

The Hills Local Environmental Plan 2012 – Reclassification of land at 5 Jackson Place, Kellyville from “Community” to “Operational” land.

Proposal Title : **The Hills Local Environmental Plan 2012 – Reclassification of land at 5 Jackson Place, Kellyville from “Community” to “Operational” land.**

Proposal Summary : **The planning proposal proposes to amend The Hills Local Environmental Plan 2012 to reclassify Lot 601 DP 1083182, 5 Jackson Place, Kellyville from “Community” to “Operational” land.**

PP Number : **PP_2015_THILL_003_00** Dop File No : **15/02207**

Proposal Details

Date Planning Proposal Received : **15-Dec-2014** LGA covered : **The Hills Shire**

Region : **Metro(Parra)** RPA : **The Hills Shire Council**

State Electorate : **BAULKHAM HILLS** Section of the Act : **55 - Planning Proposal**

LEP Type : **Reclassification**

Location Details

Street : **5 Jackson Place**

Suburb : **Kellyville** City : **Baulkham Hills** Postcode : **2155**

Land Parcel : **Lot 601 DP 1083182**

DoP Planning Officer Contact Details

Contact Name : **Amar Saini**

Contact Number : **0298601130**

Contact Email : **amar.saini@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Alicia Jenkins**

Contact Number : **0298430396**

Contact Email : **ajenkins@thehills.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Derryn John**

Contact Number : **0298601505**

Contact Email : **derryn.john@planning.nsw.gov.au**

Land Release Data

Growth Centre : Release Area Name : **Balmoral Road**

Regional / Sub Regional Strategy : **Metro West Central subregion** Consistent with Strategy : **Yes**

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MDP Number :

Date of Release :

Area of Release
(Ha) :

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 1
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Yes
Lobbyists Code of
Conduct has been
complied with :

If No, comment :

Have there been No
meetings or
communications with
registered lobbyists? :

If Yes, comment : In relation to the Lobbyist Code of Conduct, there are no records on the Department's
Lobbyist Contact Register regarding this matter.

Supporting notes

Internal Supporting
Notes :

POLITICAL DONATIONS DISCLOSURE STATEMENT

Political donations disclosure laws commenced on 1 October 2008. The legislation requires the public disclosure of donations or gifts for certain circumstances relating to the Planning system.

"The disclosure requirements under the new legislation are triggered by the making of relevant planning applications and relevant public submissions on such applications.

The term relevant planning application means:

- A formal request to the Minister, a council or the Secretary to initiate the making of an environmental planning instrument..."

Planning Circular PS 08-009 specifies that a person who makes a public submission to the Minister or Secretary is required to disclose all reportable political donations (if any).

The Department has not received any disclosure statements for this Planning Proposal.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment : The objective of this planning proposal is to reclassify the subject land from 'community' to 'operational' to facilitate the sale of the land as a residential lot.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment :

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Council has provided the following explanation for the proposed amendment:

The aims of this planning proposal will be achieved by reclassifying the subject land from ‘community’ to ‘operational’ land.

The land is owned by Council.

Council has advised that two restrictions applying to the land will be removed as part of the planning proposal. Both of these relate to restricting the use of land for residential purposes unless the prior approval of Council has been obtained. Removal of these restrictions is appropriate because the land is no longer required for a public purpose and retaining this restriction may limit a future landowner from undertaking complying development (which can be approved through a certifier rather than Council).

Council has advised that apart from the removal of the two restrictions this proposal does not include the extinguishment of any other interests in the land.

The land will be identified in Part 2 of Schedule 4 of the LEP to reflect the removal of the above restrictions. A copy of the proposed table is in Documents.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

3.1 Residential Zones

* May need the Director General's agreement

6.2 Reserving Land for Public Purposes

7.1 Implementation of A Plan for Growing Sydney

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

SECTION 117 DIRECTIONS

3.1 RESIDENTIAL ZONES:

The direction requires a planning proposal to facilitate the provisions of housing. The proposal is not considered to be inconsistent with the direction as the site is already zoned R2 Low Density Residential. The proposed reclassification will encourage provision of additional housing in an appropriate location supported by infrastructure and services.

6.2 RESERVING LAND FOR PUBLIC PURPOSES:

The direction requires that the amendment should not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director General of the Department of Planning.

The planning proposal proposes to reclassify land at 5 Jackson Place, Kellyville (Lot 601 DP 1083182) as operational land to enable the sale of the site. The land is in the ownership of The Hills Shire Council. Therefore, the proposal satisfies the requirement of the Direction that the relevant authority has approved of the rezoning and the circumstances any inconsistency is considered to be minor.

It is considered that the Secretary's approval should be granted in this instance.

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7.1 IMPLEMENTATION OF THE METROPOLITAN STRATEGY:

The planning proposal is not inconsistent with A Plan for Growing Sydney and the draft North West Subregional Strategy.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **No maps require modification pursuant to this amendment. Council has provided location map and concept plan showing the revised cycleway route.**

It is considered that the maps are adequate for consultation purposes.

Community consultation - s55(2)(e)

Has community consultation been proposed? **No**

Comment : **Council has not specified the community consultation period. However, given the nature of the planning proposal, it is recommended that it should be placed on public exhibition for a minimum of 28 days.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The Hills LEP 2012 is a Principal LEP.**

Assessment Criteria

Need for planning proposal : **BACKGROUND AND PROPOSAL**

The site

The site is a 421.9 sqm parcel of land currently zoned R2 Low Density Residential and classified as ‘community’ land.

Background

The property adjoins the future Arnold Avenue Sports Complex in Kellyville. Council purchased it on 14 June 2006 with the intent of providing a connection to the cycleway network that links Arnold Avenue Supporting Fields with the Greenway Link between Bella Vista Farm and Rouse Hill.

An agreement with Sydney Water has enabled Council to build cycleway infrastructure on trunk drainage land in this area, negating the need for a link through 5 Jackson Place. A location map is in Documents. Reclassification of land to operational will facilitate the sale of the land as a residential lot.

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The Proposal

Council has advised that given the land is no longer required for its intended public purpose, it is appropriate that the land be reclassified to ‘operational’ and sold as a residential lot, consistent with its current R2 Low Density Residential zoning and development on surrounding land.

Council has further advised that the sale of the land will assist with providing funds for the provision of open space and recreation opportunities in this area.

Consistency with strategic planning framework :

METROPOLITAN STRATEGY

The planning proposal is not considered to be inconsistent with ‘A plan for growing Sydney’.

DRAFT NORTH WEST SUBREGIONAL STRATEGY

The planning proposal is not considered to be inconsistent the draft North West Sub-regional Strategy.

LOCAL STRATEGY

Council has advised that the draft planning proposal is consistent with the Council’s Community Strategic Plan as it will contribute to housing stock in the area and will generate funds for the provisions of open space improvements.

Environmental social economic impacts :

It is considered that there are no likely social, economic and environmental impacts, as the planning proposal simply seeks to reclassify the land from “Community” to “Operational” and reduction in open space is minimal.

Assessment Process

Proposal type : **Minor** Community Consultation Period : **28 Days**

Timeframe to make LEP : **6 months** Delegation : **DDG**

Public Authority Consultation - 56(2) (d) :

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

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Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Council Letter.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes
Council's Planning Report.pdf	Proposal Covering Letter	Yes
Location Maps1.pdf	Map	Yes
Proposed table showing how the land will be identify in Part 2 of Schedule 4 of the Hills LEP 2012.pdf	Determination Document	Yes
Planning Team Report.pdf	Determination Document	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **3.1 Residential Zones**
 6.2 Reserving Land for Public Purposes
 7.1 Implementation of A Plan for Growing Sydney

Additional Information : **Delegation of Gateway determination**

The planning proposal is for reclassification of land at 5 Jackson Place, Kellyville from “Community” to “Operational”. The proposal is considered to be minor in nature, and it is recommended that the determination function of the Gateway be exercised under delegation by the Director, Metropolitan Region (Parramatta).

Delegation to Council

The Hills Shire Council has not requested plan making functions be delegated to Council in this instance. As the proposal relates to land owned by Council and the proposal includes discharge of interests in relation to the subject land (which require the Governor’s approval), it is therefore recommended that delegations of the Plan Making functions not be given to Council in this instance.

Recommendation:

It is recommended that the planning proposal proceed subject to the following conditions:

1. Community consultation is required under Section 56(2)(c) and 57 of the EP&A Act as follows:

(a) the planning proposal must be made publicly exhibited for 28 days, and

(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with the planning proposal as identified in section 5.5.2 of A Guide to preparing local environmental plans (Department of Planning and Environment 2013).

2. A public hearing is not required to be held in relation to this matter by any person or body under section 52(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

3. The timeframe for completing the local environmental plan is to be 6 months from the

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week following the date of the Gateway determination.

Supporting Reasons : The planning proposal is supported as:

- Reclassification of the subject land will facilitate sale of the land for residential purposes.
- It would provide opportunity for the development of an additional dwelling within a residential area with good access to services, community facilities and infrastructure.

Signature:



Printed Name:

DERRYN JOHN

Date:

2 MARCH 2015

