

Rezoning and reclassification of 3 Council owned sites - Amendment to the Ku-ring-gai Planning Scheme Ordinance (KPSO) 1971

Proposal Title :	Rezoning and reclassification of 3 Council owned sites - Amendment to the Ku-ring-gai Planning Scheme Ordinance (KPSO) 1971		
Proposal Summary :	The planning proposal seeks to rezone 21 Calga Street, Roseville Chase and 90 Babbage Road, Roseville Chase from Recreation Existing 6(a) to Residential 2(a) and to rezone 4 Binalong Street, West Pymble from Business 3(a)-(A3) to Residential 2(c). It also seeks to reclassify these three parcels of land from community to operational land. Ku-ring-gai Planning Scheme Ordinance 1971 will be amended to implement these changes.		
PP Number :	PP_2012_KURIN_003_00	Dop File No :	12/08999

Proposal Details

Date Planning Proposal Received :	21-May-2012	LGA covered :	Ku-Ring-Gai
Region :	Sydney Region West	RPA :	Ku-ring-gai Council
State Electorate :	DAVIDSON	Section of the Act :	55 - Planning Proposal
LEP Type :	Reclassification		

Location Details

Street :	21 Calga Street		
Suburb :	Roseville Chase	City :	Ku-ring-gai
Land Parcel :		Postcode :	2069
Street :	90 Babbage Road		
Suburb :	Roseville Chase	City :	Ku-ring-gai
Land Parcel :		Postcode :	2069
Street :	4 Binalong Street		
Suburb :	West Pymble	City :	Ku-ring-gai
Land Parcel :		Postcode :	2073

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DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

Land Release Data

Growth Centre :	N/A	Release Area Name :	
Regional / Sub Regional Strategy :	Metro North subregion	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

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

If No, comment : **CODE OF CONDUCT**
At this point in time, to the best of the Regional Team's knowledge, this planning proposal is compliant with the Department of Planning and Infrastructure's Code of Practice in relation to communications and meetings with lobbyists.

POLITICAL DONATIONS DISCLOSURE STATEMENT

The political donation disclosure laws commenced on 1 October 2008. The legislation requires public disclosure of donations or gifts for certain circumstances relating to the planning system.

The disclosure requirements under the new legislation are triggered by the making of relevant planning applications and relevant public submissions on such applications.

The term relevant planning application means:

"A formal request to the Minister, a council or the Director General to initiate the making of an environmental planning instrument..."

Planning Circular PS08-009 specifies that a person who makes a public submission to the Minister or Director General is required to disclose all reportable political donations (if any).

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No disclosures were provided for this planning proposal.

Have there been meetings or communications with registered lobbyists? :

No

If Yes, comment :

Supporting notes

Internal Supporting Notes :

The LEP tracking system does not allow two types of planning proposal to be selected simultaneously - however, this proposal includes both rezoning and reclassification.

The planning proposal will enable Ku-ring-gai Council to dispose of three surplus sites.

External Supporting Notes :

BACKGROUND

Ku-ring-gai Council has identified the sites at 21 Calga Street, Roseville Chase, 90 Babbage Road, Roseville Chase and 4 Binalong Street, West Pymble which are currently owned by Council, as surplus. In order to pay for the redevelopment of the West Pymble Pool, Council resolved to rezone and reclassify these sites which will allow Council to sell the sites and use the funds generated from the sale of the sites to fund the construction of the West Pymble Pool.

Council proposes to subdivide 4 Binalong Street, West Pymble in such a way as to permit the creation of a building block of a minimum of 1095sqm with the balance forming a second lot. Following the reclassification and subdivision of 4 Binalong Street, West Pymble, Council has resolved to undertake the necessary action to reclassify the second lot (the balance of the subdivision) back to community land.

The Local Government Act allows for land to be classified as community land without the need for a new planning proposal/LEP amendment.

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment :

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

Is an explanation of provisions provided? Yes

Comment :

Appendix 4 of the planning proposal contains the proposed format of the LEP (including the map). It is recommended that the Gateway Determination require Council to revise the explanation in the planning proposal to include reference to the map that shows the proposed zoning.

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

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

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6.2 Reserving Land for Public Purposes
6.3 Site Specific Provisions
7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? Yes

c) Consistent with Standard Instrument (LEPs) Order 2006 : Yes

d) Which SEPPs have the RPA identified?

SEPP 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 (Building Sustainability Index: BASIX) 2004
SREP (Sydney Harbour Catchment) 2005

e) List any other
matters that need to
be considered :

SECTION 117 DIRECTIONS

1.1 BUSINESS AND INDUSTRIAL ZONES

Ku-ring-gai Council has identified that the planning proposal is inconsistent with this Direction in that it will reduce the total potential floor space area for employment uses and related public services in business zones. 4 Binalong Street, West Pymble is currently zoned 3(a)-(A3) Business-Retail Services. It is considered that this site is not suitable for commercial premises and it is located outside of the town centres which have been identified in Council's strategic planning studies and the retail hierarchy for the local government area. The draft Ku-ring-gai Local Environmental Plan (Local Centres) 2012 is currently on public exhibition and is expected to meet Council's commercial targets. Council's justification for the inconsistency is considered reasonable.

As such it is recommended that the Director General (or delegate) approve the inconsistency with this s117 Direction.

2.1 ENVIRONMENT PROTECTION ZONES

The planning proposal is considered to be consistent with this Direction as it will not reduce the existing and proposed environmental protection standards that will apply to the land.

3.1 RESIDENTIAL ZONES

It is considered that this planning proposal is consistent with this Direction as all three sites are located within existing residential suburbs, will utilise existing infrastructure and have appropriate access to services. The planning proposal will not reduce the area of land in Ku-ring-gai which is currently zoned for residential purposes.

3.4 INTEGRATING LAND USE AND TRANSPORT

Consultation will need to occur with public authorities, such as the State Transit Authority of NSW, to determine the capacity of the existing public infrastructure and whether the existing services are capable of supporting the reclassification and rezoning of the sites. However, all three sites are located within established residential areas that have existing public transport infrastructure in place. For this reason the planning proposal is considered consistent with this Direction.

4.1 ACID SULFATE SOILS

The planning proposal is consistent with this Direction as none of the three sites have been identified as being located in an area where there is a known occurrence of acid sulfate soils.

4.3 FLOOD PRONE LAND

The planning proposal is consistent with this Direction as the subject land has not been identified as being constrained by flooding issues. However, it is noted that 21 Calga Street, Roseville Chase contains a drainage line that may need to be relocated adjacent to the side boundary. Investigations will be required into whether or not an easement or overland flows are required to be accommodated. Council has recently exhibited a planning proposal to introduce biodiversity and riparian provisions into the Ku-ring-gai

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Planning Scheme Ordinance. Ku-ring-gai Council is also addressing the issues of biodiversity and riparian constraints as part of its Standard Instrument Local Environmental Plan process. The resultant provisions will also apply to this planning proposal and will become matters for consideration in the future development of these sites.

4.4 PLANNING FOR BUSHFIRE PROTECTION

This planning proposal requires development to have regard to bushfire hazard. 90 Babbage Road, Roseville Chase is identified as being bushfire prone land under Council's current bushfire prone land map. Following the Gateway Determination, Council will need to consult the Commissioner of the NSW Rural Fire Service (prior to community consultation). The planning proposal is considered consistent with this s117 Direction.

6.1 APPROVAL AND REFERRAL REQUIREMENTS

The planning proposal is consistent with this S117 Direction as it does not include provisions that require the concurrence, consultation or referral of future development applications to a Minister or Public Authority or identify development as designated development.

6.2 RESERVING LAND FOR PUBLIC PURPOSES

Although the Planning Proposal reduces reservations of land for public purposes, it does so on the basis of the proceeds from the sale of the Council land being allocated directly towards upgrades of Council's public aquatic facility. The inconsistency with this s117 Direction is considered justified as it is of minor significance. It is recommended that the Director General (or delegate) approve the inconsistency with this s117 Direction.

6.3 SITE SPECIFIC PROVISIONS

The objective of this s117 Direction is to discourage unnecessarily restrictive site specific planning controls. The planning proposal will permit residential development on the three sites. The planning proposal seeks to rezone the three sites to existing zones within the Ku-ring-gai Planning Scheme Ordinance 1971 without imposing any new development standards and is considered consistent with this Direction.

7.1 IMPLEMENTATION OF THE METRO STRATEGY

It is considered that the planning proposal is consistent with this Direction in that the development of the three sites will contribute to meeting the residential housing targets in the Metro Strategy.

Have inconsistencies with items a), b) and d) being adequately justified? Yes

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? Yes

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? Yes

Comment :

Council has proposed to consult the community during the preparation of this planning proposal, in accordance with the requirements specified in the Department's Guide to Preparing Local Environmental Plans and section 57 of the Environmental Planning and Assessment Act 1979. Council's proposal of a 28 day public exhibition period is supported.

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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 : **February 2013**

Comments in relation to Principal LEP : **It is anticipated that the Principal LEP will be forwarded to the Department of Planning and Infrastructure post public exhibition towards the end of December 2012.**

Assessment Criteria

Need for planning proposal : **The land to which the planning proposal relates is currently zoned either 6(a) Recreation Existing or 3(a)-(A3) Business-Retail Services which is considered restrictive and inconsistent with the objectives of the Environmental Planning and Assessment Act, 1979. It is considered appropriate for the zoning of the subject sites to be changed to enable the sites to be developed or used in an orderly and economic manner as determined by Council's strategic planning investigations.**

The properties are surplus to local government uses. Because the land is classified as community land, an amendment to the KPSO is needed to reclassify the land to operational to enable the sale of the land.

It is not considered necessary to require Council to incorporate this draft plan into the Principal LEP as the precise timing of the Principal LEP is not yet certain.

Furthermore, the funds from the future disposal of this land will enable Council to contribute towards the upgrading of its aquatic facility in a timely manner.

Such a delay (by requiring the plan to be incorporated into the Principal LEP) would impede the orderly, economic and rational use of the land considering that the sites are currently not achieving the highest and best use.

Consistency with strategic planning framework : **The planning proposal is consistent with the principles of both the Metropolitan Strategy and the draft North Subregional Strategy, as well as Council's Community Strategic Plan, the Ku-ring-gai Sustainability Vision 2008-2033 and Plans of Management for Ku-ring-gai's Parks.**

Environmental social economic impacts : **ENVIRONMENTAL
21 Calga Street, Roseville Chase**

This site has not been identified as an area of biodiversity significance, containing riparian corridors or as being bushfire prone.

Council commissioned Environmental Investigations Services to undertake a Phase 1 Environmental Site Assessment for the site. A site inspection did not identify any obvious sources of potential contamination apart from a potential fill mound in the north-west section of the site. Based on the assessment findings, the potential for significant, widespread soil and/or groundwater contamination at the site is considered to be low.

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90 Babbage Road, Roseville Chase

This site has been identified as an area of biodiversity significance and as being bushfire prone but not as containing riparian corridors.

Council commissioned Environmental Investigation Services (EIS) to undertake a Phase 1 Environmental Site Assessment for 90 Babbage Road, Roseville Chase. The assessment found no obvious on-site contamination sources and that the potential for significant, widespread soil and/or groundwater contamination at the site was low. EIS recommend further sampling and analysis of the site which would occur at development application stage.

4 Binalong Street, West Pymble

This site has been identified as an area of biodiversity significance but not as containing riparian corridors nor as being bushfire prone.

Council commissioned Environmental Investigation Services to undertake a Phase 1 Environmental Site Assessment for the site. Based on the assessment findings, the potential for significant, widespread soil and/or groundwater contamination at the site is considered to be low.

Council has recently exhibited a planning proposal to introduce biodiversity and riparian overlays along with associated provisions into the Ku-ring-gai Planning Scheme Ordinance. These provisions have since been incorporated into the draft Ku-ring-gai Local Environmental Plan 2012 which is with the Department for a Gateway Determination. These provisions will also apply to the subject sites and will become matters for consideration in any future development of the sites. Council has advised that investigation is required at development application stage in relation to threatened species.

ECONOMIC

The future disposal of the sites will allow additional funds to be directed towards the construction of a new indoor aquatic and leisure facility at West Pymble. This will provide a positive economic impact for the local community. Furthermore, the future residential development on the sites will provide construction jobs and also provide increased patronage to the local shops.

Additionally, the disposal of the sites will reduce ongoing management costs.

SOCIAL

The redevelopment of the West Pymble leisure and aquatic centre has significant social benefits for the community.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	6 Month	Delegation :	DG
Public Authority Consultation - 56(2)(d) :	Office of Environment and Heritage Transport for NSW NSW Rural Fire Service Transport for NSW - Roads and Maritime Services		

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Department of Planning and Infrastructure - Sydney Harbour Foreshore Authority

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
3 Council owned sites PP Covering Letter.pdf	Proposal Covering Letter	Yes
3 Council owned sites PP Planning Proposal.pdf	Proposal	Yes
3 Council owned sites Planning Proposal Proposed format of the LEP.pdf	Map	Yes
3 Council owned sites PP Appendix 1.pdf	Proposal	Yes
3 Council owned sites PP Appendix 2.pdf	Proposal	Yes
3 Council owned sites PP Appendix 3.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
 - 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
 - 6.2 Reserving Land for Public Purposes
 - 6.3 Site Specific Provisions
 - 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **It is recommended that the planning proposal proceed, subject to the following requirements:**

1. The Director General (or delegate) agrees that any inconsistency with Section 117 Direction 1.1 Business and Industrial Zones and Section 117 Direction 6.2 Reserving Land for Public Purposes is of a minor significance in terms of the Section 117 Direction and agrees that the planning proposal may proceed.

2. The planning proposal be exhibited for 28 days;

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3. Council revise the Explanation section in the planning proposal to include a reference to the map indicating the proposed zones (ie. the map in Appendix 4) and attach this map to the planning proposal;

4. Council note that the Director General is to be satisfied that the summary (the material to be exhibited) provides sufficient details for community consultation. Council is to be requested to provide this summary to the Director General as required under section 57(2) of the Environmental Planning and Assessment Act 1979;

5. Consultation is required with the Commissioner of the Rural Fire Service following receipt of a gateway determination under section 56 of the EP&A Act and prior to undertaking community consultation in satisfaction of section 57 of the EP&A Act.

6. Council consult with the following agencies:-
Office of Environment and Heritage
Transport for NSW
NSW Rural Fire Service
Transport for NSW - Roads and Maritime Services
Sydney Harbour Foreshore Authority

7. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not have any bearing on the need to conduct a hearing under the provisions of any other legislation (eg. Local Government Act 1993).

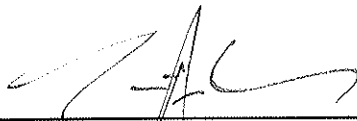
8. The timeframe for the making of the LEP is to be 6 months from the week following the Gateway Determination.

Supporting Reasons :

Ku-ring-gai Council has identified the sites at 21 Calga Street, Roseville Chase, 90 Babbage Road, Roseville Chase and 4 Binalong Street, West Pymble which are currently owned by Council, as surplus. The planning proposal will enable Council to sell the sites and use the funds generated from the sale of the sites to contribute towards the funding of the construction of the West Pymble aquatic centre.

To allow the planning proposal to proceed, it is recommended that the Director General (or his delegate) agree to the section 117 matters (above) for the reasons discussed in this report.

Signature:



Printed Name:

Tim Archer

Date:

25/5/2012

