

Statement of Interest – Reclassification of Land (Lot 601 DP 1083182, 5 Jackson Place, Kellyville)

This Statement of Interest (Statement) concerns the reclassification of land associated with *The Hills Local Environmental Plan 2012*. The proposed reclassification has been prepared in accordance the requirements of Section 27(1) of the *Local Government Act 1993*, and NSW Department of Planning directions within Practice Note PN 09-003 (12 June 2009) *Classification and reclassification of public land through a local environmental plan* (Practice Note).

The purpose of this Statement is to:

- Identify a lot of land that is proposed to be reclassified under *The Hills Local Environmental Plan 2012*; and
- Allow the community to assess the proposed reclassification based on an understanding of all relevant information.

INFORMATION REQUIRED FOR RECLASSIFICATION OF LAND
(with reference to Department of Planning Practice Note 09-003)

1. Justification of planning proposal

Lot 601 DP 1083182, 5 Jackson Place, Kellyville is a 421.9m² parcel of land currently zoned R2 Low Density Residential and classified as 'community' land.

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.

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.

The sale of the land will also assist with providing funds for the provision of open space and recreation opportunities in this area.

2. Reasons why Council acquired an interest

The site is currently owned by Council for the purpose of providing a connection to the cycleway network that links Arnold Avenue Sporting Fields with the Greenway Link between Bella Vista Farm and Rouse Hill.

3. Current and proposed land classification

Lot 601 DP 1083182, 5 Jackson Place, Kellyville is classified as 'community' land under the *Local Government Act 1993*. It is proposed that the site be classified 'operational' land.

4. Council's ownership of the land

Council owns Lot 601 DP 1083182, 5 Jackson Place, Kellyville.

5. Nature of Council's interest in the land

The site was purchased by Council in 2006 for \$206,752. The site was acquired with the intent of providing a cycleway connection in association with the Arnold Avenue Sports Reserve. The land was purchased with funds obtained through developer contributions paid under Council's Contributions Plan No. 8 – Kellyville/Rouse Hill.

Under Chapter 6 of the *Local Government Act 1993* all public land must be classified as either 'community' or 'operational'. In accordance with the *Local Government Act 1993*, the land was classified as community land by virtue of the fact that it was not classified within three (3) months after Council's purchase of the land.

To reflect Council's intention for the land, two (2) restrictions apply to the site for which Council is the beneficiary. These were created to ensure the land is not developed for residential purposes without the prior approval of Council. Removal of these restrictions is appropriate because the land is no longer required to provide the cycleway connection and retaining this restriction may limit a future landowner from undertaking complying development.

6. Any proposal to extinguish or retain other interests in the land through reclassification

Pursuant to Section 88B of the *Conveyancing Act 1919*, a number of restrictions apply to the subject land. These include:

- Two (2) restrictions requiring Council approval prior to the use of the land for residential development;
- Easements to drain water;
- A restriction on fencing, carports, motor vehicle weight and advertisement signage; and
- A restriction on cut and fill and floor levels of buildings, dwellings and garages.

As noted previously it is proposed to remove the two (2) restrictions requiring Council approval prior to undertaking residential development on the land. All other restrictions etc. are proposed to be retained.

7. Justification/explanation as to why such interests are being extinguished

One restriction on the subject lot relates to the parent parcel for the land (Lot 131 DP 862283) and states that no residential development of the lot burdened will be undertaken until such is re subdivided in accordance with the requirements of Council. The purpose of this restriction was to ensure the land was redeveloped in accordance with Council's open space requirements.

A further restriction on the subject land requires that no residential development shall be constructed or permitted to remain on the land without the prior approval of Council. This restriction was created to reflect the intended use of the land as a cycleway link.

Removal of the above restrictions is appropriate because the land is no longer required to provide the cycleway connection and retaining this restriction may limit a future landowner from undertaking complying development.

The following further restrictions apply to the subject land:

- An easement to drain water;
- Restriction on fencing, carports, motor vehicle weight and advertisement signage; and
- Restriction on cut and fill and floor levels of buildings, dwellings and garages.

Apart from the removal of the two (2) restrictions requiring Council approval prior to undertaking residential development on the land, this amendment will not remove any of the trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land.

8. Any rezoning associated with the reclassification

No rezoning is proposed as part of this reclassification. The property will retain its current R2 Low Density Residential zoning.

9. Any comments by a Government Agency

Not applicable.

10. Consideration of relevant Directions

The Local Planning Directions are addressed in the body of the planning proposal. The relevant directions are: 3.1 Residential Zones, 3.3 Home Occupations, 6.2 Reserving Land for a Public Purpose, 7.1 – Implementation of the Metropolitan Strategy for Sydney 2036.

11. Financial gains / losses / benefits

Funds generated from sale of the property will be determined by the market rate at the time of sale. Council purchased the subject land via funds from Contributions Plan No. 8 Kellyville/Rouse Hill. Therefore, proceeds from the sale of the property will be placed back into Contributions Plan No. 8 which will assist with funding improvements to the open space network in this area.

12. Asset management objectives being pursued

Not applicable.

13. Any agreement for the sale or lease of the land

No formal agreement is currently in place for the sale of the land.

14. Any relevant matters required in plan making under the EP&A Act.

The planning proposal has been prepared in accordance with the requirements of the *Environmental Planning & Assessment Act 1979*.