best building practice" (4.2.5).*

BUDGET IMPLICATIONS

It is recommended that the cost of undertaking works associated with feasibility of the proposed development be funded from the Property Development Reserve.

If the development of the land is to proceed, local contractors would be engaged by Council to carry out any works associated with subdivision of the property and local real estate agents contracted to market the proposed lots for sale.



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 12 October 2011

REPORT OF DIRECTOR CORPORATE SERVICES

ATTACHMENTS

1. Aerial photograph showing the subject property.

RECOMMENDATION

1. THAT any past or present potential contaminating activities be identified and a preliminary assessment of any site contamination be prepared with respect to (No Street Number) Lot 126 Deposited Plan 263356 Anembo Street, Moss Vale.
 2. THAT subject to Council satisfaction with the site contamination report, a Planning Proposal be prepared to appropriately rezone the land known as (No Street Number) Lot 126 Deposited Plan 263356 Anembo Street Moss Vale.
 3. THAT, subject to Council satisfaction with the site contamination report, a Draft Plan of Subdivision be prepared for the purpose of community consultation and public exhibition AND THAT following public exhibition of the Draft Plan a further Report be brought back to Council for final approval (or otherwise) of the Proposed Plan of Subdivision.
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