

Ref No: D17/116038

Planning Proposal

Reclassification of Lot 2 DP 1200178 to 'Operational Land'

(PP2017/0003)

August 2017

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Attachments

- Attachment 1:** Planning Proposal Application Report by Planning Ingenuity
- Attachment 2:** Current Plan of Subdivision – Deposited Plan 1200178
- Attachment 3:** Council Report and Resolution

1. Introduction

This Planning Proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 and Regulation 2000 and the following advisory documents prepared by the Department of Planning and Environment:

- “A guide to preparing planning proposals” (October 2012); and
- “A guide to preparing local environmental plans” (April 2013).

This report is supported by a Planning Proposal report prepared by Planning Ingenuity on behalf of Georges River Council’s Property Division and included as ATTACHMENT 1.

Subject Site

The land the subject of the Planning Proposal is known as part of Taylor Reserve, Lime Kiln Road and Woodland Ave, Lugarno; and is legally identified as Lot 2 DP 1200178 (**Site**). Taylor Reserve is identified in Figure 1.

Figure 1 - Locality Map for Taylor Reserve



The Site, whilst being part of Taylor Reserve also serves as an informal access to several properties located on its western boundary, as depicted in Figure 1 by Taylor Avenue. The Site does not contain any Council buildings, however a recent survey plan (ATTACHMENT 2) highlights some minor encroachments from the adjoining privately owned residential properties. These minor encroachments can be formerly dealt with via appropriate easements once the Site becomes operational land.

Figure 2 - Site is highlighted with Red outline



Figure 2 identifies the Site as part of Taylor Reserve. This Planning Proposal is only relevant to the Site (Lot 2) and does not require Lot 1 DP1200178, as outlined in blue, to be reclassified.

Site History

Prior to 1955, the land comprising Taylor Reserve was part of a poultry farm holding of 8.5 acres owned by the Taylor family. The land was subdivided in November 1959 creating lots

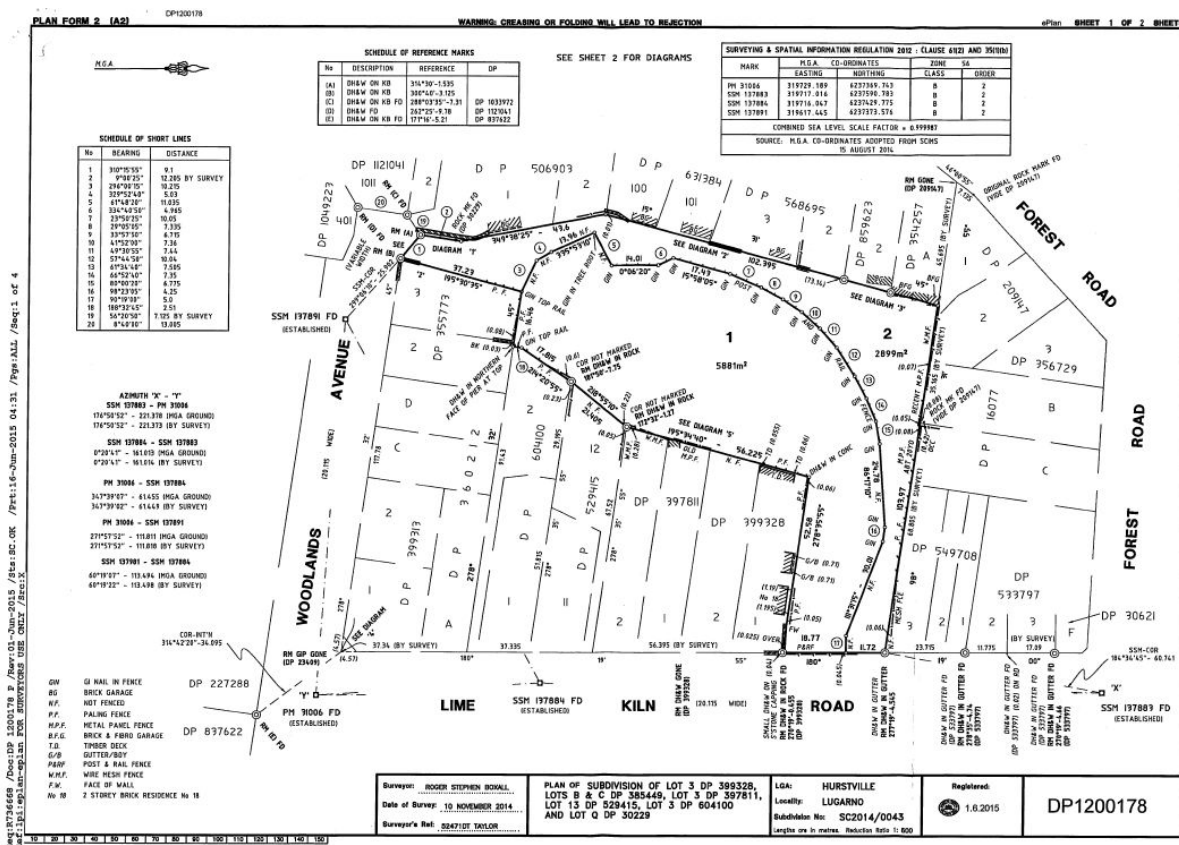
in Deposited Plan 3229 which included lots O, P and Q which were dedicated as 'Public Garden and Recreation Space' extending through to Georges River. The current Taylor Reserve is contained within the former Lot Q.

Additional land has since been added to the eastern edge of Lot Q as land has been subdivided along Lime Kiln Road. Additional lots were:

- Lot 13 DP 529415 (registered on 21 March 1968);
- Lot 3 DP604100 (registered on 10 August 1979);
- Lot 3 DP 397811;
- Lots B and C DP 385449; and
- Lot 3 DP 399328.

On 1 June 2015 the current Deposited Plan was registered to consolidate multiple allotments into Lots 1 and 2 DP 1200178 as shown in Figure 3. The deposited plan is registered with a Statement of intention to "dedicate Lot 1 to the public as public reserve" in accordance with Section 88B of the *Conveyancing Act, 1919*. This application for a Planning Proposal is consistent with that Statement of Intention.

Figure 3 - Current Plan of Subdivision for the Site (note larger version included as ATTACHMENT 2)



Surrounding Land

The Site is essentially surrounded by residential land, being a mix of single and double storey dwellings and some multi-dwelling developments. However, on the

northern edge of the Site are a cluster of neighbourhood shops fronting Lime Kiln Road (refer Figure 4). These shops utilise the Road Reserve for 90 degree parking.

Figure 4 – Neighbourhood Shops on northern boundary of Site adjacent Taylor Avenue



It should be noted that some of the buildings fronting the site along Taylor Avenue have some minor encroachments into the Site (refer ATTACHMENT 2). These encroachments are in the order of 35mm, 10mm and 50mm, 115mm and 40mm. It is the intent of this Planning Proposal to formalise these encroachments once the Site becomes operational land, likely via the creation of easements.

Figure 5 – Aerial view of surrounding development form



Existing Planning Controls

The planning controls for the Site are contained under Hurstville Local Environment Plan 2012 (**HLEP 2012**). The relevant controls under HLEP 2012 are as follows:

- **Zone – RE1 Public Recreation**

The RE1 zone objectives are:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*

Permitted without consent:

Environmental facilities, Environmental protection works, Roads

Permitted with consent:

Building identification signs; Business identification signs; Child care centres; Community facilities; Information and educational facilities; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes

Prohibited

Any development not specified in item 2 or 3

- **Height of Buildings control – Nil**
- **Floor Space Ratio (FSR) control – Nil**
- **Minimum Lot Size – Nil**

An extract of zone map from HLEP 2012 for the Site is provided over page in Figure 6. The surrounding Land zones are:

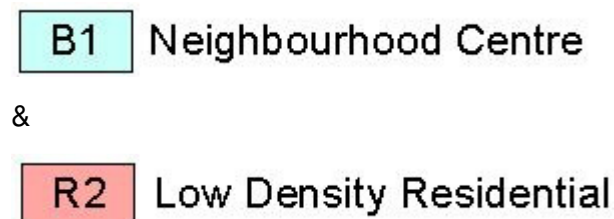
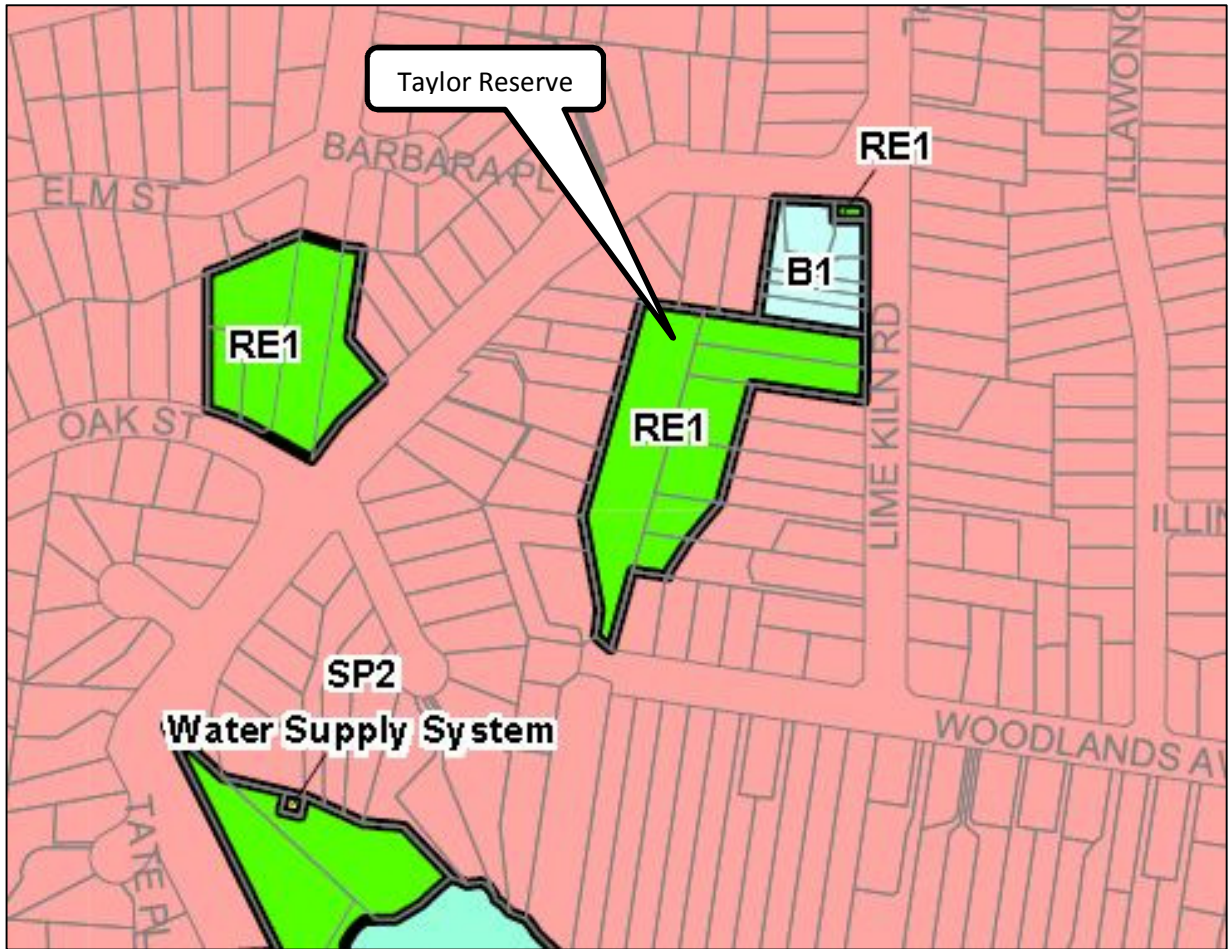


Figure 6 - Extract of HLEP 2012 zone map Sheet LZN_003



This Space is Intentionally Blank

2. The Planning Proposal

The Planning Proposal has been assessed under the relevant sections of the Environmental Planning and Assessment Act 1979 (**EPA Act**) and Environmental Planning and Assessment Regulation 2000 (**EPA Reg**) and the following advisory documents prepared by the Department of Planning and Environment (**DPE**):

- “A guide to preparing planning proposals” (October 2012); and
- “A guide to preparing local environmental plans” (April 2013).

The assessment includes a review of the strategic planning framework and a site-specific assessment as listed below:

- Hurstville Local Environmental Plan 2012
- State Environmental Planning Policies
- Ministerial Section 117 Directions
- Environmental, Social and Economic Impacts
- Services and Infrastructure.

Section 55 of the Environmental Planning & Assessment Act, 1979 outlines that a planning proposal must explain the intended effect and the justification for making the proposed instrument and must include the following components:

- A statement of the objectives and intended outcomes of the proposed instrument (Part 1)
- An explanation of the provisions that are to be included in the proposed instrument (Part 2)
- The justification for those objectives, outcomes and the process for their implementation (including whether the proposed instrument will comply with relevant directions under section 117) (Part 3)
- Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies (Part 4)
- Details of community consultation that is to be undertaken before consideration is given to the making of the proposed instrument (Part 5).

Parts 1 – 5 below address the information requirements for Planning Proposals.

Part 1: Objectives or Intended Outcomes

The objective of the Planning Proposal is to change the classification of the Site under the Local Government Act 1993 from ‘community land’ to operational land’. The ‘community land’ classification is too restrictive and does not enable Council to formalise the use of the Site by the creation of appropriate easements to resolve access and encroachments. The ‘operational land’ classification enables Council to have greater flexibility over the Site in formalising the historical informal access and encroachments.

Hence, the intended outcome of the reclassification is to enable Council to formalise access to the adjoining residential properties that currently and historically have informal access to Taylor Avenue via creating an easement in favour of the properties that require the formalised access. Council will also be able to resolve minor encroachments via an easement.

Part 2: Explanation of the Provisions

The proposed intended outcome (refer Part 1) will be achieved by amending the Hurstville LEP 2012 as follows:

- Insert the description of the Site in **Schedule 4 Classification and reclassification of public land** in the HLEP 2012 as follows:

Part 2 Land classified, or reclassified, as operational land—interests changed

Column 1 Locality	Column 2 Description	Column 3 Any trusts etc not discharged
Lugarno	Lot 2, DP1200178 Taylor Reserve, Lime Kiln Road and Woodlands Avenue	Nil

No map is required where the entire lot is to be reclassified, which is the circumstance in this case (refer Part 4 for explanation).

Part 3: Justification

Section A – Need for the planning proposal

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

The request for a Planning Proposal is not the result of a specific strategic planning study. The application is a result of Hurstville Council’s Resolution of 18 September 2013 Minute No.359 which states as follows:

“RESOLVED THAT Council resolves to prepare a plan of subdivision consolidating Taylor Reserve and identifying land for Taylor Avenue;

THAT Council resolved to prepare a site specific Plan of Management for Taylor Reserve and amend the Generic Plan of Management – Parks. .

THAT Council resolves to prepare a planning proposal to reclassify part of Taylor Reserve from Community Land to Operational Land.

THAT Council create a right of carriageway for access across Taylor Reserve to provide formal legal access to properties that require access from the existing sealed road – Taylor Avenue.

FURTHER THAT Council advise adjoining and adjacent landowners surrounding Taylor Reserve of its decision.”

Many of the above steps have been completed in accordance with Minute No. 359. The remaining steps are to reclassify the land as operational via a Planning Proposal; and to create a right of carriageway for access across Taylor Reserve to provide formal legal access to the properties that require such. This Planning Proposal seeks the reclassification step in Minute Mo. 359.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

A Planning Proposal is required to change the classification of the Site to Operational Land. In accordance with Practical Note PN09-003 Councils are encouraged to reclassify land through the Local Government Act, 1993 (**LG Act**) when circumstances conform to Sections 31, 32 or 33 of that Act.

Section 31 to the LG Act applies to classification of land acquired after 1 July 1993. The Site was dedicated to Council in 1960 and therefore Section 31 does not apply.

Section 32 to the LG Act 1993 applies to the reclassification of land dedicated in accordance with Section 94 to the EPA Act and therefore does not apply.

Section 33 to the LG Act applies to reclassification of operational land as community land and does not apply to this case.

Therefore, the Site cannot be reclassified in accordance with Sections 31, 32 or 33 of the LG Act and therefore requires a Planning Proposal.

Section B – Relationship to strategic planning framework

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 South Subregional Strategy)?

The Planning Proposal, whilst being considered a local matter and minor in the scheme of the regional and sub regional strategic planning framework is considered consistent with these Plans as follows:

A Plan for Growing Sydney

Plan for Growing Sydney (Plan) contains planning principles, directions and priorities for subregions, strategic centres and transport gateways. Lugarno is not identified in the *Plan* for any specific strategic role.

The *Plan* includes goals to improve access to parks and open spaces, increase connectivity of open space and make existing open spaces more appealing for healthy lifestyles and biodiversity and ecological functions. This Planning Proposal is not inconsistent with the goals for public open space as contained in the *Plan*.

There will be no change to the zoning of the land for public recreation and the establishment of a legal access for adjoining properties will not prevent continued public access to Taylor Reserve because the access track (Taylor Avenue) must remain open at all times and the interests of public access will need to be considered in any future terms of access negotiated

between Council and adjoining landowners to ensure that the interests and rights of the public to use Taylor Reserve are unchanged.

Draft District Plans

The Draft District Plans were placed on public exhibition between 21 November 2016 and 31 March 2017. The Draft South District Plan provides a detailed layer of planning considerations in relation to the broad objectives outlined in *A Plan for Growing Sydney*. The South District includes the Local Government Areas of Sutherland, Georges River and Canterbury-Bankstown.

The promotion of a sustainable city is a key priority of the Draft South District Plan and is derived from *A Plan for Growing Sydney's* 'Goal 3' for a great place to live with communities that are strong, healthy and well connected and 'Goal 4' for a sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.

Sydney's Green Grid, which is feature of the Draft South District Plan, contributes to the improvement of the city's sustainability. A key theme throughout the Draft South District Plan is the provision of open space that will meet the needs of residents. In particular, the plan supports the provision of safe and healthy places for residents, in turn creating a healthy built environment.

The proposal will not change the current use of the site as part of a public reserve and the site will continue to contribute towards targets for Public Open Space and provide a contribution to Sydney's green grid, which in turn will support a sustainable city.

The Planning Proposal is therefore consistent with strategic planning framework that is set down by the Draft South District Plan.

Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Hurstville Community Strategic Plan 2005 and Delivery Program 2015-'19

The Hurstville Community Strategic Plan 2025 (**CSP**) has been effective from 1 July 2015. It includes Part A which list strategies and performance measures and Part B being a Delivery Program for specific projects from 2015 to 2019.

The CSP reports that there is approximately 280 hectares of public open space in Hurstville LGA which equates to approximately 3.3 hectares per 1,000 residents. Issue 5A is a commitment to improvements in recreation, sporting facilities and passive recreational spaces. The CSP refers to specific strategies adopted in Council's Open Space and Facilities Strategy.

The Delivery Plan notes that the adopted Capital Works program includes \$4.5 million in Section 94 funds to be dedicated to public open space.

Council's Open Space and Facilities Strategy does not make specific mention of Taylor Reserve. However, the reserve fits the category of a 'Passive General Parkland at Level 2 (Neighbourhood)' scale and Council's general responsibilities for this type of reserve are mowing, rubbish removal, cleaning and protection of existing trees.

This Planning Proposal will not change the capacity of Council to continue to implement the adopted strategies and works programs for public open space throughout the LGA. The CSP and Delivery Plan also indicate that funds have been committed to ongoing maintenance of public open space including Taylor Reserve.

Nevertheless, The Department of Planning & Environment has issued a practice note (PN 16-001) which provides guidance on classifying and reclassifying public land through a local environmental plan (LEP).

A planning proposal to classify or reclassify public land will need to be prepared in accordance with the practice note and the additional matters specified in Attachment 1 to this practice note.

An assessment against the practice note and its attachment is as follows:

Matters for Consideration	Comment
<i>The current and proposed classification of the Land.</i>	The subject land is classified as community land.
<i>Whether the land is a 'public reserve' (defined in the LG Act).</i>	Yes
<i>The strategic and site specific merits of the reclassification and evidence to support this.</i>	The reclassification will facilitate the creation of a legal restriction on the title of the land for a right of carriageway and create an appropriate statutory framework which reflects an on ground situation in terms of private and public access to land.
<i>Whether the planning proposal is the result of a strategic study or report.</i>	The request for a Planning Proposal is not the result of a specific planning study. The request is to implement statutory changes that appropriately reflect the on-ground situation.
<i>Whether the planning proposal is consistent with council's Community Plan or other local strategic plan.</i>	The request for a Planning Proposal is consistent with Council's Community Plan and other strategic plans. The Planning Proposal's intent is to implement statutory changes that appropriately reflect the on-ground situation, which is to create ROW over the informal Taylor Avenue. The ROW will formalise the current 'informal' arrangement and provide certainty into the future over the management of Taylor Avenue and access to Taylor Reserve.

Matters for Consideration	Comment
<p><i>A summary of council's interests in the land, including:</i></p> <ul style="list-style-type: none"> • <i>how and when the land was first acquired (e.g. was it dedicated, donated, provided as part of a subdivision for public open space or other purpose, or a developer contribution)</i> • <i>if council does not own the land, the land owner's consent;</i> <p><i>the nature of any trusts, dedications etc.</i></p>	<p>Prior to 1955 the land comprising Taylor Reserve formed part of an 8.5 acre poultry farm owned by the Taylor family. Subsequently the land was subdivided and dedicated to Council who named Taylor Reserve in 1960.</p> <p>After the 1960's an access track in from 2B Woodland Ave, through the reserve, began to be used by Council for reserve maintenance, and additionally it was used by residents as a track to the rear of a number of properties that fronted Forest Road. Since then Council has approved a number of subdivisions, dwelling, outbuildings, alterations and additions that rely on the access track as the sole physical access.</p> <p>Over the years the gravel track has been gradually sealed by Council with the placement of left-over/part loads of hotmix from Council projects. The "track" became a fully sealed road which provided access for Council's garbage trucks, vehicular access for the community to the reserve and vehicular access for the residents predominately on the west side of the reserve.</p> <p>In 1999 Council named the access track across the reserve Taylor Avenue.</p>
<p><i>Whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why.</i></p>	<p>No interests to be changed.</p>
<p><i>The effect of the reclassification (including, the loss of public open space, the land ceases to be a public reserve or particular interests will be discharged).</i></p>	<p>No change to the existing situation.</p>
<p><i>Evidence of public reserve status or relevant interests, or lack thereof applying to the land (e.g. electronic title searches, notice in a Government Gazette, trust documents).</i></p>	<p>Not applicable.</p>
<p><i>Current use(s) of the land, and whether uses are authorised or unauthorised.</i></p>	<p>Access track across the reserve Taylor Avenue.</p>
<p><i>Current or proposed lease or agreements applying to the land, together with their duration, terms and controls.</i></p>	<p>There are no leases or agreements applying to the land.</p>

Matters for Consideration	Comment
<i>Current or proposed business dealings (e.g. agreement for the sale or lease of the land, the basic details of any such agreement and if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time).</i>	No agreements have been made. One of the resolutions of the Council at its Meeting held 18 September 2013 is to create a right of carriageway for access across Taylor Reserve to provide formal legal access to properties that require access from the existing sealed road – Taylor Avenue.
<i>Any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy).</i>	No. The Site is currently zoned RE 1 Public Recreation under HLEP 2012 (refer to Figure 5). Roads are permitted without consent, under the RE 1 zone. However, as the land is not classified as Road under the Roads Act 1993, there is currently no formally recognised access over the Site to a number of allotments directly adjacent the boundary of the Site.
<i>How council may or will benefit financially, and how these funds will be used.</i>	Any funds from lease will be subject to a separate Council report.
<i>How council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal.</i>	At the time of lease of the land a separate report will be presented to council outlining where the funds will be allocated to.
<i>A Land Reclassification (part lots) Map, in accordance with any standard technical requirements for spatial datasets and maps, if land to be reclassified does not apply to the whole lot.</i>	N/A as entirety of Lot 2 DP1200178 is to be reclassified.
<i>Preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.</i>	No comments lodged with Council to date. Comments will be sought during the formal exhibition of the planning proposal from relevant government agencies.

The reclassification of the Site will enable Council to create a ROW over the Site to formalise the existing informal access known as Taylor Avenue.

Is the planning proposal consistent with applicable State Environmental Planning Policies?

An assessment of the Planning Proposal has been undertaken against State Environmental Planning Policies (SEPPs). The Planning Proposal is not prohibited by any SEPP or Draft SEPP. Relevant SEPPs are listed and addressed as follows:

Table 1 - Relevant SEPPs applying to the Planning Proposal

SEPP	Relevance	Consistency	Comments
SEPP 55 Remediation of Land	Introduces state-wide planning controls for the remediation of contaminated land	Yes	<p>The land has a consistent history of use as a poultry farm prior to 1960. However, there is no visible evidence of contamination from that historic use. The long term use and maintenance of the reserve as public open space by Council has not revealed any evidence that the land is contaminated based on information contained in Council's historic property file. There is no reason to indicate that the land is contaminated.</p> <p>In any case this Planning Proposal will not change the manner in which the land is currently used or permitted to be used in the future and will not result in any activities which would be likely to expose humans or the environment to risks of contamination.</p>
SEPP (Infrastructure) 2007	This SEPP facilitates the delivery of new infrastructure within the State of NSW by public authorities including Council	Yes	This Planning Proposal will not change the way in which this SEPP operates nor how it applies to the site.
Greater Metropolitan Regional Environmental Plan 1999 No. 2 - Georges River Catchment	This REP aims to protect the catchment of the Georges River including maintaining and improving water quality and to achieve consistency in planning assessments and controls throughout the catchment	Yes	This Planning Proposal does not change the way in which the REP applies to the Site.

Is the planning proposal consistent with applicable Ministerial Directions (s.117 Directions)?

Yes. A checklist of the Planning Proposal's consistency with the full set of Section 117 Ministerial Directions is included in **Attachment 4**. The Directions that are relevant to the Planning Proposal are considered in the Table below.

Section 117 Directions	Comment
1. Employment and Resources	
1.1 Business and Industrial Zones	Whilst the site is located adjacent to a business zone the Planning Proposal has no effect on the zone. As such the Planning Proposal is considered consistent with this direction.
1.2 Rural Zones	N/A
1.3 Mining, Petroleum Production and Extractive Industries	This Planning Proposal will not affect the operation of Mining, Petroleum Production and Extractive Industries and is hence, consistent with this direction.
1.4 Oyster Aquaculture	N/A
1.5 Rural Lands	N/A
2. Environment and Heritage	
2.1 Environmental Protection Zones	This direction applies to all Planning Proposals and requires Council to consider the effect of the LEP amendment on the protection and conservation of environmentally sensitive areas. The Site is not considered to be environmentally sensitive, nevertheless it is to be preserved and used for public recreation. Therefore the Planning Proposal is considered to be consistent with this direction.
2.2 Coastal Protection	N/A
2.3 Heritage Conservation	This direction applies to all Planning Proposals and requires Council to consider the effect of the LEP amendment on the protection and conservation of heritage items and areas. The Site is not identified in the HLEP 2012 as a Heritage item, nor is it located adjacent such. Therefore the Planning Proposal is considered consistent with this direction.
2.4 Recreation Vehicle Areas	N/A
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	N/A
3. Housing, Infrastructure and Urban Development	
3.1 Housing, Infrastructure and Urban Development	<p>This direction applies to the Planning Proposal as it potentially may affect land within a Residential Zone. The effect may result in the granting of legal access to residential zoned land.</p> <p>Nevertheless, this Planning Proposal is not inconsistent with this direction as:</p> <ul style="list-style-type: none"> • Residential land that may be affected by this planning proposal is adequately serviced, and • The Planning Proposal will not reduce the permissible residential density of the land <p>Essentially this Planning Proposal will enable</p>

Section 117 Directions	Comment
	Council to formalise and existing 'informal' situation that has historically arisen that should result in better management of infrastructure servicing the residential land that is affected.
3.2 Caravan Parks and Manufactured Home Estates	N/A
3.3 Home Occupations	This Planning Proposal will have the effect of granting legal access over RE1 zoned land to several residential properties were Home Occupations may occur. Therefore this Planning Proposal is considered consistent with this direction.
3.4 Integrated Land Use and Transport	This direction applies as the Planning Proposal has the effect of altering access to residential zoned land 'on paper'. The effect of the access though is positive as there has historically been and 'informal' arrangement with Council and several residential properties fronting Taylor Reserve. This Planning Proposal seeks to formalise the arrangement creating permanent legal access to those affected properties. Hence is therefore considered consistent with this direction.
3.5 Development Near Licenced Aerodromes	N/A
3.6 Shooting Ranges	N/A
4. Hazard and Risk	
4.1 Acid Sulfate Soils	The site is not identified in HLEP 2012 as being affected by Acid Sulfate Soils.
4.2 Mine Subsidence and Unstable Land	The site is not identified in HLEP 2012 as being affected by Mine subsidence or located on unstable land
4.3 Flood Prone Land	N/A
4.4 Planning for Bushfire Protection	The Site is partly affected by the Vegetation Category 1 Buffer on Council's Bushfire Prone Land Maps. As such the Planning Proposal will need to be forwarded to the Rural Fire Service for comment should a positive Gateway determination be received from the Department of Planning and Environment.
5. Regional Planning	
5.1 Implementation of Regional Strategies	N/A
5.2 Sydney Drinking Water Catchment	N/A
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A
5.4 Commercial and Retail Development along the Pacific Highway , North Coast	N/A
5.8 Second Sydney Airport: Badgerys Creek	N/A
5.9 North West Rail Link Corridor Strategy	N/A

Section 117 Directions	Comment
5.10 Implementation of Regional Plans	N/A
6. Local Plan Making	
6.1 Approval and Referral Requirements	This Planning Proposal does not seek to introduce additional concurrence requirements or identify the development as designated development.
6.2 Reserving Land for Public Purposes	<p>This Planning Proposal does not seek to change the zoning of Taylor Reserve. The Planning Proposal only seeks to reclassify part of Taylor Reserve (Site) to enable Council create a Right of Carriageway (ROW) over the existing informal Taylor Avenue.</p> <p>The reclassification from 'community' to 'operational' land will enable Council to create the ROW and formalise the historical informal access that is Taylor Avenue, through Taylor Reserve.</p> <p>This change will not affect the manner in which the public is able to access and use Taylor Reserve.</p> <p>Once Council formalises the ROW it may reclassify the Site back to 'community land' under Section 33 of the LG Act via a Council resolution. As such this Planning Proposal is considered consistent with this direction.</p>
6.3 Site Specific Provisions	<p>Whilst this Planning Proposal seeks a site specific change to the HLEP 2012, the change does not facilitate a specific type of development proposal that is not usually permitted in the RE1 Public Recreation zone.</p> <p>The Council has resolved to create a ROW over the Site to formalise access to several private residential lots. Historically this access has been informal, but also the only access for many of the residential lots. It is noted that a 'Road' is a permissible use in the RE1 Zone, however it is not Council's intent to reclassify the Site to create a Road Reserve, as this would reduce the 'actual' public reserve land.</p> <p>The creation of the ROW will enable formalised access for the residential properties and not reduce the 'actual' public reserve land.</p> <p>As such the Planning Proposal is considered consistent with this direction.</p>

Section 117 Directions	Comment
7. Metropolitan Planning	
7.1 Implementation of A plan for Growing Sydney	This direction is addressed in Part 3, Section B in the body of this report.
7.2 Implementation of Greater Macarthur land Release Investigation	N/A
7.3 Parramatta Road Corridor Urban Transformation Strategy	N/A
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	N/A
End	

Section C – Environmental, social and economic impact

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?

According to Council's records the site does not contain critical habitat for threatened species or any population of endangered ecological communities. Nevertheless, The Planning Proposal represents an 'on paper' change to formalise an existing 'informal' access arrangement over Taylor Avenue through Taylor Reserve. This 'on paper' change will not result in the removal of any vegetation from the Site and hence not result in any negative impacts on such habitats.

Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

As discussed in the above statement, the Planning Proposal only results in an 'on paper' change. Hence no vegetation will be removed from the Site resulting from the Planning Proposal.

How has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal will not result in any effects on items or places of European or Aboriginal cultural heritage, as discussed in the body of this report, the Planning Proposal only creates an 'on paper' change that will not result in any physical changes to the Site.

Further the Planning Proposal, if it proceeds, will not result in any impacts on jobs or homes growth; and or impacts on existing social infrastructure such as schools and hospitals; and or impacts on existing retail centres.

Section D – State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

Whilst the Planning Proposal does not require any changes to public infrastructure to be accommodated, as it is only an 'on paper' change, the effect of the Planning Proposal will be formalisation of Taylor Avenue as a ROW through Taylor Reserve providing legal access to several private residential properties which have enjoyed 'informal' access historically.

As such the Planning Proposal only affect land controlled by Council and does not affect State or Commonwealth interests.

What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

State and Commonwealth public authorities will be consulted in accordance with Section 57 of the EPA Act as required by any recommendations of the Gateway Determination and this section will be updated with those comments for the public exhibition version.

Part 4: Mapping

In accordance with Part 12.11 Land Reclassification (Part Lots) (RPL) of the *Standard Technical Requirements for Spatial Datasets and Maps V1.0* published by the DPE, no map is required where an entire lot is being reclassified, which is the circumstance in this case.

Part 5: Community Consultation

It is anticipated that the Planning Proposal will be exhibited for a period of twenty eight (28) days in accordance with the provisions of the EPA Act and EPA Reg and any requirements of the Gateway Determination. As the Planning Proposal is seeking the reclassification of public land from the 'community' to 'operational' land, a Public Hearing will also be required in accordance with Section 29 of the LG Act and Section 57 of the EPA Act.

Exhibition material, including explanatory information, land to which the Planning Proposal applies, description of the objectives and intended outcomes, copy of the Planning Proposal and relevant maps will be available for viewing during the exhibition period on Council's website and hard copies available at Council offices and libraries.

Notification of the public exhibition will be through:

- Newspaper advertisement in The St George and Sutherland Shire Leader
- Exhibition notice on Council's website
- Notices in Council offices and libraries
- Letters to State and Commonwealth Government agencies identified in the Gateway Determination

- Letters to adjoining landowners (in accordance with Council's Notification Procedures).

Part 6: Project Timeline

The anticipated project timeline for completion of the Planning Proposal is shown below:

Task	Anticipated Timeframe
Lodgement of Planning Proposal	9 June 2017 (complete)
Reporting to Council on Planning Proposal	7 August 2017 (complete)
Anticipated commencement date (date of Gateway determination)	September 2017
Anticipated timeframe for the completion of required technical information	N/A
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	December 2017
Commencement and completion dates for public exhibition period (twenty eight (28) days)	February/March 2018
Dates for public hearing (if required)	March 2018
Timeframe for consideration of submissions	April 2018
Timeframe for the consideration by Council of a proposal post exhibition	May 2018
Date of submission to the Department to finalise the LEP	May 2018

It is noted that the anticipated project timeline may be amended by the Gateway Determination.

3. Conclusion

This Planning Proposal is consistent with the adopted and endorsed local, regional and State strategic plans. The Planning Proposal demonstrates the reclassification of the Site from Community Land to Operational Land can only be achieved through amendment to HLEP 2012 by way of a Planning Proposal.

This subsequent HLEP 2012 amendment will facilitate the appropriate statutory framework for the future creation of a legal ROW over the existing access track known as Taylor Avenue, to grant access to adjoining properties fronting Taylor Reserve.

The proposed amendments to HLEP 2012 will not result in any physical changes to the Site nor will the LEP amendments change the availability and use of Taylor Reserve for public recreation. The amendment is necessary to facilitate the proper and orderly management and use of the Site to provide legal access to adjoining properties, which have historically enjoyed an 'informal' arrangement.

For these reasons Council's requests the Minister to make a positive Gateway determination on this matter.

Attachments

Attachment 1:

Application for Planning Proposal – Reclassification of Lot 2 DP 1220178 to ‘Operational Land’, by Planning Ingenuity Pty Ltd.

{Insert separate document}

Attachment 2:

Current Plan of Subdivision – Deposited Plan 1200178

SURVEYING & SPATIAL INFORMATION REGULATION 2012 : CLAUSE 4(2) AND 3(10)(D)

MARK	M.G.A.	CO-ORDINATES	ZONE	SS	ORDER
PH 31056	310729.189	4297148.713	B	2	
PH 31057	310729.189	4297148.713	B	2	
SSM 131884	310716.642	4292429.275	B	2	
SSM 131885	310677.445	4292733.576	B	2	

COMBINED SEA LEVEL SCALE FACTOR = 0.999987
SOURCE: M.G.A. CO-ORDINATES ADOPTED FROM SCMS 15 AUGUST 2014

SEE SHEET 2 FOR DIAGRAMS

SCHEDULE OF REFERENCE MARKS

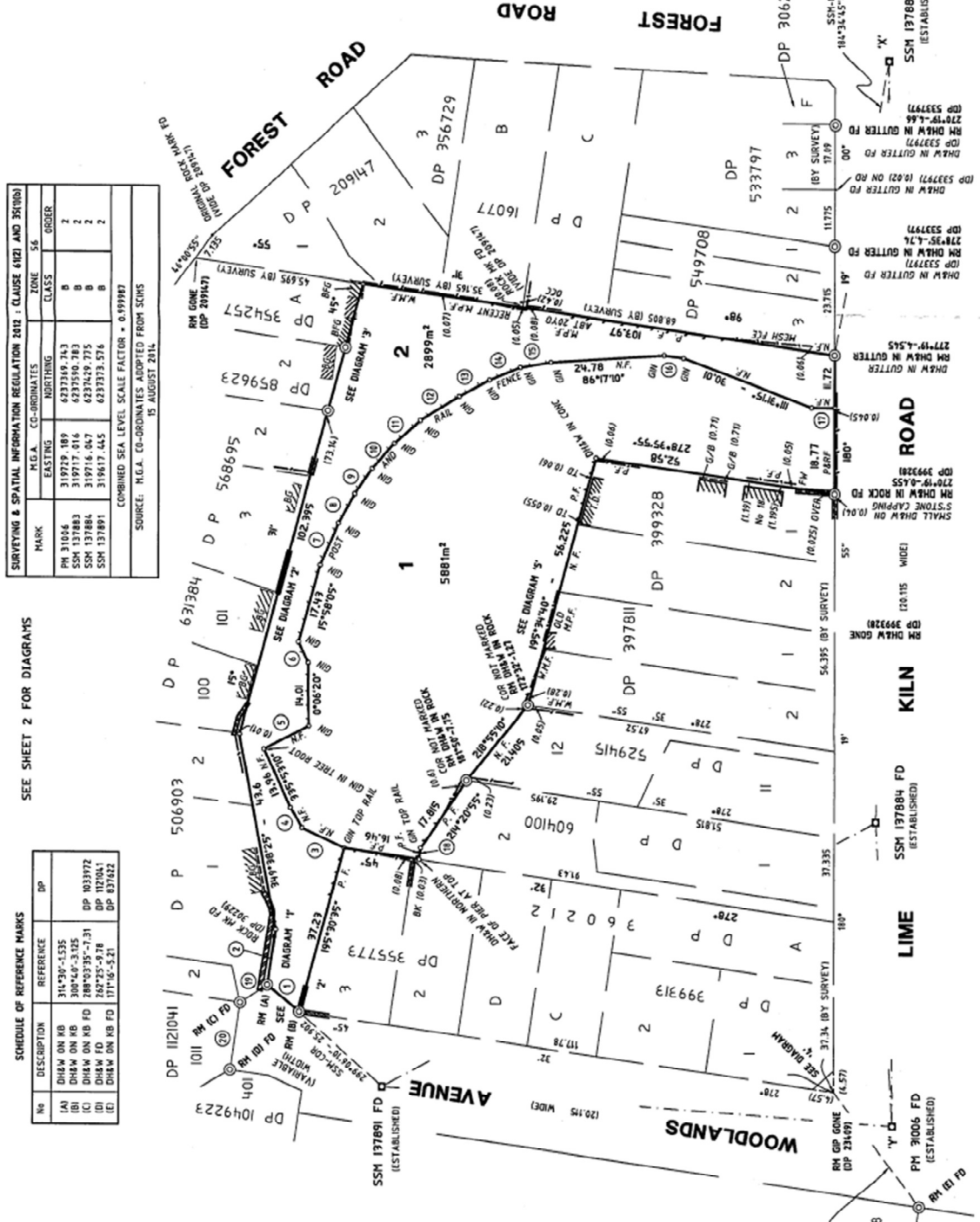
No	DESCRIPTION	REFERENCE	DP
(A)	DHWM ON NB	311°20'-4.53S	DP 103372
(B)	DHWM ON NB	309°46'-3.52S	DP 103372
(C)	DHWM ON NB	289°03'35"-7.31	DP 102041
(D)	DHWM ON NB	262°25'-9.78	DP 102041
(E)	DHWM ON NB	171°15'-3.21	DP 837622

SCHEDULE OF SHORT LINES

No	BEARING	DISTANCE
1	310°55'55"	9.1
2	349°07'25"	12.205
3	349°07'25"	12.205
4	310°55'55"	9.1
5	61°48'20"	11.035
6	336°46'50"	4.965
7	27°56'25"	10.05
8	31°57'35"	6.735
9	31°57'35"	6.735
10	41°52'00"	7.34
11	49°30'55"	7.44
12	57°14'30"	10.64
13	64°52'44"	7.35
14	64°52'44"	7.35
15	80°00'20"	6.775
16	94°23'05"	4.25
17	108°21'05"	2.0
18	108°21'05"	2.0
19	54°20'50"	7.435
20	8°46'00"	13.605

- AZIMUTH 'X' - 'Y'**
- SSM 137883 - PH 31066
 - 176°50'52" - 221.378 (MGA GROUND)
 - 176°50'52" - 221.373 (BY SURVEY)
 - SSM 137884 - SSM 137883
 - 0°20'41" - 161.003 (MGA GROUND)
 - 0°20'41" - 161.004 (BY SURVEY)
 - PH 31066 - SSM 137884
 - 347°39'07" - 61.555 (MGA GROUND)
 - 347°39'02" - 61.549 (BY SURVEY)
 - PH 31066 - SSM 137891
 - 271°51'52" - 111.811 (MGA GROUND)
 - 271°51'52" - 111.810 (BY SURVEY)
 - SSM 137884 - SSM 137886
 - 60°19'07" - 113.494 (MGA GROUND)
 - 60°19'22" - 113.498 (BY SURVEY)

- GI MAIL IN FENCE
- BRICK GARAGE
- NOT FENCED
- P.F. PALING FENCE
- M.P.F. METAL PANEL FENCE
- B.F.G. BRICK & FIBRO GARAGE
- T.D. OTHER DECK
- GI MAIL IN FENCE
- P.F. PALING FENCE
- WIRE MESH FENCE
- F.W. FACE OF WALL
- No R 2 STOREY BRICK RESIDENCE No. 18



Registered: 1.6.2015

LGA: HURSTVILLE
Locality: LUCARNO
Subdivision No: SC2014/0043

PLAN OF SUBDIVISION OF LOT 3, DP 399328, LOTS B & C, DP 399449, LOT 3, DP 397811, LOT 13, DP 529415, LOT 3, DP 604100 AND LOT Q, DP 30229

Surveyor: ROGER STEPHEN BOSKAL
Date of Survey: 10 NOVEMBER 2014
Surveyor's Ref.: 52827107, TAYLOR

DP1200178

Lengths are in metres. Reduction factor 1:100

Attachment 3:

Council Report and Resolution (7 August 2017)

COUNCIL REPORT 7 AUGUST 2017

Item: CCL151-17 Planning Proposal PP2017-0003 – Reclassification of Lot 2 DP1200178 part of Taylor Reserve from community to operational land

Author: Manager Strategic Planning, Catherine McMahon and Strategic Planner, David Matthews

Directorate: Environment and Planning

Matter Type: Environment and Planning

4. Recommendation

- (a) That Council endorses the reclassification of Lot 2 DP1200178 Taylor's Reserve, Lime Kiln Road and Woodlands Avenue, Lugarno from 'Community Land' to 'Operational Land'.
- (b) That the Planning Proposal for the reclassification of Lot 2 DP1200178 Taylor's Reserve, Lime Kiln Road and Woodlands Avenue, Lugarno from 'Community Land' to 'Operational Land' be forwarded to the delegate of the Greater Sydney Commission for a Gateway Determination under Section 56 of the Environmental Planning and Assessment Act 1979.
- (c) If it is determined by the Greater Sydney Commission or its delegate under Section 56 of the Environmental Planning and Assessment Act 1979 that the Planning Proposal referred to in Recommendation 2 should proceed, that it be placed on formal public exhibition in accordance with the conditions of any Gateway Determination issued by the Department of Planning and Environment.
- (d) That a Public Hearing is held into the reclassification of Lot 2 DP1200178 Taylor's Reserve, Lime Kiln Road and Woodlands Avenue, Lugarno, from community to operational as required under Section 29 of the Local Government Act 1993.
- (e) That following the exhibition and the public hearing, the General Manager be delegated to assess submissions, undertake minor amendments and to lodge the Planning Proposal with the Department of Planning & Environment requesting notification.
- (f) That prior to lodging the Planning Proposal with the Department of Planning & Environment requesting notification in (e) above, that Council approach all the land owners that utilise the informal access (highlighted in **Figure 4** of the report) seeking their agreement to contribute to the costs of any road construction required to formalise the access.

Executive Summary

1. Planning Proposal PP2017/0003 seeks to amend to Hurstville Local Environmental Plan 2012 (HLEP 2012) with the intent to reclassify Lot 2 DP1200178 (Site), being part of Taylor Reserve (refer to **Figure 1**), from 'community land' to 'operational land' in accordance with Section 30 of the Local Government Act 1993.
2. The intent of making Lot 2 'operational land' is to allow a right of carriageway (ROW) to be registered on the title of Lot 2. The ROW will provide formalised

access to ten (10) properties fronting Taylor Reserve, as they have no other formal access to Council's road system.

3. A copy of the Planning Proposal Report prepared by Planning Ingenuity (dated 9 June 2017) is contained in **Attachment 1**.
4. To enable the formalisation of access to properties fronting Taylor Reserve, the Site (Lot 2) must be reclassified from 'community land' to 'operational land' in accordance with Section 30 of the LG Act, which requires an amendment to HLEP 2012. The reclassification will enable Council to register a ROW on the Site creating the formalised access. Lot 1 remain classified as "community" land.
5. The Planning Proposal was not referred to Council's IHAP as under Section 4.5 of the *Council's Policy for the Determination of Development Applications* the IHAP cannot deal with matters related to the classification or reclassification of land.



Figure 1 - Site Plan

Background

6. Council at its Ordinary Meeting of 18 September 2013 made the following resolution (Minute No. 359):

THAT Council resolves to prepare a plan of subdivision consolidating Taylor Reserve and identifying land for Taylor Avenue.
THAT Council resolves to prepare a site specific Plan of Management for Taylor Reserve and amend the Generic Plan of Management - Parks.
THAT Council resolves to prepare a planning proposal to reclassify part of Taylor Reserve from Community Land to Operational Land.
THAT Council create a right of carriageway for access across Taylor Reserve to provide formal legal access to properties that require access from the existing sealed road – Taylor Avenue.
FURTHER THAT Council advise adjoining and adjacent landowners surrounding Taylor Reserve of its decision.

7. Council made the above resolution following its consideration of a report that outlined the on ground situation existing at Taylor's Reserve. Taylor's Reserve facilitates the only access to several private residences via an unformalised vehicular access lane known as Taylor Avenue. Refer to **Figure 2** below.



Figure 2 – Allotments fronting Taylors Reserve

8. The first Item in the resolution of 18 September 2013 has been completed with consolidation of several lots formed into Lots 1 and 2 DP1200178, registered 14 November 2014. The informal Taylor Avenue is defined by Lot (Georges River Council Planning Proposal – PP2017/0003)

2 – refer to **Figure 3** below. However, the right of carriageway required by Item 4 of the 18 Sept. 2013 resolution requires the land to first be made 'operational' in accordance with Section 27 of the Local Government Act 1993 (**LG Act**), which is the effect of Item 3 in 18 Sept. 2013 resolution.

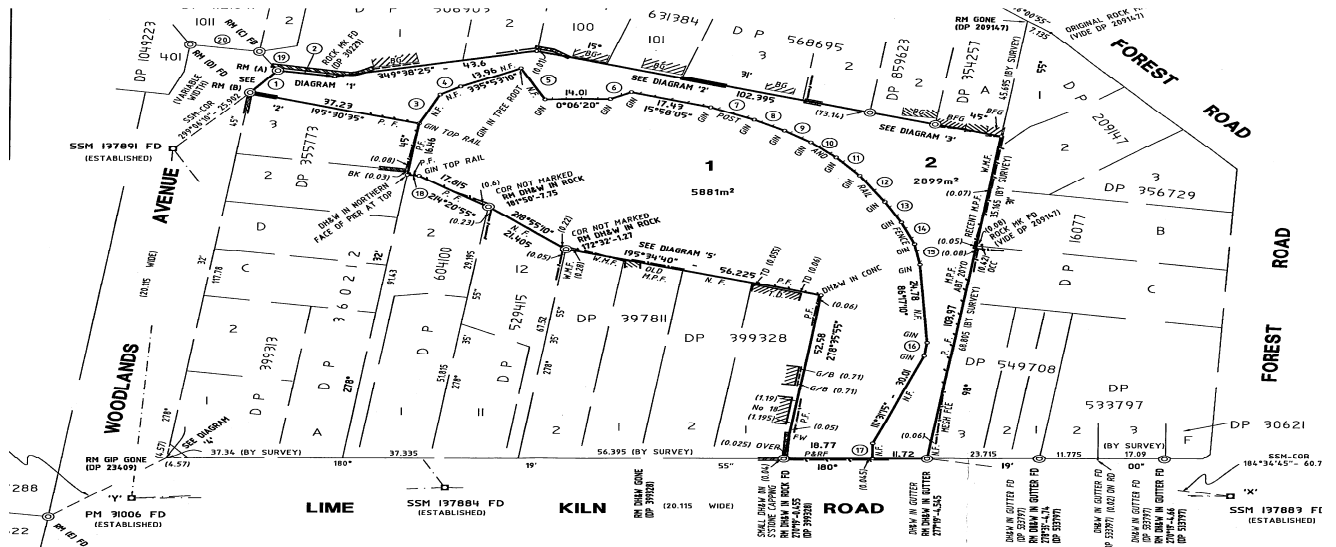


Figure 3 – Lot 2 in DP. 1200178

Proposal

9. Planning Proposal PP2017/0003 seeks to amend the provisions of the HLEP 2012 for the land at Taylor Reserve, Lime Kiln Road and Woodlands Avenue, Lugarno. The application seeks to reclassify part of the land in Taylor Reserve (being Lot 2) from 'community land' to 'operational land' to facilitate the creation of a legal restriction on the title of the land for a right of carriageway and create an appropriate statutory framework which best reflects the on-ground situation in terms of public and private access to, and use of, the land. Lot 1 will remain classified as "community" land.
10. The properties that require access via Lot 2 are highlighted by a yellow star in **Figure 4** below.

This space is intentionally blank



Figure 4 – Neighbouring properties currently with vehicle and/or pedestrian access to Lot 2

The Site and Locality

- 11. The **Site** is legally known as Lot 2 DP1200178 being part of Taylor Reserve, Lime Kiln Road and Woodland Avenue, Lugarno. Two lots form the entirety of Taylor Reserve, being Lots 1 and 2 DP1200178; however the ‘Site’ the subject of this report is only Lot 2.
- 12. The locality in which the Site resides is essentially low density residential development, with Edith Bay on the Georges River only a few hundred metres to the south. Taylor Reserve serves as a local park for passive recreation and incorporates Taylor Lane, being an unformalised access to several properties fronting Taylor Reserve. Taylor Lane is the only form of access for these properties to Council’s road network.
- 13. Taylor Reserve also contains a local Scout Hall.
- 14. Directly to the north of the Site on the eastern side of Lime Kiln Road are neighbourhood shops, with ninety (90) degree parking in the road reserve.
- 15. Housing in the low density locality of Lugarno is a mix of single a double storey dwellings with some new multi dwelling housing occurring.

Current Planning Controls

- 16. The Site is currently zoned RE 1 Public Recreation under HLEP 2012 (refer to **Figure 5**). Roads are permitted without consent, under the RE 1 zone. However, as the land is not classified as Road under the Roads Act 1993,

there is currently no formally recognised access over the Site to a number of allotments directly adjacent the boundary of the Site.

17. Surrounding properties are zoned R2 Low Density Residential, except for neighbourhood shops directly to the north of the site fronting Lime Kiln Road, which have a B2 Local Centre zone.

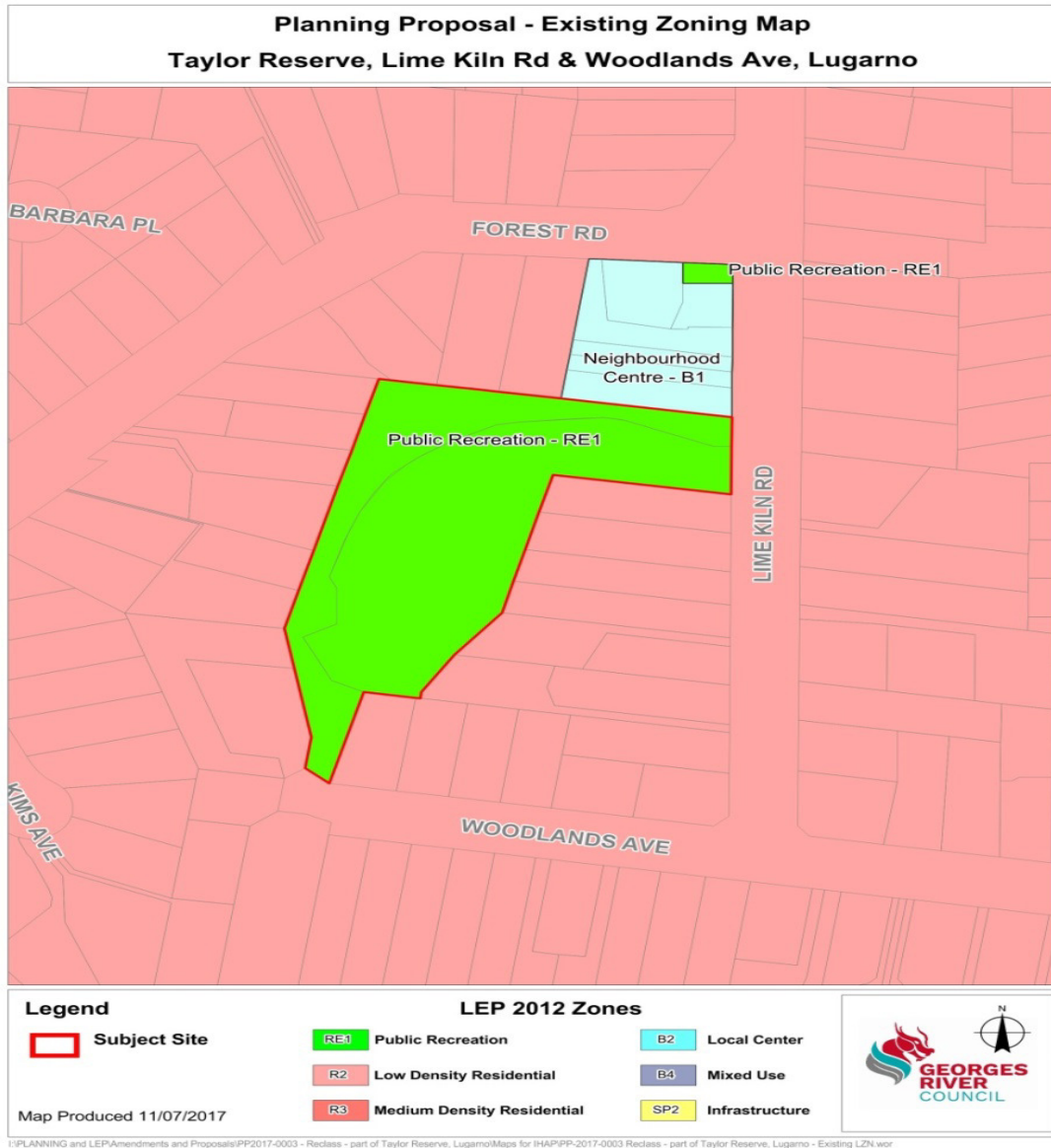


Figure 5 – Extract from Zoning Map

Planning Proposal

18. On 9 June 2017 Strategic Planning received a Planning Proposal from Strategic Property seeking an amendment to HLEP 2012 that:
 - Reclassifies Lot 2 DP1200178 (**Site**) from community land to operational land under the provisions of Section 27 of the LG Act.
19. The Planning Proposal is supported by a Planning Proposal Report prepared by Planning Ingenuity (dated 9 June 2017) in accordance with Section 55 of the EPA Act, as well as the NSW Department of Planning and Environment (DPE) publications “A guide to Preparing Planning Proposals” and “A Guide to Preparing Local Environmental Plans” and the directions contained in the

20. The Planning Proposal prepared by Planning Ingenuity (refer to **Attachment 1**):
- Is not contrary to the zoning provisions applying to the site. The Site is currently zoned RE 1 Public Recreation under HLEP 2012 (refer to **Figure 5**). Roads are permitted without consent, under the RE 1 zone.
 - Is not inconsistent with any State Environmental Planning Policies (SEPPs) or draft SEPPs.
 - Is not inconsistent with the Ministerial Directions under Section 117 of the Environmental Planning 7 Assessment Act 1979.
 - Does not affect any critical habitat or threatened species, or populations of ecological endangered species.
 - Has no environmental impacts – seeking to establish statutory provisions which are more appropriate for the existing on-ground situation.

Reclassification of the subject land from “community” to “operational” land

21. The Department of Planning & Environment has issued a practice note (PN 16-001) which provides guidance on classifying and reclassifying public land through a local environmental plan (LEP).
22. A planning proposal to classify or reclassify public land will need to be prepared in accordance with the practice note and the additional matters specified in Attachment 1 to this practice note.
23. An assessment against the practice note and its attachment is as follows:

Matters for Consideration	Comment
<i>The current and proposed classification of the Land.</i>	The subject land is classified as community land.
<i>Whether the land is a 'public reserve' (defined in the LG Act).</i>	Yes
<i>The strategic and site specific merits of the reclassification and evidence to support this.</i>	The reclassification will facilitate the creation of a legal restriction on the title of the land for a right of carriageway and create an appropriate statutory framework which reflects an on ground situation in terms of private and public access to land.

Matters for Consideration	Comment
<i>Whether the planning proposal is the result of a strategic study or report.</i>	The request for a Planning Proposal is not the result of a specific planning study. The request is to implement statutory changes that appropriately reflect the on-ground situation.
<i>Whether the planning proposal is consistent with council's community plan or other local strategic plan.</i>	The request for a Planning Proposal is not the result of a specific planning study. The request is to implement statutory changes that appropriately reflect the on-ground situation.
<p><i>A summary of council's interests in the land, including:</i></p> <ul style="list-style-type: none"> • <i>how and when the land was first acquired (e.g. was it dedicated, donated, provided as part of a subdivision for public open space or other purpose, or a developer contribution)</i> • <i>if council does not own the land, the land owner's consent;</i> • <i>the nature of any trusts, dedications etc.</i> 	<p>Prior to 1955 the land comprising Taylor Reserve formed part of an 8.5 acre poultry farm owned by the Taylor family. Subsequently the land was subdivided and dedicated to Council who named Taylor Reserve in 1960.</p> <p>After the 1960's an access track in from 2B Woodland Ave, through the reserve, began to be used by Council for reserve maintenance, and additionally it was used by residents as a track to the rear of a number of properties that fronted Forest Road. Since then Council has approved a number of subdivisions, dwelling, outbuildings, alterations and additions that rely on the access track as the sole physical access.</p> <p>Over the years the gravel track has been gradually sealed by Council with the placement of left-over/part loads of hotmix from Council projects. The "track" became a fully sealed road which provided access for Council's garbage trucks, vehicular access for the community to the reserve and vehicular access for the residents predominately on the west side of the reserve.</p> <p>In 1999 Council named the access track across the reserve Taylor Avenue.</p>
<i>Whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why.</i>	No interests to be changed.

Matters for Consideration	Comment
<i>The effect of the reclassification (including, the loss of public open space, the land ceases to be a public reserve or particular interests will be discharged).</i>	No change to the existing situation.
<i>Evidence of public reserve status or relevant interests, or lack thereof applying to the land (e.g. electronic title searches, notice in a Government Gazette, trust documents).</i>	Not applicable
<i>Current use(s) of the land, and whether uses are authorised or unauthorised.</i>	Access track across the reserve Taylor Avenue.
<i>Current or proposed lease or agreements applying to the land, together with their duration, terms and controls.</i>	There are no leases or agreements applying to the land.
<i>Current or proposed business dealings (e.g. agreement for the sale or lease of the land, the basic details of any such agreement and if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time).</i>	No agreements have been made. One of the resolutions of the Council at its Meeting held 18 September 2013 is to create a right of carriageway for access across Taylor Reserve to provide formal legal access to properties that require access from the existing sealed road – Taylor Avenue.
<i>Any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy).</i>	No. The Site is currently zoned RE 1 Public Recreation under HLEP 2012 (refer to Figure 5). Roads are permitted without consent, under the RE 1 zone. However, as the land is not classified as Road under the Roads Act 1993, there is currently no formally recognised access over the Site to a number of allotments directly adjacent the boundary of the Site.
<i>How council may or will benefit financially, and how these funds will be used.</i>	Any funds from lease will be subject to a separate Council report.
<i>How council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal.</i>	At the time of lease of the land a separate report will be presented to council outlining where the funds will be allocated to.

Matters for Consideration	Comment
<i>A Land Reclassification (part lots) Map, in accordance with any standard technical requirements for spatial datasets and maps, if land to be reclassified does not apply to the whole lot.</i>	Refer to Figure 6 .
<i>Preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.</i>	No comments lodged with Council to date. Comments will be sought during the formal exhibition of the planning proposal from relevant government agencies.

24. The reclassification of the Site will enable Council to create a ROW over the Site to formalise the existing informal access known as Taylor Avenue.
25. The reclassification will involve an amendment to the LEP Land Reclassification Map – refer to **Figure 6** below.



Figure 6 – Reclassification Map

Next Steps

26. If Council is supportive of the HLEP 2012 amendment, the following process will occur:
- a. Planning Proposal prepared (Section 55 of EPA Act) and forward to **the delegate of the Greater Sydney Commission** for a Gateway Determination (Section 56 of EPA Act).
 - b. Council will likely receive a positive Gateway Determination to proceed with the Planning Proposal. The Gateway Determination will outline the specifics actions Council will need to undertake, including public exhibition periods and public hearings.
 - c. Council updates Planning Proposal in accordance with Gateway Determination and forwards to other relevant government authorities for comment if required.
 - d. Council exhibits Planning Proposal in accordance with Gateway Determination.
 - e. Council holds a Public Hearing (post public exhibition) in accordance with Section 29 of the LG Act and Section 57 of the EPA Act.
 - f. Report on Public Hearing is provided to Council by independent 3rd party, who chaired the Public Hearing.
 - g. Report prepared by Council Staff on public exhibition and public hearing is considered by Council (Section 58 EPA Act).
 - h. If Council resolves to support the Planning Proposal in accordance with Section 58 of the EPA Act, the HLEP 2012 amendment is made in accordance with Section 59 of the EPA Act in consultation with the DPE and/or Parliamentary Counsel.
 - i. Site becomes 'operational land' upon gazettal of HLEP 2012 amendment.
 - j. Once 'operational land' the Site can have the ROW registered on the title formalising access.
 - k. Council may then resolve under Section 33 of the LG Act to classify the land back to 'community land'.

Gateway Determination

27. The Planning Proposal must first be endorsed by Council before it can be forwarded to the delegate of the Greater Sydney Commission for Gateway Determination.

Community Consultation

28. The Gateway Determination is likely to require the Planning Proposal to be publicly exhibited for a minimum of 28-days.

Public hearing

29. As the land is to be reclassified from Community Land to Operational Land in accordance with Section 30 of the LG Act, a Public Hearing must be held in accordance with Section 29 of the LG Act and Section 57 of the EPA Act.

The Gateway Determination will also provide a requirement/s for the Public Hearing.

Comments of the St George DRP

30. Not Required.

Voluntary Planning Agreement

31. Not Required.

Conclusion

32. To enable the formalisation of access to properties fronting Taylor Reserve, the Site must be reclassified from 'community land' to 'operational land' in accordance with Section 30 of the LG Act, which requires an amendment to HLEP 2012. The reclassification will enable Council to register a ROW on the Site creating the formalised access. Once the ROW is registered on the title of the Site, Council may wish to reclassify the Site back to 'community land' in accordance with Section 33 of the LG Act.

33. The following steps now need to occur:

- Council resolves to prepare a Planning Proposal for forwarding to DEP for Gateway Determination
- Public Exhibition and Consultation with other Public Authorities (if required)
- Public Hearing and report prepared on public hearing by a 3rd party
- Council considers report on Public Exhibition and Public Hearing and resolves whether to continue or not continue with Planning Proposal

File Number

PP2017/0003

COUNCIL RESOLUTION 7 AUGUST 2017

CCL151-17

Planning Proposal PP2017-0003 - Reclassification of Lot 2 DP 1200178 part of Taylors Reserve from community to operational land

(Report by Manager Strategic Planning)

COUNCIL RESOLUTION

- (a) That Council endorses the reclassification of Lot 2 DP1200178 Taylor's Reserve, Lime Kiln Road and Woodlands Avenue, Lugarno from 'Community Land' to 'Operational Land'.
- (b) That the Planning Proposal for the reclassification of Lot 2 DP1200178 Taylor's Reserve, Lime Kiln Road and Woodlands Avenue, Lugarno from 'Community Land' to 'Operational Land' be forwarded to the delegate of the Greater Sydney Commission for a Gateway Determination under Section 56 of the Environmental Planning and Assessment Act 1979.
- (c) If it is determined by the Greater Sydney Commission or its delegate under Section 56 of the Environmental Planning and Assessment Act 1979 that the Planning Proposal referred to in Recommendation 2 should proceed, that it be placed on formal public exhibition in accordance with the conditions of any Gateway Determination issued by the Department of Planning and Environment.
- (d) That a Public Hearing is held into the reclassification of Lot 2 DP1200178 Taylor's Reserve, Lime Kiln Road and Woodlands Avenue, Lugarno, from community to operational as required under Section 29 of the Local Government Act 1993.
- (e) That following the exhibition and the public hearing, the General Manager be delegated to assess submissions, undertake minor amendments and to lodge the Planning Proposal with the Department of Planning & Environment requesting notification.
- (f) That prior to lodging the Planning Proposal with the Department of Planning & Environment requesting notification in (e) above, that Council approach all the land owners that utilise the informal access (highlighted in Figure 4 of the report) seeking their agreement to contribute to the costs of any road construction required to formalise the access.