Wollondilly
Shire Council

You are invited to attend the next Closed Extraordinary Council Meeting:

Date: Tuesday, 30 June 2020

Time: 5.30pm

Location: Online via Audio Visual Link and Open to the Public via Webcast

AGENDA

Closed Extraordinary Council Meeting

30 June 2020

Ben Taylor
Chief Executive Officer

COMMUNITY STRATEGIC PLAN
SNAPSHOT

CSP Theme	Strategies
Sustainable and Balanced Growth	Strategy GR1 – Growth
	Strategy GR2 – Built Environment
	Strategy GR3 – Economic Development and Tourism
	Strategy GR4 – Liveable Communities
	Strategy GR5 – Wilton New Town
	Strategy GR6 – Peri-urban Areas
	Strategy GR7 – Agriculture Strategy
	Strategy GR8 – Advocacy
Management and Provision of Infrastructure	Strategy IN1 – Improve the condition of our Road Network
	Strategy IN2 – Provision of Infrastructure and Facilities
	Strategy IN3 – Manage Infrastructure and Facilities
	Strategy IN4 – Emergency Management
Caring for the Environment	Strategy EN1 – Protect and Enhance Biodiversity, Waterways and Groundwaters
	Strategy EN2 – Protect the Environment from Development Pressures
	Strategy EN3 – Vegetation Management
	Strategy EN4 – Community Involvement
	Strategy EN5 – Environmental Awareness
	Strategy EN6 – Sustainable Practices
	Strategy EN7 – Agricultural Land and Capability
	Strategy EN8 – Auditing, Monitoring and Enforcement
	Strategy EN9 – Waste Management
	Strategy EN10 – Advocacy
Looking after the Community	Strategy CO1 – Strong Community
	Strategy CO2 – Health and Wellbeing
	Strategy CO3 – Social Planning
	Strategy CO4 – Engagement and Communication
	Strategy CO5 – Advocacy
Efficient and Effective Council	Strategy EC1 – Employee Relations
	Strategy EC2 – Risk Governance
	Strategy EC3 – Customer Service
	Strategy EC4 – Financial Sustainability
	Strategy EC5 – Resource Efficiency
	Strategy EC6 – Information Management
	Strategy EC7 – Participation Strategy
	Strategy EC8 – Accountability and Transparency
	Strategy EC9 – Advocacy

Order Of Business

12   CLOSED REPORTS

12.1   PROPOSED LAND TRANSFER TO COUNCIL FROM PLANNING MINISTERIAL CORPORATION - PART LOT 2 DP 522044 APPIN ROAD, APPIN

File Number: 12276#3

Council is satisfied that, under Section 10A(2) of the *Local Government Act 1993*, the information to be received, discussed or considered in relation to this agenda item is:

(d)(i)   commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

The report contains confidential commercial information which has been supplied and, if disclosed, would prejudice the person who supplied it.

EXECUTIVE SUMMARY

The purpose of this report is to obtain Council's approval to accept a transfer of land from the Planning Ministerial Corporation for part of Lot 2 DP 522044, 180 Appin Road, Appin.

Embellishment works to the value of $5 million are planned on the site and NSW Department of Planning, Industry & Environment (DPIE) proposes to transfer to Council for a peppercorn rate of $1.00.

RECOMMENDATION

1.   That Council accept a transfer of land from the Planning Ministerial Corporation for part of Lot 2 DP 522044, 180 Appin Road, Appin subject to:

(a)   Embellishment of the property in accordance with the Project Delivery Agreement (Attachment 1).

(b)   The land being transferred as Community Land to be used for any recreational purpose and categorised as natural area, sports grounds, park or areas of cultural significance under the *Local Government Act 1993* (Recreational Purposes) with not less than 80% remaining as open space.

(c)   The land be transferred for consideration of $1.00 in accordance with the Land Transfer Agreement (Attachment 2).

2.   That Council authorise the Chief Executive Officer, or their delegate, to finalise the boundaries of the part of Lot 2 DP 522044 to be transferred to Council based on the indicative area shown in Figure 2 of the report.

3.   That the Chief Executive Officer, and the Mayor if necessary, be authorised to sign all documents relating to the land transfer and grant authority for the use of the Common Seal of Council on all documents relevant to this matter, should it be required, to give effect to this resolution.

REPORT

As part of the Premier's 2019 announcement of a $150 million program to secure and improve green space across Greater Sydney, $50 million has been allocated to create better access to open space across Greater Sydney.

The program will help improve access to open space and parklands by creating four new parks and improve four existing open spaces providing greater recreation opportunities for the community.

As part of the implementation of this program, the Department of Planning, Industry & Environment (DPIE) has identified part of Lot 2 DP 522044, 180 Appin Road, Appin as one of these locations

that will receive embellishment works to the value of $5 million and proposes to transfer to Council for a peppercorn amount of $1.00 in order to effective lawful transfer.

This project presents an opportunity to provide needed recreational facilities for the Appin community and the wider Wollondilly Shire. It assists Council in implementing recommendations identified within the Wollondilly Open Space, Recreation & Community Facilities Strategy (2014), including:

- *"Identification of facilities required to meet major growth centres such as Wilton Junction and Appin;*

- *Integrating the Shires' unique biodiversity and scenic qualities as part of the open space network and associated recreation and tourism opportunities (e.g. sports and adventure tourism);*

- *Developing public and private sector partnerships to deliver the Strategies;*

- *Natural and Cultural Heritage Conservation: integration of open space with National Parks on their boundaries using sub-regional trails."*

The project will assist Council in its obligation to support the delivery of the Western City District Plan 2056 (Greater Sydney Commission). Particularly for the Directions of Liveability and Sustainability with the project aligning six of the Plan's Planning Priorities as follows:

Liveability

Planning Priority W3: Providing services and social infrastructure to meet people's changing needs.

- *Objective 6 Services and infrastructure meet communities' changing needs.*

Planning Priority W6: Creating and renewing great places and local centres, and respecting the District's heritage.

- *Objective 12 Great places that bring people together.*

- *Objective 13 Environmental heritage is identified, conserved and enhanced.*

Sustainability

Planning Priority W14: Protecting and enhancing bushland and biodiversity.

- *Objective 27 Biodiversity is protected urban bushland and remnant vegetation is enhanced.*

Planning Priority W15: Increasing urban tree canopy cover and delivering Green Grid connections.

- *Objective 32 The Green Grid links parks, open spaces, bushland and walking and cycling paths.*

Planning Priority W16: Protecting and enhancing scenic and cultural landscapes.

Planning Priority W18: Delivering high quality open space.

- *Objective 31 Public open space is accessible, protected and enhanced.*

In recognising this opportunity to collaborate with the NSW DPIE and their $5M investment for the Wollondilly community, Council has recommended a variety of passive recreation embellishments that could be pursued at this site including:

- Mountain bike or BMX trails

- Adventure sports such as Spartan style obstacle courses

- Horse riding trails

- Koala hospital, education and rehabilitation centre
- Water park facility
- Passive parkland with children's nature play.

The embellishments will be determined following a community engagement process undertaken by the DPIE with the assistance of Council. This will allow the community to have their say on what recreational facilities are most desired.

The property is zoned RU2 and E2 with an area of 59.36 hectares. It is bounded on two sides by Georges River to the south and east. Marhnyes Hole adjoins the property which is a popular swimming hole for residents.

The subject site is currently under the ownership of the NSW Planning Ministerial Corporation. The Planning Minister's Corporation (PMC) is established under the *Environmental Planning & Assessment Act 1979* (EP&A Act) and is administered by the Office of Strategic Lands (OSL) within the DPIE.

The DPIE is seeking to transfer the ownership of part of the site to Wollondilly Shire Council at the completion of the embellishment works. The part of the Lot that is proposed for transfer to Council is mostly the non-vegetated area which is currently zoned Rural Landscape (RU2) under the Wollondilly Local Environmental Plan 2011 (LEP). The PMC is proposing to retain the eastern portion of the Lot which is predominantly zoned Environmental Conservation (E2) under the LEP. This E2 area will be subject to future investigations to be undertaken by the PMC relating to koala habitat.

Figure 2 shows an indicative extent of the part of the Lot that is proposed to be transferred to Council. The exact location will be determined as the PMC undertake a process to determine the extent of koala habitat and commence a subdivision of the Lot accordingly. Specifically, the Land Transfer Agreement states:

> *"Council acknowledges and agrees that:*
>
> *(a)   the boundaries of the Land set out in the Plan are indicative only;*
>
> *(b)   the size, configuration and boundaries of the Land to be transferred to Council is dependent on a final determination of the boundaries of the koala corridor on Lot 2 in Deposited Plan 522044, to be determined by the Corporation in its absolute discretion.*
>
> *(c)   Lot 2 in Deposited Plan 522044 is required to be subdivided prior to the transfer of the Land to Council and the Land will be transferred to Council following registration of the Plan of Subdivision with Land Registry Services."*

The transfer will be subject to a Caveat giving the PMC an interest in the land and each party paying its own legal costs. In addition, the land is to be transferred as Community Land to be used for any recreational purpose and categorised as natural area, sports grounds, park or areas of cultural significance under the *Local Government Act 1993* (Recreational Purposes) with not less than 80% remaining as open space.
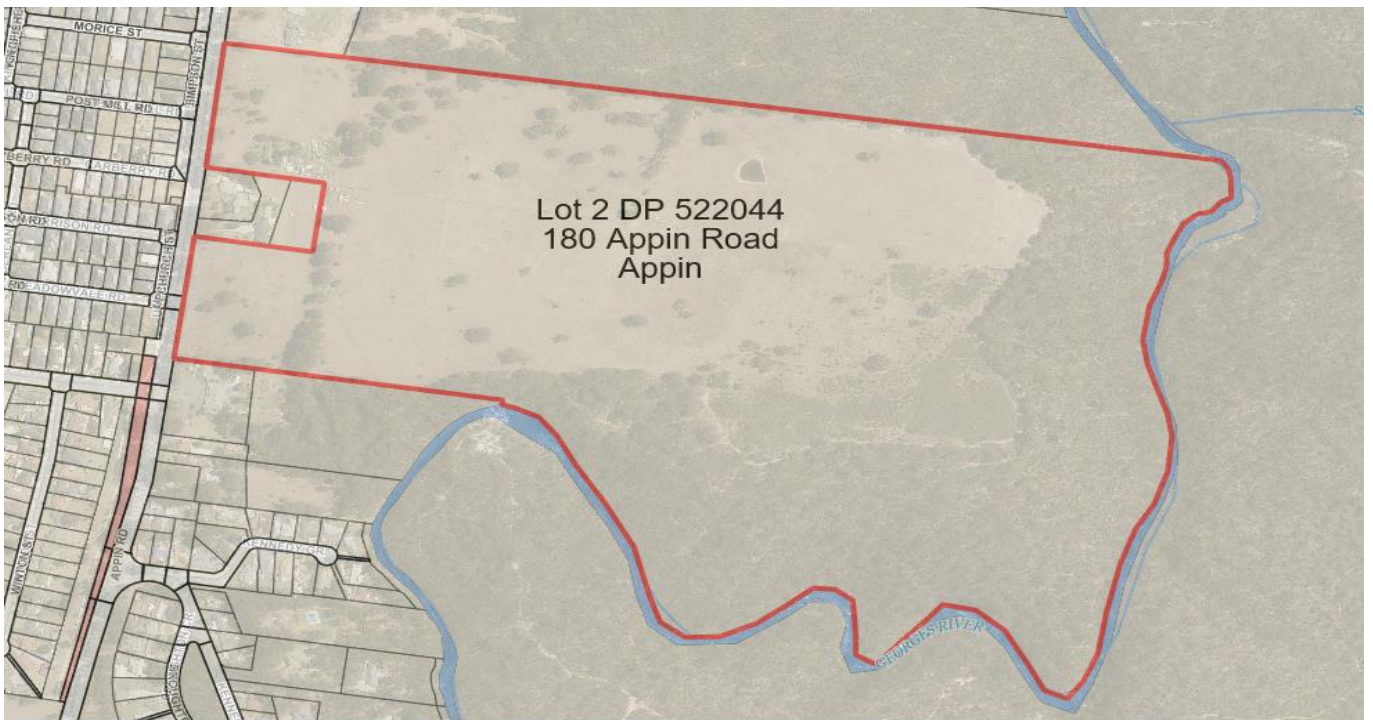
Figure 1: Aerial image of the whole of Lot 2 DP 522044
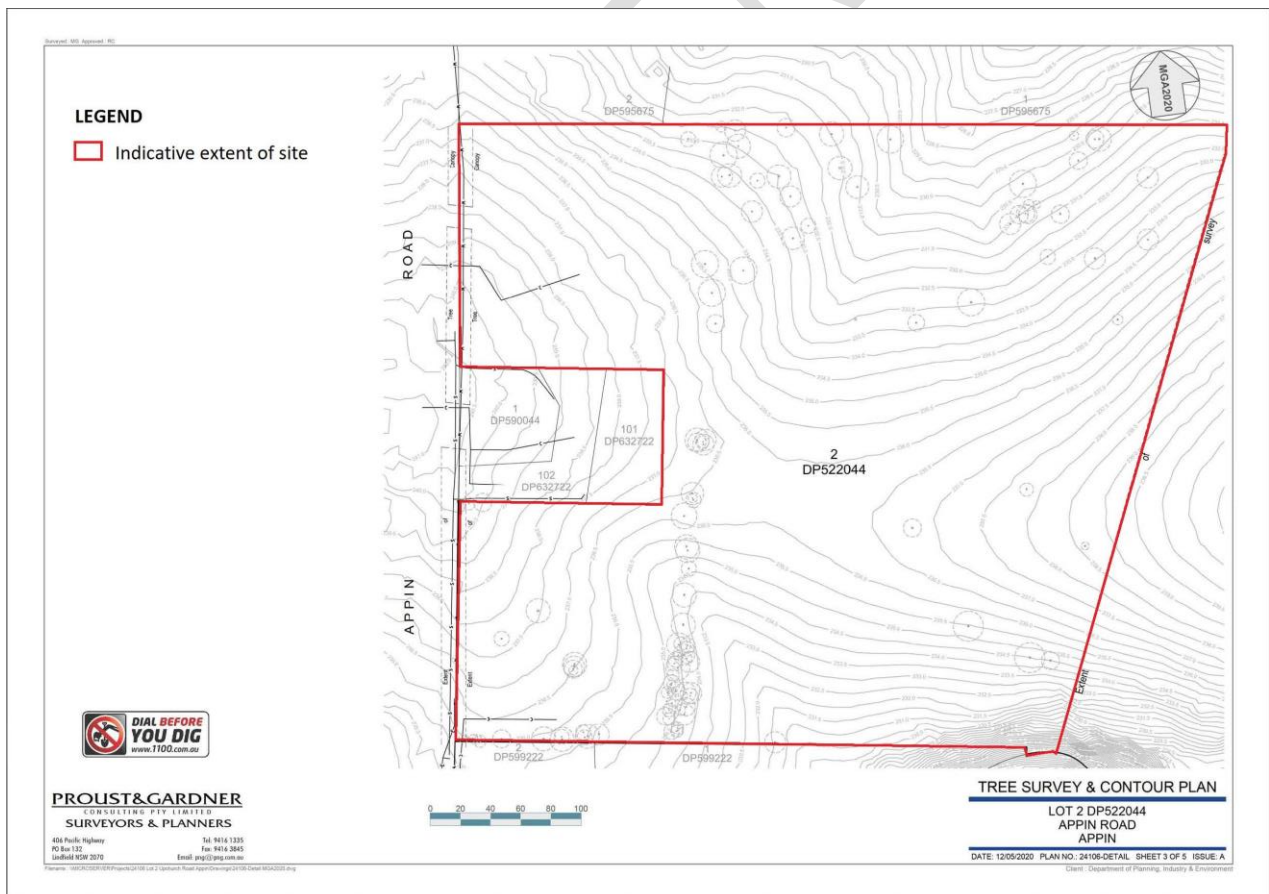showing vegetated and non-vegetated area.

Figure 2: Indicative extent of the proposed part of Lot 2 DP 522044
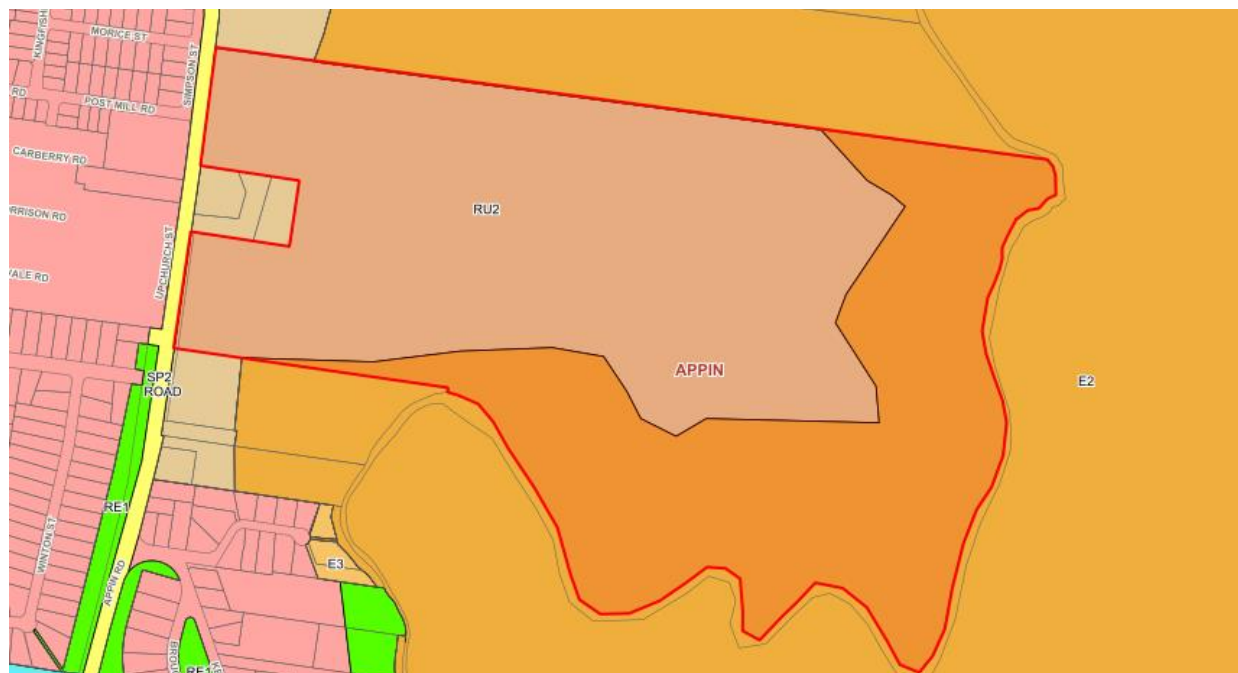that is proposed to be transferred to Council (as shown by the red boundary line).

Figure 3: Zoning Map (Front of Property RU2 – Back of Property E2)

To commence the process the DPIE and Council have entered into a non-binding Memorandum of Understanding (MOU). In consultation with Council's Legal Counsel, a Project Delivery Agreement (PDA) along with a Land Transfer Agreement (LTA) has been prepared and it is now proposed that Council execute these documents.

Consultation

- Internal including General Counsel
- Councillor Briefing held on 23 June 2020.

Financial Implications

The land is being transferred to Council for $1.00 in order to provide a lawful transfer.

It is anticipated that ongoing maintenance of the facility will be within the capacity of future budget programs; however, the understanding of theses cost projections will be an outcome of the design development process and can then be considered in future annual budget allocation processes.

Council will be in a position to consider future budgets for ongoing annual maintenance of the site upon completion of the planning and embellishment project.

ATTACHMENTS

1. **Strategic Open Spaces Program – Project Delivery Agreement**
2. **Land Transfer Agreement**
3. **Design Review Plan**