



PLANNING PROPOSAL

KU-RING-GAI LOCAL ENVIRONMENTAL PLAN (RECLASSIFICATION OF CERTAIN COUNCIL OWNED LAND) 2013

BEING AN AMENDMENT TO KU-RING-GAI PLANNING SCHEME ORDINANCE

PROPOSAL TO RECLASSIFY 20-28 CULWORTH AVENUE (INCLUDING 17 MARIAN STREET), KILLARA FROM COMMUNITY LAND TO OPERATIONAL LAND

July 2013

**Prepared for
Ku-ring-gai Council**

**By
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Table of Contents

1.	INTRODUCTION	1
1.1	Land to which the Planning Proposal applies	3
1.2	Planning Controls.....	4
1.2.1	Ku-ring-gai Planning Scheme Ordinance.....	4
1.2.2	Ku-ring-gai Local Environmental Plan No. 218	5
1.2.3	Draft Ku-ring-gai Local Environmental Plan 2013.....	6
1.3	Proposed Planning Controls	6
2.	PART 1 – OBJECTIVES OF THE PROPOSED LOCAL ENVIRONMENTAL PLAN	7
3.	PART 2 - EXPLANATION OF PROVISIONS	8
4.	PART 3 - JUSTIFICATION	9
4.1	Section A - Need for the Planning Proposal	9
4.2	Section B – Relationship to Strategic Planning Framework	9
4.3	Section C – Environmental, Social and Economic Impact	22
4.4	Section D – State and Commonwealth Interests	23
5.	PART 4 – COMMUNITY CONSULTATION.....	25
6.	RECLASSIFICATION OF PUBLIC LAND.....	26
6.1.1	A - Is the planning proposal the result of any strategic study or report?	26
6.1.2	B - Is the planning proposal consistent with the local council's community plan, or other local strategic plan?	26
6.1.3	C- If the provisions 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.....	26
6.1.4	D - The concurrence of the landowner, where the land is not owned by the relevant planning authority.....	26
7.	PROJECT TIMELINE	27

FIGURES

- Figure 1: Location Plan showing land to which the Planning Proposal relates, being Culworth Avenue Carpark and 17 Marian Street, Killara
- Figure 2: Extract from Zoning Map from Ku-ring-gai Planning Scheme Ordinance
- Figure 3: Extract from Heritage Conservation Map from KLEP 218
- Figure 4: Extract from Biodiversity Map from KLEP 218
- Figure 5: Extract from Zoning Map from Draft KLEP 2013

APPENDICES

- Appendix 1: Report to Council Meeting on 30th April 2013

1. INTRODUCTION

This Planning Proposal contains an explanation of the intended effect and justification for a proposed amendment to the Ku-ring-gai Planning Scheme Ordinance 1971 (KPSO). 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).

The Planning Proposal seeks an amendment to the KPSO to achieve the reclassification of the land known as 20-28 Culworth Avenue and 17 Marian Street, Killara (the site) from Community land to Operational land.

(Note in the event that the Draft Ku-ring-gai Local Environmental Plan 2013 is made, then this proposed Planning Proposal would change to being an amendment to the Draft Ku-ring-gai Local Environmental Plan 2013).

The site to which the Planning Proposal relates is shown in **Figure 1** following Section 7 of the Planning Proposal.

At the Ordinary meeting of Council on 30th April 2013 a report was tabled to Council recommending that Council prepare a Planning Proposal to reclassify a number of sites from Community land to Operational land. The report is provided in **Appendix 1**.

Council resolved (as amended at the Ordinary Meeting held on 14th May 2013) that:-

- "A. That a Planning Proposal be prepared, in accordance with section 55 of the *Environmental Planning and Assessment Act, 1979*, to reclassify and/or rezone the sites in the table below from Community land to Operational land either via an amendment the Ku-ring-gai Planning Scheme Ordinance (KPSO), draft Ku-ring-gai Principal Local Environmental Plan 2013 (if gazetted in the interim) or the Ku-ring-gai Local Centres LEP (2012) as appropriate:

Site	Property Address	Relevant Plan	Planning Action
1.	818 Pacific Highway, Gordon	KLEP (Local Centres) 2012	Initiate Planning Proposal to reclassify from Community land to Operational land
2.	2-4 Moree Street, Gordon	KLEP (Local centres) 2012	Initiate Planning Proposal to reclassify from Community land to Operational land
3.	Culworth Avenue Car Park, Killara	KPSO	Initiate Planning Proposal to reclassify from Community land to Operational land
4.	2A Park Avenue, Gordon	KLEP (Local Centres) 2012	Initiate Planning Proposal to reclassify from Community land to Operational land
5.	4 Park Avenue, Gordon	KLEP (Local Centres) 2012	Initiate Planning Proposal to reclassify from Community land to Operational land
6.	19 Hughes Place, East Lindfield	KPSO	Initiate Planning Proposal to reclassify from Community land to Operational land
7.	62 Pacific Highway, Roseville	KLEP (Local Centres)	Initiate Planning Proposal to reclassify from Community land to

Site	Property Address	Relevant Plan	Planning Action
		2012	Operational land
8.	27 Garrick Road, St Ives	KPSO	Initiate Planning Proposal to reclassify from Community land to Operational land and Rezone R2 Low Density Residential
9.	9 Eric Street, Wahroonga	KPSO	Initiate Planning Proposal to reclassify from Community land to Operational land and subdivide for sale as two lots
10.	56-58 Koola Avenue, East Killara	KPSO	Initiate Planning Proposal for reclassification and rezoning to R2 Low Density Residential
11.	97 Babbage Road, Roseville	KPSO	Initiate Planning Proposal to reclassify from Community land to Operational land and rezone to R2 Low Density Residential
12.	136A Morris Avenue/Junction Lane, Wahroonga	KPSO	Initiate Planning Proposal to reclassify from Community land to Operational land and rezone to R2 Low Density Residential
13.	Edith Street, Pymble (Between 74/76 Bannockburn Road)	KPSO	Initiate Planning Proposal to reclassify from Community land to Operational land
14.	57 Merrivale Road, Pymble	KPSO	Initiate Planning Proposal to reclassify from Community land to Operational land
15.	6A Peace Avenue, Pymble	KPSO	Initiate Planning Proposal to reclassify from Community land to Operational land
16.	77A Bradfield Road, West Lindfield	KPSO	Initiate Planning Proposal to reclassify from Community land to Operational land
17.	17 Marian Street, Killara	KPSO	Initiate Planning Proposal to reclassify from Community land to Operational land
18.	1186 Pacific Highway, Pymble	KLEP (Local Centres) 2012	Initiate Planning Proposal to reclassify from Community land to Operational land
19.	1186 Pacific Highway, Pymble	KLEP (Local Centres) 2012	Initiate Planning Proposal to reclassify from Community land to Operational land

- B. That Council undertake a public hearing under the provisions of the Local Government Act, 1993 for the proposed reclassification of the sites in Table 1 from Community land to Operational land.
- C. That where relevant, Council formally seeks to discharge all interests for the sites listed in Table 1.
- D. That the Planning Proposal(s) be submitted to the Department of Planning and Infrastructure for a Gateway Determination in

accordance with Section 56 of the Environmental Planning and Assessment Act, 1979.

- E. That upon receipt of a Gateway Determination(s), the exhibition and consultation process is carried out in accordance with the requirements of the Environmental Planning and Assessment Act, 1979 and with the Gateway Determination requirements.
- F. That a report be brought back to Council at the end of the exhibition and public hearing processes.
- G. That formal road closure application for the following sites be submitted to the Crown Lands Division, if required:
 - Edith Street, Pymble (Between 74/76 Bannockburn Road) Being Closed Road;
- H. That, upon issuance of the Certificates of Title from the Crown Lands Division the following land is classified as Operational Land:
 - Edith Street, Pymble (Between 74/76 Bannockburn Road) Being Closed Road;
- I. That, the General Manager be authorised to submitted a development application for subdivision of the lot into two building lots for the land known as 9 Eric Street, Wahroonga Being Lot 1 DP662194."

BBC Consulting Planners has been engaged by Ku-ring-gai Council to prepare Planning Proposals in relation to the above resolution.

As detailed in the resolution above, there are a number of properties that will be the subjects of Planning Proposals. The properties have been grouped for the purpose of preparing planning proposals.

In accordance with Section 55 of the EP&A Act, this Planning Proposal seeks to explain the intended effect of the proposed instrument and sets out the justification for making the proposed instrument. It addresses matters that are intended to be included in the Local Environmental Plan.

1.1 Land to which the Planning Proposal applies

The site is known as 20-28 Culworth Avenue, Killara and includes 17 Marian Street, Killara (see **Figure 1**). The site is legally known as:

Address	Lot Description	Lot Area as per DPs (m ²)	Date of Acquisition
20-28 Culworth Avenue and 17 Marian Street	Lot 1 DP 119937	2121.00	1957
	Lot 2 DP 119937	80.50	-
	Lot 3 DP 119937	297.60	-
	Lot 1 DP 169841	430.00	-
	Lot 6 Sec 1 DP3694	2,099.00	-
	Lot 1 DP 359800	1,796.00	1956
	Lot 2 DP 932235	1,542.00	1957

We are advised that the site was progressively acquired between 1956 and 1959 for the purpose of a new Civic Centre. Council resolved in 1965 to develop a temporary car park on the site and it is understood the car park was formalised and commenced use during 1966.

The site is irregular in shape and comprises a number of integrated lots which have a total area of 8,366.1 m². The site has a frontage to Lorne Avenue of 83 m², a frontage to Culworth Avenue of 103 m² and Marian Street of 24 m². Killara Train Station is adjacent to the east of the site, beyond Culworth Avenue.

The site accommodates approximately 204 parking spaces and operates as a 'pay and display' Council car park. The car park has 2 distinct areas – a larger area fronting Culworth Avenue and a smaller area of approximately 34 spaces fronting Marian Street. Weekday parking surveys undertaken by Council¹ have found that the parking spaces are underutilised with maximum occupancy around midday of 65%. Vehicular access and egress to the site is provided via Culworth Avenue.

The perimeters of the car park is planted with mature trees with further mature trees at isolated locations throughout the site. A *Phase 1 Environmental Site Assessment 20-28 Culworth Avenue and 17 Marian Street, Killara* prepared by C. M. Jewell & Associates Pty Ltd in June 2013 found that the site is subject to low risk of soil contamination arising from previous use.

We are advised that the site 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.

1.2 Planning Controls

1.2.1 Ku-ring-gai Planning Scheme Ordinance

Zoning

The site is currently zoned part 5(a) Special Uses (Mun Purp) and part 2(d) Residential under the KPSO. **Figure 2** shows the current zoning of the site. A discussion on the existing controls applying to the land to which this Planning Proposal relates is provided below.

Clause 23 - Development Control Table

The table to Clause 23 indicated that, in relation to the land within Zone 5(a) Special Uses 'A', the following development is permitted only with consent under the KPSO:

Demolition of a building or work (being demolition that is not exempt development). Development (other than exempt development) for the purpose of: utility installations other than generating works or gas holders; special events. The particular development indicated by scarlet lettering on the scheme map.

Development for "Mun Purp" (Municipal Purpose) is indicated on the KPSO map. Any other development, other than exempt development, is prohibited in Zone 5(a) Special Uses.

In relation to the land within Zone 2(d) Residential 'D', the following development is permitted only with consent under the KPSO:

¹ Surveys were undertaken in 2002, 2004 and 2013.

Demolition of a building or work (being demolition that is not exempt development). Development (other than exempt development) for the purpose of: boarding-houses; clubs; drainage; dwelling-houses; educational establishments; home occupations; hospitals; motels; open space; places of assembly; places of public worship; professional consulting rooms; residential flat buildings; roads; utility installations other than generating works or gas holders.

Exempt development referred to in clause 24 of this Ordinance and Schedule 1 of DCP 46 is permissible without consent and all other development is prohibited.

Floor Space Ratio (FSR)

KPSO does not specify a maximum FSR for the land zoned Special Uses 5(a). The FSR control for land within Zone 2(d) is 0.85:1 (Clause 60).

Height Controls

Land within Zone 2(d) is subject to a height control in the form of a maximum number of storeys in a building up to 3 storeys.

Heritage Provisions

The site is identified in Ku-ring-gai Local Environmental Plan No. 218 as being within Heritage Conservation Area C24 – “Marian Street Conservation Area” (discussed below).

Other Controls

Clause 43(6) concerns land within Zone 2(d) and states that:

A residential flat building shall not be erected in Zone No 2(d) -

(a) on any allotment which has an area of less than 1,208 square metres;

(b) on any rectangularly shaped allotment which has a width of less than 24.4 metres;

(c) on any irregularly shaped allotment, other than a hatchet-shaped allotment, which has a width of less than 24.4 metres at a distance of 12.2 metres from the street alignment;

(d) on any hatchet-shaped allotment which has a width of less than 24.4 metres at the building line, an area of less than 1,672 square metres exclusive of the area of the access corridor which shall have a width of not less than 6.1 metres;

(e) on any allotment, other than a hatchet-shaped allotment, having a frontage to a main road or county road which allotment has a width of less than 27.4 metres at a distance of 12.2 metres from the street alignment.

(f) to a height exceeding three storeys.

There is also a control on the size of parking spaces.

1.2.2 Ku-ring-gai Local Environmental Plan No. 218

As part of its overall strategic planning, Council has prepared an Interim Biodiversity and Heritage LEP (Ku-ring-gai Local Environmental Plan No. 218). This plan amends the KPSO to incorporate provisions for biodiversity and riparian land and heritage. KLEP No.218 was the gazetted on 5th July 2013.

The maps forming part of KLEP No. 218 identify the site as being part of a Heritage Conservation Area (**Figure 3**) and containing land of biodiversity significance (**Figure 4**).

The provisions of KLEP No 218 are the same as DKLEP 2013 discussed below.

1.2.3 Draft Ku-ring-gai Local Environmental Plan 2013

The Draft Ku-ring-gai Local Environmental Plan 2013 (DKLEP 2013) has been publically exhibited.

As shown on **Figure 5**, the site is proposed to be zoned part "B1 Neighbourhood Centre" and part "R4 High Density Residential" in the DKLEP 2013.

The DKLEP's proposed planning maps identify parts of the site as being areas of biodiversity significance. The proposed maps also identify the site as being in a Heritage Conservation Area. These are the same as The DLEP 2013

1.3 Proposed Planning Controls

The Planning Proposal will result in the following amendments to the KPSO:

- Amendment of Schedule 10 *Classification and reclassification of public land* by inserting in Part 2 of that Schedule:
 - Under Column 1, the word *Killara*;
 - Under Column 2, the following description *20-28 Culworth Avenue and 17 Marian Street, Killara - Lot 1 DP 119937, Lot 2 DP 119937, Lot 3 DP 119937, Lot 1 DP 169841, Lot 6 Sec 1 DP3694 and Lot 1 DP 359800*;
 - Under Column 3, the words *Nil*.
- Amendment of KPSO Amendment Summary by inserting under Item G – *The Amendment of Schedules*:
 - The amendment to Schedule 10 by inserting the matter relating to 20-28 Culworth Avenue and 17 Marian Street, Killara.
- Amendment of KPSO Amendment Summary by inserting under Item E – *The addition of Clauses*:
 - [insert clause No.] on commencement of LEP [insert reference no.], the land known as 20-28 Culworth Avenue and 17 Marian Street, Killara ceases to be public car park and the land is discharged from any trusts, estates, interests, dedications, conditions or restrictions and covenants affecting the land or any part of the land.

If the event that DKLEP 2013 is gazetted prior to this planning proposal being resolved to the point of gazettal, this planning proposal would relate to the amendment of the DKLEP 2013 and would result in the following amendment to the DKLEP 2013:

- Amendment of Schedule 4 *Classification and reclassification of public land* by inserting in Part 2 of that Schedule:
 - Under Column 1, the word *Killara*;
- Under Column 2, the following description *20-28 Culworth Avenue and 17 Marian Street, Killara - Lot 1 DP 119937, Lot 2 DP 119937, Lot 3 DP 119937, Lot 1 DP 169841, Lot 6 Sec 1 DP3694 and Lot 1 DP 359800*;
 - Under Column 3, the words *Nil*.

2. PART 1 – OBJECTIVES OF THE PROPOSED LOCAL ENVIRONMENTAL PLAN

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

A review of previous Council reports indicates that Council purchased the site between 1956 and 1959 for the purposes of former a civic centre including offices, baby health centre, library and community hall. However this project did not proceed with the Council at the time deciding to develop the site as a temporary public car park in about 1966.

The site is not being used for the purposes for which it was acquired.

Council purchased the former "SUN" building at 828 Pacific Highway for the purposes of a new administration building. The acquisition gives Council a significant strategic landholding on the west side of Gordon with frontage to the Pacific Highway, McIntyre Street and Dumaresq Street. This precinct will be master planned to provide a civic hub for community facilities, open space and Council's civic and administrative functions. The acquisition of 828 Pacific Highway was only made on the basis that it would be funded by the rationalisation of under-utilised Council assets. This principal was the basis of the Capital Expenditure Review prepared and submitted to the Division of Local Government in support of the acquisition.

It is also recognised that commuter car parking will be provided by Transport NSW in proximity of Gordon and Lindfield stations. In May 2013 the Minister for Transport announced that the NSW Government will build a car park with 240 additional spaces and a new Kiss and Ride zone and Lindfield and more than 160 additional spaces at two locations, upgrade of bus interchange and a Kiss and Ride zone at Gordon.

The reclassification of the Culworth Avenue Car Park to Operational land will provide Council with the flexibility required to respond to new development opportunities and provide a range of other facilities and services.

The coordinated and orderly use of land would be best facilitated by classifying the site as Operational land to enable Council to respond to new opportunities to implement planning strategies incorporated into the DKLEP 2013 including development opportunities close to public transport.

3. PART 2 - EXPLANATION OF PROVISIONS

This section sets out the means through which the objectives described in Part 1 will be achieved by means of amending the KPSO.

Ku-ring-gai Council supports the Planning Proposal for the reclassification of the 20-28 Culworth Avenue and 17 Marian Street from Community Land to Operational Land.

The Planning Proposal 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 Divestment of Land Policy, 2009*. 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 trusts, estates, interests, dedications, conditions or restrictions and covenants affecting the land or any part of the land.

4. 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.

4.1 Section A - Need for the 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 developing additional commuter car parking at Gordon and Lindfield which will contribute to meeting commuter parking needs in the LGA.

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

If the site retains its Community land classification it would limit the ability of Council to deal in the land and achieve its strategic objectives of the purchase and development of Council buildings at 828 Pacific Highway, Gordon and related properties.

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

Yes. Council resolved, at the Ordinary Meeting held on 30 April 2013, to prepare a Planning Proposal to reclassify the under-utilised Council assets from Community land to Operational land. The sale of the under-utilised land will fund the purchase and development of 828 Pacific Highway, Gordon and adjoining land for a civic hub for community facilities, open space and Council's civic and administrative functions.

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

The site is currently classified as Community land and therefore Council is not able to develop, sell, exchange or dispose of Community land under the provisions of the Local Government Act 1993.

Amending the KPSO (or DKLEP 2013 if it is gazetted beforehand) would be the only means of achieving the objectives of the Planning Proposal.

A planning proposal for the site is therefore considered appropriate.

4.2 Section B – Relationship to Strategic Planning Framework

1. 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. In December 2010 the NSW Government released the Metropolitan Plan for Sydney 2036. This Plan supersedes the 2005 Metropolitan Strategy – City of Cities: A Plan for Sydney's Future. Actions contained in the Plan focus on aligning subregional planning with the Metropolitan Plan and concentrating development around centres. The Metropolitan Plan contains a hierarchy for strategic and local centres.

The Draft Metropolitan Strategy for Sydney to 2031 was publically exhibited between 19th March 2013 and 26th June 2013. The draft strategy focuses on housing and jobs growth in

places across the city. It also aims to give people a choice of housing that is more affordable and enable them to work closer to where they live.

The draft strategy also looks to provide a city with high levels of accessibility and connectivity. It seeks to achieve this by ensuring transport integrates with land use by connecting centres of activity, matching patterns of development to transport capacity and providing a finer-grain network of connections. The Planning Proposal, in conjunction with the preparation of DKLEP 2013 will allow the site to be developed for residential and business development in an area that has excellent access to public transport.

The Planning Proposal is not inconsistent with the objectives and actions contained with the Metropolitan Plan or the Draft Metropolitan Strategy.

2. Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?

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

The Community Strategic Plan is based around the following principle activity areas that align with Council's Management Plan:

- Community Development;
- Urban environment;
- Natural environment;
- Planning and development;
- Civic leadership and corporate services;
- Financial sustainability.

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

Under the *Community Development* principle activity, the proposed reclassification 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 *Urban Environment* principle activity the proposed reclassification will assist in the aim that Council's assets are managed effectively to meet community needs and standards within available resources.

Under the *Natural Environment* principle activity 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 a car park and the reclassification and potential future development of the site has already been developed and will not in the major loss of any natural environment.

Under the *Planning and Development* principle activity the proposed reclassification will assist in ensuring that the urban areas will become more liveable and sustainable to State Government and community demands for the provision additional housing, greater housing choice and associated facilities.

Under the *Financial Sustainability* principle activity 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 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 Planning Proposal is not inconsistent with the objectives of the strategy.

3. Is the planning proposal consistent with applicable state environmental planning policies?

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

		Consistent
SEPP 19	Bushland in Urban Areas	✓
SEPP 32	Urban Consolidation	✓
SEPP 55	Remediation of Land	✓
SEPP 65	Design Quality of Residential Flat Development	✓
SEPP	(Housing for Seniors or People with a Disability) 2004	✓
SEPP	Building Sustainability Index: BASIX 2004	✓
SEPP	Infrastructure 2007	✓
SEPP	Affordable Rental Housing 2009	✓
SEPP	Sydney Harbour Catchment 2005	✓

The proposal's compliance and consistency with the above SEPPs would be determined during the assessment of any development application on any of the three sites.

4. 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.

s.117 Direction Title	Consistency of Planning Proposal
Business and Industrial Zones Objectives (1) The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres. Where this direction applies (2) This direction applies to all relevant planning authorities. When this direction applies (3) This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary). What a relevant planning authority must do if this direction applies (4) A planning proposal must: (a) give effect to the objectives of this direction, (b) retain the areas and locations of existing business and industrial zones, (c) not reduce the total potential floor space area for employment uses and related public services in business zones, (d) not reduce the total potential floor space area for industrial uses in industrial zones, and (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning. Consistency (5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are: (a) justified by a strategy which: (i) gives consideration to the objective of this direction, and (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and (iii) is approved by the Director-General of the Department of Planning, or (b) justified by a study (prepared in support of the planning proposal) which gives consideration to the objective of this direction, or (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or	Consistent. The Planning Proposal will allow the site to be redeveloped in a way that will encourage employment growth. The proposal is consistent with the DKLEP 2013, which zones part of the site B1 - Neighbourhood Centre.

s.117 Direction Title	Consistency of Planning Proposal
(d) of minor significance. Note: In this direction, "identified strategic centre" means a centre that has been identified as a strategic centre in a regional strategy, sub-regional strategy, or another strategy approved by the Director General.	
2.3 Heritage Conservation Objective (1) The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. Where this direction applies (2) This direction applies to all relevant planning authorities. When this direction applies (3) This direction applies when a relevant planning authority prepares a planning proposal. What a relevant planning authority must do if this direction applies (4) A planning proposal must contain provisions that facilitate the conservation of: (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area, (b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people. Consistency (5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that: (a) the environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land, or (b) the provisions of the planning proposal that are inconsistent are of minor significance. Note: In this direction: "conservation", "environmental heritage", "item", "place" and "relic" have the same meaning as in the Heritage Act 1977. "Aboriginal object", "Aboriginal area" and "Aboriginal place" have the same meaning as in the National Parks and Wildlife Act 1974. Heritage conservation is covered by a compulsory clause in the Standard Instrument (Local Environmental Plans) Order 2006. A LEP that adopts the Standard Instrument should identify such items, areas, objects or places of environmental heritage significance or indigenous heritage significance as	The Planning Proposal will not reduce the existing and Heritage Conservation standards that will apply to the land and is therefore consistent with the Local Planning Direction.

s.117 Direction Title	Consistency of Planning Proposal
are relevant to the terms of this direction on the Heritage Map and relevant Schedule of the LEP.	
3.1 Residential Zones Objectives (1) The objectives of this direction are: (a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) to minimise the impact of residential development on the environment and resource lands. Where this direction applies (2) This direction applies to all relevant planning authorities. When this direction applies (3) This direction applies when a relevant planning authority prepares a planning proposal that will affect land within: (a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary), (b) any other zone in which significant residential development is permitted or proposed to be permitted. What a relevant planning authority must do if this direction applies (4) A planning proposal must include provisions that encourage the provision of housing that will: (a) broaden the choice of building types and locations available in the housing market, and (b) make more efficient use of existing infrastructure and services, and (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and (d) be of good design. (5) A planning proposal must, in relation to land to which this direction applies: (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and (b) not contain provisions which will reduce the permissible residential density of land. Consistency (6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are: (a) justified by a strategy which: (i) gives consideration to the objective of this direction, and (ii) identifies the land which is the subject of the planning proposal (if the	Consistent. The site is located within existing residential suburb and will utilise existing infrastructure and have appropriate access to services. Killara Train Station is adjacent to the site. The proposal allows under-utilised developed land to be potentially used for residential development. The proposal is in keeping with the proposed DKLEP 2013, which zones part of the site R4 – High Density Residential.

s.117 Direction Title	Consistency of Planning Proposal
planning proposal relates to a particular site or sites), and (iii) is approved by the Director-General of the Department of Planning, or (b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or (d) of minor significance	
3.4 Integrating Land Use and Transport Objective (1) The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight. Where this direction applies (2) This direction applies to all relevant planning authorities. When this direction applies (3) This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes. What a relevant planning authority must do if this direction applies (4) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of: (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and (b) The Right Place for Business and Services – Planning Policy (DUAP 2001). Consistency (5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are: (a) justified by a strategy which: (i) gives consideration to the objective of this direction, and (ii) identifies the land which is the subject of the planning proposal (if the	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 established residential area that has excellent access to existing public transport infrastructure, being Killara Train Station.

s.117 Direction Title	Consistency of Planning Proposal
planning proposal relates to a particular site or sites), and (iii) is approved by the Director-General of the Department of Planning, or (b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or (d) of minor significance.	
4.1 Acid Sulfate Soils Objective (1) The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. Where this direction applies (2) This direction applies to all relevant planning authorities that are responsible for land having a probability of containing acid sulfate soils, as shown on Acid Sulfate Soils Planning Maps held by the Department of Planning. When this direction applies (3) This direction applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps. What a relevant planning authority must do if this direction applies (4) The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present. (5) When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with: (a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Director-General, or (b) such other provisions provided by the Director-General of the Department of Planning that are consistent with the Acid Sulfate Soils Planning Guidelines. (6) A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Director General prior to undertaking community consultation in satisfaction of section 57 of the Act. (7) Where provisions referred to under paragraph (5) of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions	Consistent in that the site is Acid Sulfate Soils Class 5 under the DKLEP 2013

s.117 Direction Title	Consistency of Planning Proposal
consistent with paragraph (5). Consistency (8) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are: (a) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or (b) of minor significance	
4.3 Flood Prone Land Objectives (1) The objectives of this direction are: (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land. Where this direction applies (2) This direction applies to all relevant planning authorities that are responsible for flood prone land within their LGA. When this direction applies (3) This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land. What a relevant planning authority must do if this direction applies (4) A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas). (5) A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone. (6) A planning proposal must not contain provisions that apply to the flood planning areas which: (a) permit development in floodway areas, (b) permit development that will result in significant flood impacts to other properties, (c) permit a significant increase in the development of that land, (d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or (e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas),	Consistent in that the site is not flood prone land.

s.117 Direction Title	Consistency of Planning Proposal
roads or exempt development. (7) A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General). (8) For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General). Consistency (9) A planning proposal may be inconsistent with this direction only if the relevant planning authority can satisfy the Director-General (or an officer of the Department nominated by the Director-General) that: (a) the planning proposal is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005, or (b) the provisions of the planning proposal that are inconsistent are of minor significance. Note: "flood planning area", "flood planning level", "flood prone land" and "floodway area" have the same meaning as in the Floodplain Development Manual 2005.	
4.4 Planning for Bushfire Protection Objectives (1) The objectives of this direction are: (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) to encourage sound management of bush fire prone areas. Where this direction applies (2) This direction applies to all local government areas in which the responsible Council is required to prepare a bush fire prone land map under section 146 of the Environmental Planning and Assessment Act 1979 (the EP&A Act), or, until such a map has been certified by the Commissioner of the NSW Rural Fire Service, a map referred to in Schedule 6 of that Act. When this direction applies (3) This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land. What a relevant planning authority must do if this direction applies (4) In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made,	Consistent. The site does not contain bush fire prone land.

s.117 Direction Title	Consistency of Planning Proposal
(5) A planning proposal must: (a) have regard to Planning for Bushfire Protection 2006, (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and (c) ensure that bushfire hazard reduction is not prohibited within the APZ. (6) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate: (a) provide an Asset Protection Zone (APZ) incorporating at a minimum: (i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and (ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road, (b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with, (c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks, (d) contain provisions for adequate water supply for fire fighting purposes, (e) minimise the perimeter of the area of land interfacing the hazard which may be developed, (f) introduce controls on the placement of combustible materials in the Inner Protection Area. Consistency (7) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the council has obtained written advice from the Commissioner of the NSW Rural Fire Service, to the effect that, notwithstanding the noncompliance, the NSW Rural Fire Service does not object to the progression of the planning proposal.	
6.1 Approval and Referral Requirements Objective (1) The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. Where this direction applies (2) This direction applies to all relevant planning authorities. When this direction applies (3) This direction applies when a relevant planning authority prepares a planning proposal. What a relevant planning authority must do if this direction applies (4) A planning proposal must: (a) minimise the inclusion of provisions that require the concurrence,	Consistent. The Planning Proposal does not include provisions that require the concurrence, consultation or referral of future DAs to a Minister or Public Authority.

s.117 Direction Title	Consistency of Planning Proposal
consultation or referral of development applications to a Minister or public authority, and (b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of: (i) the appropriate Minister or public authority, and (ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of section 57 of the Act, and (c) not identify development as designated development unless the relevant planning authority: (i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and (ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act. Consistency (5) A planning proposal must be substantially consistent with the terms of this direction. Note: In this direction "public authority" has the same meaning as section 4 of the Environmental Planning and Assessment Act 1979.	
6.2 Reserving land for public purposes Objectives (1) The objectives of this direction are: (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition. Where this direction applies (2) This direction applies to all relevant planning authorities. When this direction applies (3) This direction applies when a relevant planning authority prepares a planning proposal. What a relevant planning authority must do if this direction applies (4) A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General). (5) When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning proposal and the land would be required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991, the relevant planning authority must:	Consistent. Council is the relevant public authority.

s.117 Direction Title	Consistency of Planning Proposal
(a) reserve the land in accordance with the request, and (b) include the land in a zone appropriate to its intended future use or a zone advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), and (c) identify the relevant acquiring authority for the land. (6) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must: (a) include the requested provisions, or (b) take such other action as advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) with respect to the use of the land before it is acquired. (7) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request. Consistency (8) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that: (c) with respect to a request referred to in paragraph (7), that further information is required before appropriate planning controls for the land can be determined, or (d) the provisions of the planning proposal that are inconsistent with the terms of this direction are of minor significance. Note: Clause 12 of the EP&A Reg 2000 provides that a planning proposal for a proposed local environmental plan: (a) may not contain a provision reserving land for a purpose referred to in section 26 (1) (c) of the EP&A Act, and (b) may not contain a provision in respect of that reservation as required by section 27 of the EP&A Act, unless the public authority responsible for the acquisition of the land has notified the relevant planning authority of its concurrence to the inclusion of such a provision in the planning proposal. In this direction: "public authority" has the same meaning as section 4 of the EP&A Act. the use or reservation of land for a public purpose has the same meaning as in section 26(1)(c) of the EP&A Act.	
6.3 Site specific provisions Objective (1) The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. Where this direction applies (2) This direction applies to all relevant planning authorities. When this direction applies	Consistent. The proposal does not contain any restrictive site specific planning controls.

s.117 Direction Title	Consistency of Planning Proposal
(3) This direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out. What a relevant planning authority must do if this direction applies (4) A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either: (a) allow that land use to be carried out in the zone the land is situated on, or (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended. (5) A planning proposal must not contain or refer to drawings that show details of the development proposal. Consistency (6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are of minor significance.	
7.1 Implementation of the Metro Strategy	The potential development of the site for residential 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 detail on consistency with Ministerial Directions will be provided following the consultation with the relevant public and private authorities.

4.3 Section C – Environmental, Social and Economic Impact

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

KLEP No. 218 contains biodiversity and riparian overlays. While the site is not identified as a riparian corridor, part of the site is identified as having biodiversity significance. The biodiversity overlay indicates mature trees on central and northern parts of the site. This planning proposal to reclassify the land will not affect or remove the application of the biodiversity overlay.

2. 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, parts of the site have been identified as having biodiversity significance. The planning proposal for the reclassification of the site will not result in any additional environmental effects.

Any issues that may arise would be properly addressed during the assessment of any development application/s on the land.

Any redevelopment of the site consequential to action following this planning proposal would result in the loss of existing car parking spaces available to the public adjacent to Killara Railway Station. The implications of this in the light of proposals of Transport NSW to provide additional commuter parking at Lindfield and Gordon Railway Stations requires consideration.

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

Yes. The reclassification of the site will have social benefits for the community in that it enable the future development of land that is for uses consistent with its proposed zoning under DKLEP2013 enabling scarce public funds to be used for purposes identified by the Council including a new administration centre at Gordon.

In relation to economic effects, Council purchased the former "SUN" building at 828 Pacific Highway for the purposes of a new administration building. The acquisition of 828 Pacific Highway was made on the basis that it would be funded by the rationalisation of under-utilised Council assets. This principal was the basis of the Capital Expenditure Review prepared and submitted to the Division of Local Government in support of the acquisition. The Planning Proposal will enable a positive economic impact in facilitating the orderly and economic provision of Council facilities.

4.4 Section D – State and Commonwealth Interests

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

The proposal will 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.

2. 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:-

- NSW Department of Planning of Infrastructure;
- State Transit Authority of NSW;
- Roads and Maritime Services (formerly the RTA) NSW;
- Sydney Water Corporation;
- Energy Australia;
- NSW Department of Transport;

- Lifetime Care and Support Authority of NSW;
- NSW Department of Family and Community Services (Housing);
- NSW Department of Education and Communities;
- Ministry of Police;
- NSW Health Department; and
- Rail Corporation of NSW

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

5. PART 4 – COMMUNITY CONSULTATION

Extensive 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;
- undertaking consultation if required in accordance with requirements of a Ministerial Direction under section 117 of the EP&A Act and/or consultation that is required because, in the opinion of the Minister (or delegate), a State or Commonwealth public authority will be or may be adversely affected by the proposed LEP;
- 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.

6. 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:

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

Yes. As outlined in Section 4.1 of this Planning Proposal Council resolved, at the Ordinary Meeting held on 30th April 2013, to prepare a Planning Proposal to rezone and reclassify the underutilised land from Community land to Operational land.

6.1.2 B - 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:-

- Ku-ring-gai Council Community Strategic Plan 2030;
- Ku-ring-gai Sustainability Vision 2008-2033; and
- Ku-ring-gai Integrated Transport Strategy – July 2011.

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

6.1.3 C- If the provisions 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.

Available Council records suggest that there are no unregistered interests in 20-28 Culworth Avenue or 17 Marian Street that would need to be extinguished.

At the Ordinary Meeting held on 30th April 2013, Council resolved to formally seek to discharge all interests in these properties.

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

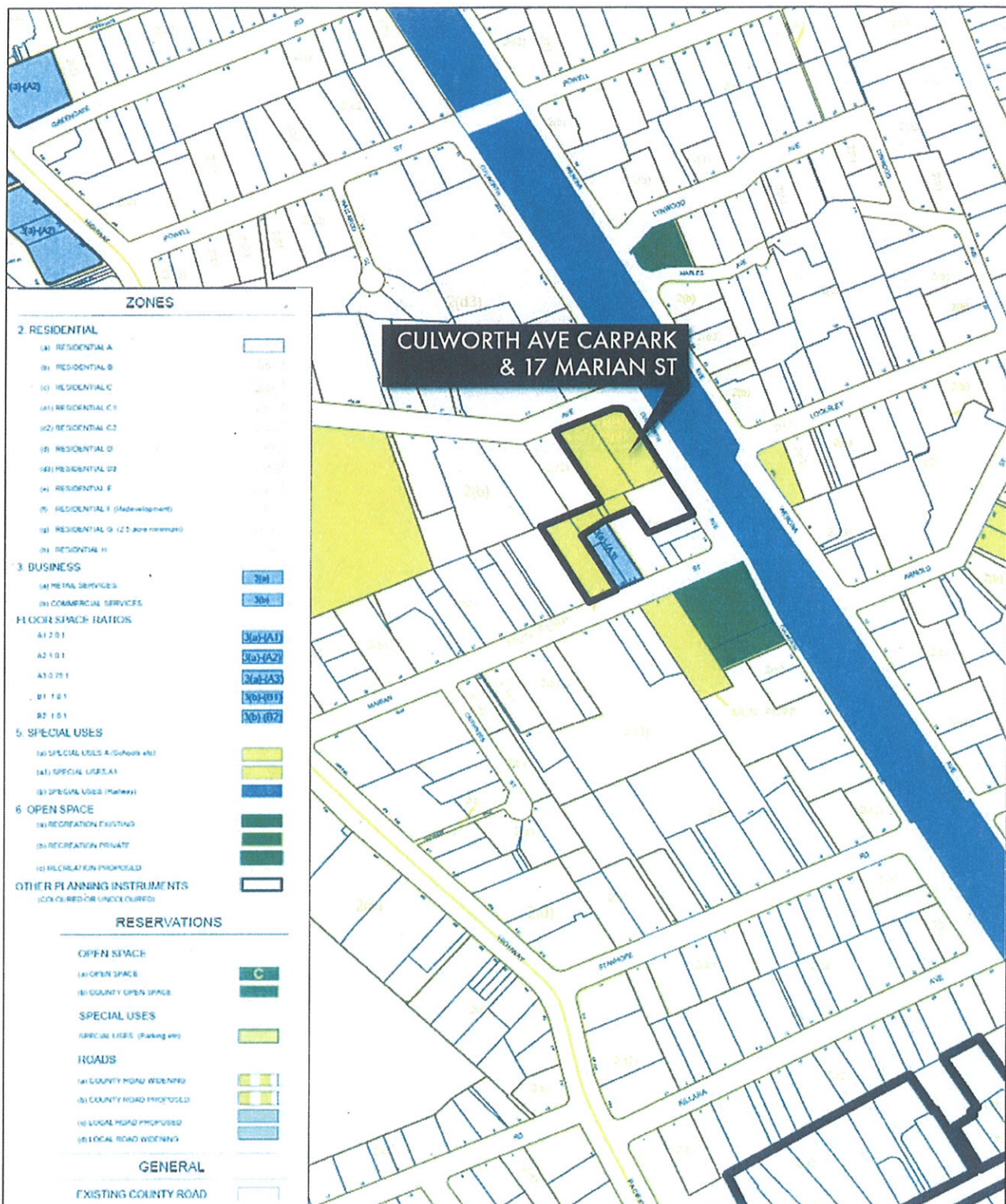
Council is the landowner of all three sites and has endorsed the Preparation of the Planning Proposal.

7. Project Timeline

It is anticipated that the Planning Proposal will take effect at the end of October 2013. The timeline for the progression of this Planning Proposal is indicated in the following table:

Stage	Timing
Anticipated commencement date (date of Gateway determination)	19 July 2013
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	16 August 2013 28 days - Run concurrently with exhibition period.
Commencement and completion dates for public exhibition period	30 August 2013 28 days exhibition - Plus notification and advertisement period.
Dates for public hearing	20 September 2013 28 days - Run concurrently with exhibition period.
Timeframe for consideration of submissions	18 October 2013 4 weeks for consideration
Timeframe for the consideration of a proposal post exhibition	1 November 2013 2 weeks for reporting
Legal drafting	13 December 2013 6 weeks
Anticipated date RPA will forward to the Department for notification.	By End January 2014

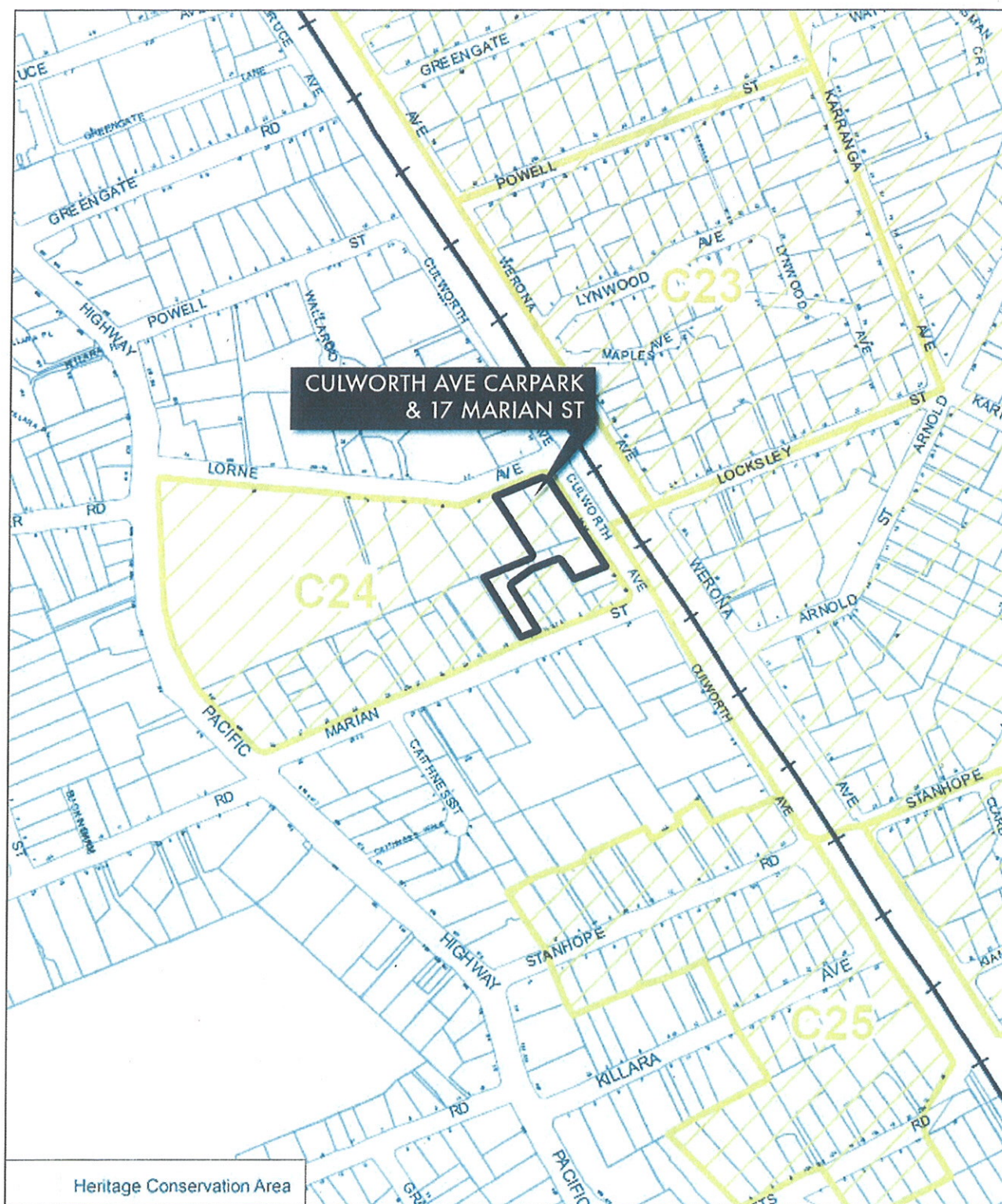
FIGURES



PLANNING PROPOSAL
Group 4, Culworth Ave Carpark & 17 Marian St, Killara

FIGURE 2
Zoning Map Extract - KPSO

Prepared For - Ku-ring-gai Council



PLANNING PROPOSAL

Group 4, Culworth Ave Carpark & 17 Marian St, Killara

FIGURE 3

Heritage Conservation Areas Map Extract - Ku-ring-gai LEP No.218

Prepared For - Ku-ring-gai Council



PLANNING PROPOSAL

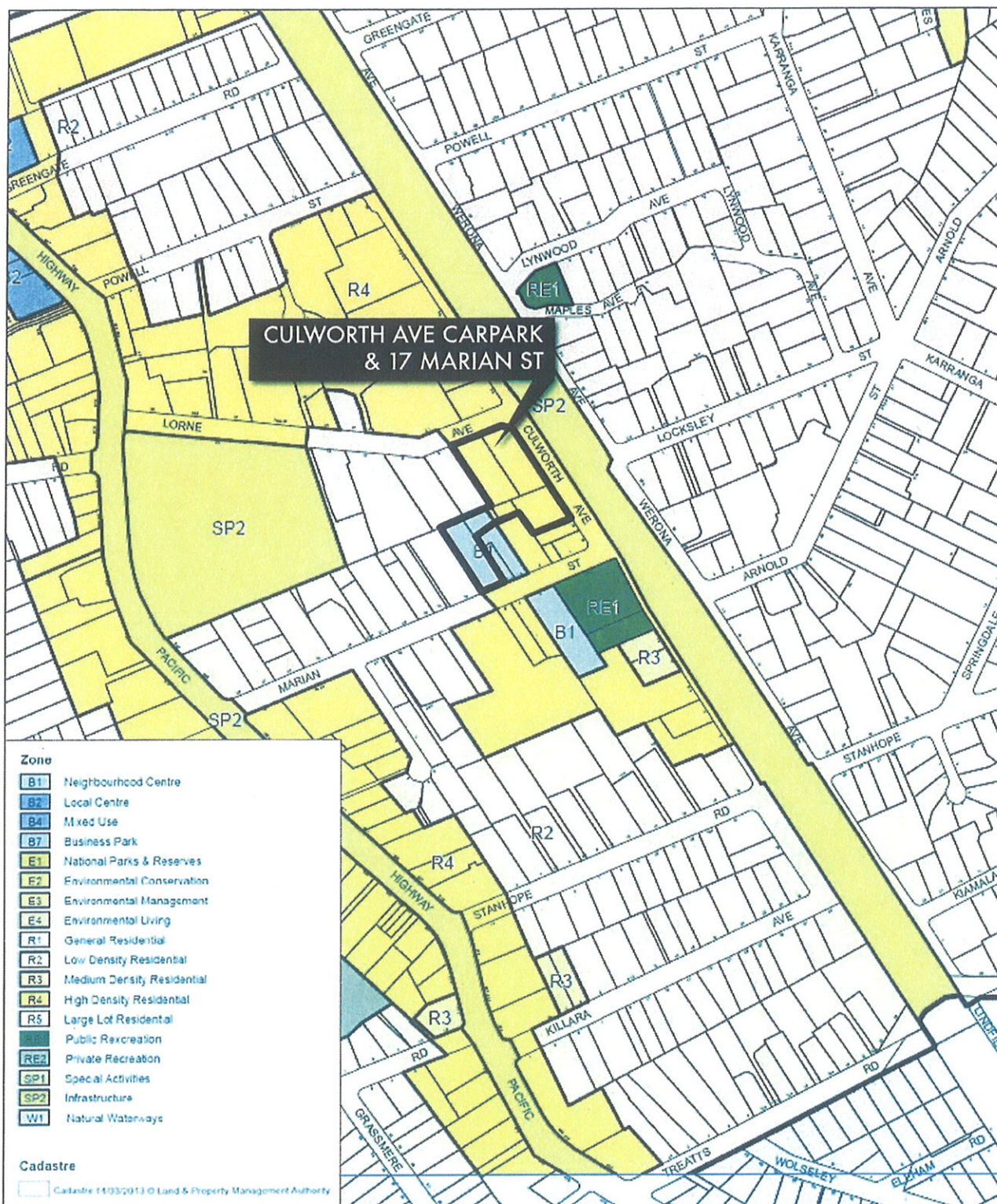
Group 4, Culworth Ave Carpark & 17 Marian St, Killara

FIGURE 4

Natural Resource Biodiversity Map Extract
Ku-ring-gai LEP No.218 & Draft Ku-ring-gai LEP 2013

Prepared For - Ku-ring-gai Council





PLANNING PROPOSAL
 Group 4, Culworth Ave Carpark & 17 Marian St, Killara

FIGURE 5
 Zoning Map Extract - Draft Ku-ring-gai LEP 2013

Prepared For - Ku-ring-gai Council

APPENDICES

APPENDIX 1

Report to Council Meeting

PLANNING PROPOSAL TO RECLASSIFY LAND FOR RELOCATION OF ADMINISTRATION SERVICES

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

Council purchased the former "SUN" building at 828 Pacific Highway for the purposes of a new administration building. The acquisition gives Council a significant strategic landholding on the west side of Gordon with frontage to the Pacific Highway, McIntyre Street and Dumaresq Street. This precinct will be master planned to provide a civic hub for community facilities, open space and Council's civic and administrative functions.

The acquisition of 828 Pacific Highway was only made on the basis that it would be funded by the rationalisation of under-utilised Council assets. This principal was the basis of the Capital Expenditure Review prepared and submitted to the Division of Local Government in support of the

acquisition.

BACKGROUND:

On 4 December 2012 Council settled on the purchase of 828 Pacific Highway after several years of negotiations. The acquisition was made by Council on the basis it would be fully funded from asset sales.

COMMENTS:

With the lead time of reclassification and/or rezoning as required, being in the order of 12-18 months, it is imperative that Council commences the statutory processes to enable disposal immediately.

RECOMMENDATION:

That Council prepares a Planning Proposal(s) to rezone and/or reclassify from community land to operational land and that a further report be brought back to Council following the reclassification process.

PURPOSE OF REPORT

Council purchased the former "SUN" building at 828 Pacific Highway for the purposes of a new administration building. The acquisition gives Council a significant strategic landholding on the west side of Gordon with frontage to the Pacific Highway, McIntyre Street and Dumaresq Street. This precinct will be master planned to provide a civic hub for community facilities, open space and Council's civic and administrative functions.

The acquisition of 828 Pacific Highway was only made on the basis that it would be funded by the rationalisation of under-utilised Council assets. This principal was the basis of the Capital Expenditure Review prepared and submitted to the Division of Local Government in support of the acquisition.

BACKGROUND

Council owned the freehold land at 828 Pacific Highway, Gordon. The land was however encumbered by a ground lease with an expiry date of 25 August 2090. Council sought to acquire the building and therefore extinguish the ground lease to regain freehold interest in the property.

On 4 December 2012, Council settled the purchase of 828 Pacific Highway after several years of negotiations. The acquisition was made by Council on the basis it would be fully funded from asset sales.

On 20 March 2012 Council resolved, in part:

That an open report be submitted to Council for the adoption of the following sites for the purpose of rezoning and reclassification (as appropriate) to Operational land status in a new Local Environmental Plan(s):

- 818 Pacific Highway, Gordon Being Lot 2 DP 786550
 - 9 Dumaresq Street, Gordon Being Lot A DP 355615
 - 15 Dumaresq Street, Gordon Being Lot C DP 3862839
 - 17 Dumaresq Street, Gordon Being Lot D DP 386283
 - 2 & 4 Moree Street, Gordon Being Lot 4 DP 3965 & Lot 5 DP 3965
 - Culworth Avenue Car Park Being Lot 6 Sec 1 DP 3694, Lot 1 DP 119937, Lot 2 DP 932235, Lot 1 DP 359800, Lot 1 DP 169841, Lot 2 DP 119937 and Lot 3 DP 119937
 - 2A Park Avenue, Gordon Being Lot 12 DP852087
 - 4 Park Avenue, Gordon Being Lot 11 DP852087
 - 9 Havilah Lane, Gordon Being Lot 21 DP713207
 - 19 Hughes Place, Lindfield Being Lot 23 DP28233
 - 62 Pacific Highway, Roseville Being Lot 2 DP202148
 - 27 Garrick Road, St Ives Being Lot 43 DP30335
 - 9 Eric Street, Wahroonga Being Lot 1 DP662194
 - 56-58 Koola Avenue, East Killara Being Lot 3 DP588630
 - 97 Babbage Road, Roseville Being Part Lot 47 DP13444
 - 136A Morris Avenue/Junction Lane, Wahroonga Being Lot 3 DP547626 & Lot A DP410082
 - Edith Street, Pymble (Between 74/76 Bannockburn Road) Being Closed Road
 - 57 Merrivale Road, Pymble Being Lot 2 DP252197
 - 6A Peace Avenue, Pymble Being Lot 2 DP202873
 - Kulgoa Road, Pymble (Adjoining No. 1) Being Lot 19 DP3666
 - 77A Bradfield Road, West Lindfield Being Lot 53 DP261073
 - 17 Marian Street Killara
- That a further report be brought back to Council detailing the potential future divestment of lands contained in this report with a further briefing to Councillors prior to consideration.

The full report to Council of 20 March 2012 is provided as **Confidential Attachment 1** with the exception of the risk assessment matrix which is referred to later in this report.

COMMENTS

Note: Table 1 below covers all the sites adopted by Council at its meeting of 20 March 2012. Some sites are no longer available for consideration for reclassification and divestment to fund the 828 Pacific Highway Acquisition.

4a Moree Street, acquired by Council shortly before it considered the report of 20 March 2012 has been added to the table insofar as there will be some residual land available for disposal with 2-4 Moree Street after provision is made for a through block link between Moree Street and St Johns Avenue.

The sites that are proposed for reclassification and or rezoning and disposal are listed in Table 1 below:

Table 1

Property Address	Relevant Plan	Zoning	Conditions/ Constrains	Notes	Recommendation
818 Pacific Highway, Gordon	KLEP (Local Centres) 2012	B2 Local Centre		For master planning	Reclassify for operational purposes only upon the building being vacated by Council. Not disposal.
9,15 and 17 Dumaresq Street, Gordon	KLEP (Local Centres) 2012	B2 Local Centre		For master planning only	No change
2-4 Moree Street, Gordon	KLEP (Local centres) 2012	B2 Local Centre	Location of road link through to St Johns Ave needs to be determined, designed and secured prior to disposal of balance.		Reclassify for disposal
4a Moree Street, Gordon	KLEP (Local Centres) 2012	B2 Local Centre	Location of road link through to St Johns Ave needs to be determined, designed and secured prior to disposal of balance.		Currently Operational. No change required.
Culworth Avenue Car Park, Killara	KPSO, currently part of Draft KLEP 2013	Residential 2(d3)/R4* (4 storeys)	Up to 100 underground spaces to be provided depending on feasibility and demand.	Excluding 17 Marian Street, which is listed separately.	Initiate Planning Proposal to reclassify. At the time of finalisation of draft PLEP consider removing 4 storey height restriction.
2A Park Avenue, Gordon	KLEP (Local Centres) 2012	R4 High Density Residential	Alternate location for Preschool or preschool to be retained on site in heritage		Reclassify for disposal with 4 Park Avenue, Gordon.

			building to be retained in any redevelopment of the site. Subject to negotiation		
4 Park Avenue, Gordon	KLEP (Local Centres) 2012	R4 High Density Residential	Alternate accommodation for Lifeline		Reclassify for disposal with 2 Park Avenue, Gordon.
9 Havilah Lane, Lindfield	KLEP (Local Centres) 2012	B2 Local Centre	Nil	Not available to fund 828 Pacific Highway Purchase	Subject to a separate reclassification process considered by Council 9 April 2013, min. 86.
19 Hughes Place, East Lindfield	KPSO, currently part of Draft KLEP 2013	Business B1 Neighbourhood Centre	Nil		Reclassify for disposal.
62 Pacific Highway, Roseville	KLEP (Local Centres) 2012	B2 Local Centre	Rear handle only.	Only one potential buyer.	Reclassify for subdivision and disposal of rear handle only. Roseville Memorial Park to be classified back to Community at completion of subdivision.
27 Garrick Road, St Ives	KPSO, currently part of Draft KLEP 2013	RE1 Public Recreation	Nil		Rezone R2 Low Density Residential and reclassify for disposal.
9 Eric Street, Wahroonga	KPSO, currently part of Draft KLEP 2013	R2 Low Density Residential	Lot 1 DP662194	Road Closure possibly required.	Reclassify if required and subdivide for sale as two lots
56-58 Koola Avenue, East Killara	KPSO, currently part of Draft KLEP 2013	Business B1 Neighbourhood Centre	1,568 m ² fronting Koola Ave only. Retention of part of the site for inclusion in a "community village green" to be investigated.		Initiate Planning Proposal for reclassification and rezoning to R2 Low Density Residential.
97 Babbage Road, Roseville	KPSO, currently part of	RE1 Public Recreation	Nil		Initiate Planning Proposal for reclassification

	Draft KLEP 2013				and rezoning to R2 Low Density Residential.
136A Morris Avenue/Junction Lane, Wahroonga	KPSO, currently part of Draft KLEP 2013	RE1 Public Recreation	Being Lot 3 DP547626 & Lot A DP410082 Lotencumbered with ROW. Sale to adjoining owners only.	Road Closure possibly required.	Rezone R2 Low Density Residential and reclassify for disposal.
Edith Street, Pymble (Between 74/76 Bannockburn Road)	KPSO, currently part of Draft KLEP 2013	RE1 Public Recreation	Dedicated road but records indicate it is closed. Two properties have access across land. Past actions of Council to be investigated.		Retain as R2 Low Density Residential post exhibition for disposal. May require reclassification.
57 Merrivale Road, Pymble	KPSO, currently part of Draft KLEP 2013	R2 Low Density Residential	Pymble Playgroup	For disposal as a going concern.	Initiate Planning Proposal for reclassification.
6A Peace Avenue, Pymble	KPSO, currently part of Draft KLEP 2013	R2 Low Density Residential	Lot 2 DP202873 Access lane potential to sell to adjoining owners only.		Initiate Planning Proposal for reclassification if required.
Kulgoa Road, Pymble (Adjoining No. 1)	KPSO, currently part of Draft KLEP 2013	E2 Environmental Conservation	Small 310m ² lot adjoining 1 Kulgoa Road and encroaches into the road reserve.		No further consideration.
77A Bradfield Road, West Lindfield	KPSO, currently part of Draft KLEP 2013	R2 Low Density Residential	Lot 53 DP261073 275m ² of vacant land between 2 residential properties. Potential to on sell to adjoining owners only. Currently provides access into LCNP.	Road Closure possibly required. Sale to adjoining owners only.	Initiate Planning Proposal for reclassification if required.
17 Marian Street, Killara	KPSO, currently part of Draft KLEP 2013	Business B1 Neighbourhood Centre	Nil		Initiate Planning Proposal for reclassification.

1186 Pacific Highway, Pymble	KLEP (Local Centres) 2012	R4 High Density Residential	Pymble Town – front portion		Initiate Planning Proposal for reclassification.
1186 Pacific Highway, Pymble	KLEP (Local Centres) 2012	R4 High Density Residential	Pymble Town – front rear		Initiate Planning Proposal for reclassification.

Throughout the process of preparing this report a number of other sites have been identified for investigation. A further report will be forthcoming in relation to these sites:

Table 2

Property Type	Address
Education - Childcare	261 Mona Vale Road, St Ives
Reserve - Drainage	drainage reserve at rear of 5 Crescent Close Warrawee
Reserve - Drainage	drainage reserve at rear of property, linked with 4-5 Crescent Close Warrawee
Lane - Public	portion of formed road reserve [pathway] adjoining residential premises – part of Monteith Lane
Lane - Public	portion of formed road reserve [pathway] adjoining residential premises – known as Brisbane Walk
Lane - Public	portion of formed road reserve [pathway] adjoining residential premises – part of Roland lane
Reserve - Drainage	A drainage easement that runs between Griffith Avenue and Calga Street, Roseville Chase, between 23 and 25 Griffith and 30 and 32 Calga. Lot 99 DP15524 know as 30A Calga Street
Public Pathway	Lot 5 DP512700 – rear of 28A Duff Street Turramurra
Public Pathway	Lot 3 DP505818 – rear portion of private property currently encroaching on Council land without permission - Linked with Cornwall Avenue
Reserve - Drainage	Lot 1 DP 1002698 - Drainage reserve between 32-34 Eastern Arterial Road Killara
Public Reserve	9 Dobell Place St Ives
Reserve - Drainage	Land between 96-100 Stanhope Road Killara

GOVERNANCE MATTERS

Council's charter under the *Local Government Act 1993* is fairly broad. A number of elements of the charter which could be taken as applying to the management and divestment of land are highlighted below:

8 The council's charter

(1) A council has the following charter:

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively
- to exercise community leadership
- to exercise its functions in a manner that is consistent with and actively promotes the principles of multiculturalism
- to promote and to provide and plan for the needs of children
- to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the

- principles of ecologically sustainable development*
 - to have regard to the long term and cumulative effects of its decisions*
 - to bear in mind that it is the custodian and trustee of public assets and to effectively plan for, account for and manage the assets for which it is responsible*
 - to engage in long-term strategic planning on behalf of the local community*
 - to exercise its functions in a manner that is consistent with and promotes social justice principles of equity, access, participation and rights*
 - to facilitate the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and co-ordination of local government*
 - to raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants*
 - to keep the local community and the State government (and through it, the wider community) informed about its activities*
 - to ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected*
 - to be a responsible employer.*
- (2) *A council, in the exercise of its functions, must pursue its charter but nothing in the charter or this section gives rise to, or can be taken into account in, any civil cause of action.*

A review of under-utilised assets, and the sale of some assets to fund the acquisition of other assets which are more relevant to the changing requirements of the community, is entirely consistent with Council's charter.

Council's adopted *Acquisition and Divestment of Land Policy, 2009* will guide the ultimate disposal of any assets which Council ultimately decides to divest. In relation to sites which require reclassification and/or rezoning prior to divestment, there are a number of "hold points" which require specific Council consideration to allow the statutory plan making process to continue, prior Council specifically resolving to divest the asset. This decision in particular cannot be delegated.

In January 2010, the Division of Local Government, Department of Premier and Cabinet released its final review report on the *Promoting Better Practice Program* in relation to Council. The report addresses a number of issues of Council's services, structure and facilities, and made the following observations about accommodation issues:

The quality of the working environment in the Ku-ring-gai Council Chambers and Customer Service Centre needs to be considered by the Council in its strategic planning. Some work areas appeared to be very crowded and staff amenities we observed were old and not of the standard one might expect to see in a modern office environment. The relocation of the Operations staff following completion of the depot in November 2009 may allow Council the opportunity to address this.

Further, in relation to reclassification and asset rationalisation, the DLG made the following observations:

Public Land Reclassification

The making of the new LEP will bring with it the need for Council to consider whether its current land holdings are appropriately classified. At the time of the review, the Council was engaged in community consultation to address this issue. Since 2005 this has been identified by staff and the Department of Planning as a priority.

RISK MANAGEMENT

The most significant risks associated with acquisition of 828 Pacific Highway arise with the failure to dispose of

sufficient assets in a timely manner to pay down borrowings. This leads to Council maintaining excessive levels of borrowings for extended periods of time. This will serve to limit Council's capacity to carry out other capital works projects included in the Long Term Financial Plan (LTFP) and to maintain existing service levels across all operational areas.

A comprehensive risk assessment was prepared as part of the decision making process leading to the purchase of 828 Pacific Highway (refer to **Attachment 2**). This risk assessment matrix was subsequently included in the Capital Expenditure Review (CER) for the project.

FINANCIAL CONSIDERATIONS

Council's current LTFP includes asset sales to discharge the borrowing for the acquisition of 828 Pacific Highway in the following years:

Table 3

Budget Year (\$'000)	2014/15 (\$'000)	2015/16 (\$'000)
	13,422	16,387

In accordance with the Division of Local Government's (the Division) Capital Expenditure Guidelines, December 2010 (Guidelines) Council prepared CER for the acquisition of 828 Pacific Highway. On 28 September 2012, the Division advised that Council had met its capital expenditure criteria. The CER was based on asset sales as set out in Table 3 above.

It is now estimated that the sale of these assets will not occur in the timeframe originally envisaged. The Long Term Financial Plan has been adjusted to defer the sale of assets for the period of 12 month, as shown in the following Table 4 below:

Table 4

	Original \$'000	Revised \$'000	Change \$'000
2014/15	\$12311		-\$12311
2015/16	\$15720	\$13422	-\$2298
2016/17		\$16387	\$16387
TOTAL	\$28031	\$29809	\$1778

The delay on assets sales means that the borrowings obtained to finance the building will be delayed in their repayment for a further year. This will have an extra interest cost of approximately \$1.77m as shown above. Totals sales required have been recalculated to preserve the principle that the purchase of the property will have no impact on other Council programs and services. This requires that the future surpluses from the project beyond the asset sales period remain the same. Sales will need to increase by an amount equivalent to the extra interest. It is considered that this revised sales value totalling \$29.8m is achievable given present valuations of the properties and improvement in market value due to later sale.

A revised Financial Analysis of the projects is attached to this report (Confidential **Attachment 3**)

With the lead time of reclassification and/or rezoning as required being in the order of 12-18 months, it is imperative that Council commences the statutory processes to enable disposal immediately.

SOCIAL CONSIDERATIONS

Council's *Community Strategic Plan 2030*, recognises the community's vision for Ku-ring-gai as a place with infrastructure and facilities that accommodate the needs of the community. The Plan further emphasises the desire for an adopted program for the implementation of new facilities, identified funding sources and a program to maintain Council's assets at a sustainable standard.

Numerous reports have been submitted to Council advising on the substandard condition of Chambers accommodation and investigation of potential property purchases to provide adequate and improved staff accommodation.

The relocation of Council's administration functions is identified and (part) funded in the 2011-2012 capital works budget, discussed in the General Manager's introduction to the *Delivery Program 2012-15* and *Operational Plan 2011-12*, and was specifically raised as an issue during the recent DLG Better Practice Review.

The benefits of improved accommodation extend to Councillors, staff and the community. Whilst the chance to Masterplan the entire Chambers site provides a range of opportunities to determine the types of services and spatial requirements to meet Council's current and long term needs.

ENVIRONMENTAL CONSIDERATIONS

The subject building is an existing office building and the proposed acquisition and the relocation of Council staff will not have any significant adverse environmental impacts.

COMMUNITY CONSULTATION

Community consultation is an inherent part of the reclassification and rezoning processes. Statutory consultation will be carried out as required.

There will also be the need for separate ongoing consultation with existing long standing Council tenants in a number of instances.

INTERNAL CONSULTATION

The GMD and Councillors have been briefed on this process throughout.

SUMMARY

Council owned land at 828 Pacific Highway, Gordon. The land was however encumbered by a ground lease with an expiry date of 25 August 2090. Council sought to acquire the building and therefore extinguish the ground lease and regain its freehold interest in the property.

On 4 December 2012, Council settled on the purchase of 828 Pacific Highway after several years of negotiations. The acquisition was made by Council on the basis it would be fully funded from asset sales.

With the lead time of reclassification and/or rezoning as required being in the order of 12-18 months, it is imperative that Council commences the statutory processes to enable disposal immediately.

RECOMMENDATION:

- A. That a Planning Proposal be prepared, in accordance with section 55 of the Environmental Planning and Assessment Act, 1979, to reclassify and/or rezone the sites in the table below from Community land to Operational land either via an amendment the Ku-ring-gai Planning Scheme Ordinance (KPSO), draft Ku-ring-gai Principal Local Environmental Plan 2013 (if gazetted in the interim) or the

Ku-ring-gai Local Centres LEP (2012) as appropriate:

Site	Property Address	Relevant Plan	Planning Action
1.	818 Pacific Highway, Gordon	KLEP (Local Centres) 2012	Initiate Planning Proposal to reclassify from Community land to Operational land
2.	2-4 Moree Street, Gordon	KLEP (Local centres) 2012	Initiate Planning Proposal to reclassify from Community land to Operational land
3.	Culworth Avenue Car Park, Killara	KPSO	Initiate Planning Proposal to reclassify from Community land to Operational land
4.	2A Park Avenue, Gordon	KLEP (Local Centres) 2012	Initiate Planning Proposal to reclassify from Community land to Operational land
5.	4 Park Avenue, Gordon	KLEP (Local Centres) 2012	Initiate Planning Proposal to reclassify from Community land to Operational land
6.	19 Hughes Place, East Lindfield	KPSO	Initiate Planning Proposal to reclassify from Community land to Operational land
7.	62 Pacific Highway, Roseville	KLEP (Local Centres) 2012	Initiate Planning Proposal to reclassify from Community land to Operational land
8.	27 Garrick Road, St Ives	KPSO	Initiate Planning Proposal to reclassify from Community land to Operational land and Rezone R2 Low Density Residential.
9.	9 Eric Street, Wahroonga	KPSO	Initiate Planning Proposal to reclassify from Community land to Operational land and subdivide for sale as two lots
10.	56-58 Koola Avenue, East Killara	KPSO	Initiate Planning Proposal for reclassification and rezoning to R2 Low Density Residential.
11.	97 Babbage Road, Roseville	KPSO	Initiate Planning Proposal to reclassify from Community land to Operational land and rezone to R2 Low Density Residential.
12.	136A Morris Avenue/Junction Lane, Wahroonga	KPSO	Initiate Planning Proposal to reclassify from Community land to Operational land and rezone to R2 Low Density Residential.
13.	Edith Street, Pymble (Between 74/76 Bannockburn Road)	KPSO	Initiate Planning Proposal to reclassify from Community land to Operational land
14.	57 Merrivale Road, Pymble	KPSO	Initiate Planning Proposal to reclassify from Community land to Operational land
15.	6A Peace Avenue, Pymble	KPSO	Initiate Planning Proposal to reclassify from Community land to Operational land
16.	77A Bradfield Road, West Lindfield	KPSO	Initiate Planning Proposal to reclassify from Community land to Operational land
17.	17 Marian Street, Killara	KPSO	Initiate Planning Proposal to reclassify from Community land to Operational land
18.	1186 Pacific Highway, Pymble	KLEP (Local Centres) 2012	Initiate Planning Proposal to reclassify from Community land to Operational land
19.	1186 Pacific Highway, Pymble	KLEP (Local Centres) 2012	Initiate Planning Proposal to reclassify from Community land to Operational land

- B. That Council undertake a public hearing under the provisions of the *Local Government Act, 1993* for the proposed reclassification of the sites in Table 1 from Community land to Operational land.
- C. That where relevant, Council formally seeks to discharge all interests for the sites listed in Table 1.
- D. That the Planning Proposal(s) be submitted to the Department of Planning and Infrastructure for a Gateway Determination in accordance with Section 56 of the Environmental Planning and Assessment Act, 1979.
- E. That upon receipt of a Gateway Determination(s), the exhibition and consultation process is carried

out in accordance with the requirements of the *Environmental Planning and Assessment Act, 1979* and with the Gateway Determination requirements.

- F. That a report be brought back to Council at the end of the exhibition and public hearing processes.
- G. That formal road closure application for the following sites be submitted to the Crown Lands Division, if required:
- Edith Street, Pymble (Between 74/76 Bannockburn Road) Being Closed Road;
- H. That, upon issuance of the Certificates of Title from the Crown Lands Division the following land is classified as Operational Land:
- Edith Street, Pymble (Between 74/76 Bannockburn Road) Being Closed Road;
- I. That, the General Manager be authorised to submit a development application for subdivision of the lot into two building lots for the land known as 9 Eric Street, Wahroonga Being Lot 1 DP662194.

Deborah Silva
Manager Integrated
Planning, Property &
Assets

Andrew Watson
Director Strategy &
Environment

Attachments:	A1	Council report of 20 March 2012	<i>Confidential</i>
	A2 View	Risk Assessment	2013/094292
	A3	Financial analysis	<i>Confidential</i>

**APPENDIX NO: 2 - RISK
ASSESSMENT**

**ITEM
NO:GB.8**

Ref # Task or Activity	Risk Source	Risk Cause	Risk	Consequence	Likelihood	Pre Treatment/Initial Risk Score (Lowest Risk)	Existing Proposed Treatments/Control Measures	Consequence	Likelihood	Post Treatment/Control Risk Level (Residual Risk)
Strategic Value of site to Council & other strategic issues	Strategic Value of site to Council & other strategic issues	Strategic Value of site to Council & other strategic issues	- Lost opportunity to consolidate Council's assets base in line with Council Strategic Direction - Negative impact on staff morale of failure to secure suitable alternate accommodation in the short to medium term	- Minor - Major	- Unlikely - Unlikely	- Medium - 4 - Medium - 3	- Maintain open communication with building owner to determine property acquisition potential - Communication strategy developed and being deployed across the organisation in line with accommodation study - Cross organisational Champions engaged to work with accommodation study consultants - Major refurbishment to common areas implemented	- Minor - Major	- Unlikely - Unlikely	- Medium - 3 - Medium - 3
			Failure of the building to meet the accommodation requirements of current & future needs	Major	Unlikely	Medium - 3	- Premises has double capacity of existing administration building - Premises adjoins existing administration building and provides potential for site enlargement - Accommodation study being developed with findings and recommendations that can translate into any premises	Major	Unlikely	Low - 2
			Failure of decision to meet the direction of Community Strategic Plan	Major	Unlikely	Medium - 3	Relocation of Council's administration services identified in Delivery Program & Operational Plan - Capital Works Program 2011/2012	Major	Unlikely	Low - 2
			Community staff dissatisfaction with outcomes	Minor	Unlikely	Medium - 3	- Accommodation Relocation identified in Delivery Program & Operational Plan 2010/2011 - Detailed Community information/consultation to be undertaken during Masterplanning process	Minor	Unlikely	Medium - 3
Operational value to Council	Operational value to Council	Operational value to Council	- Opportunity to reduce resource usage and costs by acquiring property with improved environmental performance - Opportunity to reduce/eliminate significant upcoming and ongoing building maintenance costs of existing building - Opportunity to minimise impact on staff and services during any accommodation upgrade/deliverable due to close proximity of site to current accommodation	- Medium - Major - Major	- Unlikely - Unlikely - Unlikely	- Medium - 3 - Medium - 3 - Medium - 3	- Review of building services to be undertaken as part of due diligence - NABERS rating required as part of due diligence - Building condition and service assessment report to be undertaken as part of due diligence process - Plan for staged relocation of staff and services due to existing tenancies	- Medium - Major - Major	- Unlikely - Unlikely - Unlikely	- Medium - 3 - Medium - 3 - Medium - 3
Funding of purchase	Funding of purchase	Funding of purchase	Unable to secure decision from Council as to land development to fund purchase of building	Major	Unlikely	Medium - 3	- Council resolution to commence reclassification process obtained - Clearly articulate to community & stakeholders the purpose of reclassification - Reclassification to commence immediately - Reclassification LEP to be undertaken in accordance with legal and statutory requirements	Major	Unlikely	Medium - 3
			Loss of \$ from masterplan/high borrowing costs for capital acquisition	Major	Unlikely	Medium - 3	- Reclassification process to be prioritised - Land development to be completed no later than 2015/2016 - Formal land valuations of identified sites to be obtained	Major	Unlikely	Medium - 3
			Opportunity to consolidate and remove ambiguity around current ground lease arrangement	Major	Unlikely	Medium - 3	Acquisition will combine land and building under one tenure	Major	Unlikely	Medium - 3

Ref # Task or Activity	Risk Source	Risk Owner	Risk	Consequence	Likelihood	Risk Treatment/Control Measures (Residual Risk)	Residual Risk Level
	Special Task: Finance & Marketing (Sun Building)	Manager: Integrated Planning, Property and Assets	* Loss of \$ due to poor property market (leasing & sale)	Very High	Very High	* Land development to be closely monitored to ensure land developments occur within valuation range * Commercial agent engaged to manage commercial leasing * Commercial agent engaged to manage land sale process	Medium - 3
	SPECIAL Task: Finance & Marketing (Sun Building)	Manager: Integrated Planning, Property and Assets	* Reduced return on investment from hurried sale of properties funding acquisitions	Very High	Very High	* Ensure reallocation commences immediately * Obtain independent property consultancy advice on property market cycle to optimise timing of sale	Medium - 3
	SPECIAL Task: Finance & Marketing (Sun Building)	Manager: Integrated Planning, Property and Assets	* Negative reputational impact from divestment of community assets for purchase	Medium	Medium	* Clearly articulate to community & stakeholders the purpose of reallocation * Reallocate Sun LEP to be undertaken in accordance with legal and statutory requirements	Medium - 3
Negotiation & purchase of building	SPECIAL Task: Finance & Marketing (Sun Building)	Manager: Integrated Planning, Property and Assets	* Failure to secure approval to proceed with purchase due to non-compliance with LG Act and/or DGL requirements	Very High	Very High	* DGL Capital Expenditure Guidelines - December 2010 followed to ensure compliance with requirements * Ongoing discussion with key contacts in DGL to ensure no misunderstandings	Medium - 4
	COMMUNAL Governance	Manager: Integrated Planning, Property and Assets	* Failure to meet Councils Acquisition and Development of Land Policy 2008	Very High	Very High	* Develop Property Plan and engage Property Officer	Low - 2
	SPECIAL Task: Finance & Marketing (Sun Building)	Manager: Integrated Planning, Property and Assets	* Loss of \$ from failure to secure property for appropriate price	Very High	Very High	* Valuation undertaken * Council to consider and 'special value' attributed to property	Medium - 4
	SPECIAL Task: Finance & Marketing (Sun Building)	Manager: Integrated Planning, Property and Assets	* Loss of \$ from purchasing building with significant unidentified problems	Very High	Very High	* Building Assessment and Condition Reports required * Building Services & Equipment Report required * Hazardous Materials Inspection Report and Register required	Medium - 4
	SPECIAL Task: Finance & Marketing (Sun Building)	Manager: Integrated Planning, Property and Assets	* Payment of inflated price due to vendor knowledge of Councils	Very High	Very High	* Valuation undertaken * Report to Council on vendor's price expectations * Report to Council on any Special Value attributed to land	Medium - 4
Change management and physical relocation	SPECIAL Task: Finance & Marketing (Sun Building)	Manager: Integrated Planning, Property and Assets	* Failure to adequately consult with staff re significant changes to work environment & processes	Very High	Very High	* Staff consulted with throughout process and their ideas and requests integrated where ever possible	Low - 2
	SPECIAL Task: Finance & Marketing (Sun Building)	Manager: Integrated Planning, Property and Assets	* Failure to identify existing OH&S issues and action them as part of the relocation/redevelopment	Very High	Very High	* Staff Communication Plan developed * Staff to be consulted with throughout process and their ideas and requests integrated where ever possible to eliminate or limit risks identified	Medium - 4
	COMMUNAL Governance	Manager: Integrated Planning, Property and Assets	* Failure to adequately notify community of disruption to Council Services	Very High	Very High	* Need to prepare detailed community information and communication package to be delivered progressively over period leading up to the works being carried out	Medium - 3
	COMMUNAL Governance	Manager: Integrated Planning, Property and Assets	* Failure to conduct workplace inspection before handover to staff	Very High	Very High	* Conduct workplace assessment before handover back to staff	Medium - 3
	COMMUNAL Governance	Manager: Integrated Planning, Property and Assets	* Failure to amend emergency evacuation procedures and signage	Very High	Very High	* Establish internal relocation team from Building Services * Undertaken as part of staff relocation process	Medium - 3