



Planning Proposal

**PLANNING PROPOSAL TO REZONE COUNCIL OWNED LAND AND
RECLASSIFY FROM COMMUNITY TO OPERATIONAL STATUS**

259-271 PACIFIC HIGHWAY, LINDFIELD

November 2015

**Prepared by
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and
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Executive Summary

The Planning Proposal seeks to amend the Ku-ring-gai Local Environmental Plan (Local Centres) 2012 to achieve:

- the reclassification of land at 259-271 Pacific Highway, Lindfield from Community land to Operational land;
- the rezoning of the land to R4 – High Density Residential;
- the amendment to the floor space ratio¹ (FSR) of the land from an FSR of 1.3:1 to an FSR of 2.0:1;
- the amendment to the maximum height of the land from 17.5 metres to 23.5 metres; and
- the inclusion of office and business premises as additional permitted uses on the site under Schedule 1.

The outcome of the reclassification and amendments to the planning provisions applying to the site would enable the redevelopment of the site in accordance with Council's adopted master plan, thereby creating the capacity for Ku-ring-gai Council to better manage this asset for the purpose of supporting Council's asset renewal strategies.

Project overview

This Planning Proposal contains an explanation of the intended effect and justification for a proposed amendment to the Ku-ring-gai Local Environmental Plan (Local Centres) 2012, (KLEP Local Centres 2012). The Planning Proposal has been prepared in accordance with section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the relevant Department of Planning Guidelines including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals* (the guide) as well as the Planning Practice Note PN09-003 *Classification and reclassification of public land through a local environmental plan*.

The Planning Proposal seeks an amendment to the KLEP (Local Centres) 2012 to achieve:

- the reclassification of land at 259-271 Pacific Highway, Lindfield from Community land to Operational land;
- the rezoning of the land to R4 – High Density Residential;
- the amendment to the floor space ratio (FSR) of the land from an FSR of 1.3:1 to an FSR of 2.0:1;
- the amendment to the maximum height of the land from 17.5 metres to 23.5 metres; and
- the inclusion of office and business premises as additional permitted uses on the site under Schedule 1

Ku-ring-gai Council supports the Planning Proposal. It will allow Council to sell, exchange or otherwise dispose of or deal with the site.

Upon reclassification to Operational land, the site will be available for divestment (if required) and this would be conducted in line with the procedures outlined in Council's Acquisition and

¹ The floor space ratio of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

Divestment of Land Policy, 10 June 2014. The future divestment of the land would be the subject of a separate report to Council following reclassification.

The planning proposal, when finalised, will discharge any necessary trusts, estates, interests, dedications, conditions or restrictions and covenants affecting the land or any part of the land.

The land to which the Planning Proposal relates is shown in **Land to which the Planning Proposal Relates** and more detailed maps are included under **Part 4 – Mapping**.

At its Ordinary meeting of Council on 11 November 2014, a report was tabled recommending that Council prepare a Planning Proposal to reclassify the site from Community land to Operational land and increase the maximum FSR from 1.3:1 to 2.0:1. This report is provided in **Appendix 1** and the resolution in **Appendix 2**.

At its Ordinary meeting of Council on 28 July 2015 Council considered a further report on various built form options for the future redevelopment of the site. Council resolved to adopt a particular built form option for the site and to prepare an illustrated concept design of that option for public exhibition in conjunction with the reclassification process. Council also resolved to vary the existing planning proposal to incorporate the necessary planning provisions into the KLEP (Local Centres) 2012 to facilitate the redevelopment of the site in accordance with the adopted concept design. This report is provided in **Appendix 3** and the resolution in **Appendix 4**.

Classification of Land

Section 45 of the Local Government Act, 1993 prevents Council from selling, exchanging or otherwise disposing of community land. Therefore it is proposed to reclassify the sites from community land to operational land in accordance with Section 27 of the Act.

Definitions from Practice Note PN09-003 Classification and reclassification of public land through a local environmental plan

‘Public land’ is any land (including a public reserve) vested in, or under the control of, council. Exceptions include roads, land to which the Crown Lands Act 1989 applies, a common, or land to which the Trustees of Schools of Arts Enabling Act 1902 applies.

‘Community’ land is generally open to the public, for example, parks, reserves or sports grounds.

‘Operational’ land may be used for other purposes, for example, as works depots or garages, or held by council as a temporary asset.

‘Classification’ of public land refers to the process when this land is first acquired and first classified as either ‘operational’ land or ‘community’ land.

‘Reclassification’ of public land refers to the process of changing the classification of ‘operational’ land to ‘community’ land or from ‘community’ land to ‘operational’ land.

What is Community Classified Land?

Community Classified Land is a land classification that prohibits Council to sell, exchange or grant an interest to another party other than in accordance with the provisions of the Local Government Act 1993.

What is Operational Classified Land?

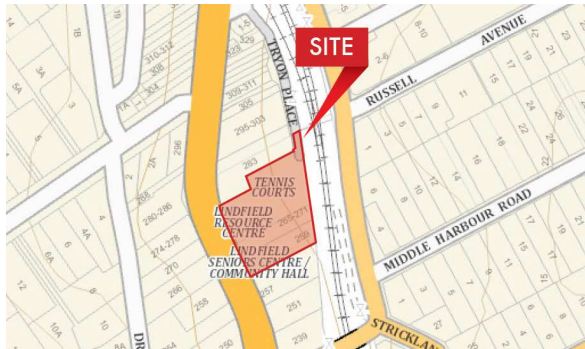
Operational Classified Land is a land classification that permits Council to sell, exchange or grant an interest to another party other than in accordance with the provisions of the Local Government Act 1993.

Refer to **Appendix 5** for NSW Planning Reclassification of public land through a Local Environmental Plan Checklist based on Practice Note PN09-003 *Classification and reclassification of public land through a local environmental plan*

Land to which the Planning Proposal applies

The planning proposal relates to one site comprising four allotments. The location and descriptions are included below. Additional maps, including zoning maps and development controls, and more detailed aerial photographs appear in **Part 4 Mapping**.

259-271 Pacific Highway, Lindfield



The land to which this Planning Proposal relates is as follows:

Address	Description	Area (m ²)
259-271 Pacific Highway, Lindfield	Lot 1 in DP 212617	918
	Lot 2 in DP 212617	508
	Lot 3 in DP 212617	780
	Lot 8 in DP 660564	3,646
TOTAL		5,852m²

As stated in the Council report of 11 November 2014, Council acquired the site by resumption (see **Appendix 1**) for the “purpose of the improvement and embellishment of the area”, NSW Government Gazette No.137, 28 November 1947.

Description and Use

The site is irregular in shape and comprises 4 allotments, which have a total area of 5,852m². The site has approximate frontages of 68m to the Pacific Highway, 99m to the North Shore Railway line and 6m to Tryon Place.

The site is referred to as the Lindfield Library Precinct and Council services located on the site include:

1. Lindfield Branch Library (Lot 8 in DP 660564);
2. Former Arrunga Aged Care Self-Contained Units (Lot 3 in DP 212617);
3. Lindfield Seniors' Centre (Lot 2 in DP 212617);
4. Lindfield Seniors' Resource Centre (Lot 8 in DP 660564);

5. Ku-ring-gai Youth Development Service (KYDS) (Lot 8 in DP 660564);
6. Lindfield Community Centre tennis court and sun shelter (Lot 8 In DP 660564);
7. Car park and access road (Lot 1 in DP 212617).

The site includes landscaping around each building and grassed areas mainly associated with the tennis courts. A toilet block is located to the north of the tennis courts and appears to be in a fair state of repair.

There is also an extant well in the library's front setback to the Pacific Highway within the boundaries of Lot 8 in DP 660564.

A Stage 1 Preliminary Site Investigation has been undertaken by SLR Global Environmental Solutions, dated 20 February 2015, which found that there is a medium likelihood of unacceptable contamination on the site and states that further assessment of future uses would be required.

Lindfield Library Branch

Lindfield Library, built in 1954, is a 300m² facility located within Lindfield Shopping Centre to the north and is a short walk to the train station (approximately 200m or 90 metres from the site via Tryon Place).

The Lindfield Community Facilities Study, prepared by Elton Consulting 2014, includes a discussion regarding Lindfield Library and identifies the following gaps:

- *Inadequate space for all activities and collections;*
- *Shortage of shelving;*
- *Lack of study and reading spaces;*
- *Inadequate children's area and lack of separation of this area;*
- *Inadequate space for events;*
- *Lack of contemporary technology inclusions. p.28*

Other issues identified include lack of adequate parking and vehicular access difficulties.

The Lindfield Library is located on Lot 8 in DP 660564.

Former Arrunga Aged Care Self-Contained Units

Council's report of 11 November provides some background details in relation to The Arrunga Aged Care Self-Contained Units:

The Arrunga Aged Care Self-Contained Units comprises 14 units in a two storey brick building which was constructed by the Ku-ring-gai Old People's Welfare Association Ltd (KOPWA) in 1963. In early March 2014 KOPWA voluntarily gave Council notice of its intention to vacate the site. The site was vacated and handed back to Council in late March 2014.

Since 1962, KOPWA Ltd has been in continuous occupation of Lot 3 paying a peppercorn rent to Council. Legal access to Lot 3 has been provided by a twenty foot wide Right of Carriageway (ROC) over the adjacent Lot 1. This ROC expired on the expiry of the lease over

Lot 3. Council has constructed an asphalt driveway on Lot 1 and established eight two-hour time limited car parking spaces over the south-eastern section of the ROC.

The 14 Arrunga Aged Care Self-Contained Units have been maintained by KOPWA Ltd, however many were left in a poor condition upon handover to Council in March 2014.

Clause (h) of the KOPWA lease which expired on 30 April 2012 transferred the ownership of the building containing the 14 Arrunga Aged Care Self-Contained Units to Council on the expiry of the lease. The building is currently 51 years old and is likely to be reaching the end of its economic life.

The former Arrunga Units are located on Lot 3 in DP 212617. The lease to KOPWA and associated rights of carriageway were previously noted on the Certificates of Title for Lots 1, 2 and 3 in DP 212617. These have now expired and have been removed from title. Currently a number of the units are on short term residential tenancy agreements with Council.

Former Lindfield Seniors' Centre

The Seniors' Centre was constructed in 1962. It comprises a brick building in average condition located on the Pacific Highway. The building includes 2 meeting/activity rooms, kitchenette, toilets and small meeting rooms.

From its construction until 1997, the Seniors' Centre was managed by KOPWA Ltd. From 1997, The Ku-ring-gai Seniors' Centre Committee was established and became responsible for the management and operation of the Seniors' Centre and the Seniors' Resource Centre until 2000 when the Committee ceased to exist. These buildings are no longer 'seniors specific' and Council manages general community bookings for the centre.

The former Lindfield Seniors' Centre is located on Lot 2 in DP 212617 and now operates on a rollover (month-to-month) lease arrangement.

Former Lindfield Seniors' Resource Centre

The Seniors' Resource Centre was converted from the Lindfield Baby Health Centre in 1991 (which relocated to new premises at 12-18 Tryon Road, Lindfield). The building comprises 3 small meeting rooms, kitchenette and toilets and is in poor condition.

The former Lindfield Seniors' Resource Centre is located on Lot 8 in DP 660564.

Ku-ring-gai Youth Development Service

The Ku-ring-gai Youth Development Services (KYDS) building is located to the rear (east) of the library on Lot 8 in DP 660564. It comprises a fibro building, in poor condition, with office space, counselling/interview rooms, and shared meeting space with the library.

KYDS had a lease over Lot 8 in DP 660564. The lease, which is noted on the Certificate of Title, expired on 31 December 2008. KYDS continue to occupy the premises with Council's approval (as Lessor) under the holding over provisions of the expired lease.

Lindfield Tennis Community Centre Court and Sun Shelter

The site contains two tennis courts and a sun shelter in the north eastern part of the site, setback from the railway line by a grassed area.

The Officer's report to Council of 11 November 2014 examines the level of usage of tennis court facilities within a 2km radius (approximately) of the site. In summary, there are six facilities within a 2km radius (totalling 22 courts) of which four of the facilities have a very low usage level. For the two facilities with higher levels of bookings, the additional use is likely to be due to these court being lit at night, allowing evening usage.

The Lindfield Library Courts are vacant 6 days out of 7, whereas the more heavily used courts in the locality are vacant 3 days out of 7 (approximately). The report considers that:

It can therefore be assumed that the loss of the Lindfield Library Courts within the network would make very little difference as all courts would have the capacity to take up additional usage.

Car Park and Access Road

Car parking for 10 cars is provided through the centre of the site around the buildings (predominantly within Lot 1 in DP 212617).

An access road, Tryon Place extends from the site's north eastern corner to Lindfield train station and the Pacific Highway to the north. This access road flanks the rear of buildings fronting the Pacific Highway and terminates at the subject site at a locked gate.

Although Tryon Place has a rear-lane character (e.g., rear entries to buildings, car parking entries, bins and a poor level of maintenance) there is also an attractive and well-maintained pedestrian access to the station from this access road.

Other Site Elements

The site includes landscaping around each building and grassed areas mainly associated with the tennis courts. A toilet block is located to the north of the tennis courts and appears to be in a fair state of repair.

There is also a well in the library's front setback to the Pacific Highway within the boundaries of Lot 8 in DP 660564.

If the site retains the Community land classification and retains existing limited community uses it would limit the ability of Council to deal with the land and achieve its strategic objectives of the development of the Lindfield Hub site in the Woodford Lane precinct of Lindfield.

Existing Planning controls

Land Classification

The land is classified as Community land under the Local Government Act, 1993. Section 45 of the Local Government Act, 1993 prevents Council from selling, exchanging or otherwise

disposing of Community classified land. Therefore it is proposed to reclassify the site from Community Land to Operational land in accordance with Section 27 of the Act.

There is no information from Council records that would indicate that the sites were dedicated in accordance with a condition imposed under S94 of the EPA Act.

Ku-ring-gai Local Environmental Plan (Local Centres) 2012

The table below details the application of the KLEP (Local Centres) 2012 to the subject site:

SITE	259-271 Pacific Highway, Lindfield
Zoning	B2 Local Centre
Floor Space Ratio (FSR)	Maximum FSR -1.3:1
Height of Building	Maximum Height of Building - 17.5m
Lot Size	There are no lot size restrictions applying to the site.
Heritage Listing	No
Bushfire Prone Land	No
Natural Resources – Riparian Lands Map	No
Natural Resources Biodiversity	No
Land Acquisition	No

Maps extracts from the KLEP (Local Centres) 2012 identifying the relevant zoning and development standard applying to the site are contained in Part 4 of the Planning Proposal.

Part 1 – Objectives

Objectives of the Proposed Local Environmental Plan

This section of the Planning Proposal sets out the objectives or intended outcomes of the Planning Proposal.

The land upon which the Lindfield Library Precinct is located was resumed by Council for the *“purpose of the improvement and embellishment of the area”*, NSW Government Gazette No.137, 28 November 1947.

Council has investigate the facilities on the site and have found that the existing facilities are near the end of their economic life, not needed or inadequate for current needs.

Council has decided through various resolutions to relocate the community facilities from the site to the proposed new Lindfield Community Hub site. The Community Hub is within the Lindfield Centre, on the western side of the Pacific Highway.

Through this Planning Proposal Council seeks to provide the flexibility required to respond to new development opportunities at the site as Council facilities are relocated to the Lindfield Hub site. This includes the ability to dispose of the land.

Council's ability to better manage this asset for the purpose of supporting Council's asset renewal strategies would be best facilitated by reclassifying the site as Operational land.

Council has adopted a preferred concept design to guide the redevelopment of the site in an orderly and economically viable manner. Amendments to the planning provisions applying to the site under KLEP (Local Centres) 2012 are required to facilitate the redevelopment of the site in accordance with the adopted concept design.

The objectives of this Planning Proposal are to:

- Reclassify the land within the Lindfield Library Precinct at 259-271 Pacific Highway, Lindfield from Community land to Operational land;
- Rezone the land from B2 - Local Centre to R4 – High Density Residential;
- Amend the floor space ratio (FSR) of the land from an FSR of 1.3:1 to an FSR of 2.0:1;
- Amend the maximum height of buildings on the land from 17.5 metres to 23.5 metres; and
- Include “office premises” and “business premises” as additional permitted uses on the site under Schedule 1.

Part 2 – Explanation of Provisions

This section sets out the means through which the objective described in Part 1 will be achieved by amending the Ku-ring-gai Local Environmental Plan (Local Centres) 2012.

Proposed Planning Controls

The objectives and intended outcomes will be achieved through the following amendments to the map sheets and written instrument of Ku-ring-gai Local Environmental Plan (Local Centres) 2012:

Map Sheet Amendments

1. Amendment to the Land Zoning map at 259-271 Pacific Highway, Lindfield to identify the site as Zone R4 high density residential.
2. Amendment to the Floor Space Ratio map at 259-271 Pacific Highway, Lindfield to identify the site maximum Floor space ratio of category “T1” – 2.0:1 and delete the reference to “Area 5” on the map.
3. Amendment to the Height of Buildings Map at 259-271 Pacific Highway, Lindfield to identify the site with a maximum building height of category “S” – 23.5 metres

Maps for the proposed amendments are included in Part 4 – Mapping.

Written Instrument Amendments

4. Amend Schedule 1 – Additional permitted uses to insert the following:

28 Use of certain land at 259-271 Pacific Highway, Lindfield

- (1) *This clause applies to land at 259-271 Pacific Highway, Lindfield, being Lot 1, 2 and 3 in DP 212617 and Lot 8 in DP 660564*
- (2) *Development for the following purposes is permitted with development consent:*
- (a) *business premises,*
 - (b) *office premises,*

5. Amend “Schedule 4 - Classification and reclassification of public land”, Part 2 “Land classified, or reclassified, as operational land—interests changed” to insert the following.

Under Column 1 Locality	Under Column 2 Description	Under Column 3 Any trusts etc. not discharged
<i>Lindfield</i>	<i>Lots 1, 2 and 3 DP 212617, Lot 8 DP 660564 at 259- 271 Pacific Highway.</i>	<i>Nil</i>

Part 3 - Justification

This section sets out the reasons for the proposed outcomes and development standards in the Planning Proposal.

The following questions are set out in the Department of Planning's *A Guide to Preparing Planning Proposals* and address the need for the planning proposal, its strategic planning context, the environmental, social and economic impacts and the implications for State and Commonwealth government agencies.

Section A - Need for the planning proposal

The site is not used to capacity and its current use is not considered the highest or best use of the site. Elements of the site are detailed below.

Q1. Is the planning proposal a result of any strategic study or report?

Yes. A significant amount of work has been undertaken to plan for the future of Lindfield. This planning proposal is the direct result of multiple studies and reports to Council as outlined below.

As outlined in the Ku-ring-gai Council Meeting Report (Item GB.9) of 11 November 2014:

"The report finds that reclassification of the site is warranted for the following reasons:

- the existing facilities on the site are either at the end of their useful life and/or inadequate for contemporary needs;*
- the tennis courts have very low usage levels and there is more than adequate supply of the facilities within close proximity;*
- the Arrunga Aged Care Self-Contained Units were vacated by KOPWA and handed back to Council in late March 2014 and are currently vacant;*
- the former Seniors' facilities no longer have senior specific functions and are now used as general purpose rooms that can be booked by residents through Council; and*
- the Lindfield library precinct has not been identified strategically important site for the delivery of future public community infrastructure and is surplus to requirements.*

Further, the existing buildings are not suitable for long term adaptation and re-use due to their condition. In addition this approach would contradict Council resolutions to date in relation to the Lindfield Hub which propose to relocate the former seniors centre, former seniors resource centre, library to a new community hub on the western side of Lindfield local centre.

To date no decision has been made in relation to the KYDS service located on the site and it is recommended that Council resolve to relocate the service to new purpose-built rooms within the proposed community hub.

The reclassification of the site to Operational land will provide Council with the flexibility required to respond to new development opportunities as Council facilities are relocated to the Lindfield Hub site.

The coordinated and orderly use of land would be best facilitated by classifying the site as Operational land and increasing the floor space ratio to enable Council to respond to new opportunities and to implement planning strategies incorporated into the KLEP (Local Centres) 2012 and the Local Centres Development Control Plan, including development opportunities close to public transport.

Relevant strategic documents/reports, which directly or indirectly, provide the background for the LEP, and DCP, and the proposal include:

- **Council reports - 10 December 2013, 9 September 2014:**
These reports show Council's support for land use at the Lindfield Hub site, Council's agreement to engage consultants to undertake a Masterplan of the Hub site, and show Council's support for the relocation of the Lindfield library and community centre onto the Hub site;
- **Ku-ring-gai Community Facilities Strategy, March 2014 (Elton Consulting):**
This Strategy identifies a need for a larger, centrally located library and a multi-purpose community centre in Lindfield.
- **Lindfield Community Facilities Study, April 2014 (Elton Consulting):**
The Lindfield Community Facilities Study, dated 7 April 2014, was undertaken to determine the requirements for two new district level community facilities in Lindfield and to guide Council in the planning, design and delivery of these new facilities. The new facilities include a library and a multi-purpose centre to contain various activities and services. The Study considered the facility catchments, existing facility provision and gaps, population growth and rates of provision, summarised consultation undertaken, canvassed siting options and included a vision for the facility. The report identified the Lindfield Hub site as the preferred option for the location of the Lindfield library and community facilities.
- **Lindfield Library Precinct – Valuation Report (Landmark White P/L):** Confidential

Attachment A1 to Report to Council 11 November 2014. Council commissioned the Lindfield Library Precinct – Valuation Report (Landmark White P/L). The Valuation Report formed a confidential attachment to the Officer Report to Council of 11 November 2014. The Council Officer Report included the following points from the Valuation report:
 - o *the highest and best use of the site is considered to be a mixed use redevelopment in accordance with Council's LEP;*
 - o *as a development site the existing improvements on the site add little or no value;*
 - o *demand for development sites of this nature is strong and has been increasing;*
 - o *demand for sites with development consent are increasingly sought after;*
 - o *the local market is expected to remain relatively buoyant in the short to medium term as a result of expanding supply of higher density units creating opportunities to enter a prestige market and foreign buyer demand; and*

- o *the positive aspects of the property are the main road frontage, close proximity to rail and shops, dual street frontage and the rail reserve to the rear (minimising potential for future development to block views to the east).*

- **Urban Design (Concept Design), July 2015, (SJB Architects/GML Heritage/Jones Lang La Salle)**

Council engaged the services of SJB Architects, and their sub-consultant's GML Heritage and Jones Lang La Salle, to prepare a concept design for the Lindfield Library site. This included:

1. *Preparation of (3) three built form options and recommendations for a preferred option;*
2. *A concept design representing the preferred built form option for presentation to Council and the community;*
3. *A retail and commercial demand study to determine the highest and best use for the ground floor and podium area;*
4. *Financial modelling and analysis to determine the present value of the (3) three built form options and the concept design; and*
5. *A report advising Council on the risks and advantages if it was to prepare a development application for the site.*

GML Heritage was engaged to undertake archaeological investigations in relation to the well on the site to better understand the significance of the well and any effects on future development of the site. Jones Lang Le Salle was engaged to advise on market demand and financial feasibility.

The retail and commercial demand aspect of the study notes that the site is located on the edge and just outside of an existing mixed use centre and provides a transition from the retail and commercial uses located to the north to the of the site and the residential uses incorporated under R4 high density zone to the south. IN regard to the current zoning of the site, the study concludes the following:

The B2 zoning permits commercial, community and retail uses along with shoptop housing, and whilst the aspiration to incorporate these uses is intended and supported, the economic reality of providing a large amount of non-residential uses to the ground floor of development at this edge of centre location is questioned.

The existing community use of the library is to be relocated to the other side of the Pacific Highway within the new Lindfield Community Hub project. Along with community uses, this project incorporates retail, commercial residential uses.

Detailed analysis of the market for Lindfield reveals that the subject site will not be able to support commercial uses which will be able to function independently of those new uses proposed on the Lindfield Community Hub project.

At its Ordinary meeting of Council on 28 July 2015 Council considered the SJB Architects/GML Heritage/Jones Lang La Salle report and resolved to adopt a particular built form option for the site and to prepare an illustrated concept design of that option for public exhibition in conjunction with the reclassification process. Council also resolved to vary the existing planning proposal to incorporate the necessary planning provisions into the so as to *KLEP (Local Centres) 2012* to facilitate the redevelopment of the site in accordance with the adopted concept design. This report is provided in Appendix 3 and the resolution in Appendix 4.

- **Lindfield Library Precinct Urban Design Study, November 2015 - (SJB Architects)**

The purpose of this report is to provide an Urban Design Study to support a Planning Proposal to amend the current LEP controls in relation to zoning, height and FSR. The analysis undertaken in this study discusses the context of the site and provides justification for the uplift in controls sought in the Planning Proposal

In addition to the above studies and reports, the proposed rezoning of the site B2 Local Centre to R4 High Density residential is supported by the *Hornsby and Ku-ring-gai Subregional Employment Study, May 2008 – SGS Economics and Planning*. This study was based on the population projections under the Metropolitan Strategy 2036 for the North Subregion and therefore formed the basis for future growth in housing and employment currently accommodated for in the KLEP (Local Centres) 2012 and KLEP 2015 and informed the zoning and planning controls for Ku-ring-gai's commercial centres. This study is still relevant and valid, noting that there has been very limited growth or development within the retail centres since the study was completed.

- **Hornsby and Ku-ring-gai Subregional Employment Study, May 2008 – SGS Economics and Planning**

The objectives of the Study were to:

- o *Ensure local employment land strategies facilitate opportunities for the Subregional employment targets for the North Subregion*
- o *Ensure that the distribution of additional jobs supports existing centres*
- o *Identify opportunities to provide employment lands in accordance with the strategic areas identified in the Metropolitan Strategy (including Section A: Economy and Employment)*
- o *Develop a strategy for zoning, land uses and controls for employment lands that is consistent with current strategic planning guidance*
- o *Develop a strategy for the provision of employment lands to encourage economic growth to complement population growth*
- o *Identify employment lands in strategic areas that are accessible to residents and workers and are linked into the transport network*

The findings in the study in relation to the supply of land in Lindfield zoned for employment purposes included the following:

Lindfield, located on the train line, contains a range of retailing to meet the needs of local residents. In 2006, total employment floorspace on business zoned land in the centre was 37,631 sqm. Lindfield accounts for 16% of the LGA's Special land uses, and approximately 10% of the LGA's Main Street Retail and Dispersed activities. Within the centre, the primary land use is Main Street Retail. There is sufficient potential floorspace within the centre to meet future demand, with excess capacity of 24,737 sqm. This reflects the large potential supply of floorspace. Zone B2 – Local Centre would be appropriate for this location.

Based on the findings of this study, the existing supply potential of commercial floor space capacity in the Lindfield centre is more than four times the demand forecast to 2031. Therefore the rezoning of the site from commercial to residential is not considered to have a detrimental effect on the future provision of commercial floor space to cater for future population and employment growth. The inclusion of office and business premises as additional permitted uses on the site would still allow the site the site to provide for future commercial growth should the market demand it.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. The site is currently classified as Community land and therefore Council is not able to sell, exchange or dispose of Community land under the provisions of the Local Government Act 1993. Moreover, the current FSR applicable to the site unnecessarily curtails development potential on such a large site in proximity to the Lindfield Railway Station.

Section 27(1) of the Local Government Act 1993 requires that the reclassification of public land be made by a local environmental plan.

Amending the KLEP (Local Centres) 2012 would be the only means of achieving the objectives of the Planning Proposal.

A planning proposal for the site is therefore considered appropriate.

Section B - Relationship to the Strategic Planning Framework

Q3. 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 strategies)?

Yes. A *Plan for Growing Sydney* (the Sydney metropolitan strategy) was released by the NSW Department of Planning and Environment in December 2014 and is the NSW Government's 20-year plan for the Sydney Metropolitan Area. It provides direction for Sydney's productivity, environmental management, and liveability; and for the location of housing, employment, infrastructure and open space.

The Plan includes four goals for Sydney. The goals, and a comment on how the planning proposal supports each goal, is listed below:

- *Goal 1: A competitive economy with world-class services and transport*
Comment - The planning proposal will allow the redevelopment of a site which is very conveniently located near the Lindfield Railway Station. The planning proposal also assists Council to realise financial gains from increasing the utility of an underdeveloped site and rationalising Council services onto the Lindfield Hub site
- *Goal 2: A city of housing choice with homes that meet our needs and lifestyles*
Comment - Changes resulting from the planning proposal will allow the increase in supply of medium density housing in Lindfield. The location of the future housing will be in proximity to transport and the Lindfield town centre.
- *Goal 3: A great place to live with communities that are strong, healthy and well connected*
Comment - Adding density into an existing centre will facilitate the strengthening of that centre. Medium density housing on the Pacific Highway, Lindfield, in short walking distance from the station, will assist in supporting the goal for a well-connected place to live.
- *Goal 4: A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.*
Comment - The planning proposal will allow the reasonable redevelopment of an existing, well-located site. Moreover, increasing densities near a railway station promotes sustainable transport. This is an efficient use of resources in a well-serviced locality.

There are three planning principles that will guide how Sydney grows. These principles, and a comment on how the planning proposal supports these principles, is included below.

- *Principle 1: Increasing housing choice around all centres through urban renewal in established areas*
Comment – The Planning Proposal will allow the site, currently underdeveloped, to be redeveloped for medium density housing in an established area.

- *Principle 2: Stronger economic development in strategic centres and transport gateways*

Comment – The Planning Proposal will allow redevelopment of the site potentially for a mixed use development including retail/business premises and medium density housing, thus allowing stronger economic development in the Lindfield town centre.

- *Principle 3: Connecting centres with a networked transport system*

Comment – The Linfield town centre is already well connected to a networked transport system. However, allowing more people to live in the locality further connects people with the transport system.

A Plan for Growing Sydney aims to create more vibrant places and revitalised suburbs where people want to live. The State government recognises that as the population grows in existing suburbs, there is an opportunity to revitalise local communities by providing more social infrastructure.

Sydney is divided up into districts, with Ku-ring-gai part of the North District. At this point in time, district planning has not been finalised.

The Planning Proposal, in conjunction with the KLEP (Local Centres) 2012 will allow the site to be developed for residential and business development in an area that has excellent access to public transport. It will facilitate the provision of improved social infrastructure in conjunction with the revitalisation of the local centre.

As discussed above, the Planning Proposal is consistent with the goals and principles contained within the Plan for Growing Sydney.

Q4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Yes. The Planning Proposal is consistent with the Ku-ring-gai Council's Community Strategic Plan 2030, which includes references to implementing planning objectives for the local centres.

The Community Strategic Plan is based around the following six principle themes:

- Community, People and Culture
- Natural environment
- Places, Spaces and Infrastructure
- Access, Traffic and Transport
- Local Economy and Employment
- Leadership and Governance

The proposed reclassification of the subject Council land is consistent with Community Strategic Plan 2030 as outlined below.

Under the *Community, People and Culture* principle, the proposed reclassification and increase in FSR will assist in meeting the aim to make Council's community and cultural programs and services accessible, affordable and meet current and emerging needs.

Under the *Natural Environment* principle, the proposed reclassification will assist in the aim of respecting and actively participating in the care and management of the environment. The site is already developed for community facilities and the reclassification and potential future development of the site will not result in the loss of any identified elements of the natural environment.

Under the *Places, Spaces and Infrastructure* principle the proposed reclassification and increase in development potential will assist in the aim of achieving a well planned, quality neighbourhood and public space with a strong character. In particular, Issue P4 – Revitalisation of our Centres includes the following long-term objective:

P4.1 Our centres offer a broad range of shops and services and contain lively urban village spaces and places where people can live, work, shop, meet and spend leisure time.

The planning proposal supports this objective.

Under the *Access, Traffic and Transport* theme, the proposed reclassification will assist in the aim that access and connection in and around Ku-ring-gai is effective.

Under the *Local Economy and Employment* theme, the reclassification will assist in achieving Council's aims as it will promote the creation of employment opportunities by facilitating a vital and attractive Lindfield village centre.

Under the *Leadership and Governance* theme, the proposed reclassification will assist in meeting the aim that Council effectively manages its financial position to meet community expectations for projects and service delivery. The reclassification of the land to operational status will assist Council to consider the sale of the land. Council has an adopted 20 year long term financial model to assist in the financial planning and delivery of strategic projects.

Ku-ring-gai Sustainability Vision 2008-2033 report forms the foundation of Council's sustainability plan spanning 25 years from 2008-2033. One of the vision statements in the report is to create a "Creative and liveable" Ku-ring-gai. The Planning Proposal is consistent with the vision report in that the disposal of the underutilised land will enable the residential/shop top development of the site in an accessible area, creating a more liveable environment.

Ku-ring-gai Integrated Transport Strategy, July 2011 presents a vision for Ku-ring-gai's transport to 2020 and assigns plans and aims to short (5 years) and long term (10 years) time frames. The Strategy recognises that *"..strategies for transport need to be considered within a holistic context where transport is inherently linked to land use, the built form, air quality, health and energy emissions."* p.1.

The Planning Proposal is not inconsistent with the objectives of the strategy.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The following State Environmental Planning Policies (SEPPs) are relevant to the Planning Proposal:

State Environmental Planning Policy	Consistency of Planning Proposal
SEPP No. 19 - Bushland in Urban Areas 1986	Consistent. The current LEP includes provisions for managing areas which contain urban bushland.
SEPP No. 32 - Urban Consolidation	Consistent. The Planning Proposal facilitates urban consolidation by increasing the amount of land available for redevelopment in an existing urban area close to transport.
SEPP No. 55 Remediation of Land 1998	Consistent. A Phase One Environmental Report has been carried out on the site the subject of this reclassification and rezoning. The Report concluded that there was a medium risk of contamination and further assessment should be undertaken for the proposed use. A copy of the report has been included as Appendix 8
SEPP No. 65 - Design Quality of Residential Planning Development 2002	Consistent. In the event of a Development Application for a residential development on the subject site, compliance with this SEPP will be assessed.
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	Consistent. In the event of a DA for housing covered by this SEPP, compliance with the SEPP will be assessed.
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Consistent. Compliance with BASIX is a requirement of all new development in Ku-ring-gai.
SEPP Infrastructure 2007	Consistent. The site is within an existing developed area. It is not anticipated that there will be a significant change in demand for infrastructure. The application of this SEPP in the delivery of the related infrastructure will be considered at the relevant time.
State Environmental Planning Policy (Affordable Rental Housing) 2009	Consistent. In the event of a Development Application for housing covered by this SEPP, on the subject site, compliance with this SEPP will be assessed.
Sydney Regional Environmental Plan – Sydney Harbour Catchment 2005	Consistent. All Development is required to manage drainage and stormwater arising from the development at the time of the Development Application.

In summary, it is considered that the planning proposal for reclassification of the subject site is not inconsistent with any of the above SEPPs. The proposal's detailed compliance and further consistency with the above SEPPs would be determined during the assessment of any development application for the site.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The following table identifies the proposal's consistency with the relevant Ministerial Directions.

Applicable s117 Direction	Consistency of the Planning Proposal and Comments
1. Employment and Resources 1.1 Business and Industrial Zones	Justifiably inconsistent. The proposal seeks to rezone the site from B2 Local Centre to R4 High Density Residential. As outlined in Section A of this planning proposal, 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. Therefore the rezoning of the site from commercial to residential is not considered to have a detrimental effect on the future provision of commercial floor space to cater for future population and employment growth. The proposed inclusion of office and business premises as additional permitted uses on the site would still allow the site the site to provide for future commercial growth should the market demand it.
2. Environment and Heritage 2.1 Environmental Protection Zones	Consistent. The site does not include environmentally sensitive land.
2. Environment and Heritage 2.3 Heritage Conservation	Consistent. The Planning Proposal will not reduce the existing Heritage Conservation standards that will apply to the land and is therefore consistent with the Local Planning Direction The site does not contain any items of local or State heritage significance.
3. Housing, Infrastructure and Housing Development 3.1 Residential Zones	Consistent. The Planning Proposal is consistent with the objectives of this provision as it will encourage a variety of housing choice in the LGA, make efficient use of infrastructure, such as the nearby Lindfield train station and retail area, and is not likely to result in development that will unreasonably impact on the environment.
3. Housing, Infrastructure and Urban Development 3.4 Integrating Land Use and Transport	Consistent. At this stage of the Planning Proposal, the appropriate State and Commonwealth public authorities have not yet been identified, and the

		Gateway Determination has yet to be issued by the Minister for Planning and Infrastructure. Consultation will need to be undertaken with public authorities including Transport for New South Wales. However, the site is located within an established residential and retail area that has excellent access to existing public transport infrastructure, being Lindfield Train Station.
4.	Hazard and Risk	
4.1	Acid Sulfate Soils	Consistent. The KLEP (Local Centres) 2012 does not include any acid sulfate soil maps indicating an absence of acid sulfate soils in the centres, and including the subject site.
4.	Hazard and Risk	
4.3	Flood Prone Land	Consistent. The site is not flood prone land.
4.	Hazard and Risk	
4.4	Planning for Bushfire Protection	Consistent. The site does not contain bush fire prone land.
6.	Local Plan Making	
6.1	Approval and Referral Requirements	Consistent. The Planning Proposal does not include provisions that require the concurrence, consultation or referral of future DAs to a Minister or Public Authority.
6.	Local Plan Making	
6.2	Reserving Land for Public Purposes	Consistent. Council is the relevant public authority.
6.	Local Plan Making	
6.3	Site Specific Provisions	Consistent. The proposal does not contain any restrictive site specific planning controls.
7.	Metropolitan Planning	
7.1	Implementation of the Metropolitan Plan for Sydney 2036	Consistent. The potential development of the site for mixed use (residential/retail) purposes will contribute to meeting the residential housing targets and local commercial/retail needs in the Metropolitan Plan.

Should the Planning Proposal be supported at the Gateway Determination, further details on consistency with Ministerial Directions will be provided following consultation with the relevant public and private authorities.

Section C – Environmental, social and economic impact

Q7. Is there any likelihood that critical habitat or threatened species, population or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The KLEP (Local Centres) 2012 has biodiversity and riparian overlays. The site is not identified as riparian land or as an area of biodiversity significance on these LEP maps. This planning proposal to reclassify the land and increase the FSR will not affect any environmental values of the site. The site is already developed and contains, buildings, roadway, car parking and tennis courts.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

As noted above, the site has not been identified as having riparian or biodiversity significance. The planning proposal for the reclassification of the site will not result in any additional environmental effects.

In addition, a Stage 1 Preliminary Site Investigation has been undertaken by SLR Global Environmental Solutions, dated 20 February 2015. The conclusions and recommendations of the report are:

Based on a review of the available desktop search data and observations made during the site walkover, SLR makes the following conclusions and recommendations:

- . *There is a medium likelihood of unacceptable contamination to be present on the site, as a result of past and present land use activities;*
- . *Further assessment would be required to assess the suitability of the site for future land uses. The further assessment would likely require intrusive soil sampling using a targeted sampling point approach to address the identified areas of environmental concern;*
- . *Likely future land use options should be identified prior to undertaking further assessment works, to enable appropriate human and environmental health exposure scenarios to be considered during those assessment works;*
- . *Further contamination assessment work should be undertaken by a suitably experienced environmental consultant.*

This report must be read in conjunction with the limitations set out in Section 10 of this report.

Further environmental work would be undertaken for the preparation of any development application over the site and any issues that arise would be properly addressed during the assessment of any development application/s on the land.

Q9. Has the planning proposal adequately addressed any social and economic effects?

Social Effects

Yes. Council has the responsibility to renew its assets as is appropriate. To assist in managing its assets, Council commissioned the *Lindfield Community Facilities Study* (2014). The Study considered the current provision of library and community facilities in the Lindfield locality and identified issues such as inadequate size and poor design. The Study then goes

on to identify a preferred option for a new community hub in the western side of the Lindfield town centre, incorporating a library and community centre with other uses such as café and an outdoor space. Although current facilities such as the Lindfield Library, Lindfield Seniors Citizen Centre and the Ku-ring-gai Youth Development Service, would be removed from the existing site, the proposed hub will provide up to date facilities for these Council services in an integrated, vibrant, development. Overall, the social effects would be very positive for the local residents.

Social Effects – Heritage

The site does not contain a heritage item, is not within a heritage conservation area and is not listed on the State Heritage Register.

There is evidence of an extant well on the site, the significance of which was investigated by GML Heritage as part of Council's Urban Design/*Concept Plan Study* of the Lindfield Library Precinct. The Historical Archaeological Assessment concluded that the site has moderate to high potential to contain historical archaeological remains associated with the key phase of its late nineteenth century development. The majority of the site's potential archaeological remains have been assessed to be of significance at a local level. The assessment recommends that the well be left in situ and incorporated into the new design. However, if this option is not feasible due to construction restraints, removal with relocation and interpretation should be considered.

Further investigative works will need to be undertaken on site to determine the nature and extent of the site's archaeological potential prior to development in the library precinct. This investigation would include archaeological testing, recording and a report outlining the findings, with particular reference to the state of the extant well in front of the existing library building. This investigation would be carried out under the conditions of a Section 139 approval under the Heritage Act 1977.

Economic Effects

If reclassification from Community to Operational land proceeds, this would facilitate the potential future sale of the land. On 10 December 2013, Council resolved to relocate the Lindfield Library and establish a new community facility on the western side of the Lindfield local centre, on Council owned land in Woodford Lane, Lindfield (Lindfield Hub Site). On 9 September 2014, Council resolved to progress planning of the Lindfield Hub site.

Subsequently, according to the Council report of 11 November 2014, the proceeds of the sales could be used in two ways:

to address the asset renewal gap (funding shortfall) by returning the funds to reserves for expenditure on new assets or major asset refurbishment in accordance with the Long Term Financial Plan (LTFP) guiding principles (LTFP, page 4); or

to fund Council's co-contribution for projects identified in the Development Contributions Plan 2010. The LTFP proposes that asset sales from rationalisation of property assets commence in 2015/16 and continue over a 10 year period as Contribution Plan projects proceed (LTFP, page 23).

If an FSR of 2.0:1 was adopted for the site this would result in a value in the order of 65% higher compared to the findings of the valuation report; such a decision would capture maximum value for the community.

The rezoning of the site and the increase in FSR and height sought in the planning proposal will allow Council to obtain maximum value for the site, within reasonable limits.

The Planning Proposal will enable a positive economic impact in facilitating the orderly and economic provision of Council facilities.

Section D – State and Commonwealth Interests

Q10. Is there adequate public infrastructure for the planning proposal?

The proposal could result in minor increase in demand for facilities in an existing urban area where all utility services are available.

Consultation with key agencies about the capacity to service the site was not undertaken prior to submitting this Planning Proposal to the Department of Planning and Infrastructure. Consultation will need to be undertaken with public authorities.

Consultation with State and Commonwealth agencies will be undertaken in accordance with Section 5 of this Planning Proposal.

Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

At this stage, the appropriate State and Commonwealth public authorities have not been identified or consulted, and the Gateway Determination has yet to be issued by the Minister for Planning and Infrastructure. Consultation with the following Government authorities, agencies and other stakeholders in regard to this Planning Proposal are proposed to include:-

- Roads and Maritime Services (formerly the RTA) NSW;
- Energy Australia;
- Sydney Water;
- Transport for NSW;
- Rail Corp.

Council seeks confirmation of the above list through the Minister's Gateway Determination.

Part 4 – Mapping

Land the Subject of the Planning Proposal

Property Description Map for 259-271 Pacific Highway, Lindfield

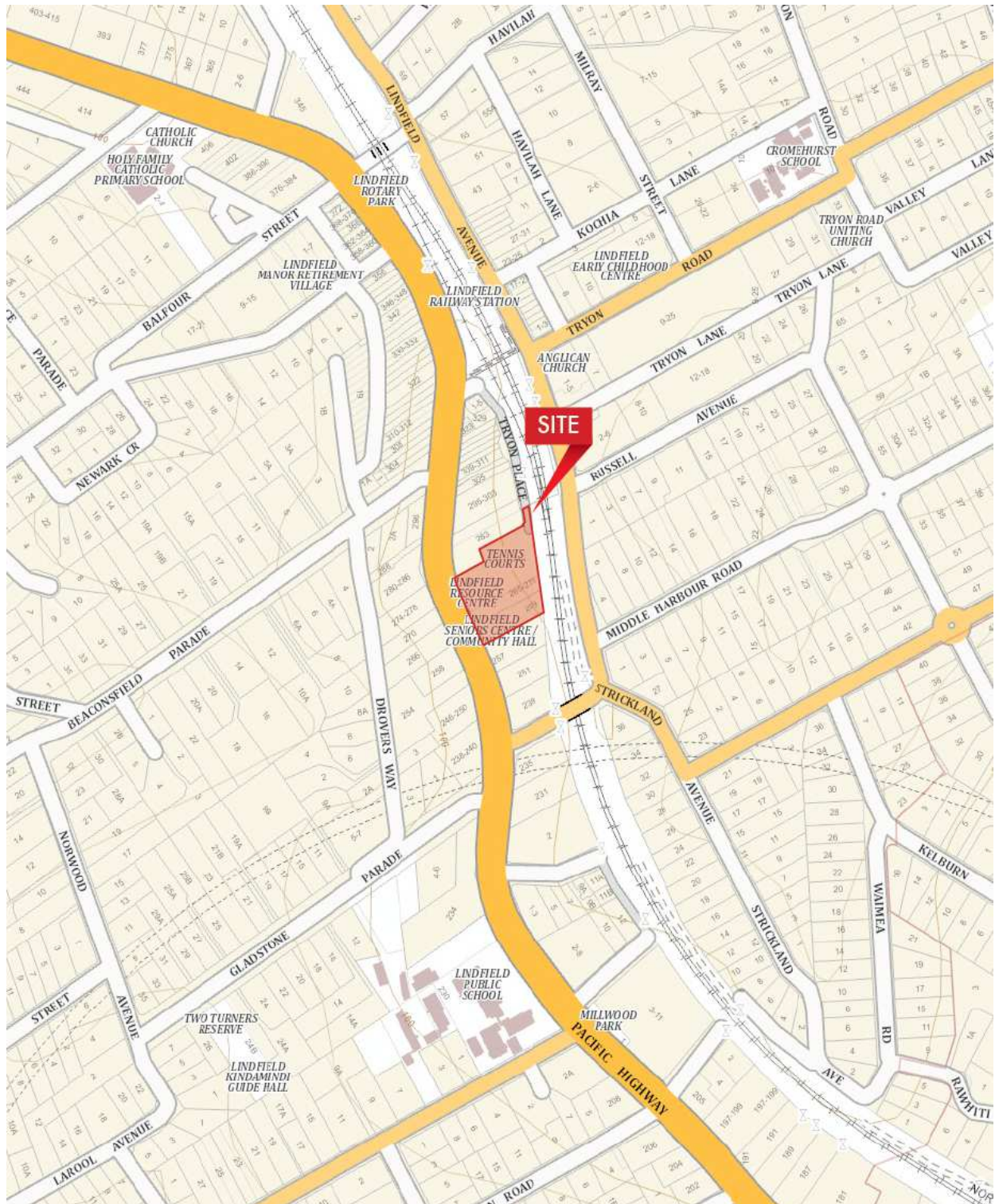


Figure: Location

Current Land Use Zone under KLEP (Local Centres) 2012

Current Land Use Zoning of 259-271 Pacific Highway, Lindfield under the KLEP (Local Centres) 2012

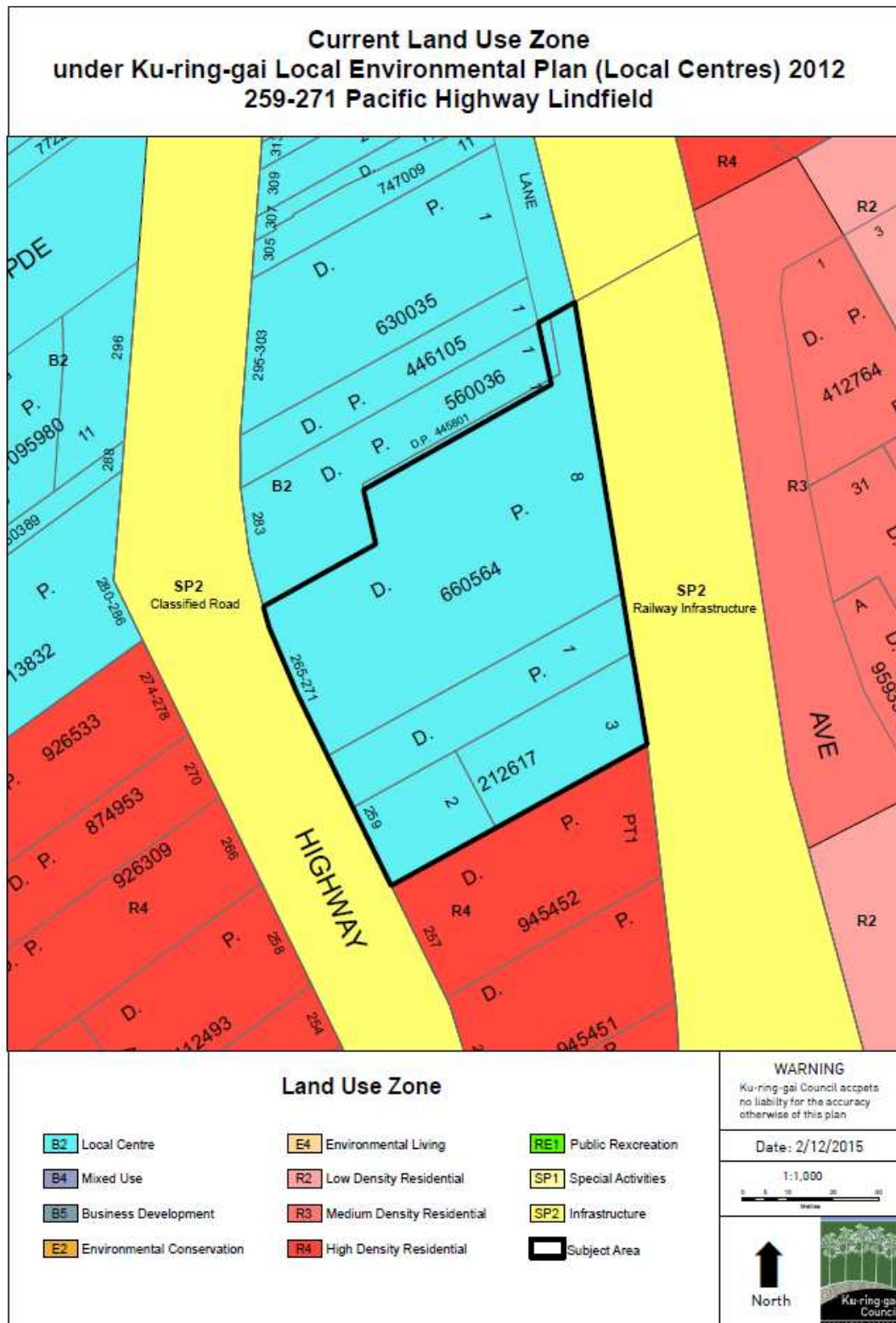


Figure: Zoning Map – Ku-ring-gai LEP (Local Centres) 2012

Proposed Land Use Zone for this Planning Proposal KLEP (Local Centres) 2012

Proposed Land Use Zoning of 259-271 Pacific Highway, Lindfield under the KLEP (Local Centres) 2012

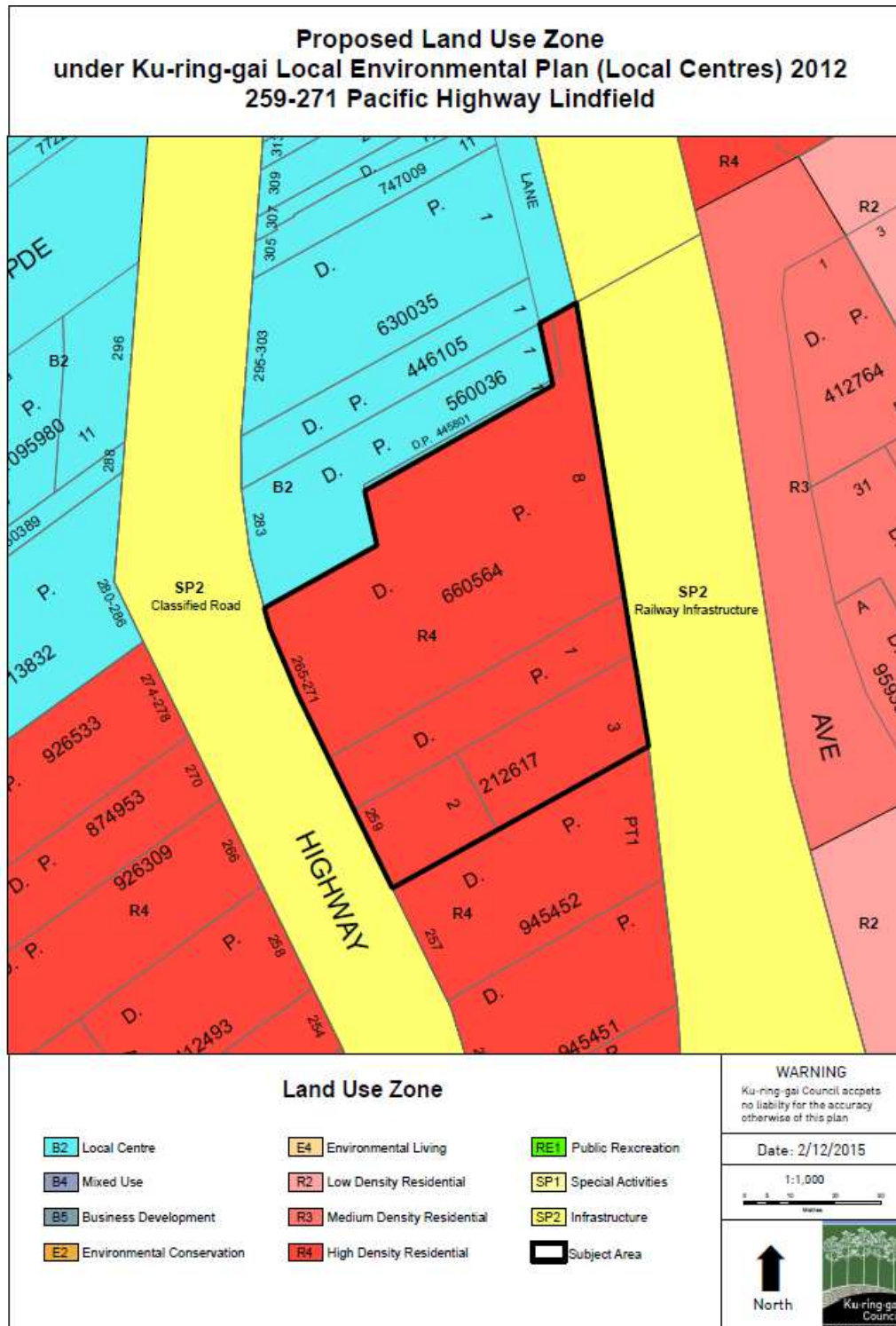


Figure: Proposed Land Use Zone Amendment – Ku-ring-gai LEP (Local Centres) 2012

Current Development Standards under KLEP (Local Centres) 2012

Current Building Height of 259-271 Pacific Highway, Lindfield under the KLEP (Local Centres) 2012

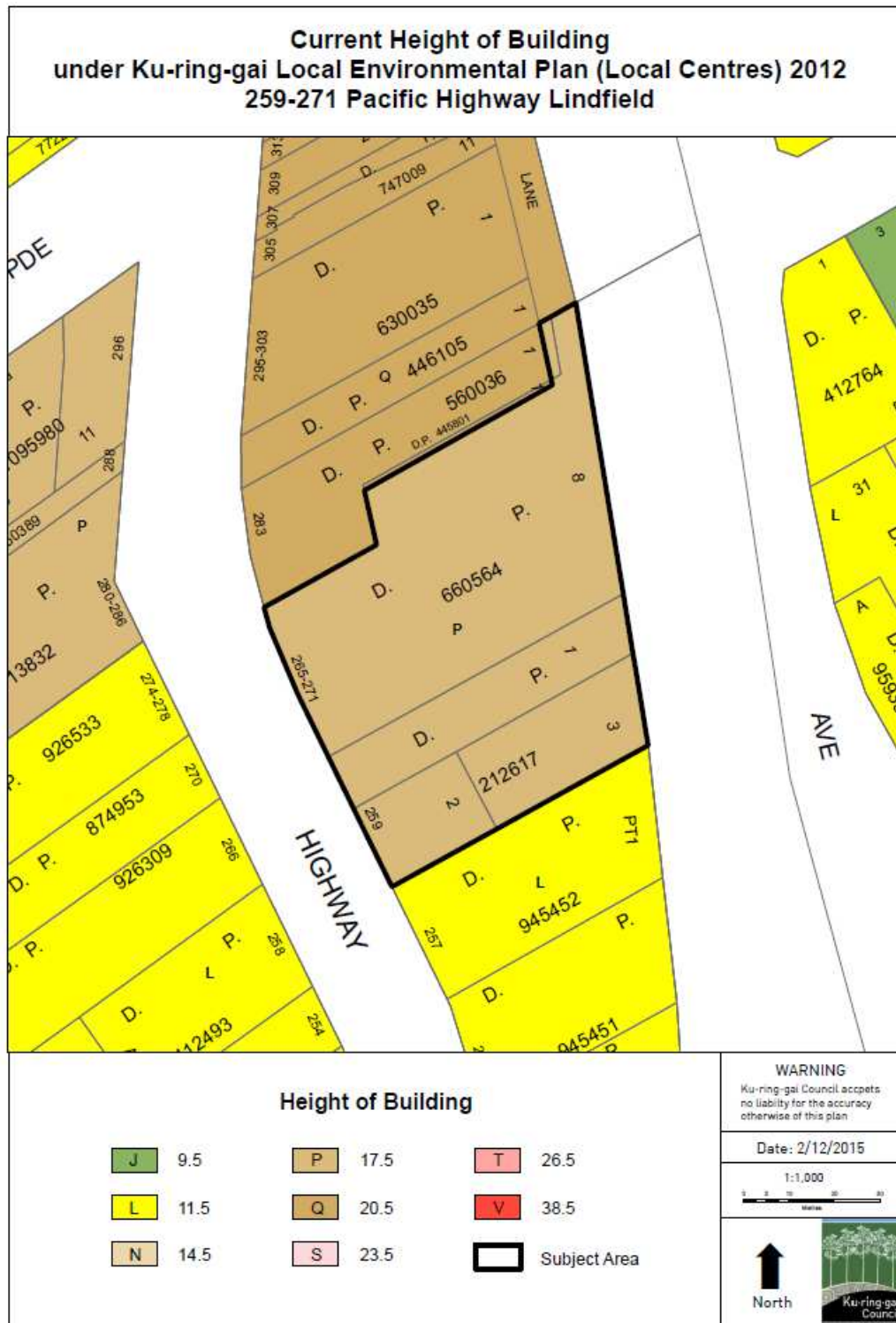


Figure: Height of Buildings Map - Ku-ring-gai LEP (Local Centres) 2012

Current FSR of 259-271 Pacific Highway, Lindfield under the KLEP (Local Centres) 2012

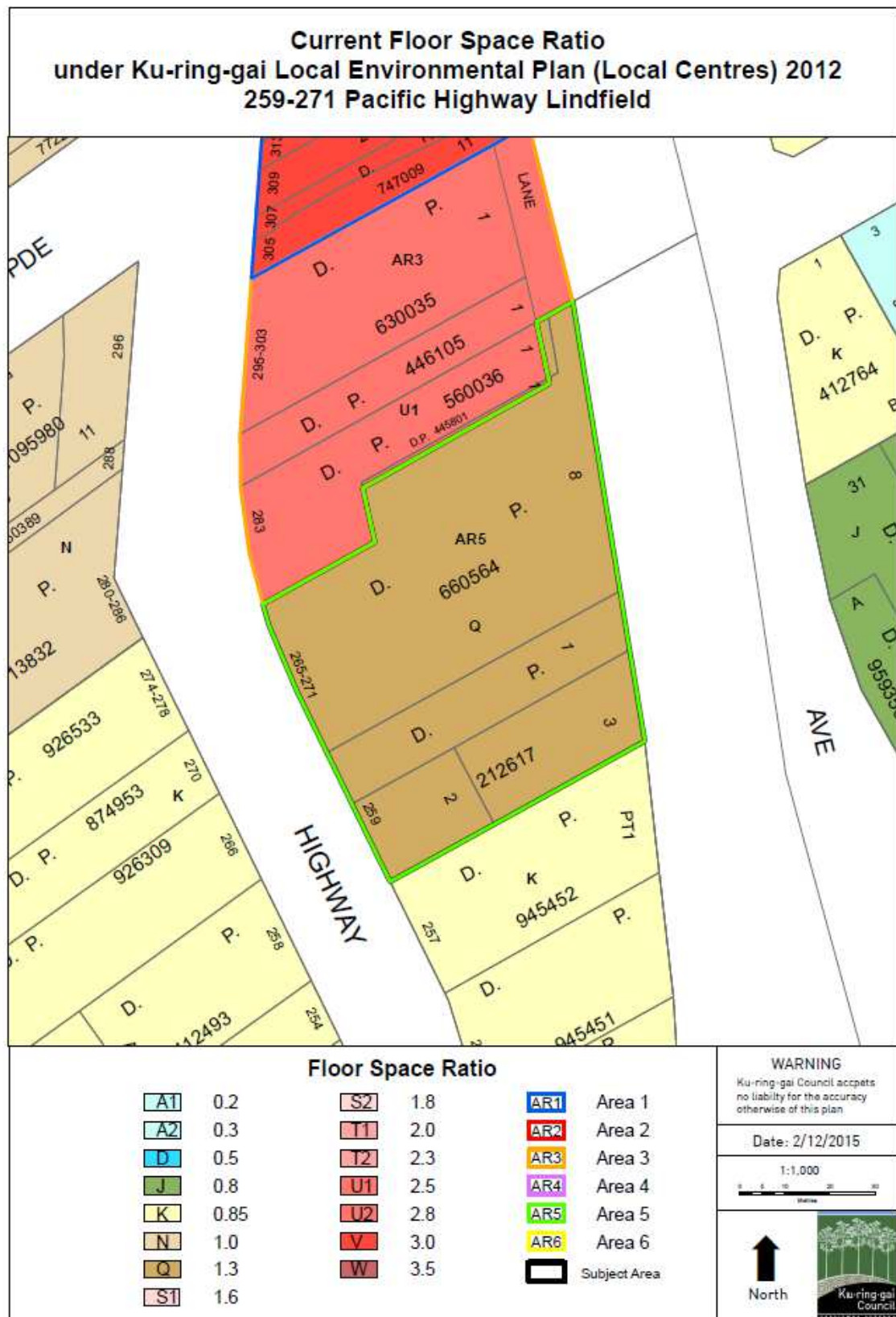


Figure: Floor Space Ratio Map - Ku-ring-gai LEP (Local Centres) 2012

Proposed Development Standards for this Planning Proposal KLEP (Local Centres) 2012

Proposed Building Height of 259-271 Pacific Highway, Lindfield under the KLEP (Local Centres) 2012

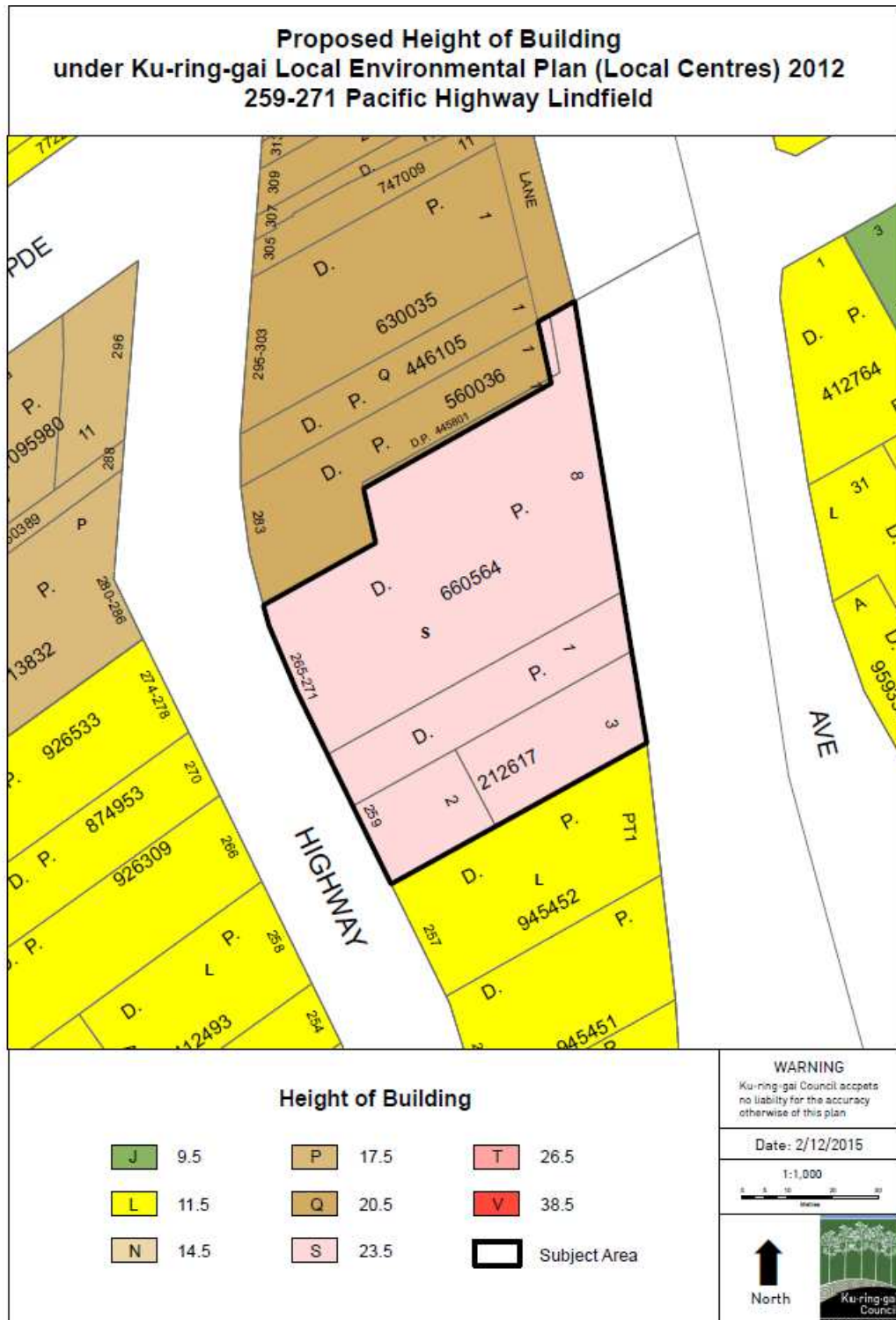


Figure: Proposed Building Height Amendment - Ku-ring-gai LEP (Local Centres) 2012

Proposed FSR of 259-271 Pacific Highway, Lindfield under this proposed amendment to the KLEP (Local Centres) 2012

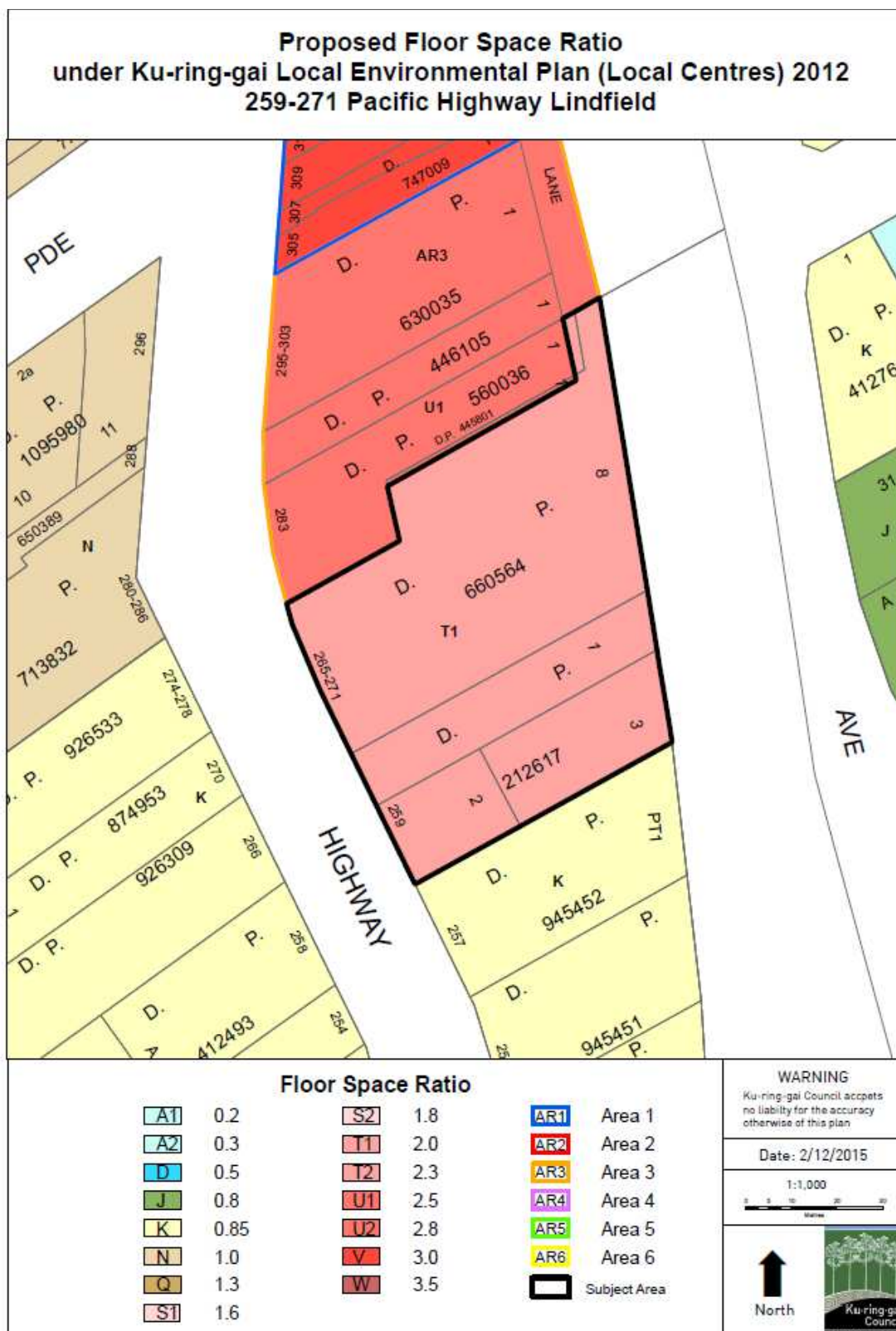


Figure: Proposed FSR Amendment - Ku-ring-gai LEP (Local Centres) 2012

Aerial photograph

Aerial Photo for 259-271 Pacific Highway, Lindfield



Figure: Aerial Photo - Location

Part 5 – Community Consultation

Proposed Community Consultation Strategy

Community consultation on the Planning Proposal will be undertaken by Council (subject to receiving a determination to proceed at the gateway) in accordance with the publication “A Guide to Preparing Local Environmental Plans”, published by the Department of Planning. The community consultation will not be commenced prior to obtaining approval from the Minister or Director-General. The notification and consultation process will be initiated after the s.55 submission has been sent to the Department of Planning and Infrastructure.

Council's consultation methodology will include, but not be limited to:

- forwarding a copy of the Planning Proposal, the gateway determination and any relevant supporting studies or additional information to State and Commonwealth Public Authorities identified in the gateway determination;
- giving notice of the public exhibition in the main local newspaper (the North Shore Times);
- exhibiting the Planning Proposal in accordance with the gateway determination. It is assumed this would require an exhibition period of at least 28 days duration;
- exhibiting the Planning Proposal pursuant to s.57 and all supporting documentation at Council's Administration Centre and on Council's website;
- notifying of the Planning Proposal's exhibition on Council's website, including providing copies of the Planning Proposal, all supporting studies and additional information and the gateway determination;
- notifying affected landowners and adjoining land owners where relevant;
- holding a Public Hearing; and
- any other consultation methods deemed appropriate for the proposal.

Reclassification of Public Land

Pursuant to Section 55(3) of the Act, the Director-General may issue requirements with respect to the preparation of a planning proposal. In this regard, the Department of Planning Guideline *A Guide to Preparing Local Environmental Plans* sets out the Director-General's requirements regarding the matters that must be addressed in the justification of all planning proposals to reclassify public land.

These requirements are addressed below.

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

Yes. As outlined in the responses to Questions 1 and 4 above in this Planning Proposal there have multiple strategic studies and reports that have informed this planning proposal.

Council resolved at the Ordinary Meeting held on 11th November 2014, to prepare a Planning Proposal to reclassify and increase the FSR for the underutilised land from Community land to Operational land. At its Ordinary meeting of Council on 28 July 2015 Council considered a report on various built form options for the future redevelopment of the site. Council resolved

to vary the existing planning proposal to incorporate the necessary planning provisions into the so as to KLEP (Local Centres) 2012 to facilitate the redevelopment of the site in accordance with the adopted concept design.

Is the planning proposal consistent with the local council's community plan, or other local strategic plan?

Yes. Ku-ring-gai Council has adopted a number of 'strategic' plans, including the following:-

- Town Centres Public Domain Plan, 2010;
- Ku-ring-gai Council Community Strategic Plan 2030;
- Ku-ring-gai Sustainability Vision 2008-2033;
- Ku-ring-gai Integrated Transport Strategy – July 2011;
- Ku-ring-gai Community Facilities Strategy, March 2014;
- Lindfield Community Facilities Study, April 2014;
- Lindfield Library Site Plan of Management, December 2014.

These reports support the conclusions derived above and the Planning Proposal is considered to be consistent with the above plans/strategies.

If the provision of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished

Certificates of Title for each property indicate that there are no easements or restrictions on the land that would need to be extinguished or changed.

The title deed for Lot 8 in DP 660564 makes reference to interest AD632839. This is a Lease to Ku-ring-gai Youth Development Service Incorporated ("Lessee") which expired on 31/12/2008. However, whilst the "term" may have expired, the Lessee is occupying the premises with Council's approval (as Lessor) under the holding over provisions of the expired lease.

Available Council records suggest that there are no unregistered interests in 259-271 Pacific Highway, Lindfield that would need to be extinguished.

At the Ordinary Meeting held on 11th November 2014, Council resolved to formally seek to discharge all interests in these properties. This will include the existing lease on Lot 8 in DP 660564.

The concurrence of the landowner, where the land is not owned by the relevant planning authority.

Council is the landowner of the site and has endorsed the Preparation of the Planning Proposal.

Part 6 – Project Timeline

It is anticipated that the Planning Proposal will take effect at the end of 2015. The timeline for the progression of this Planning Proposal is indicated in the following table:

Stage	Timing
Anticipated commencement date (date of Gateway determination)	5 February 2016
Agency consultation	12 February 2016 28 days
Notification of Exhibition	Friday 11 March 2016
Commencement and completion dates for public exhibition period	Friday 11 March 2016 – Friday 8 April 2016 (28 days exhibition)
Target date for Advertising Public Hearing in the Local Press	Friday 15 April 2016 (Min 21 days in advance of hearing)
Prospective dates for public hearing	Week beginning Monday 9 May 2016
Timeframe for consideration of submissions	May 2016
Timeframe for Chairperson's Report	May - June 2016
Preparation of Report to Council	June 2016
Targeted Dates for Ordinary Meeting of Council	July 2016
Legal drafting / Plan Making / Return to Department	July - August 2016 6 weeks
Anticipated date RPA will forward to the Department for notification.	September 2016

APPENDICES

APPENDIX 1

Report to Council Meeting 11 November 2014

APPENDIX 2

Resolution of the Council Meeting 11 November 2014

APPENDIX 3

Council Report 28 July 2015

APPENDIX 4

Resolution of the Council Meeting 11 November 2015

APPENDIX 5

NSW Planning Reclassification of public land through a Local Environmental Plan Checklist

NSW Department of Planning LEP Practice Note on Classification and Reclassification of public land through a Local Environmental Plan and Checklist

Classification and reclassification of public land through a Local Environmental Plan - Checklist

Planning Proposal to reclassify 259-271 Pacific Highway, Lindfield from Community Land to Operational Land

LEP Practice Note PN 09-003: Classification and reclassification of public land through a Local Environmental Plan

Why is the Draft LEP being prepared?

- ☒ This information is in the Council Reports of 11 November 2014 and 28 July 2015 and in the Planning Proposal.

The current and proposed classification of the land

- ☒ The current classification of the subject land is 'community land' under the *Local Government Act 1993* and the proposed classification of the subject land is 'operational land' under the *Local Government Act 1993*. Further information can be found in the Planning Proposal and the Council Report dated 11 November 2014 and 28 July 2015.

The strategic reasons for the reclassification

- ☒ This information is found in the Council Report dated 11 November 2014 and 28 July 2015 and in the Planning Proposal.

Council's ownership of the land

- ☒ This is confirmed in the Council Report dated 11 November 2014 and Certificates of Title.

The nature of Council's interest in the land

- ☒ As indicated, Council is the owner of the land. There are no current leases over the site. The land was resumed from the Coleman family "...for the purpose of the improvement and embellishment of the area." (Government Gazette of 28 November 1947). The purpose for resumption of the land is no longer valid as the uses are being transferred to the Lindfield Hub site on the western side of the Pacific Highway in Lindfield.

How and when and why Council's interest in the land was acquired

- ☒ The land was resumed from the Coleman family "...for the purpose of the improvement and embellishment of the area." (Government Gazette of 28 November 1947).

Any agreements over the land and the details thereof

- ☑ Any such information is included in the Planning Proposal. As noted in Section 2.2.2, interests over the land, now expired, include:
 - o AD632829 - A lease to Ku-ring-gai Youth Development Service over Lot 8 in DP 660564 which expired on 31 December 2008.

Based on information provided by Council and certificates of title for the lots, there are no other notifications or restrictions over the land.

Prospective change in land valuation: 259-271 Pacific Highway, Lindfield

- ☑ The type of financial benefit that could arise would occur if the land were then sold to another party. The proposed change in zoning and increase in allowable FSR would increase the value of the site that would be realised if the site were sold.

In view of the current rate of inflation of residential properties on the North Shore of Sydney since the Landmark White (P/L) advice was prepared, Council will seek to attain a revised land valuation report closer to the public exhibition of the planning proposal. Prior to the submission of this planning proposal for gateway determination, Landmark White (P/L) has provided Council with an broad preliminary estimated range of the potential value increase of the site under an amended FSR of 2.0:1:

"The range of potential values in the context of the current market, without the benefit of development cash flow modelling would be between \$4500/m² - \$5500/m².

This valuation range is also consistent with the potential site value Jones Lang Le Salle attributed to the site as part of their financial feasibility analysis of the preferred concept design for the site adopted by Council.

If the land is to be sold at a later date, Council have a policy, which clearly sets out the responsibilities and process of selling Council owned land. Council adopted the *Acquisition and Divestment of Land Policy* on 10 June 2014. The Policy states:

The acquisition and divestment of Land by Council requires a formal process that is underpinned by probity, due diligence, analysis of risk and other key issues. Land acquisitions and/or divestments undertaken by Council are crucial to the strategic provision of open space, operational and community benefits, and achieving planning objectives associated with the development, growth and revitalisation of the local centres.

Council commissioned the Lindfield Library Precinct – Valuation Report (Landmark White P/L). The Valuation Report formed a confidential attachment to the Officer Report to Council of 11 November 2014. The publicly available findings of this report are discussed on page 14 of the Council report.

As stated in the Council report of 11 November 2014 and 28 July 2015, the proceeds of the sales could be used in a number of ways:

- o *to address the asset renewal gap (funding shortfall) by returning the funds to reserves for expenditure on new assets or major asset refurbishment in accordance with the Long Term Financial Plan (LTFP) guiding principles (LTFP, page 4); or*
- o *to fund Council's co-contribution for projects identified in the Development Contributions Plan 2010. The LTFP proposes that asset sales from rationalisation of property assets commence in 2015/16 and continue over a 10 year period as Contribution Plan projects proceed (LTFP, page 23).*

Any decisions to sell or lease all or part of the land will require a separate resolution of council.

Asset Management objectives

- ☒ This information is included in the Council Report dated 11 November 2014.

Is there any agreement to sell or lease the land?

- ☒ There is no agreement to sell or lease the land at this stage. However, as a part of the ongoing interim management of 259-271 Pacific Highway, Council has commenced short term lease options for the existing buildings on site. Any future decision to deal in the land following reclassification would require a further report and formal resolution of Council.

Other relevant matters

- ☒ Please refer to the Planning Proposal.

Attach a copy of Practice Note PN 09-003

- ☒ See next page overleaf.

APPENDIX 6

Land Title Information

APPENDIX 7

Lindfield Library Precinct Urban Design Study, November 2015 - (SJB Architects)

APPENDIX 8

Phase 1 Environmental Site Assessment
