

Botany Bay LEP 2013 reclassification for Henry Kendall Crescent, Mascot

Proposal Title : **Botany Bay LEP 2013 reclassification for Henry Kendall Crescent, Mascot**

Proposal Summary : **The intention of the planning proposal is to reclassify land at Henry Kendall Crescent, Mascot (Lot 126A, DP 21810) from community to operational.**

The planning proposal does not propose to change the zoning or planning controls applying to the land.

PP Number : **PP_2015_BOTAN_006_00** Dop File No : **15/15283**

Proposal Details

Date Planning Proposal Received : **12-Oct-2015** LGA covered : **Botany Bay**

Region : **Metro(CBD)** RPA : **Director General, Department of**

State Electorate : **HEFFRON MAROUBRA** Section of the Act : **55 - Planning Proposal**

LEP Type : **Reclassification**

Location Details

Street : **Henry Kendall Crescent**

Suburb : **Mascot** City : **Sydney** Postcode : **2019**

Land Parcel : **Lot 126A, DP 21810**

DoP Planning Officer Contact Details

Contact Name : **Michael Kokot**

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RPA Contact Details

Contact Name : **Stephanie Lum**

Contact Number : **0293663564**

Contact Email : **lums@botanybay.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Diane Sarkies**

Contact Number : **0292286522**

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Land Release Data

Growth Centre : Release Area Name :

Regional / Sub Consistent with Strategy :

Regional Strategy :

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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 0

(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 : The Department's Code of Conduct has been complied with.

Have there been No

meetings or
communications with
registered lobbyists? :

If Yes, comment : Metropolitan (CBD) Branch has not knowingly met or communicated with any lobbyist in relation to this planning proposal.

Supporting notes

Internal Supporting
Notes :

- Council acquired the 189 sqm lot at Henry Crescent, Mascot, in 1948 for a public reserve, but has not historically used it for this purpose and there are no recreational facilities involved. There are no agreements over the land.
- Council was approached by the owners of the adjoining lots 10 and 12, Henry Kendall Crescent about purchasing the land.
- Council is interested in ceasing ongoing maintenance costs, selling the land at market value and applying the anticipated funds raised for higher open space priorities.
- The potential purchasers are willing to carry all costs associated with the sale and subdivision requirements involved.
- The planning proposal does not propose to rezone the land, currently zoned R2 Low Density Residential under Botany Bay LEP 2013 (BBLEP 2013), or change the planning controls applying to it.
- The excision of the land will leave a road reserve width of 12.24m, consistent with the rest of Henry Kendall Crescent.

The planning proposal is supported because it is a minor local matter with no adverse wider impacts, which will assist Council to apply funds to assets with greater community benefit.

External Supporting
Notes :

Council supports the proposed reclassification from community to operational use because as land has no material benefit to Council (being relatively small and isolated from other open space), its sale would rescind the maintenance costs involved and provide funds for other open space priorities.

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment : The objective of the planning proposal is to commence the process of disposing of the surplus land, to allow Council to re-invest the proceeds into assets of greater public benefit.

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

Is an explanation of provisions provided? **Yes**

Comment : **The planning proposal seeks the following amendment to BBLEP 2013:**

Insert into Part 2 (Land classified, or re-classified, as operational land - interests changed) of Schedule 4 (Classification and re-classification of public land) the site to be re-classified from community to operational.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

3.1 Residential Zones

3.5 Development Near Licensed Aerodromes

4.1 Acid Sulfate Soils

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

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?

SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Infrastructure) 2007

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 :

The planning proposal is inconsistent with s117 Direction 6.2 Reserving Land for Public Purposes, as the proposal results in a reduction in community land. It is considered that the inconsistency is justifiable because the land is small (189 sqm), has never been used as open space, is not viable for public use purposes, and Council can sell the land for better open space use elsewhere.

The planning proposal is consistent with all other relevant SEPPs and s117 Directions.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The mapping provided is adequate to identify the subject land.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council proposes to exhibit the planning proposal for 28 days, and in accordance with s29(1) of the Local Government Act 1993, a public hearing will be held after exhibition. The Department considers the proposed public exhibition period to be appropriate.

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 : **Botany Bay LEP 2013 BBLEP 2013) was notified on 21 June 2013 and commenced on 26 June 2013.**

Assessment Criteria

Need for planning proposal : **The planning proposal is the only means by which the land can be reclassified in order to meet Council's aim of selling this under-utilised parcel and using the proceeds to fund other open space assets.**

Consistency with strategic planning framework : **Given its minor nature, the planning proposal is generally consistent with relevant strategic planning frameworks, including A Plan for Growing Sydney.**

Environmental social economic impacts : **Environmental**
Given its highly urbanised location, the proposal will not impact on any critical habitat or threatened species, populations or ecological communities or their habitats.

Social and economic
Given the nature of the land involved, the planning proposal is not likely to have any impact in relation to European or Aboriginal cultural heritage, existing centres or social infrastructure.

Sale of the land will have a benefit of providing funds for buying other open space or upgrading existing assets of greater benefit to the community.

Assessment Process

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

Timeframe to make LEP : **9 months** **Delegation :** **DDG**

Public Authority Consultation - s56(2)(d) : **Other**

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 :

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Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons :

Documents

Document File Name

DocumentType Name

Is Public

Planning Team Recommendation

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

S.117 directions:

**3.1 Residential Zones
3.5 Development Near Licensed Aerodromes
4.1 Acid Sulfate Soils
6.1 Approval and Referral Requirements
6.2 Reserving Land for Public Purposes
6.3 Site Specific Provisions
7.1 Implementation of A Plan for Growing Sydney**

Additional Information :

It is recommended the planning proposal proceeds subject to the following conditions:

**1.The proposal is to be exhibited for 28 days.
2.In accordance with s29(1) of the Local Government Act 1993, a public hearing will be held after exhibition.
3.The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.**

The RPA should also be advised that:

**4.No further studies are required to be undertaken.
5.The Secretary's delegate agrees that the planning proposal is justifiably inconsistent with s117 Direction 6.2 Reserving Land for Public Purposes because of its minor significance.**

Supporting Reasons :

The planning proposal is supported because it is a minor local matter with no adverse wider impacts, which will assist Council to apply funds to assets with greater community benefit.

Signature:



Printed Name:

Diane Sarkles

Date:

23/10/15

