

PLANNING PROPOSAL

LOCAL GOVERNMENT AREA: The Hills Shire Council

NAME OF PLANNING PROPOSAL: The Hills Local Environmental Plan 2012 (Amendment No.) – Reclassification of Lot 2, DP 622156, 11 New North Rocks Road, North Rocks from "Community" to "Operational".

ADDRESS OF LAND: Lot 2 DP 622156 known as 11 New North Rocks Road, North Rocks.

SUMMARY OF HOUSING AND EMPLOYMENT YIELD:

	EXISTING	PROPOSED	TOTAL YIELD
Dwellings	N/A	N/A	N/A
Jobs	N/A	N/A	N/A

SUPPORTING MATERIAL:

Attachment A Evaluation against 117 Directions
Attachment B Evaluation against SEPPs
Attachment C Council Minute – 12 August 2014

THE SITE:

The site is Lot 2, DP 622156, 11 New North Rocks Road, North Rocks. The site is currently owned by Council and occupied by North Rocks Pre-School being a community based incorporated organisation.

As shown in Figures 1 and 2 below, the site adjoins Westfield North Rocks Shopping Centre on its north, east, west boundaries. Three (3) residential lots adjoin the south of the site. The site has no road frontage but has a right of footway (1m wide), right of carriageway (3m wide) and easement for services (1m wide) connecting the eastern boundary of the site to New North Rocks Road.

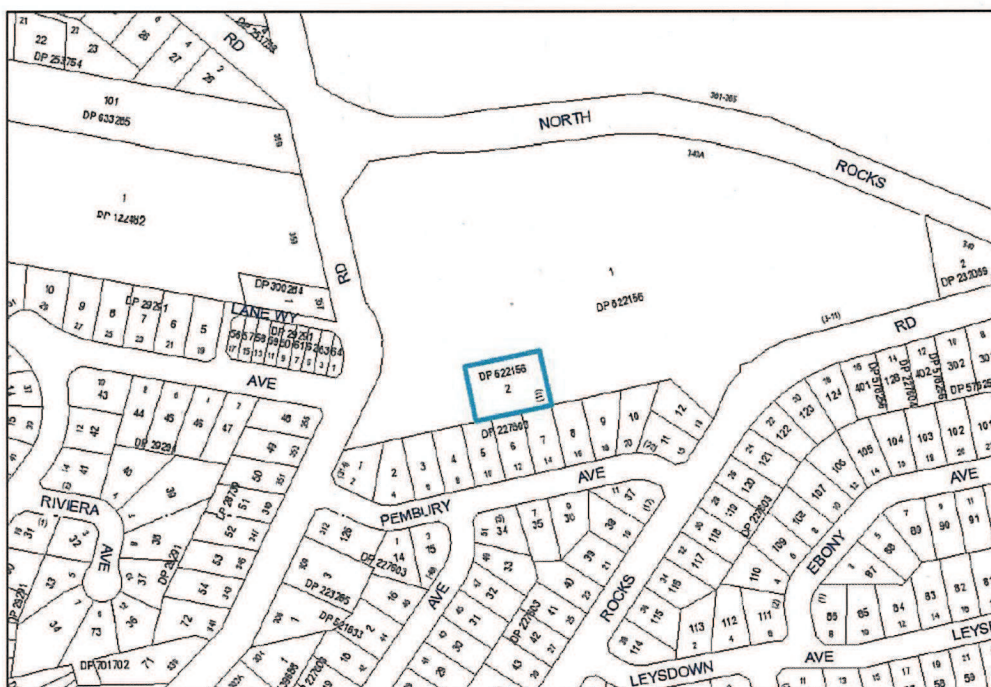


Figure 1
Locality map



Figure 2
Site and surrounds

BACKGROUND:

In August 2013 council was approached by Westfield, an adjoining land owner offering to purchase the parcel of land. Negotiations proceeded and in late February 2014, Westfield submitted a final offer and requested approval to present the proposed redevelopment of North Rocks Shopping Centre to Councillors. The matter was also discussed at two (2) Councillor Workshops on 1 April 2014 and 3 June 2014.

The matter was reported at an Ordinary Council Meeting on 12 August 2014 and Council resolved:

1. *Council proceed with the sale of Lot 2, DP 622156, 11 New North Rocks Road, North Rocks to Westfield Ltd for the price detailed in this report with a Contract, Deed, 88B Instrument, Request & Transfer authorised for execution under seal.*
2. *Council proceed with the preparation of a Planning Proposal for the re-classification of the land from 'Community' to 'Operational' which will require a Public Hearing chaired by an independent Facilitator at a cost to Council.*
3. *Council proceed with the appointment of an Architect, Quantity Surveyor, Surveyor and various consultants essential to the design and cost management for the construction of a Pre-School as detailed in this report, and that \$200,000 be transferred from the Land Development Reserve and be reflected in a future Budget Review.*
4. *Net sales proceeds from this sale after the construction of the new Pre-School be transferred to the Recreational Reserve to be used for replacement/renewal of community facilities.*
5. *Council proceed to call Expressions of Interest to operate an early childhood education and care service for the proposed replacement facility prior to proceeding to tender for its construction,*

The current lease for the North Rocks Pre-School commenced on 1 January 1994 and expired on 31 December 2013 being a term of twenty years. Due to the negotiations at that time, the Pre-School were advised of the approach made by Westfield, and that a new lease would not be considered until the matter was finalised with Council. In the interim, hold-over provisions of the lease allow for continued tenure by the Pre-School under the existing terms of the lease.

The building is owned and was funded by Council with practical completion on 11 September 1969. The cost to build was \$23,465, and it was officially opened by Councillor Don Moore on 20 September 1969. It is not known if Council was in receipt of any grant funding prior to, or after the construction of the Pre-school.

The offer by Westfield to purchase the property represents a way in which the land can be sold to provide funds for the benefit of North Rocks and its community. The proposal would close the current North Rocks Pre-School who operate from the site. As set out in the resolution of Council a new facility at North Rocks Park will be pursued and funded by the proceeds of the land sale.

PART 1 OBJECTIVES OR INTENDED OUTCOME

The reclassification of the land will allow council to sell the parcel to provide for a more effective use of the site and to raise funds for the benefit of North Rocks and its community.

PART 2 EXPLANATION OF THE PROVISIONS

The proposed outcome will be achieved by reclassifying a parcel of land owned by Council being Lot 2, DP 622156, 11 New North Rocks Road, North Rocks from "Community" to "Operational" land. The land would be identified in Part 1 of Schedule 4 of the LEP as all trusts, estates, interests, dedications, conditions, restrictions, and covenants over the land would remain. The table in Part 1 of Schedule 4 would appear as below.

Column 1	Column 2
Locality	Description
11 New North Rocks Road, North Rocks	Lot 2, DP 622156

No other amendments to the LEP are proposed.

PART 3 JUSTIFICATION

SECTION A - REASONS FOR THE PROPOSAL

The sale of the site offers an opportunity to provide for a more orderly development outcome. As shown in Figures 1 and 2 the site is isolated, has little visual or recreational outlook and offers no opportunity for expansion.

If the site were to be reclassified and sold it is Council's intention to relocate the North Rocks Pre-school. The Pre-School has been consulted to determine their specific needs should they be re-located to a new facility; investigations were carried out to identify available sites owned by Council for relocation of the Pre School; and construction cost estimates were obtained from a Quantity Surveyor.

Three (3) alternative council-owned sites within the local area were considered and the site of the current North Rocks Park Caretakers Cottage was identified as the best potential site for the relocation of the Preschool having regard to accessibility, existing parking, aspect, environment, adjoining parkland, near vicinity to After School care facility, and good setbacks from the surrounding main roads.

The North Rocks Pre-School have advised that the current capacity for 40 children needs to be maintained. To future-proof such a facility, it is proposed to prepare designs for a minimum capacity of 42 children for compliance with current Child Care Centre legislation.

A Quantity Surveyor was engaged to provide a detailed Cost Plan for a proposed child care centre. It confirmed that the sale of the land would allow for the construction of a new Pre-School facility with surplus funds. Should Council agree to sell the North Rocks land to Westfield and, in doing so, build a new facility to allow for the continued operation of a pre-school, the estimated surplus funds could be used for other projects of community benefit.

SECTION B – CONSISTENCY WITH S117 DIRECTIONS

The consistency of the planning proposal with the S.117 Ministerial Directions is detailed within Attachment A. A discussion on the consistency of the proposal with each relevant Direction is provided below.

- **Direction 1.1 – Business and Industrial Zones**

This direction aims to encourage employment growth in suitable locations, protect employment land within business and industrial zones and support the viability of strategic centres.

The proposed amendment would not result in the rezoning of the site from B2 Local Centre. By providing for the sale of the land to private ownership, the proposed amendment encourages employment growth and supports the viability of the identified strategic centre.

The Pre-school currently operating on the site is likely to be relocated to a site within a kilometre of its current location and would not result in a reduction of the size of the facility. It is considered that the proposed amendment is consistent with the strategic directions and key policy settings of the Direction.

- **Direction 6.2 – Reserving Land for a Public Purpose**

The objectives of this direction are to facilitate the provision of public services and facilities by reserving land for public purposes and to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.

The proposed amendment will not create, alter or reduce the zoning of land for a public service. In this regard the land is zoned B2 Local Centre which seeks to provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area; to encourage employment opportunities in accessible locations; and to maximise public transport patronage and encourage walking and cycling.

The site has limited practical use for council and could be more effectively used by the interested purchaser. It is estimated that the sale price would allow council to provide a new facility for the North Rocks Pre-school with surplus funds that could be used for other projects of community benefit. It is considered that the proposed amendment is not inconsistent with the strategic directions and key policy settings of the Direction.

- **Direction 7.1 – Implementation of the Metropolitan Plan for Sydney 2036**

The strategic plan prepared by the NSW Government titled the Metropolitan Plan for Sydney 2036 aims to integrate land use and transport planning to provide a framework for the growth and development of the Sydney region to 2036.

The planning proposal is consistent with the strategic directions and key policy settings of the strategy given the proposed changes are of minor significance and reflect existing policy or land use decisions.

SECTION C – DIRECTOR GENERAL REQUIREMENTS

The following specific matters are addressed in accordance with Director General specific requirements for planning proposals that seek to classify or reclassify public land.

1. Is the planning proposal a result of any strategic study or report

No. The planning proposal is not a result of any strategic study or report, however, is required to provide a more orderly development on the site and free up funds for other projects of community benefit.

2. Is the planning proposal consistent with the council's community plan, or other local strategic plan?

Yes. The planning proposal is consistent with Council's Community Strategic Plan.

The Hills Future Community Strategic Direction articulates The Hills Shire community's and Council's shared vision, values, aspirations and priorities with reference to other local government plans, information and resourcing capabilities. It is a direction that creates a picture of where the Hills would like to be in the future. The direction is based on community aspirations gathered throughout months of community engagement and consultation with members of the community.

The planning proposal will free land for productive use while providing the same level of existing service and generate funds that could be used for other projects of community benefit.

3. 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 should be provided.

The proposed amendment does not include the extinguishment of any interests in the land.

4. The concurrence of the landowner, where the land is not owned by the relevant planning authority.

Council is the landowner.

SECTION D – COUNCIL INTEREST IN THE LAND

The original land parcel was described as Lot 2 DP 509639 having an area of 5,930m² which was transferred to council from BP Australia Limited on 4 June 1964 on the undertaking by the Council to use the land for the purpose of a public road, public parking or other public purpose.

The current deposited plan (622156) has a restriction for the dedication of a strip of land for road widening to the public road but this is limited to a small portion in the west of Lot 1 DP 622156.

Under Chapter 6 of the Local Government Act 1993 all public land must be classified. With the introduction of the Local Government Act in 1993, the land was not re-classified in the 12 month window of the implementation of the new Act, and was thus classified as "Community" land. The site is categorised as 'General Community Use'.

SECTION E - RETENTION OF OTHER INTERESTS

Pursuant to Section 88B of the Conveyancing Act 1919, no covenants apply and three (3) covenants benefit Lot 2 DP 622156. These are:

1. right of footway appurtenant to the land;
2. right of carriageway appurtenant to the land; and
3. easement for services appurtenant to the land.

Nothing in this amendment would remove trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land.

PART 4 COMMUNITY CONSULTATION

The planning proposal would be advertised in local newspapers and on display at Council's administration building located at 3 Columbia Court, Baulkham Hills, Baulkham Hills Library located at Railway Street, Baulkham Hills, Castle Hill Library located at the corner of Castle Street and Pennant Street, Castle Hill and Carlingford Library located at Lloyds Avenue, Carlingford. The planning proposal would also be made available on Council's website. In addition, letters will be issued to adjoining property owners advising them of the planning proposal.

A public hearing would be held consistent with the requirements of the EP&A Act.

PART 5 PROJECT TIMELINE

Stage	Date
Commencement Date (Gateway Determination)	October 2014
Exhibition of Planning Proposal	November – December 2014
Public Hearing	January 2015
Post exhibition report to Council	February 2015
Request finalisation of LEP amendment	February 2015
Notification of LEP amendment on NSW Government website	March 2015

ATTACHMENT A: Evaluation against 117 Directions

DIRECTION		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
1. Employment and Resources				
1.1	Business and Industrial Zones	YES	YES	CONSISTENT
1.2	Rural Zones	NO	-	-
1.3	Mining, Petroleum Production and Extractive Industries	NO	-	-
1.4	Oyster Aquaculture	NO	-	-
1.5	Rural Lands	NO	-	-
2. Environment and Heritage				
2.1	Environment Protection Zone	NO	-	-
2.2	Coastal Protection	NO	-	-
2.3	Heritage Conservation	NO	-	-
2.4	Recreation Vehicle Area	NO	-	-
3. Housing, Infrastructure and Urban Development				
3.1	Residential Zones	NO	-	-
3.2	Caravan Parks and Manufactured Home Estates	NO	-	-
3.3	Home Occupations	NO	-	-
3.4	Integrating Land Use and Transport	YES	NO	-
3.5	Development Near Licensed Aerodromes	NO	-	-
3.6	Shooting Ranges	NO	-	-
4. Hazard and Risk				
4.1	Acid Sulfate Soils	NO	-	-
4.2	Mine Subsidence and Unstable Land	NO	-	-
4.3	Flood Prone Land	NO	-	-
4.4	Planning for Bushfire Protection	NO	-	-
5. Regional Planning				
5.1	Implementation of Regional Strategies	NO	-	-
5.2	Sydney Drinking Water Catchment	NO	-	-
5.3	Farmland of State and Regional Significance on the SNW Far North Coast	NO	-	-
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	NO	-	-
5.8	Second Sydney Airport:	NO	-	-

DIRECTION		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
	Badgerys Creek			
5.9	North West Rail Link Corridor Strategy	NO	-	-
6. Local Plan Making				
6.1	Approval and Referral Requirements	YES	NO	-
6.2	Reserving Land for Public Purposes	YES	YES	CONSISTENT
6.3	Site Specific Provisions	YES	NO	-
7. Metropolitan Planning				
7.1	Implementation of the Metropolitan Plan for Sydney 2036	YES	YES	CONSISTENT

ATTACHMENT B: Evaluation against SEPPs

STATE ENVIRONMENTAL PLANNING POLICY (SEPP)		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/CONSISTENT
No. 1	Development Standards	YES	NO	-
No. 14	Coastal Wetlands	NO	-	-
No. 15	Rural Landsharing Communities	NO	-	-
No. 19	Bushland in Urban Areas	YES	NO	-
No. 21	Caravan Parks	YES	NO	-
No. 26	Littoral Rainforests	NO	-	-
No. 29	Western Sydney Recreation Area	NO	-	-
No. 30	Intensive Agriculture	YES	NO	-
No. 32	Urban Consolidation (Redevelopment of Urban Land)	YES	NO	-
No. 33	Hazardous and Offensive Development	YES	NO	-
No. 36	Manufactured Home Estates	NO	-	-
No. 39	Spit Island Bird Habitat	NO	-	-
No. 44	Koala Habitat Protection	NO	-	-
No. 47	Moore Park Showground	NO	-	-
No. 50	Canal Estate Development	YES	NO	-
No. 52	Farm Dams and Other Works in Land and Water Management Plan Areas	NO	-	-
No. 55	Remediation of Land	YES	NO	-
No. 59	Central Western Sydney Regional Open Space and Residential	NO	-	-
No. 62	Sustainable Aquaculture	YES	NO	-
No. 64	Advertising and Signage	YES	NO	-
No. 65	Design Quality of Residential Flat Development	YES	NO	-
No. 70	Affordable Housing (Revised Schemes)	YES	NO	-
No. 71	Coastal Protection	NO	-	-
Affordable Rental Housing (2009)		YES	NO	-
Building Sustainability Index: BASIX 2004		YES	NO	-
Exempt and Complying Development Codes (2008)		YES	NO	-
Housing for Seniors or People with a Disability (2004)		YES	NO	-
Infrastructure (2007)		YES	NO	-
Kosciuszko National Park – Alpine Resorts (2007)		NO	-	-
Kurnell Peninsula (1989)		NO	-	-
Major Development (2005)		YES	NO	-
Mining, Petroleum Production and Extractive Industries (2007)		YES	NO	-
Rural Lands (2008)		NO	-	-
SEPP 53 Transitional Provisions (2011)		NO	-	-
Sydney Drinking Water Catchment (2011)		NO	-	-
Sydney Region Growth Centres (2006)		NO	-	-
Three Ports (2013)		NO	-	-

STATE ENVIRONMENTAL PLANNING POLICY (SEPP)	APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
Urban Renewal (2010)	NO	-	-
Western Sydney Employment Area (2009)	NO	-	-
Western Sydney Parklands (2009)	NO	-	-

ORDINARY MEETING OF COUNCIL

12 AUGUST, 2014

TABLE OF MATTERS REFERRED TO CLOSED COUNCIL

ITEM NO.:	13
SUBJECT:	SALE OF 11 NEW NORTH ROCKS ROAD, NORTH ROCKS
Associated Report:	N/A
Reason for Confidentiality:	Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
Section:	10A(2)(c)
Public Interest	On balance, the public interest in preserving the confidentiality about the valuation and financial details mentioned in the report outweighs the public interest in maintaining openness and transparency in Council decision making because the disclosure of this information would put the Council at a competitive disadvantage in its negotiations with the intended purchaser, preventing it from achieving a 'best value for money' outcome for the wider community.

MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 12 August 2014

ITEM-13

SALE OF 11 NEW NORTH ROCKS ROAD, NORTH ROCKS

A MOTION WAS MOVED BY COUNCILLOR JEFFERIES AND SECONDED BY COUNCILLOR GANGEMI THAT the Recommendation contained in the report be adopted.

THE MOTION WAS PUT AND CARRIED.

476 RESOLUTION

1. Council proceed with the sale of Lot 2, DP 6221156, 11 New North Rocks Road, North Rocks to Westfield Ltd for the price detailed in this report with a Contract, Deed, 88B Instrument, Request & Transfer authorised for execution under seal.
2. Council proceed with the preparation of a Planning Proposal for the re-classification of the land from 'Community' to 'Operational' which will require a Public Hearing chaired by an independent Facilitator at a cost to Council.
3. Council proceed with the appointment of an Architect, Quantity Surveyor, Surveyor and various consultants essential to the design and cost management for the construction of a Pre-School as detailed in this report, and that \$200,000 be transferred from the Land Development Reserve and be reflected in a future Budget Review.
4. Net sales proceeds from this sale after the construction of the new Pre-School be transferred to the Recreational Reserve to be used for replacement/renewal of community facilities.
5. Council proceed to call Expressions of Interest to operate an early childhood education and care service for the proposed replacement facility prior to proceeding to tender for its construction.

(Councillor Tracey requested that his name be recorded as opposing the resolution of Council in this matter)

MATTER ARISING

A MOTION WAS MOVED BY COUNCILLOR THOMAS AND SECONDED BY COUNCILLOR HASELDEN THAT The General Manager bring forward a report in regard to the policy and appropriateness of the rental to be charged for not for profit childcare centres in the future.

THE MOTION WAS PUT AND CARRIED.

477 RESOLUTION

The General Manager bring forward a report in regard to the policy and appropriateness of the rental to be charged for not for profit childcare centres in the future.