



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 26 September 2012

REPORT – DEPUTY GENERAL MANAGER CORPORATE & STRATEGY

cw-CS4 Access to Proposed Green Valley Sand Quarry – Paddy's River

Reference: PN657900
Responsible Officer: Manager Governance and Legal

PURPOSE OF REPORT

Reporting on a request to acquire a portion of Council land for the purposes of access to the proposed Green Valley Sand Quarry in Paddy's River.

REPORT

BACKGROUND

In 2009, Rocla Pty Ltd submitted a development application to construct a sand quarry in Paddy's River. The submission was made directly to the NSW Department of Planning under what was then Part 3A of the *Environmental Planning and Assessment Act 1979* ("EPA Act"). Council at the time made submissions to the Department, who continues to consider the proposal under the transitional provisions of the EPA Act following the repeal of Part 3A last year.

Rocla and its associated entities have purchased large tracts of land in the Paddy's River area adjacent to the Hume Highway, and it is intended that this will be the location of the proposed sand quarry.

Representatives of Rocla have recently approached Council and advised that access to the proposed sand quarry will require the construction of a roadway across a Council-owned lot bordering Paddy's River and the Hume Highway. This lot, being Lot 1 in DP 1128360, is classified as Community Land. Appearing as **Attachment 1** to this report is a location map of the site. Appearing as **Attachment 2** to this report is a plan of the site.

Lot 1, DP 1128360

Council staff have inspected the lot, which is currently gated and locked. It appears to have been used in the past by NSW Roads and Maritime Services for storage of gravel and roadbase, and is in poor condition. It is largely cleared of vegetation, partially paved with very old broken asphalt, and partially covered with various types of gravel that appear to be what is left of gravel stockpiles that have since been used. Recent photos of the site appear as **Attachment 3** to this report.

Investigation of the history of the lot shows that the lot was originally created in the 1930s as a community camping reserve adjoining Paddy's River. However, the eventual development of the multi-lane Hume Highway (and the RMS road reserve acquisitions associated with this development) reduced the size of the original reserve lot significantly. Furthermore, the noise and traffic volume of the four-lane freeway constructed immediately adjacent to the reserve eroded much of the amenity value that the reserve must have originally enjoyed.

It is unknown when and how the lot came to be used for the storage of gravel, though it is apparent from an inspection of the lot that this has been going on for an extended period of time. The locked gate securing the lot appears relatively new and it is assumed that RMS or their representatives erected the gate.



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Issue at Hand

Rocla have prepared plans in consultation with RMS and the NSW Department of Planning that require the use of the subject lot for the purposes of a roadway to access the proposed sand quarry. Council is informed that this solution appears to be the only viable solution to the question of access for the proposed sand quarry.

There are two small crown road reserves nearby which will also likely be traversed by the proposed access.

The subject lot is of little value at present, and accordingly, Council staff see no reason to deny Rocla the opportunity to obtain access over the land. However, in order to do so, Council must consider that the land is presently classified as Community land under the *Local Government Act 1993* and is not currently governed by a Plan of Management.

It is therefore proposed that Council resolve to initiate a reclassification of the land to Operational status, with a view to ultimately selling it to Rocla Pty Ltd.

STATUTORY ASSESSMENT

Council has the power to consider this issue pursuant to ss.21-24 of the *Local Government Act 1993*.

CONSULTATION

The Legal Officer has consulted closely with the Property Officer in relation to the subject-matter of this report, and has also sought input from representatives of Council's Customer and Information Services team (in relation to the classification and status of the subject lot). Council's Manager of Strategic and Community Development has also contributed to this report in relation to the reclassification issues at hand.

SUSTAINABILITY ASSESSMENT

- **Environment**

The subject lot adjoins Paddy's River at a point immediately adjoining the Hume Highway. However, the reserve itself is in poor condition and staff consider the proposed roadway to be an appropriate use of the site.

- **Social**

There are no social considerations arising as a result of this report.

- **Culture**

There are no cultural considerations raised by this report.

- **Broader Economic Implications**

The eventual construction of the Green Valley Sand Quarry is likely to have great economic benefits for the Wingecarribee Shire, though a consideration of these benefits is beyond the scope of this report.



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• Governance

Given that the subject land is classified as Community Land, and is not governed by a Plan of Management, Council is prohibited from dealing with the land in any meaningful way under the provisions of the *Local Government Act 1993*. As such, and before considering any proposal to sell or otherwise deal with the land as proposed by Rocla, a reclassification (and therefore a planning proposal) is required.

BUDGET IMPLICATIONS

Should Council proceed, there will likely be minor budget implications in terms of the cost of preparing and submitting the required planning proposal.

However, it is anticipated that the land in question will ultimately be sold to Rocla at market value, which is likely to leave Council in a net positive financial position. Furthermore, Council staff would be seeking the costs of reclassification and dealing from Rocla as part of any eventual agreement to sell the land in question.

It is not possible to come to any agreement on this issue with Rocla prior to reclassification, as the land is classified as “Community” land. This means that Council cannot contract any conditions of sale at this time. However Council staff is confident that it can secure agreement from Rocla on this issue once reclassification is undertaken.

ATTACHMENTS

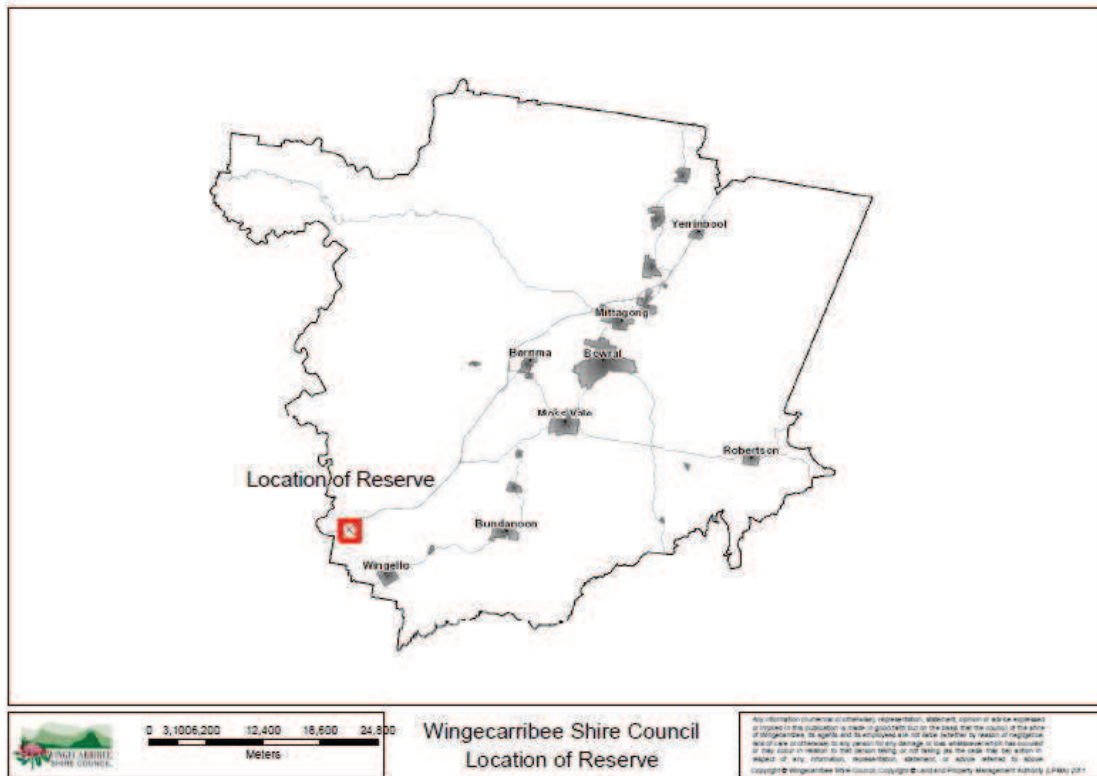
There are 3 attachments to this report:

1. Location map of the site;
2. Plan of the site;
3. Photos of the site.

RECOMMENDATION

1. THAT preparation of a planning proposal to reclassify Lot 1 in DP 1128360, Public Reserve, Hume Highway, Paddy’s River from “Community” land to “Operational” land be commenced in accordance with the provisions of the *Local Government Act 1993*, the *Environmental Planning and Assessment Act 1979* and the Guide to Preparing Local Environmental Plans.
2. THAT following the formal public exhibition period, a Public Hearing be held in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and the Guide to Preparing Local Environmental Plans.
3. THAT following the public consultation process, the matter be reported back to Council.

ATTACHMENT 1



[illegible]

ATTACHMENT 3

