

Reclassification of 20-28 Culworth Avenue and 17 Marian Street, Killara from community to operational

Proposal Title :	Reclassification of 20-28 Culworth Avenue and 17 Marian Street, Killara from community to operational		
Proposal Summary :	The Planning Proposal seeks to reclassify Council owned land at 20-28 Culworth Avenue and 17 Marian Street, Killara from community to operational.		
PP Number :	PP_2013_KURIN_002_00	Dop File No :	13/12316

Proposal Details

Date Planning Proposal Received :	11-Jul-2013	LGA covered :	Ku-Ring-Gai
Region :	Sydney Region West	RPA :	Ku-ring-gai Council
State Electorate :	KU-RING-GAI	Section of the Act :	55 - Planning Proposal
LEP Type :	Reclassification		

Location Details

Street :	20-28 Culworth Avenue		
Suburb :	Killara	City :	Sydney
Land Parcel :	Lots 1-3 DP 119937, Lot 1 DP169841, Lot 6 Sec1 DP3694, Lot 1 DP359800 and Lot 2 DP932235		
Street :	17 Marian Street		
Suburb :	Killara	City :	Sydney
Land Parcel :		Postcode :	2071

DoP Planning Officer Contact Details

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Reclassification of 20-28 Culworth Avenue and 17 Marian Street, Killara from community to operational

Land Release Data

Growth Centre :		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) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0
The NSW Government Lobbyists Code of Conduct has been complied with : Yes			
If No, comment :			
Have there been meetings or communications with registered lobbyists? : No			
If Yes, comment : The regional team is not aware of any meetings or communication with registered lobbyists concerning this Planning Proposal.			

Supporting notes

Internal Supporting Notes :

External Supporting Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? **Yes**

Comment : **The Planning Proposal aims to reclassify 20-28 Culworth Avenue and 17 Marian Street, Killara from community land to operational land.**

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

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

Comment : **The Planning Proposal will amend the Ku-ring-gai Planning Scheme Ordinance Schedule 10 - classification and reclassification of public land as well as the amendment summary. If Draft Ku-ring-gai Local Environmental Plan 2013 (KLEP2013) is made prior to this planning proposal being finalised, then this Planning Proposal will instead amend KLEP2013.**

As part of the reclassification process, it is intended that the land be discharged from any trusts, estates, interests, dedications, conditions, restrictions or covenants affecting the land. Council records indicate that there are no easements, restrictions or unregistered interests that would need to be extinguished.

Reclassification of 20-28 Culworth Avenue and 17 Marian Street, Killara from community to operational

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

2.3 Heritage Conservation

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

6.1 Approval and Referral Requirements

6.2 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? **No**

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

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

SEPP (Infrastructure) 2007

SREP (Sydney Harbour Catchment) 2005

SEPP (Affordable Rental Housing) 2009

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

There are no inconsistencies with any SEPPs, deemed SEPPs or s117 Directions.

As the proposal is within a Heritage Conservation Area, consultation with the Office of Environment and Heritage is recommended.

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Figures 1 and 2 in the Planning Proposal are not clearly legible and should be amended prior to public exhibition.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

The Planning Proposal will be advertised in the main local newspaper. All documentation will be available at the Council Administration Centre and on Council's website. Notice will be sent to adjoining and affected land owners and a public hearing will be held.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Reclassification of 20-28 Culworth Avenue and 17 Marian Street, Killara from community to operational

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **December 2013**

Comments in
relation to Principal
LEP :

Ku-ring-gai Council has exhibited draft Ku-ring-gai Local Environmental Plan 2013 (KLEP 2013) to replace the Ku-ring-gai Planning Scheme Ordinance. Draft KLEP 2013 proposes to rezone the subject land part R4 - High Density Residential and part B1 - Neighbourhood Centre. Should Draft KLEP2013 be made prior to the finalisation of this planning proposal, it is intended that this Planning Proposal would become an amendment to KLEP2013.

Assessment Criteria

Need for planning
proposal :

The site is not used for the purposes for which it was originally acquired (civic buildings) and is no longer required for this purpose. Transport NSW is in the process of providing additional commuter car parking at Gordon and Lindfield so the current underutilised public car parking on site will also no longer be required.

Reclassification of the subject land would allow Council to sell an underutilised asset and provide funds for the purchase and development of Council buildings at 828 Pacific Highway, Gordon and related properties.

Consistency with
strategic planning
framework :

The planning proposal, in conjunction with KLEP2013 (which will rezone the site to part R4 High Density Residential and part B1 Neighbourhood Centre) will allow the site to be developed for residential and business development in an area highly accessible via public transport. This is consistent with the Draft Metropolitan Strategy for Sydney 2031.

The Planning Proposal is consistent with Council's Community Strategic Plan. The proposed reclassification will enable Council's assets to be managed effectively to meet community needs and standards within available resources.

Environmental social
economic impacts :

A social benefit will arise from reclassification of the site as it will enable scarce public funds to be utilised for purposes identified by Council. An economic benefit will arise in that it will facilitate the orderly and economic provision of Council facilities. Council acquired 828 Pacific Highway, Gordon for the purposes of a new administration building on the basis that it would be funded by the rationalisation of underutilised Council assets.

Assessment Process

Proposal type :	Consistent	Community Consultation Period :	28 Days
Timeframe to make LEP :	6 months	Delegation :	RPA
Public Authority Consultation - 56(2) (d) :	Office of Environment and Heritage Transport for NSW Transport for NSW - RailCorp Transport for NSW - Roads and Maritime Services		

Reclassification of 20-28 Culworth Avenue and 17 Marian Street, Killara from community to operational

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? **Yes**

If Yes, reasons : **The site is in proximity to Killara train station and is currently used as a public car park. Part of Council's justification for reclassification of the site for possible disposal is that in May 2013, the Minister for Transport announced that the NSW Government will build a car park with 240 additional spaces at Lindfield and more than 160 extra spaces at two locations in Gordon.**

Documents

Document File Name	DocumentType Name	Is Public
cover letter.pdf	Proposal Covering Letter	Yes
Planning Proposal.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
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 6.1 Approval and Referral Requirements
- 6.2 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 conditions:**

1. Prior to public exhibition the Planning Proposal is to be amended to ensure that Figures 1 and 2 are clearly legible;
2. The Planning Proposal is exhibited for 28 days;
3. Consultation with the following State Agencies take place during the public exhibition period:
 - Transport for NSW
 - Transport for NSW (Railcorp)
 - Roads and Maritime Services
 - Office of Environment and Heritage

Reclassification of 20-28 Culworth Avenue and 17 Marian Street, Killara from community to operational

Supporting Reasons :

4. The Planning Proposal should be completed in 6 months from the week following the date of the Gateway Determination; and
5. Delegation is to be given to Council to exercise the Minister's Plan making powers.

The Planning Proposal is supported as it will allow for the orderly and economic development of land given that the site is no longer required for its original or current use.

Council has indicated that it does not intend to use its delegations in case interests in the land are identified during the public exhibition process which would require the Governor's approval to extinguish. It is considered that Council should be given delegations in relation to this Planning Proposal as Council may forward the Plan to the Department to be made should the need arise.

Signature:



Printed Name:

SHAVE NUGENT

Date:

7/8/13