

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

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;
 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

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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.

Panel Recommendation

Recommendation Date : 31-May-2012

Gateway Recommendation : Passed with Conditions

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. Council is to amend the 'explanation of provisions' section of the planning proposal to include a reference to the map indicating the proposed zone (i.e. the map shown in Appendix 4 of the planning proposal). Council is to provide the Department's Sydney Region West team with a copy of the revised planning proposal, prior to public exhibition.
2. In regards to S117 Direction 3.4 Integrating Land Use and Transport, Council are to consult with Transport for NSW – State Transit Authority and determine the capacity of the existing public infrastructure and whether the existing services are capable of supporting the reclassification and rezoning of the sites. Council needs to amend the planning proposal, if necessary, and take into account any comments made.
3. Council needs to amend the 'explanation of provisions' section of the planning proposal to include a reference to the map indicating the proposed zones (i.e. the map shown in Appendix 4 of the planning proposal). Further, Council needs to review the mapping to correct inconsistencies with those in the figures and those included in the proposed format at Appendix 4. In particular, Council needs to review:
 - the zoning of the site adjoining 90 Babbage Road, which is identified as Recreational in Figure 5 and Residential in Figure 8; and
 - the zoning of land at 4 Binalong Street, which does not appear to be the same area of land identified in Appendix 4 to that being rezoned in Figure 9.
4. As per the requirements of S117 Direction 4.4 Planning for Bushfire Protection, Council are to consult with the Commissioner of the NSW Rural Fire Service and, prior to undertaking community consultation, take into account any comments made and amend the planning proposal (if necessary) as per the requirements of the Local Planning Direction.
5. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for 28 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).
6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

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- Office of Environment and Heritage
- Transport for NSW – State Transit Authority
- NSW Rural Fire Service
- Transport for NSW - Roads and Maritime Services
- Department of Planning and Infrastructure - Sydney Harbour Foreshore Authority

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

7. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

8. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Signature: _____

Printed Name: _____

Date: _____