

**Reclassification, rezoning (including additional use) and change to development standards
- 259-271 Pacific Highway, Lindfield**

Proposal Title : **Reclassification, rezoning (including additional use) and change to development standards - 259-271 Pacific Highway, Lindfield**

Proposal Summary : **Proposal to reclassify land at 259-271 Pacific Highway, Lindfield, from community land to operational land, to rezone the land from B2 Local Centre to R4 High Density Residential, to permit development for business premises or office premises and to increase the maximum permitted height and floor space ratio for the site.**

PP Number : **PP_2015_KURIN_002_00** Dop File No : **15/09859**

Proposal Details

Date Planning Proposal Received : **21-Jan-2016** LGA covered : **Ku-Ring-Gai**

Region : **Metro(Parra)** RPA : **Ku-ring-gai Council**

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

LEP Type : **Reclassification**

Location Details

Street : **259-271 Pacific Highway**

Suburb : **Lindfield** City : **Sydney** Postcode : **2070**

Land Parcel : **Lots 1, 2 and 3 DP212617, Lot 8 DP 660564**

DoP Planning Officer Contact Details

Contact Name : **Shane Nugent**

Contact Number : **0298601173**

Contact Email : **shane.nugent@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Matthew Gollan**

Contact Number : **0294240876**

Contact Email : **mgollan@kmc.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Terry Doran**

Contact Number : **0298601149**

Contact Email : **terry.doran@planning.nsw.gov.au**

Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**

Regional / Sub Regional Strategy : **Metro North 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) :	N/A
No. of Lots : 0	No. of Dwellings (where relevant) :	121
Gross Floor Area : 0	No of Jobs Created :	0

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

If No, comment :

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

If Yes, comment : **There have been no meetings or communications with registered lobbyists in relation to this planning proposal.**

Supporting notes

Internal Supporting Notes : **Originally received 5 June 2015. Additional information requested from Council received 16 June 2015.**

Revised proposal including rezoning to R4 High Density Residential received 7 December 2015.

Further advice was sought from Council and was received on 21/1/16

The Council report attached to the planning proposal identifies that Design Option 3, the preferred planning outcome from this planning proposal, has the potential to provide 121 dwellings (units).

External Supporting Notes :

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 provide Council with the flexibility required to respond to new development opportunities at the site as Council facilities are being relocated to a new site, known as the Lindfield Hub. This includes the ability to dispose of the subject land.**

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

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

Comment : **It is proposed to amend Ku-ring-gai Local Environmental Plan (Local Centres) 2012 (the Plan) to reclassify land owned by Ku-ring-gai Council at 259-271 Pacific Highway, Lindfield from community land to operational land, with all interests to be discharged, and to amend the zone applying to the land from B2 Local Centre to R4 High Density Residential.**

Schedule 1 of Ku-ring-gai Local Environmental Plan (Local Centres) 2012 is to be amended

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to permit development for business premises or office premises.

The floor space ratio and height of buildings maps in the Plan are to be amended to increase the maximum floor space ratio from 1.3 to 2.0 and the maximum height from 17.5 metres to 23.5 metres. The reference to 'Area 5' is to be removed from the floor space ratio map for the site, meaning that clause 4.4(2E) providing for different floor space ratios depending on site area will no longer apply to the site.

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

1.1 Business and Industrial Zones

2.1 Environment Protection Zones

2.3 Heritage Conservation

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

6.1 Approval and Referral Requirements

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 :

d) Which SEPPs have the RPA identified?

SEPP No 19—Bushland in Urban Areas

SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)

SEPP No 55—Remediation of Land

SEPP No 65—Design Quality of Residential Flat Development

SEPP (Housing for Seniors or People with a Disability) 2004

SEPP (Infrastructure) 2007

SREP (Sydney Harbour Catchment) 2005

SEPP (Affordable Rental Housing) 2009

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 DIRECTION 1.1 BUSINESS AND INDUSTRIAL ZONES

The proposal may be inconsistent with Section 117 Direction 1.1 Business and Industrial Zones, in that it reduces the area of a business zone and may reduce the potential floor space area for employment uses.

The potential inconsistency is of minor significance. Business premises and office premises will continue to be permitted. The total permitted floor space on the site is increased, potentially resulting in an increase in employment potential if this option is adopted.

Studies have been undertaken showing that the existing commercial floor space in Lindfield greatly exceeds the future demand, and therefore the rezoning is unlikely to have a detrimental impact on future employment levels.

Current employment on the site in the library and community centre will be moved to new premises elsewhere in Lindfield.

The agreement of the Secretary or delegate is required and is recommended.

SECTION 117 DIRECTIONS AND SEPPS

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The proposal is consistent with other Section 117 Directions and with all relevant State Environmental Planning Policies. However, it is noted that a Stage 1 - Preliminary Site Investigation Report concluded that there is a moderate likelihood of unacceptable contamination to be present on the site, as a result of past and present land use activities.

Under State Environmental Planning Policy 55 - Remediation of Land (clause 6) contamination and remediation to be considered in a zoning or rezoning proposal.

In preparing an environmental planning instrument, a planning authority is not to include in a particular zone (such as a residential zone) if the inclusion of the land in that zone would permit a change of use of the land, unless:

- * the planning authority has considered whether the land is contaminated, and
- * if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and
- * if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.

While Council has noted that there is a moderate likelihood of unacceptable contamination, it has not addressed the issue of whether the land can be remediated before the land is used for a residential use.

It is recommended that this issue be brought to Council's attention as part of the Gateway determination covering letter to Council, as an advisory note.

ADDITIONAL USE

Schedule 1 (additional permitted uses) of Ku-ring-gai Local Environmental Plan (Local Centres) 2012 is proposed to be amended to permit development for business premises or office premises within the proposed R4 zone for the site.

In lieu of applying another zone the use of schedule 1 is supported in this instance, in view of the following:

Change of Zone

- * while the B2 Local Centre Zone currently applies to the site, it has historically not been used for this purpose;
- * there is sufficient provision of B2 zoned land within the Lindfield local centre to accommodate future commercial retail growth (i.e. background studies undertaken for Council have identified that the existing supply potential of commercial floor space capacity in the Lindfield centre is more than four times the demand forecast to 2031);
- * the site is on the fringe of the centre and council's intention is to concentrate retail activity in the core area around the Lindfield Railway Station;

Alternative Zone

- * The alternative zone of B4 Mixed Use is not considered to be appropriate as Council has identified the subject land primarily for high density residential use and does not wish to apply other non-residential uses, permitted in a B4 zone, for orderly development reasons; and
- * permitting the additional uses will facilitate a transition between the commercial core and the surrounding residential areas, while allowing the site to provide for future commercial growth, should the market so demand.

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Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Adequate maps are included in Part 4 of the planning proposal.

Prior to finalisation of the proposal it will be necessary to produce a revised Floor Space Ratio Map and Height of Buildings Map (sheet 015B) consistent with the Department's "Standard Technical Requirements for Spatial Datasets and Maps", and submit the maps and spatial data to the Planning Portal.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Community consultation is required for a period 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 proposal is to amend Ku-ring-gai Local Environmental Plan (Local Centres) 2012.

Assessment Criteria

Need for planning proposal : The planning proposal states that the site is not used to capacity, and its current use is not considered the highest or best use.

Some facilities currently provided on the site are to be replaced in the new Lindfield community hub, while others are underutilised.

Consistency with strategic planning framework : The proposal is consistent with the Metropolitan Strategy, A Plan for Growing Sydney, and with Ku-ring-gai Council's Community Strategic Plan 2030.

Environmental social economic impacts : ENVIRONMENTAL IMPACTS

The site is developed with buildings, roadways, car parking and tennis courts. The proposed reclassification will not have any impact on threatened species or habitats, and is not expected to result in any adverse environmental impacts.

The proposal does not provide any justification for the proposed increase in floor space ratio from 1.3:1 to 2.0:1 or the maximum height increase from 17.5 metres to 23.5 metres, and does not address the impact of increased development density on adjoining land.

It is noted the proposed floor space ratio is lower than for adjoining sites to the north (2.5:1

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and 3.0:1). However there may be potential impacts on the residential land directly adjoining the site to the south, which has a maximum floor space ratio of 0.85:1.

Prior to public exhibition the proposal should be amended to provide justification for the proposed increase in permitted floor space and building height, and to address the impact of this on adjoining sites.

That being said, the site has the potential to be redeveloped to expand the Lindfield centre, in a location immediately adjoining public transport and with excellent access to a wide range of services.

Further, the proposal has the potential to strengthen the centre and add to its attributes.

SOCIAL IMPACTS

The site currently includes the Lindfield Library, Senior Citizens Centre and Ku-ring-gai Youth Development Service. These services are to be relocated to new premises in a new community hub on the western side of Lindfield centre, with overall positive social impacts.

ECONOMIC IMPACTS

The proposal states that it will have a positive economic impact by facilitating the orderly and economic provision of Council facilities.

Assessment Process

Proposal type :	Consistent	Community Consultation Period :	28 Days
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Timeframe to make LEP :	9 months	Delegation :	DDG
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Public Authority Consultation - 56(2)(d) :	NSW Aboriginal Land Council Transport for NSW Transport for NSW - Sydney Trains Transport for NSW - Roads and Maritime Services Sydney Water Other
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Is Public Hearing by the PAC required?	No
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(2)(a) Should the matter proceed ?	Yes
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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
Ku-ring-gai cover letter.pdf	Proposal Covering Letter	Yes
Ku-ring-gai planning proposal.pdf	Proposal	Yes
Revised cover letter.pdf	Proposal Covering Letter	Yes
Revised planning proposal November 2015.pdf	Proposal	Yes
Appendix 1 - Council report Nov 2014.pdf	Proposal	Yes
Appendix 2 - Council resolution November 2014.pdf	Proposal	Yes
Appendix 3 - Council report July 2015.pdf	Proposal	Yes
Appendix 4 - Council resolution July 2015.pdf	Proposal	Yes
Appendix 6 - Land Title information.pdf	Proposal	Yes
Appendix 8 - Stage 1 contamination assessment..pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions:

- 1.1 Business and Industrial Zones
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 6.1 Approval and Referral Requirements
- 6.3 Site Specific Provisions
- 7.1 Implementation of A Plan for Growing Sydney

Additional Information : **DELEGATION OF GATEWAY DETERMINATION**

The proposal is a minor matter of local planning significance. The recommendation is consistent with the planning proposal submitted by Council. As a consequence, it is recommended that the Gateway determination function be exercised by the Director, Metropolitan (Parramatta).

DELEGATION OF PLAN MAKING FUNCTION

Council has not requested delegation of the plan making function in relation to this planning proposal.

The proposal seeks to reclassify Council owned land with discharge of all interests and, accordingly, the proposal must be referred to the Governor for approval prior to finalisation. It is therefore appropriate that authorisation for the Minister's plan making function not be delegated in this instance.

SECTION 117 DIRECTIONS

It is recommended that the Secretary or delegate agree that the inconsistency of the proposal with Section 117 Direction 1.1 Business and Industrial Zones is of minor significance.

GATEWAY RECOMMENDATION AND CONDITIONS

The proposal should proceed subject to the conditions shown below:

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1. Prior to public exhibition, Council is to amend the planning proposal to identify those interests which are to be discharged as a result of the proposal.
2. Prior to public exhibition, the assessment of Section 117 Directions in the proposal is to be amended to address consistency with the current Direction 7.1, Implementation of A Plan for Growing Sydney.
3. Prior to public exhibition, the proposal is to be amended to provide justification for the proposed increase in maximum floor space ratio from 1.3:1 to 2.0:1, and to address the impact of this increase on adjoining sites.
3. A revised Floor Space Ratio Map, consistent with the Department's "Standard Technical Requirements for Spatial Data and Maps" is to be submitted to the Planning Portal prior to finalisation of the proposal.
4. Community consultation for a period of 28 days.
5. Consultation is required with:
 - Aboriginal Land Council of NSW
 - Transport for NSW;
 - Transport for NSW - Roads and Maritime Services;
 - Transport for NSW - Sydney Trains;
 - Sydney Water; and
 - Ausgrid.
6. The time frame for finalisation of the proposal is 9 months from the week following the issuing of the Gateway determination.

Supporting Reasons :

Supported:

As the community services currently provided on the site are to be relocated, the proposed reclassification will allow the site to be redeveloped to expand the Lindfield centre, in a location immediately adjoining public transport and with excellent access to a wide range of services.

Further, it is anticipated that the proposed rezoning will strengthen the centre and add to its attributes.

Signature:



Printed Name:

T DORAN

Date:

25/1/16