



**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.

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

## 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		
	SEPP (Temporary Structures) 2007	NA	
	SEPP (Infrastructure) 2007		
	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		
	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.
<b>DEEMED STATE ENVIRONMENTAL PLANNING POLICIES (FORMERLY REGIONAL ENVIRONMENTAL PLANS)</b>		<b>CONSISTENCY</b>	<b>COMMENTS</b>
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

<b>LEP PRACTICE NOTE PN 09-003</b>	
<b>Classification and reclassification of public land through a local environmental plan</b>	
<b>Requirement</b>	<b>Response</b>
Reason why the planning proposal is being prepared	This planning proposal is being prepared to reclassify the Menangle School of Arts Community Hall as operational land to allow for its sale to the Menangle Community Association (MCA). The MCA wants to ensure the site continues to be used for community purposes rather than be demolished.
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 its sale to the Menangle Community Association. 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.
How and when the interest was acquired	The Menangle School of Arts Hall was previously owned by the community however the title was transferred to Council in 2001.
The reasons Council acquired an interest	Council acquired an interest in the land because the community was no longer able to manage the subject site.
Any agreements over the land	There is no legal agreement over the land.
An indication of the financial gain or loss from the reclassification	As the hall occupying this site was proposed to be demolished there is neither a financial gain nor loss from this reclassification. The hall is proposed to be sold the Menangle Community Association Inc. for a nominal fee.
Asset management objectives being pursued	This site is proposed to be sold and Council will not be responsible for ongoing maintenance costs. Council proposes to place a Caveat on the Title that indicates that if in future the Menangle Community Association can no longer manage or maintain the facility then the Title is to be transferred back to Council.
Whether there has been an agreement for the sale or lease of the land	Council is negotiating to sell the land to the Menangle Community Association, although no legal agreement has been entered into. A reclassification would

	allow this to take place. It is likely that the sale would proceed soon after reclassification.
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.