

PART 2 EXPLANATION OF THE PROVISIONS

The proposed outcome will be achieved by reclassifying a parcel of land owned by Council being Lot 601 DP 1083182, 5 Jackson Place, Kellyville from 'Community' to 'Operational' land.

Two (2) restrictions applying to the land will be removed as part of the planning proposal. Both of these relate to restricting the use of the 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 prior certifier rather than Council).

The 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. It is envisaged the table would appear as below, however this may be subject to further refinement should the planning proposal proceed to finalisation and legal drafting.

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
5 Jackson Place, Kellyville	Lot 601 DP 1083182	Reservations and Conditions in the Crown Grant(s) Easement to drain water 2m wide burdening Lot 601 as noted in Certificate of Title Folio Identifier 601/1083182 Easement to drain water 2m wide benefiting Lot 601 as noted in Certificate of Title Folio Identifier 601/1083182 Restrictions on the use of land referred to and numbered 3 and 4 in the Section 88B Instrument for DP1083182

No other amendments to the LEP are proposed.

PART 3 JUSTIFICATION

SECTION A - REASONS FOR THE PROPOSAL

The site was originally acquired with the intent of providing a connection to the cycleway network. However, an agreement with Sydney Water will now allow Council to build cycleway infrastructure on trunk drainage land in this area, which enables direct pedestrian and cycle access from Arnold Avenue Sporting Complex across Strangers Creek and under Windsor Road via an existing underpass. A concept plan of the new access path is shown in Figure 3.