



PLANNING PROPOSAL

KU-RING-GAI LOCAL ENVIRONMENTAL PLAN (RECLASSIFICATION OF CERTAIN COUNCIL OWNED LAND) 2014

BEING AN AMENDMENT TO KU-RING-GAI LOCAL ENVIRONMENTAL PLAN (LOCAL CENTRES) 2012

PROPOSAL TO RECLASSIFY FROM COMMUNITY LAND TO OPERATIONAL LAND:

818 PACIFIC HIGHWAY, GORDON

2-4 MOREE STREET, GORDON

62 PACIFIC HIGHWAY, ROSEVILLE

1186-1188 PACIFIC HIGHWAY, PYMBLE

FROM COMMUNITY LAND TO OPERATIONAL LAND

April 2014

Prepared By

Ku-ring-gai Council

And

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Executive Summary

The Planning Proposal seeks to amend *Ku-ring-gai Local Environment Plan (Local Centres) 2012 (KLEP 2012)* to reclassify the following lands from community land to operational land:

- 818 Pacific Highway, Gordon;
- 2-4 Moree Street, Gordon;
- 62 Pacific Highway, Roseville; and
- 1186-1188 Pacific Highway, Pymble.

The outcome of the reclassification and rezoning would be to create the capacity for Ku-ring-gai Council to better manage, to lease or to divest, these lands at some point in the future and subject to separate Council resolution for the purposes of supporting Council's asset renewal strategies including the funding of the Gordon Civic Hub.

Part One Objectives

Project Overview

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).

At the Ordinary meeting of Council on 30 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. This report is provided in **Appendix 1** and the resolution is provided in **Appendix 2**.

BBC Consulting Planners were engaged by Ku-ring-gai Council to prepare Planning Proposals in relation to the above resolution. Following feedback from the Department of Planning and Infrastructure, additional commentary and clarification has been included.

As detailed in the resolution in **Appendix 2**, there are a number of properties that will be the subjects of Planning Proposals. The properties have been grouped for the purpose of preparing these 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.

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

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

'Public land' is any land (including a public reserve) vested in, or under the control of, council.

Exceptions include roads, land to which the *Crown Lands Act 1989* applies, a common, or land to which the *Trustees of Schools of Arts Enabling Act 1902* applies.

'Community' land is generally open to the public, for example, parks, reserves or sports rounds.

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

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

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

What is Community Classified Land?

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

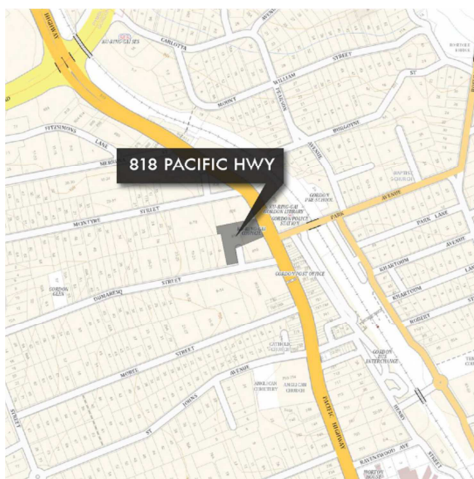
What is Operational Classified Land?

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

Land to which the Planning Proposal applies

This planning proposal relates to four sites. The location and base descriptions appear below. Additional maps including zoning and development controls and more detailed aerial photographs appear in **Part 4 Mapping**.

818 Pacific Highway Gordon



This site comprises Lot 2 in DP 786550 and has an area of 5,203 square metres. The site is L- shaped in configuration with frontages of 40.215 metres to the Pacific Highway and of 25.79 metres to Dumaresq Street, Gordon. This site also fronts Radford Place, Gordon.

The site comprises Ku-ring-gai Council Chambers and Administration Centre and associated

car parking which accommodates approximately 70 parking spaces. Vehicular access to the site is via Radford Place and Dumaresq Street. The main pedestrian entry is from Pacific Highway with rear access from the parking area off Radford Place.

Records indicate that the site was acquired by the Ku-ring-gai Council in 1927 for use as Council's Chambers building. The acquisition was funded by Council's general funds.

Ku-ring-gai Council Chambers was originally built on its current site in 1928, to the design of Neave and Berry, with other information stating that Hardy Wilson was the architect. The land at rear of the site was gradually purchased up until 1984. Rear additions to the Council Chambers were constructed in 1960 and 1983. The original Council Chambers fronting the Pacific Highway is identified as a heritage item under the KLEP 2012.

The 1960s and 1980s additions at the rear of the building are in a poor condition and are not functioning effectively as an administrative centre for staff or for the public. As noted in the *Council Chambers Site Plan of Management*, October 2009:

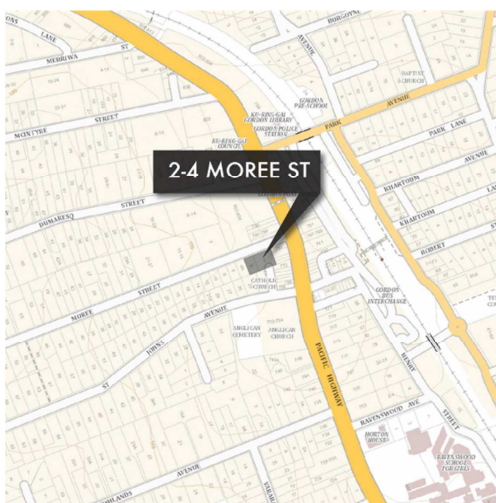
The existing site no longer provides adequate facilities for both Council administration or community functions and services as the demand for both these functions have grown beyond the capacity of the existing site.

A Right of Way of variable width and limited in height to RL 122.9m AHD runs north from Radford Place. The Right of Way is in favour of Lot 1 in DP786550, which comprises the former "SUN" building (828 Pacific Highway, Gordon) owned by Council.

The site benefits from easements for drainage.

In June 1994, Council resolved to classify the site as operational land in accordance with Clause 6(3) of Schedule 7 of the Local Government Act 1993. On the making of this resolution, the land was discharged from any trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, subject to the terms of the resolution. There is a lack of clarity as to whether the land was subsequently reclassified as community land. Consequently, this site is included in this planning proposal for the relief of any doubt.

2 - 4 Moree Street Gordon



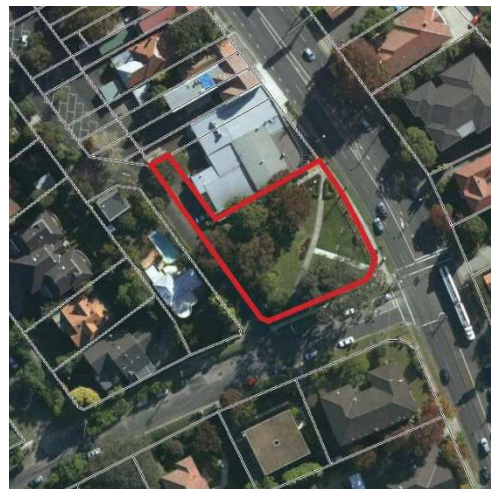
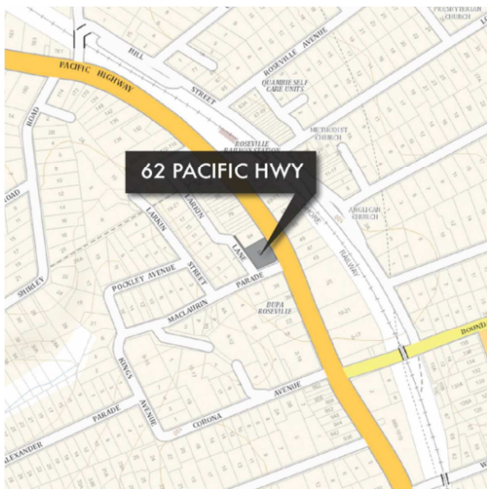
This site comprises Lots 4 and 5 in DP 3965. It is rectangular in shape and comprises two main elements, a Council car park (Lot 4) an area of 985m² and a lot of vacant land (Lot 5)

with an area of 499.6m². The site has a frontage of 50 metres to Moree Street, Gordon. Lot 4 is affected by an easement for drainage. Lot 6 being 4A Moree Street Gordon is

The car park accommodates 25 spaces and is accessed via Moree Street. It provides car parking for visitors to Gordon Shopping Centre. The car park is subject to Council's Car Parks Generic Plan of Management dated February 2009.

Ku-ring-gai Council owns both lots. Lot 4 was acquired in 1963 for extension of land and car parking purposes. The acquisition was funded from Council's general funds. Lot 5 was acquired in 1985 to extend the car park. The acquisition was funded by Council's Gordon Local Fund and Gordon Car Parking Trust Fund. This lot currently comprises vacant land.

62 Pacific Highway Roseville



The site comprises Lot 2 in DP 202148 and has an area of 1,732 square metres. The site is a battle axe shape and is situated on the corner of Pacific Highway and MacLaurin Parade, Roseville. The site has a frontage of 62 metres to Pacific Highway to the east, a frontage of 33 metres to MacLaurin Parade to the south and a frontage of 59 metres to the west to Larkin Lane.

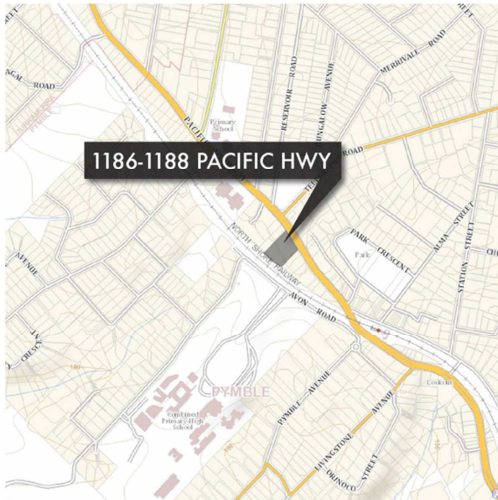
The site is known as "Memorial Park" and comprises recreational space which is mostly lawn with some trees and shrubs. The north western section of the site comprises a car park that provides 6 parking spaces located off Larkin Lane at the rear of the Roseville Memorial Club.

North of the site is Roseville Memorial Club.

The intention is to reclassify the site from community land to operational land to facilitate its subdivision and excise the parking area at the rear of the Roseville Memorial Club. The land containing the Memorial Park will then be reclassified back as community land and remain as a park.

The site was compulsorily purchased by the Ku-ring-gai Council in 1946 for the purpose of public open space.

1186 - 1188 Pacific Highway Pymble



The site comprises Lot 1 in DP 86583 and has an area of 5,356 square metres. The site has a frontage of 66 metres to Pacific Highway. The rear of the site abuts the North Shore and Western rail line. The site is owned by the Ku-ring-gai Council.

The site is subject to a restrictive covenant to the effect that:

The land hereby transferred shall not be used for any purpose other than for community or Municipal Council purposes and without limiting the generality of the foregoing community purposes shall include use of public health, recreation, enjoyment or other public purpose of the like nature or any use authorised by Part X111 of the Local Government Act.

The site contains Ku-ring-gai Town Hall and Pymble Presbytery Building, which are both currently used for storage purposes. A car park which accommodates 31 spaces is located to the rear of the site. Vehicular access to the site is provided via Pacific Highway. Pymble Station is within 600m of walk the site.

The Ku-ring-gai Town Hall, formally the 'Sacred Heart Roman Catholic Church', is a Spanish style design by the architectural company Hennessy and Hennessy and built in 1934 by Welch Brothers. Ku-ring-gai "Town Hall" is a community venue, with a capacity of up to 300 people. Although today, the site has potential for adaptive reuse in the future. It also has a separate meeting room.

The two-storey Presbytery building has a sandstone brick and stucco exterior, slate hipped roof with gabled front and wooden shingle detailing. The building has gothic style featured windows detailed by exposed brickwork, open tiled porch with timbered columns and sandstone foundations. The building contains seven (7) rooms (including kitchen) on the ground floor, and four (4) rooms upstairs and is available for lease for community purposes.

Both buildings are heritage items under the KLEP 2012. The site was purchased by Ku-ring-gai Council in 1989.

A search of Council records indicates that in June 1994, Council resolved to classify the site as operational land in accordance with Clause 6(3) of Schedule 7 of the Local Government Act 1993. On the making of this resolution, the land was discharged from any trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the

land, subject to the terms of the resolution.

There is uncertainty as to whether the land was subsequently reclassified as community land. Consequently this site is included in this planning proposal.

The sites to which the Planning Proposal relates are shown in **Land to which this Planning Proposal Applies** and, in more detail, in **Part 4 – Mapping**.

Existing Planning Controls

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

The table below details Council's existing planning controls contained within the Ku-ring-gai Local Environmental Plan (Local Centres) 2012 that apply to the land to which this Planning Proposal relates.

	818 Pacific Highway, Gordon	2-4 Moree Street, Gordon	62 Pacific Highway, Roseville	1186-1188 Pacific Highway, Pymble
Zoning	B2 Local Centres	B2 Local Centres	B2 Local Centres, RE1 Public Recreation and SP2 Infrastructure (Classified Road).	R4 High Density Residential
FSR (n:1)	3.0	2.5	2.0	0.5
Height of Building (m)	26.5	20.5	14.5	9.5
Riparian Land	No	No	No	No
Biodiversity	Contains areas for Biodiversity significance	No	No	No
Heritage	Ku-ring-gai Council Chambers is listed as a Heritage Item	No	No	Ku-ring-gai Town Hall is listed as a Heritage Item
Bushfire Prone Land	No	No	No	Yes

Part 4 – Mapping includes all relevant maps for the land affected by the Planning Proposal.

There are no draft planning controls that apply to the sites.

Ku-ring-gai Development Control Plan (Local Centres) 2013

This Ku-ring-gai Development Control Plan (Local Centres) 2013 applies to all of the sites. Volume B of this document provides guidance for the future development on land identified as urban precinct or site to meet the aims and objectives of the Ku-ring-gai Local Environmental Plan (Local Centres) 2012.

Objectives of the Proposed Local Environmental Plan

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

Council purchased the former “SUN” building at 828 Pacific Highway, Gordon for the purposes of a new Civic and Administration building. The acquisition gives Council a significant strategic landholding on the west side of Gordon with frontage to 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.

The reclassification of the sites to Operational land will provide Council with the flexibility required to respond to new development opportunities and provide a range of facilities and services that support community objectives as identified in the Ku-ring-gai Community Strategic Plan 2030 (CSP) and the Delivery Program 2013-2017 (DP) which are;

- *Revitalisation of our centres¹*
- *An improvement plan for Gordon Town Centre is being progressively implemented in collaboration with owners, businesses and state agencies²;*
- *A Master Plan is in place for a community hub within the Gordon Town Centre to accommodate cultural and arts activities and promote social interaction.³*

The coordinated and orderly use of land would be best facilitated by classifying the sites as Operational land to enable Council to respond to new opportunities to implement planning strategies contained in the KLEP 2012.

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

¹ Ku-ring-gai Council Our Community. Our Future Community Strategic Plan 2030 – Places Spaces & Infrastructure - Long Term Objective - P4 page 41

² Ku-ring-gai Council Our Community. Our Commitment Delivery Program 2013-2017 -- Places Spaces & Infrastructure - Term Achievement - page 40

³ Ku-ring-gai Council Our Community. Our Commitment Delivery Program 2013-2017 -- Places Spaces & Infrastructure – Critical Action page 40

Proposed Planning Controls

The Planning Proposal will result in the following amendments to the Ku-ring-gai Local Environmental Plan (Local Centres) 2012:

Amendment of Schedule 4 Classification and reclassification of public land by inserting the following in Part 2 of that Schedule:

Under Column 1 Locality:	Under Column 2 Description:	Under Column 3 Any trust etc not discharged:
<i>Gordon</i>	818 Pacific Highway, Gordon – Lot 2 in DP 786550	<i>Nil</i>
<i>Gordon</i>	2-4 Moree Street, Gordon - Lots 4 & 5 DP 3965	<i>Nil</i>
<i>Roseville</i>	62 Pacific Highway, Roseville –Lot 2 DP 202148	<i>Nil</i>
<i>Pymble</i>	1186-1188 Pacific Highway, Pymble - Lot 1 DP 86583	<i>Nil</i>

Ku-ring-gai Council supports the Planning Proposal for the reclassification of the sites from Community Land to Operational Land.

The reclassification of the sites 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.

Upon reclassification to operational land the sites 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* and relevant provisions of the *Local Government Act 1993*. The future divestment of the sites 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. Details of the sites proposed for reclassification and the proposed planning controls are set out in sections 1.1 and 1.3.

Part 3 – Justification

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

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

Section A - Need for the Planning Proposal

The sites are not used to capacity and their current use is not considered the highest or best use of the sites.

If the sites retain community land classifications they would limit the ability of Council to deal with the land and achieve its strategic objectives of the purchase and development of Council buildings at 828 Pacific Highway, Gordon and related properties.

Q1. 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. This principal was the basis of the Capital Expenditure Review prepared and submitted to the Division of Local Government in support of the acquisition.

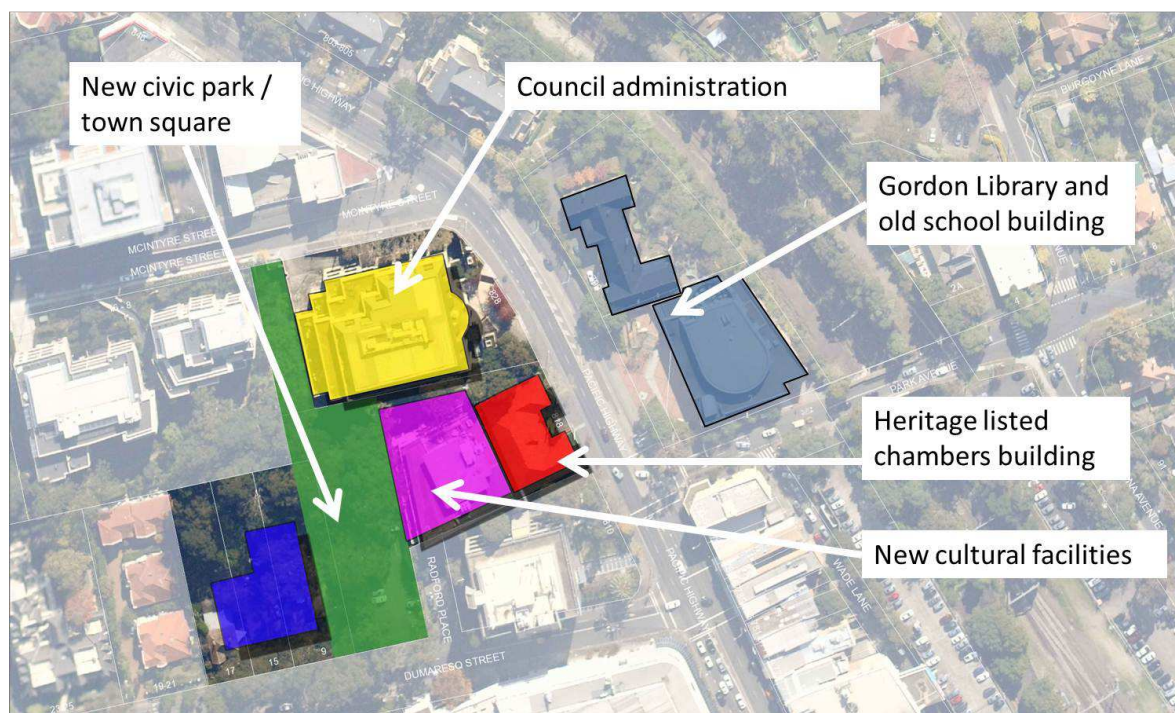
Draft Ku-ring-gai Community Facilities Strategy 2014 is an update of Ku-ring-gai Community Facilities Strategy 2009 and also builds on the findings of the Ku-ring-gai Council Library Facilities Study 2004, recent findings of the Lindfield Community Facilities Study 2014 as well as recent Council decisions and opportunities that have arisen relating to community facilities and land assets.

The purpose of the strategy is to consolidate an LGA wide strategy to provide an overarching framework to guide Council through all future policy and planning decisions relating to its provision of community facilities. The strategy provides high-level guidance on facility provision across the LGA and outlines a blueprint for future facility provision.

Ku-ring-gai Council is currently instigating the creation of a civic/cultural precinct in Gordon local centre; the new facility has the potential to integrate and include:

- Council Administration
- Council Chambers
- Civic and Cultural Centre including:
 - o A generous, open foyer space with Council customer service point and
 - o space for gathering and temporary displays
 - o Large hall/auditorium
 - o Gallery and exhibition space for permanent and temporary exhibitions
 - o Larger meeting/activity spaces
 - o Studios and workshop space
 - o Potential inclusion of retail space (e.g. a café)
 - o Connection to an outdoor public space (e.g. town plaza)
- Central Library (possibly)

The reclassification of the four properties is both directly and indirectly linked to the provision of these new community facilities in Gordon. As previously noted the sale of the land would help to fund the purchase of 828 Pacific Highway, Gordon which allows Council administration offices to move from the existing building at 818 Pacific Highway. This move frees up a large site at the rear of the heritage listed former chambers building that would be suitable for the provision of a new cultural centre. An indicative layout for the Gordon Civic Hub is illustrated overleaf.



Indicative layout of potential Gordon Civic Hub

The Ku-ring-gai Community Facilities Strategy provides a framework for the future provision of community facilities. It aims to assist Council to take an integrated, strategic approach to the planning and provision of community facilities and to deliver a network of facilities that collectively meet the needs of the Ku-ring-gai community into the future. This strategy provides Council with a blueprint for the future provision of community facilities across the Ku-ring-gai LGA. It will provide a long term and strategic direction that considers the needs of the whole LGA over the next 20 years.

The strategy includes analysis of existing facility provision, identification of gaps, and an analysis of population growth and change to determine future needs and community facility requirements. The study also involved consideration of key trends in community facility provision, development of guiding principles and a proposed hierarchy and standards for community facilities. These principles, hierarchy and standards were then applied to the Ku-ring-gai LGA context to formulate a strategy for community facility provision in the Ku-ring-gai LGA.

The Ku-ring-gai Community Facilities Strategy supports Council's proposal for a civic / cultural hub in Gordon. It finds that based on the existing Ku-ring-gai population, which is 109,146 people (and without taking into account future population growth), the data suggests there is a current and immediate need for a sub-regional level cultural facility to serve the LGA.

The study further notes:

"As the primary local centre in the LGA, Gordon is the most suitable location for this regional level facility. It offers opportunities for the co-location with other facilities in the local centre".

"A regional level cultural facility presents a more sustainable approach, with resources focused on the provision of a high quality, activated, purpose-built and managed facility with a range of offerings. Future planning works should consider the potential rationalisation of some facilities with suitable uses relocated to the proposed regional cultural facility in Gordon".

The strategy describes the potential character of the new civic hub as a place that:

- offers civic engagement, community pride and celebration
- is welcoming, inviting, accessible – a people place not bureaucratic
- provides good integration with outdoor/public/civic space
- is for community gathering, events, celebrations, performance
- is active, vibrant atmosphere

In summary, if the site were available for sale and redevelopment, which is not now possible under community land classification, this would provide opportunity for a higher order of benefits for the Ku-ring-gai community as a whole in the form of a site/location for a new cultural facility located in Gordon.

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

The sites are 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 Ku-ring-gai Local Environmental Plan (Local Centres) 2012 would be the only means of achieving the objectives of the Planning Proposal. A Planning Proposal for the sites is therefore considered appropriate.

Section B – Relationship to Strategic Planning Framework

Q3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Yes. The reclassification of the properties that are the subject of this planning proposal are part of a broader strategy to support the population and dwelling growth and demographic change in the Ku-ring-gai Local Government Area by the provision of civic, community and open space facilities in accessible locations. This strategy can only be achieved by strategic asset renewal and consolidation combined with the use of development contributions necessarily supplemented by the co-contributions required to comply with the rules of apportionment.

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 19 March 2013 and 26 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 zonings and controls of the KLEP 2012 will allow the sites, to be developed for business development or residential in areas that have existing access to public transport.

The relevant subregional strategy is the exhibited Draft Metropolitan Strategy for Sydney to 2031 (March 2013) and the North subregion thereunder.

The consistency of this Planning Proposal with the objectives and action contained in the Metropolitan Plan for Sydney 2026 are outlined in more detail below:

Balanced growth

Balanced growth includes the capacity to grow business, invest in infrastructure and revitalise our neighbourhoods including:-

- focussing urban renewal in areas that are close to transport hubs and corridors;
- strengthen and grow Sydney's many local, town and city centres.

The reclassification of these properties is part of an integrated funding mechanism for the provision of new community facilities within a civic hub to support the current and future growth that is underway in Ku-ring-gai.

818 Pacific Highway is required to be reclassified to enable the operational functions of the Council to be reconfigured utilising the adjoining property at 828 Pacific Highway Gordon, facilitating the demolition of the 1960s and 1980s additions at the rear of the heritage building which are rapidly reaching the end of their economic life, and supporting the development of a civic hub at Gordon – which is the main accessible commercial centre in Ku-ring-gai – including civic functions, cultural and community facilities and new parkland on the combined land holdings of Ku-ring-gai Council. The potential inclusion of leasable floor space to support the future operational costs of council is not inconsistent with this objective.

The reclassification and possible lease, adaptation or development or future divestment 1186-1188 Pacific Highway Pymble and 62 Pacific Highway Roseville and are required to financially support the strategy described above. The present community classification inhibits Council from utilising the site in a manner best suited to its objectives for asset renewal to support the needs of ratepayers currently and beyond the next generation.

2 and 4 Moree Street Gordon are currently used as an at-grade carpark and adjoin the recently acquired 4A Moree Street which was purchased for the purposes of additional car parking and is also affected by an identified future road link between Moree Street and St Johns Avenue, and is currently classified operational. The properties are centrally located in the heart of the Gordon commercial centre and, as such, an at-grade car park is not considered to be achieving the best result for ratepayers. The combined sites could provide for underground public carparking together with commercial activities above generating income that would facilitate a better rate of return for ratepayers while continuing to provide car parking. Whether this could be achieved by divestment, joint venture or other means of leveraging its asset value would be the subject of further consideration by Council as such time as it became necessary.

A liveable city

The chapter entitled 'a liveable city' sets out a vision to ensure Sydney is one of the most liveable cities in the world by:-

- creating socially inclusive places that encourage people to come together formally and informally and stimulate cultural and recreational activities;
- building confidence in centres all over Sydney to attract investment, through good design and urban renewal.

This planning proposal facilitates essential aspects of the delivery of a civic, cultural and community hub at Gordon. It may, additionally, directly facilitate additional commercial and residential development.

Productivity and prosperity

Productivity and prosperity supports:-

- Zoning land to enable productive uses in strategic locations.

As previously stated, Gordon is the major accessible commercial centre in Ku-ring-gai. Consolidation of the civic and cultural facilities on Council's collective land holdings in Gordon provides accessible facilities for all residents and supports continued business growth in this centre. The reclassification of these four properties is required to both practically and economically support this objective.

Healthy and resilient environment

This chapter supports environmental sustainability by encouraging:

- the efficient use of energy, water and resources;
- building resistance to natural hazards (recurring, costly, significant);
- minimising the impacts of climate change.

The current office space for Ku-ring-gai Council consists of 1960s and 1980s additions to the rear of a 1928 heritage listed building. These are at the end of their economic life and are in poor condition. They are environmentally inefficient, which makes them costly to run and impractical and uneconomic to retro-fit.

Over the past four years, Ku-ring-gai Council Chambers at 818 Pacific Highway Gordon has been extensively flooded as a result of heavy rain resulting in significant internal damage. Such extreme events are expected to become more frequent.

The purchase of 828 Pacific Highway Gordon enables fit-out to allow a Green Star rating substantially reducing on-going costs and enabling Ku-ring-gai to lead by example for other development in the area. Redevelopment of the rear of 818 Pacific Highway facilitates the delivery of a civic and cultural hub for the community.

The delivery of a civic and cultural hub in Ku-ring-gai with environmentally sustainable buildings will reduce the environmental footprint of Council's civic and cultural activities and reduce day-to-day maintenance and running costs. The reclassification and potential divestment of the four identified properties is an essential component of achieving this objective.

Accessibility and connectivity

This chapter supports the centralisation of civic and cultural facilities in an accessible location such as Gordon. There is no inconsistency with this aspect of the Metro Strategy.

Subregions – North

Ku-ring-gai is in the North Subregion. Gordon is located near the junction of the Pacific Highway and Lane Cove Road / Mona Vale Road which is part of the global economic corridor from Chatswood to Macquarie (Ryde). It is also served by the Northern Rail corridor. This accessible commercial centre is the appropriate place to co-locate civic, and district/LGA level cultural and community facilities.

Strategic Merit

As previously noted, the reclassification of the subject properties is a vital component part of a much broader strategy to provide a civic, cultural and community hub at Gordon.

Site Specific Merit

As previously outlined 818 Pacific Highway is directly affected by the delivery of the civic, cultural and community hub. Other properties involved in this delivery are already classified operation.

2-4 Moree Street Gordon, combined with 4A Moree Street has capacity to provide a better financial return to Council to support this delivery through a joint venture or other commercial arrangement or potential divestment. The present community classification of part of the site limits the capacity of Council to manage or leverage this asset to provide the best return for Ku-ring-gai's ratepayers.

1186-1888 Pacific Highway Gordon is a heritage building bequeathed to Council which is located in a small local centre, is relatively inaccessible compared to the main site in Gordon, and is by virtue of its design and age impractical for modern community use on any regular and sustained basis.

62 Pacific Highway Roseville is an L-shaped property part of which is Memorial Park and the rest of which is a handle at the rear of the RSL club. In the attached report to the OMC of 30 April 2013, Council's intention to dispose of the rear handle only and to revert Memorial Park to community classification is clearly stated. However the property cannot be subdivided while it remains community classified which precludes the severance and divestment of the rear handle of the property.

In conclusion, the Planning Proposal is not inconsistent with the objectives and actions contained with the Metropolitan Plan or the Draft Metropolitan Strategy and provides a mechanism to actively support the delivery of many these objectives and actions.

Q4. 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 sites are developed and in established urban areas and the reclassification and potential future development of the sites 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 sites to be put to alternative uses, should this be the decision of Council, 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.

Q5. Is the planning proposal consistent with applicable state environmental planning policies?

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

State Environmental Planning Policy	Consistency of Planning Proposal
SEPP 19 – Bushland in Urban Areas	Consistent. The land zonings and development standards are not proposed to change as a result of this Planning Proposal. The current LEP includes provisions for managing areas which contain urban Bushland.
SEPP 32 – Urban Consolidation	Consistent. The Planning Proposal facilitates urban consolidation by increasing the amount of land available for redevelopment in an existing urban area.
SEPP 55 – Remediation of Land	Consistent. The zoning and development standards are not changing as a result of this Planning Proposal. Any matters that arise at the time of the development of the sites will be a matter for the development assessment process.
SEPP 65 – Design Quality of Residential Flat Development	Consistent. In the event of a Development Application for a residential flat building on any of the subject sites, compliance with this SEPP will be assessed.
SEPP (Housing for Seniors or People with a Disability) 2004	Consistent. In the event of a Development Application for housing covered by this SEPP, on any of the subject

State Environmental Planning Policy	Consistency of Planning Proposal
	sites, compliance with this SEPP will be assessed.
SEPP Building Sustainability Index: BASIX 2004	Consistent. Compliance with BASIX is a requirement of all new development in Ku-ring-gai.
SEPP Infrastructure 2007	Consistent. The sites are within existing developed areas and are proposed for low density residential development. It is not anticipated that there will be a significant change in demand for infrastructure. The application of this SEPP in the delivery of the related Council infrastructure will be considered at the relevant time.
SEPP Affordable Rental Housing 2009	Consistent. In the event of a Development Application for housing covered by this SEPP, on any of the subject sites, compliance with this SEPP will be assessed. The provision of additional residential zones also assists with affordability by increasing the potential for supply.
SEPP Sydney Harbour Catchment 2005	Consistent. All Development is required to manage drainage and stormwater arising from the development at the time of the Development Application.

In summary, it is considered that the planning proposal for reclassification of these four sites is not inconsistent with any of the above SEPPs. Any further compliance and consistency with the above SEPPs necessarily related to a Development Application, will also be considered during the assessment of any development application on any of the four sites.

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

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

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	Consistent. The Planning Proposal will allow the sites to be redeveloped in a way that will encourage employment growth. The proposal is consistent with the KLEP 2012, which zones 818 Pacific Highway, 2-4 Moree Street, Gordon and part of 62 Pacific Highway B2 Local Centres.

s.117 Direction Title	Consistency of Planning Proposal
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 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	The Planning Proposal will not reduce the existing heritage value of the heritage items or land and is therefore consistent with the Local Planning Direction.

s.117 Direction Title	Consistency of Planning Proposal
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 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	Consistent. 1186-1188 Pacific Highway, Pymble is located within a residential zone and has access to existing infrastructure and services. Pymble Station is within 600m of walk the site. The planning proposal does not affect the permissible residential density of land. The proposal allows under-utilised developed land to be potentially used for alternative permissible uses.

s.117 Direction Title	Consistency of Planning Proposal
(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 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.	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.

s.117 Direction Title	Consistency of Planning Proposal
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 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:	Consistent.

s.117 Direction Title	Consistency of Planning Proposal
(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 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	Consistent. The sites are not considered as flood prone land in accordance with the flood plain development manual 2005 <i>Floodplain Development Manual</i>.

s.117 Direction Title	Consistency of Planning Proposal
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), 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	Consistent. The rear of 1186-1188 Pacific Highway, Pymble is identified as bushfire prone land. Consultation can occur following gateway determination. The planning proposal does not change development controls applying to the sites

s.117 Direction Title	Consistency of Planning Proposal
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, (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	Consistent. The Planning Proposal does not include provisions that

s.117 Direction Title	Consistency of Planning Proposal
(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, 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.	require the concurrence, consultation or referral of future DAs to a Minister or Public Authority.
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	Consistent. Council is the relevant public authority.

s.117 Direction Title	Consistency of Planning Proposal
(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: (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.	

s.117 Direction Title	Consistency of Planning Proposal
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 (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.	Consistent. The proposal does not contain any restrictive site specific planning controls.
7.1 Implementation of the Metro Strategy	The potential development of the sites 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.

Section C – Environmental, Social and Economic Impact

Q7. 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?

There is no identified critical habitat within or directly adjoining the LGA at this time. There are no threatened species, populations or ecological communities, or their habitats identified on the land subject to this planning proposal

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

The Ku-ring-gai Local Environmental Plan (Local Centres) 2012 contains riparian and biodiversity overlays. The sites are not identified as riparian lands. However, part of 818 Pacific Highway, Gordon is identified as having biodiversity significance. The biodiversity overlay indicates mature trees on central and eastern parts of the site. This Planning Proposal to reclassify the land will not affect or remove the application of the biodiversity overlay.

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

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

Social Effects – General

Yes. The reclassification of the sites will have social benefits for the community in that it enables the future development of land that is for uses consistent with its proposed zoning under KLEP 2012 enabling scarce public funds to be used for purposes identified by the Council including a new civic and administration centre at Gordon.

Social Effects Heritage

818 Pacific Highway Gordon

It is intended that the 1928 heritage building – which currently interfaces at the rear with the 1960s and 1980s additions – will be retained, restored and incorporated as an important part of the future community and civic precinct of 818-828 Pacific Highway Gordon. There is no change requested to the heritage status of this building as a result of this planning proposal.

1186-1188 Pacific Highway Pymble

There is no change requested to the heritage status of this building as a result of this planning proposal. It is envisaged that the heritage listing will be a matter for any future user of the site to consider as part of any future development application.

Economic Effects

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.

Section D – State and Commonwealth Interests

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

The proposal may 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 sites was not undertaken prior to submitting this Planning Proposal to the Department of Planning and Infrastructure. Consultation will need to be undertaken with public authorities.

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

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

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

- NSW Department of Planning and 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.

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

Part 4 - Mapping

Land the Subject of the Planning Proposal

Property Description Map for 818 Pacific Highway Gordon



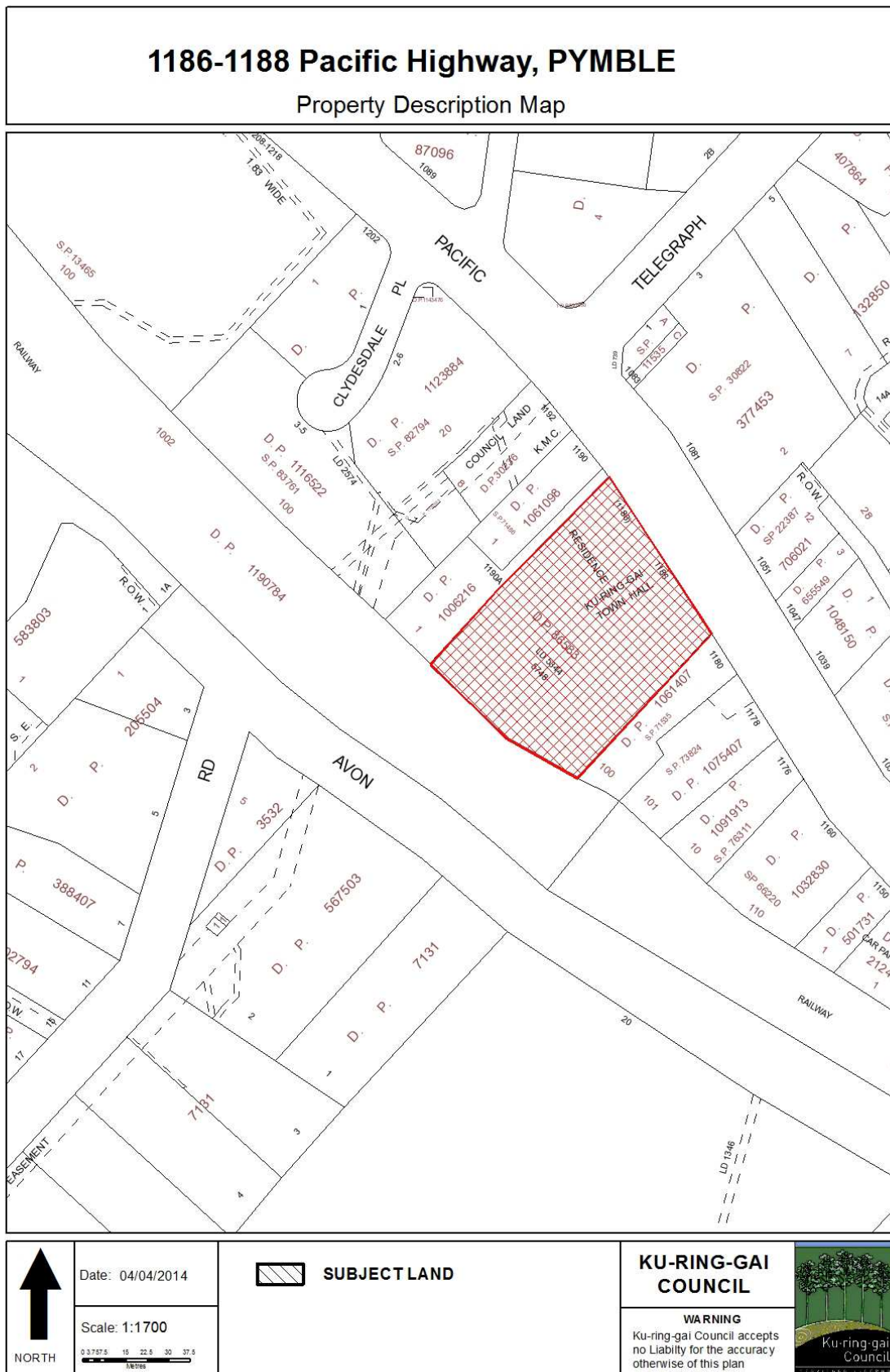
Property Description Map for 2-4 Moree Street Gordon



Property Description Map for 62 Pacific Highway Roseville

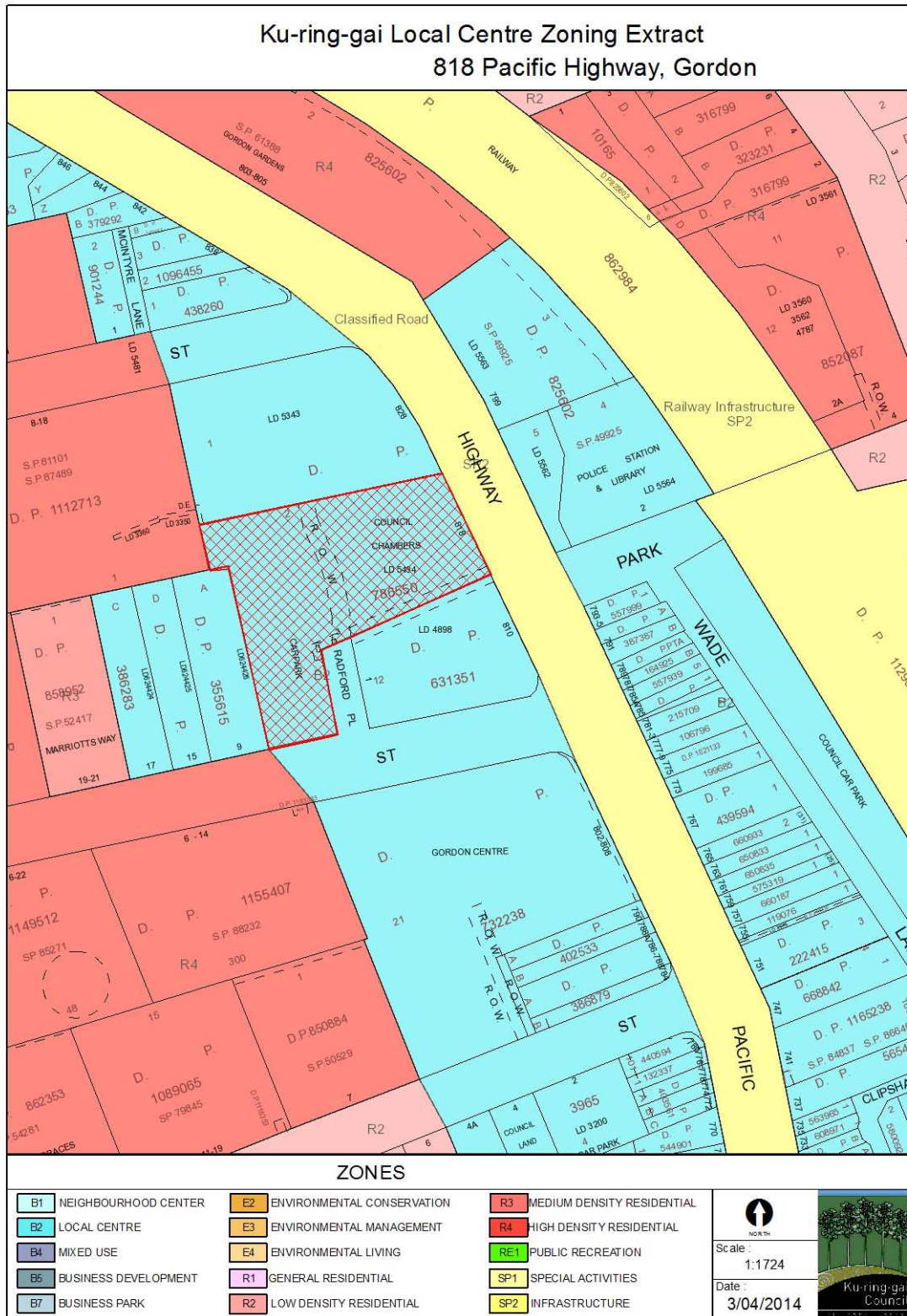


Property Description Map for 1186–1188 Pacific Highway Pymble

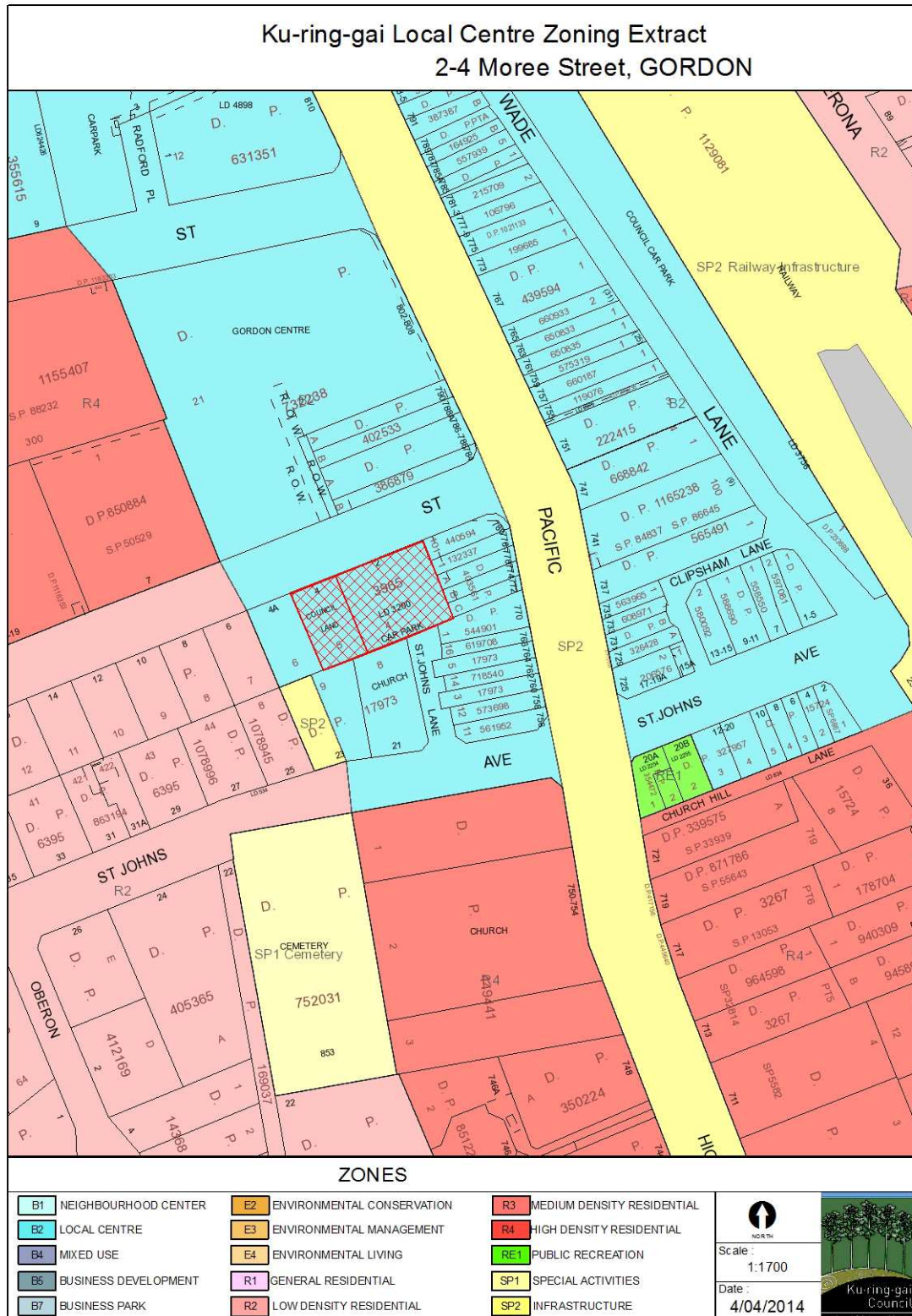


Current Land Use Zones

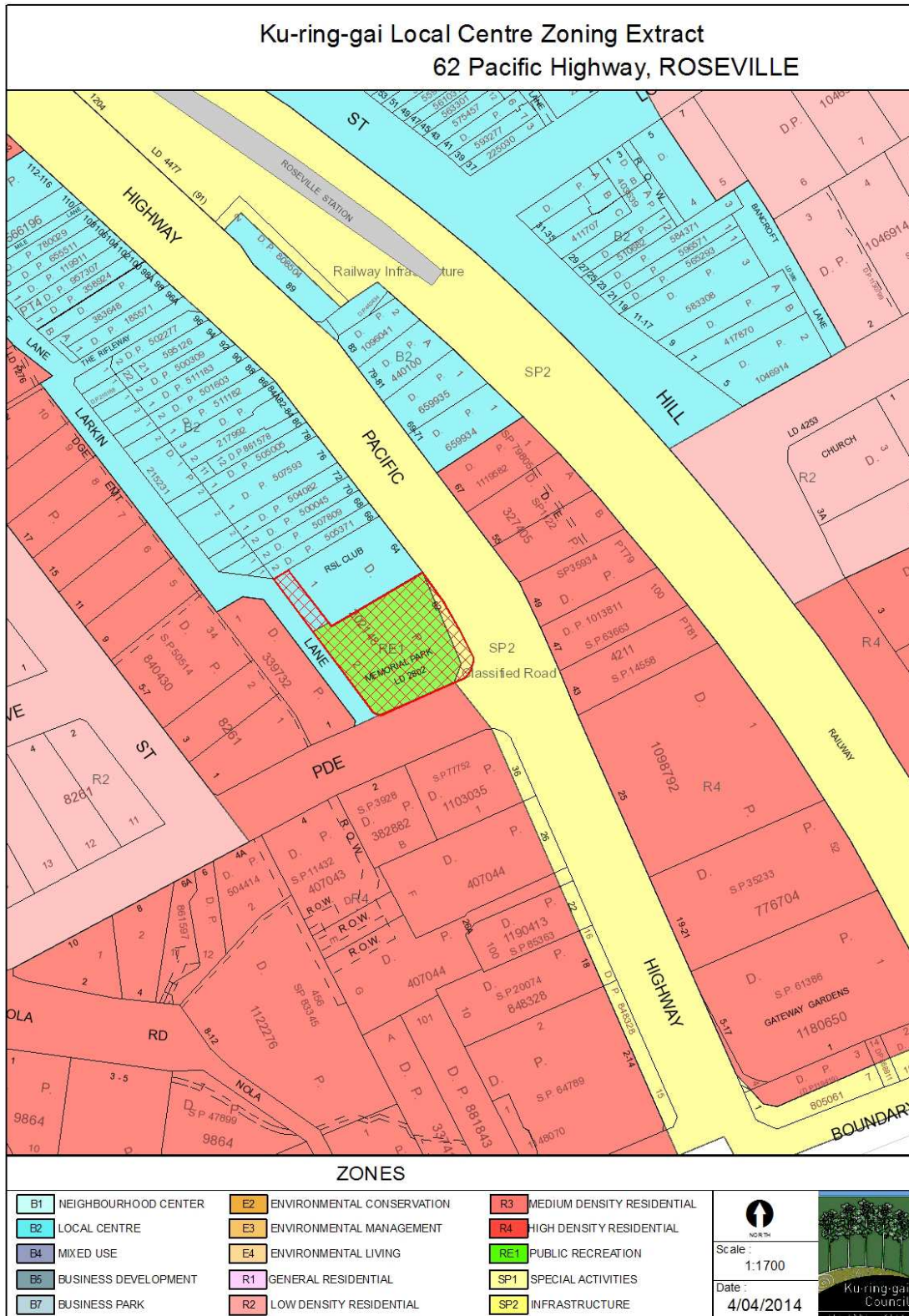
Current Land Use Zoning of 818 Pacific Highway Gordon under Ku-ring-gai Local Environmental Plan (Local Centres) 2012



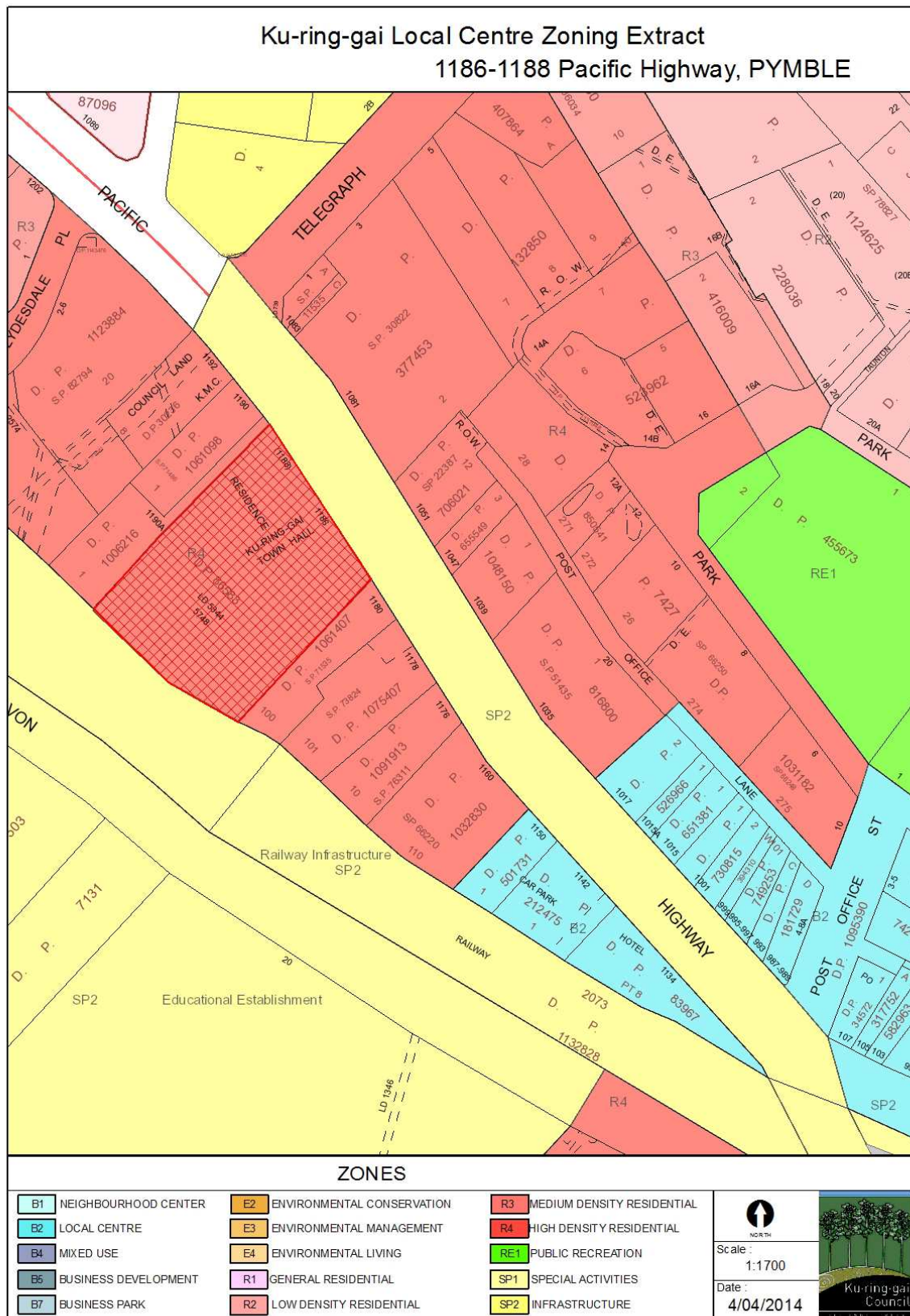
Current Land Use Zoning of 2-4 Moree Street Gordon under Ku-ring-gai Local Environmental Plan (Local Centres) 2012



Current Land Use Zoning of 62 Pacific Highway Roseville under Ku-ring-gai Local Environmental

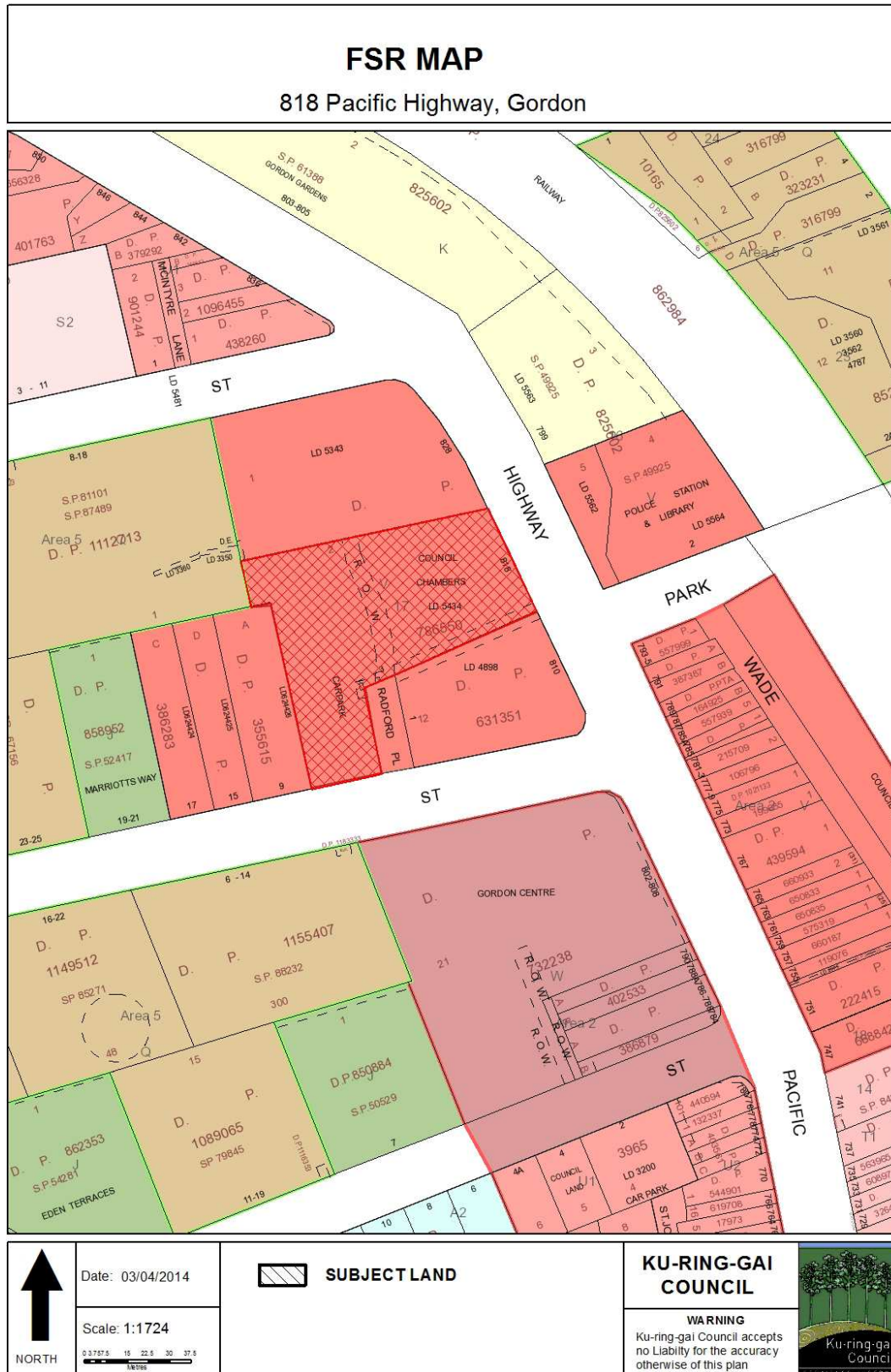


Current Land Use Zoning of 1186-1888 Pacific Highway Pymble under Ku-ring-gai Local



Current Development Standards relating to the Land

Development Standards currently applying to 818 Pacific Highway Gordon under Ku-ring-gai Local Environmental Plan (Local Centres) 2012 (FSR, Height, Minimum Lot Size)

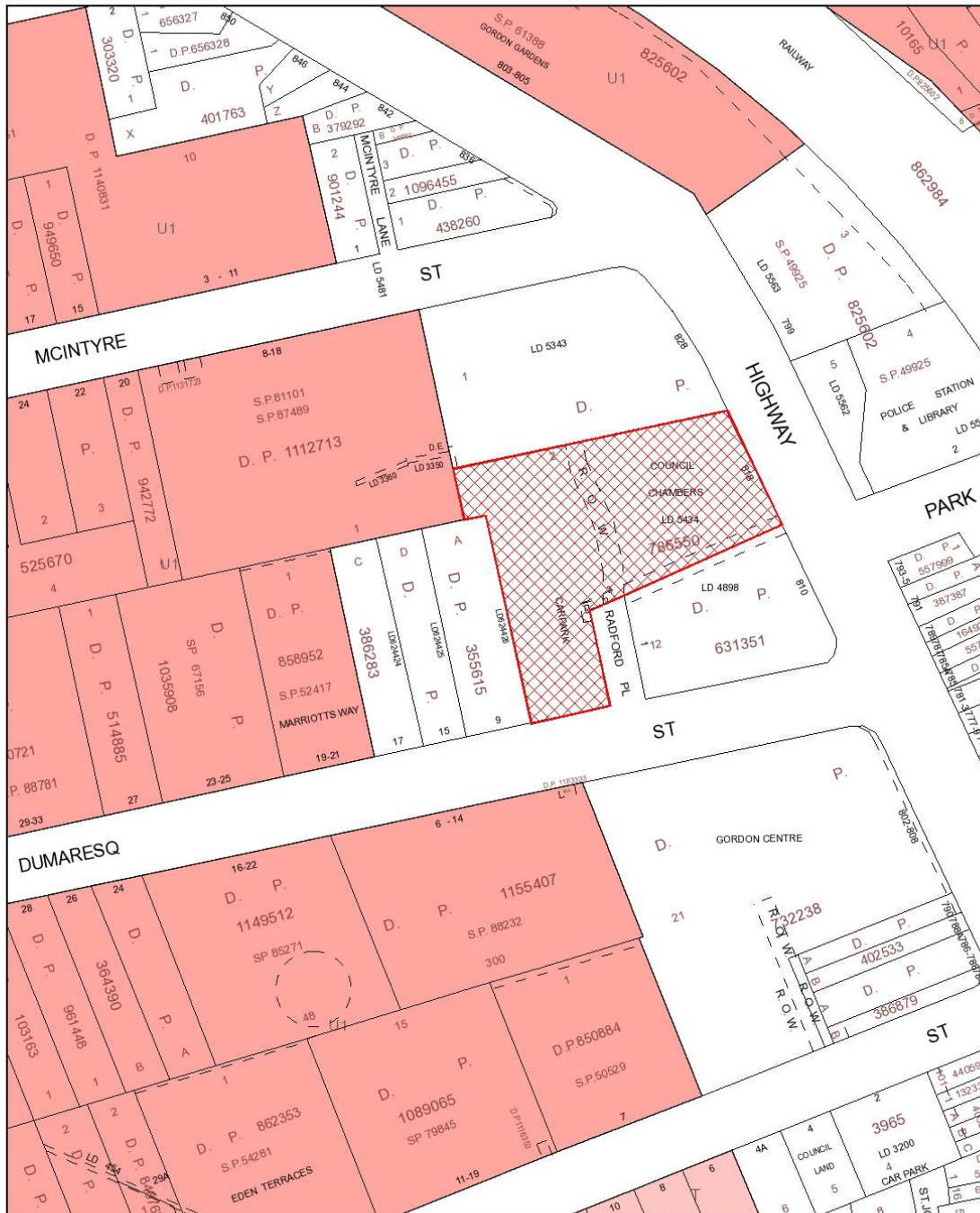


Height of Building Map



818 Pacific Highway, GORDON

Minimum Lot Size Map



Date: 04/04/2014

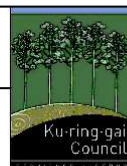
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SUBJECT LAND

KU-RING-GAI COUNCIL

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Development Standards currently applying to 2-4 Moree Street Gordon under Ku-ring-gai Local Environmental Plan (Local Centres) 2012 (FSR, Height, Minimum Lot Size)



2-4 Moree Street, GORDON

Height of Building Map



NORTH

Date: 04/04/2014

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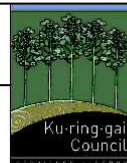


SUBJECT LAND

KU-RING-GAI COUNCIL

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2-4 Moree Street, GORDON

Minimum Lot Size Map



DATE: 04/04/2014

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Meters

 SUBJECT LAND

**KU-RING-GAI
COUNCIL**

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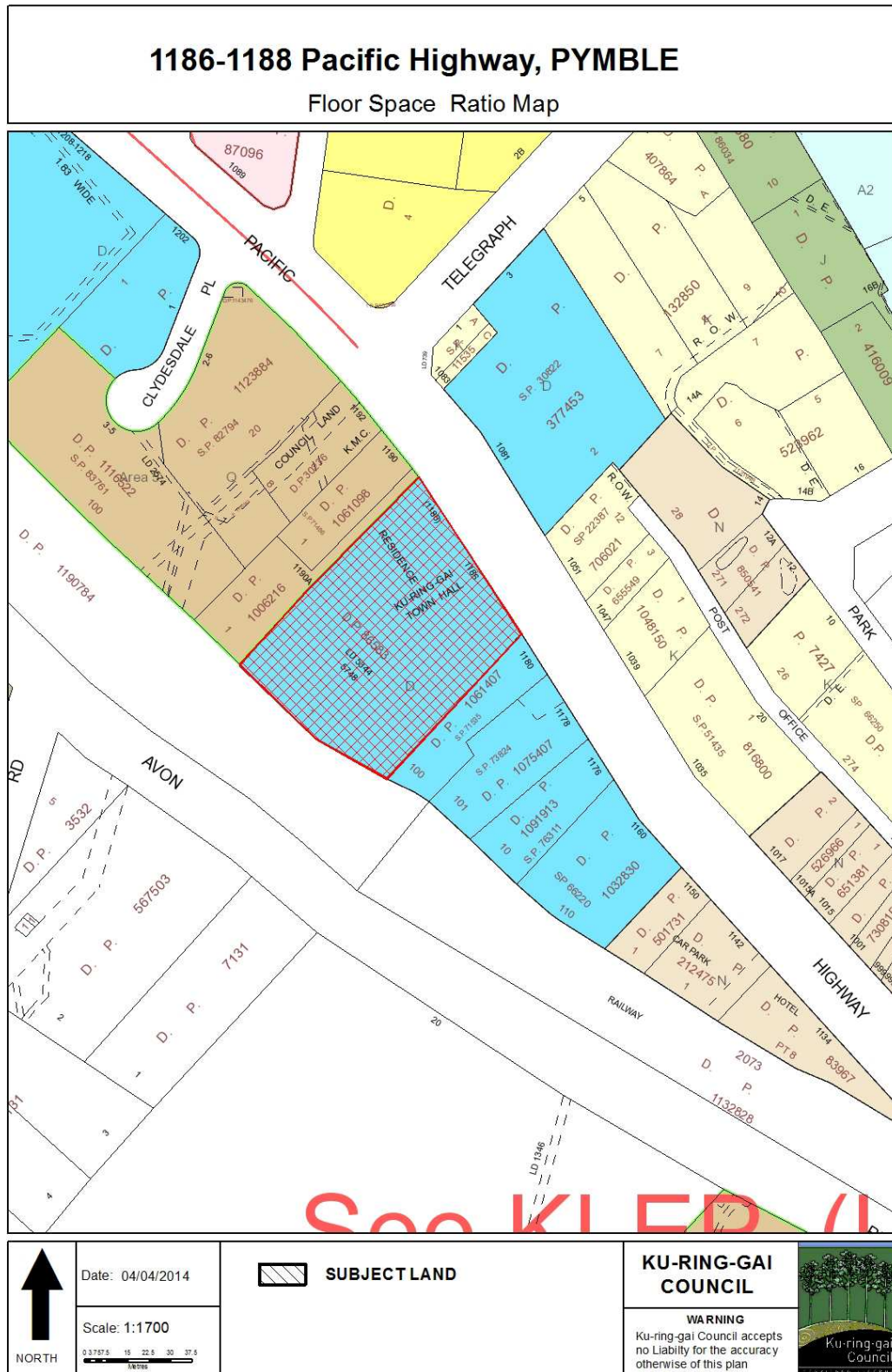
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no liability for the accuracy
otherwise of this plan



Development Standards currently applying to 62 Pacific Highway Roseville under Ku-ring-gai Local Environmental Plan (Local Centres) 2012 (FSR, Height, Minimum Lot Size)

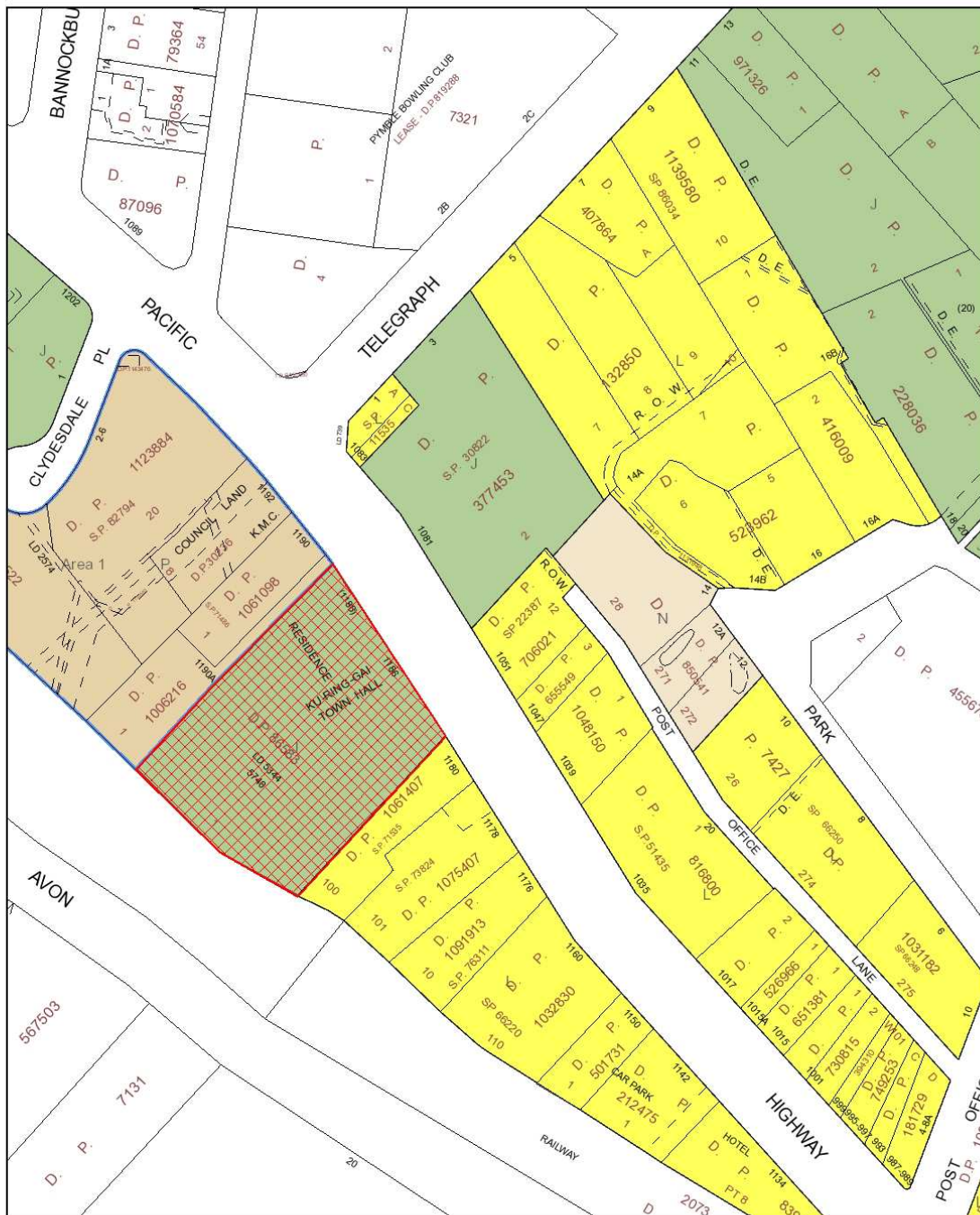


Development Standards currently applying to 1186-1188 Pacific Highway Pymble under Ku-ring-gai Local Environmental Plan (Local Centres) 2012 (FSR, Height, Minimum Lot Size)



1186-1188 Pacific Highway, PYMBLE

Height of Building Map



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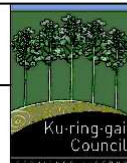


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**KU-RING-GAI
COUNCIL**

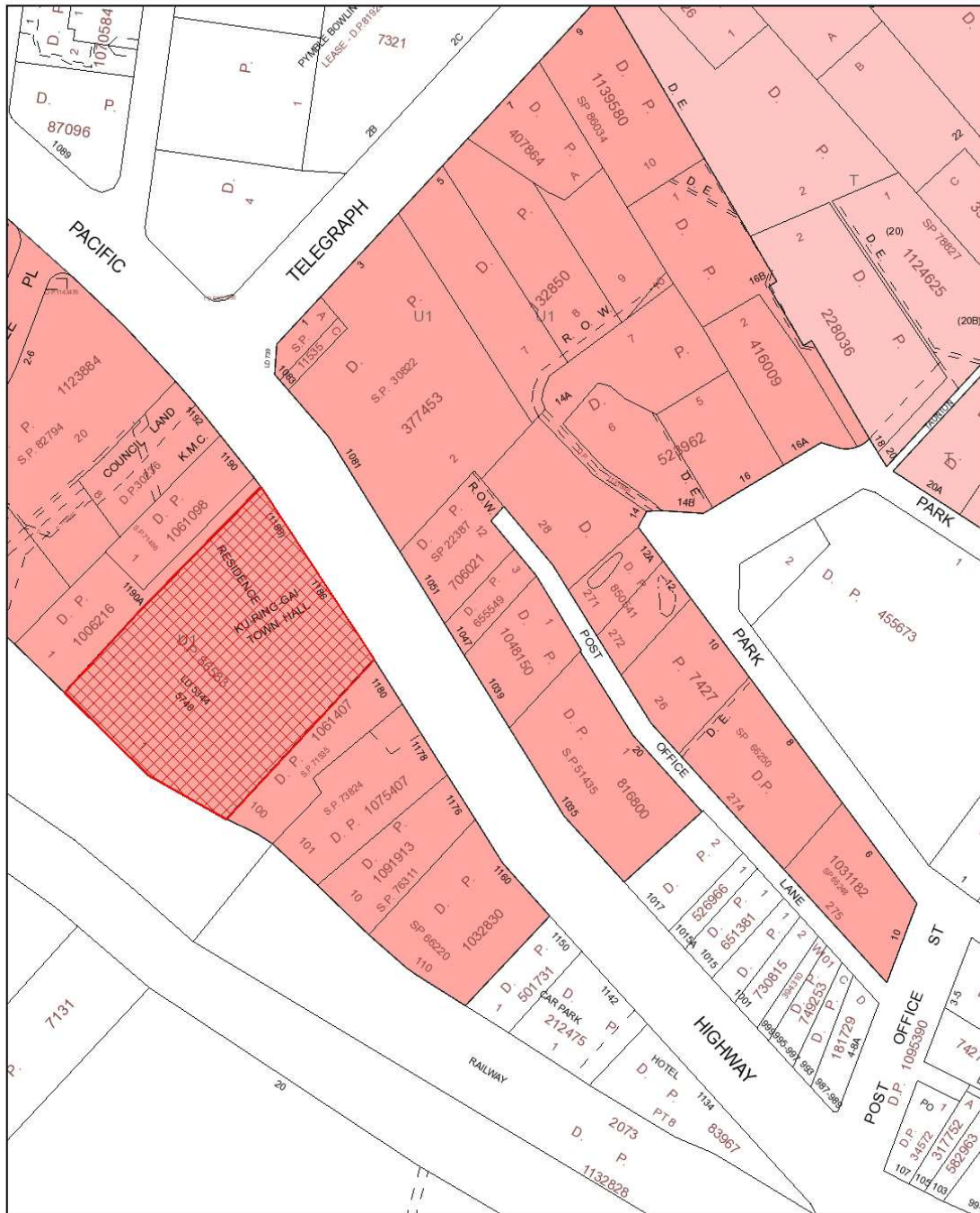
WARNING

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otherwise of this plan



1186-1188 Pacific Highway, PYMBLE

Minimum Lot Size Map



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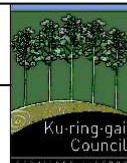


SUBJECT LAND

KU-RING-GAI COUNCIL

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Proposed alternative zoning

The zoning is not proposed to change as a result of this planning proposal for any of the four properties.

Proposed development standards

The development standards are not proposed to change as a result of this planning proposal for any of the four properties.

Other Relevant maps – Heritage Maps

Two of the properties appear on the Heritage Maps. These are 818 Pacific Highway Gordon and 1186-1188 Pacific Highway Pymble. Details follow overleaf.

Heritage Map for 818 Pacific Highway Gordon



Heritage Map for 1186-1188 Pacific Highway, Pymble



Aerial Photograph for 818 Pacific Highway Gordon



Aerial Photograph for 2-4 Moree Street Gordon

2-4 Moree Street, GORDON

Aerial Photograph Map



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Date: 04/04/2014

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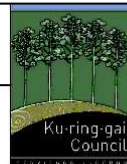


SUBJECT LAND

KU-RING-GAI COUNCIL

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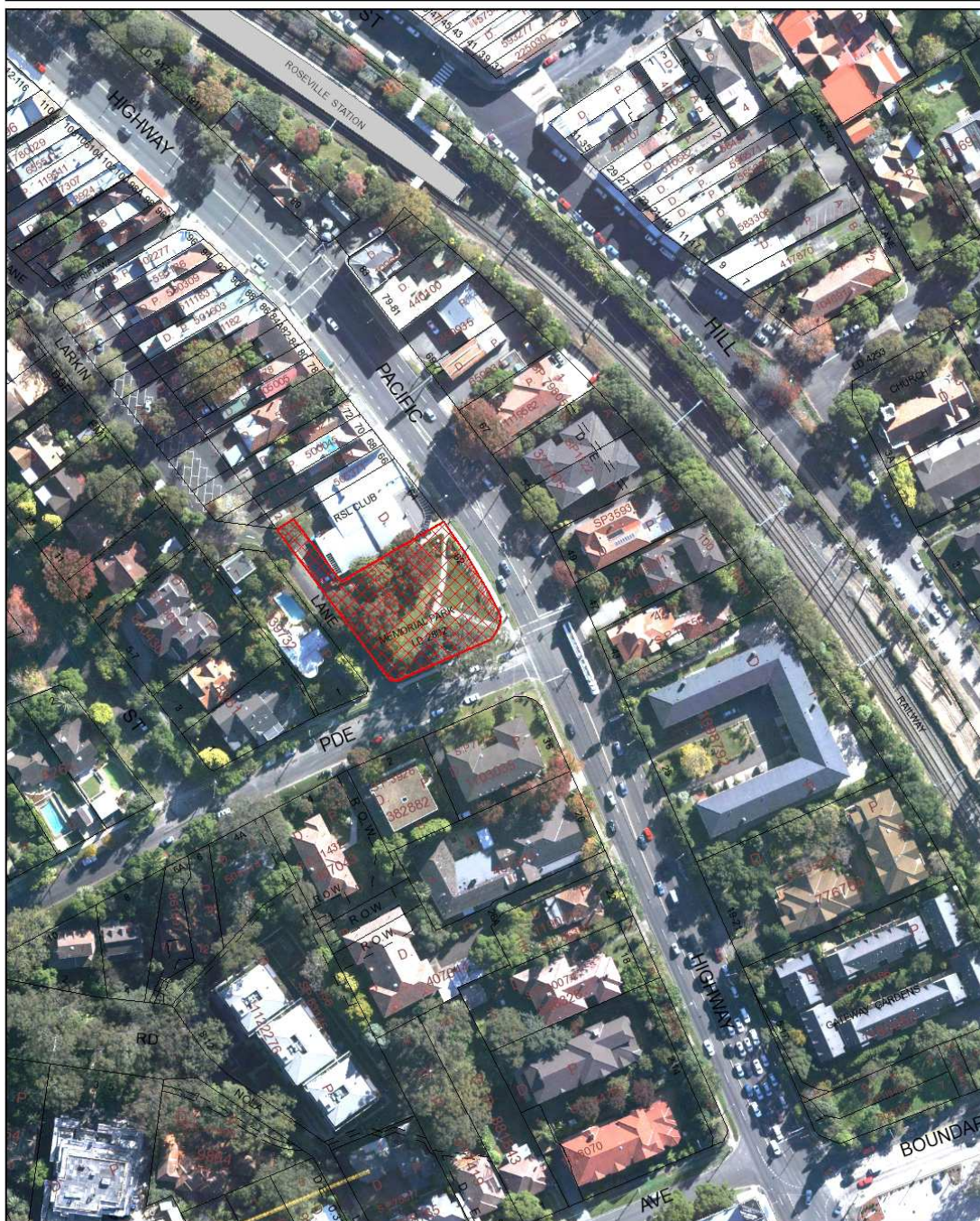
Ku-ring-gai Council accepts no Liability for the accuracy otherwise of this plan



Aerial Photograph for 62 Pacific Highway Roseville

62 Pacific Highway, ROSEVILLE

Aerial Map



NORTH

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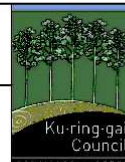


SUBJECT LAND

**KU-RING-GAI
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Aerial Photograph for 1186-1188 Pacific Highway Pymble

1186-1188 Pacific Highway, PYMBLE

Aerial Map



NORTH

Date: 04/04/2014

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METRES



SUBJECT LAND

**KU-RING-GAI
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Part 5 – Community Consultation

Proposed Community Consultation Strategy

Community consultation on the Planning Proposal will be undertaken by Council (subject to receiving a determination to proceed at the gateway) in accordance with the publication “A Guide to Preparing Local Environmental Plans” and Practice Note 09-003, 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 and as 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;
- notification 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 in Accordance with section 29 of the Local Government Act 1993.

Reclassification of Public Land

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

These requirements are addressed below:

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

Yes. As outlined in the responses to Questions 1 and 4 within this Planning Proposal, Council resolved, at the Ordinary Meeting held on 30 April 2013, to prepare a Planning Proposal to rezone and reclassify the underutilised land from Community land to

Operational land. This principal was the basis of the Capital Expenditure Review prepared and submitted to the Division of Local Government in support of the acquisition.

Additionally, Council has undertaken extensive strategic planning for the delivery of community and recreation facilities to support new development in the area as well as in accordance with an active asset renewal programme. Supporting studies include Ku-ring-gai Community Facilities Strategy 2009 and the revised and updated Ku-ring-gai Draft Community Facilities Strategy 2014 as well as Ku-ring-gai Contributions Plan 2010. The delivery of new community facilities in an area where there is high dwelling and population growth but also a large existing population requires a considerable co-contribution from Council on behalf of the existing population since new development can only lawfully provide for its fair share of demand. Accordingly the extension, augmentation and delivery of new community and recreation facilities for current and future growth, necessitates the funding of the proportional co-contribution from existing community assets in order to deliver new community assets to continue to serve Ku-ring-gai's population now and into the future. The purchase of 828 Pacific Highway and the resultant release of 818 Pacific Highway for future community use centralised in Gordon, is part of this strategy.

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.

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

Available Council records have indicated a number of interests that would need to be extinguished to allow the reclassification of these sites from community to operation status.

818 Pacific Highway Gordon

The building at 818 Pacific Highway Gordon (Lot 2 in DP786550) is in a poor state and is functioning poorly as an administrative centre for staff and the public. As noted in the *Council Chambers Site Plan of Management*, October 2009:

The existing site no longer provides adequate facilities for both Council administration or community functions and services as the demand for both these functions have grown beyond the capacity of the existing site.

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

The interests on the site include a Right of Way of variable width and limited in height which is in favour of Lot 1 in DP786550, which comprises the former "SUN" building (828 Pacific

Highway, Gordon) (owned by Council). This interest is proposed to be extinguished to allow greater flexibility in the future development of the site (818 Pacific Highway, Gordon). As Council is the owner of 828 Pacific Highway, Gordon, it is the beneficiary of the existing ROW. This means that future right of ways can be addressed/ negotiated at the time of future redevelopment of the site.

2 - 4 Moree Street Gordon

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

The property at 2 Moree Street, Gordon (Lot 4 in DP3965) is affected by an easement for drainage. Council proposes to extinguish this interest to allow for greater flexibility in redevelopment. Necessary drainage requirements would be dealt with under any future redevelopment proposals.

1186 – 1188 Pacific Highway Pymble

The property at 1186 to 1188 Pacific Highway, Pymble is affected by a restrictive covenant to the effect that:

- *The land hereby transferred shall not be used for any purpose other than for community or Municipal Council purposes and without limiting the generality of the foregoing community purposes shall include use of public health, recreation, enjoyment or other public purpose of the like nature or any use authorised by Part X111 of the Local Government Act.*

At the Ordinary Meeting held on 30 April 2013, Council resolved to formally seek to discharge all interests in this property. The extinguishing of this restrictive covenant is sought in order to create opportunities to adaptively reuse the existing facilities by allowing a wider range of non-community uses for the land that would otherwise be prohibited. It would also assist in the redevelopment or divestment of part of the site or the entire site, should Council resolve to do so.

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

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

Part 6 Project Timeline

It is anticipated that the Planning Proposal will take effect towards the end of 2014 around November 2014. The indicative timeline for the progression of this Planning Proposal is indicated in the following table:

Stage	Timing
Anticipated date of Gateway determination	Late April 2014
Agency consultation (pre and post exhibition as required by Gateway determination) Note: If must be completed prior to exhibition period, the dates following would be extended by 3-4 weeks.	Late April 2014 to Late May 2014 (28 days)
Target Date for Advertising Exhibition in the Local Press	Friday 9 May 2014
Commencement and completion dates for public exhibition period	Friday 9 May 2014 to Friday 6 June inclusive (28 days)
Target Date for Advertising Public Hearing in the Local Press	Friday 13 June 2014 (21 days in advance)
Prospective dates for public hearing	Week beginning Monday 7 July 2014 (or deferred till after school holidays so from Monday 14 July 2014)
Timeframe for consideration of submissions	June - July 2014 (3-4 weeks)
Timeframe for Chairpersons Report	End July - Early August 2014
Preparation of Report to Council	August 2014
Targeted Dates for Ordinary Meeting of Council	12/8, 26/8, 9/9 or 16/9 2014
Legal drafting / Plan Making	Late September - Mid October
Anticipated date RPA will forward to the Department for notification.	Late October

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*
- *5 Dumaresq Street, Gordon Being Lot C DP 3862839*
- *7 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/ Constraints	Notes	Recommendation
------------------	---------------	--------	----------------------------	-------	----------------

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 building to be		Reclassify for disposal with 4 Park Avenue, Gordon.

Property Address	Relevant Plan	Zoning	Conditions/ Constrains	Notes	Recommendation
			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	R2 Low Density Residential	Lot 1 DP662194	Road Closure possibly required.	Reclassify if required and subdivide for sale as two lots

Property Address	Relevant Plan	Zoning	Conditions/ Constrains	Notes	Recommendation
	2013				
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 Draft KLEP 2013	RE1 Public Recreation	Nil		Initiate Planning Proposal for reclassification 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 Lot encumbered 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.

Property Address	Relevant Plan	Zoning	Conditions/ Constrains	Notes	Recommendation
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	\$1 2311		-\$12311
2015/16	\$1 5720	\$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,	KPSO	Initiate Planning Proposal to reclassify from Community land

	Pymble		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.

Deborah Silva

Andrew Watson

**Manager Integrated Planning, Property &
Assets**

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 2

Resolution of the Council Meeting

Council resolved at the Ordinary Meeting held on 30 April 2013 as follows:

Resolved:

(Moved: Councillors Anderson/Fornari-Orsmond)

- 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 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.

For the Resolution:

The Mayor, Councillor E Malicki, Councillors McDonald, Pettett, Fornari-Orsmond, Anderson and Ossip

Against the Resolution:

Councillors Szatow, Armstrong, Citer and Berlioz

APPENDIX 3

Title Searches:

- 818 Pacific Highway Gordon
- 2-4 Moree Street Gordon
- 62 Pacific Highway Roseville
- 1186-1188 Pacific Highway Pymble

APPENDIX 4

Supplementary Exhibition Material

- 818 Pacific Highway Gordon
- 2-4 Moree Street Gordon
- 62 Pacific Highway Roseville
- 1186-1188 Pacific Highway Pymble

Requirements of LEP Practice Note PN 09-003:

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

Planning Proposal to reclassify from Community Land to Operational Land the properties known as:

- 818 Pacific Highway Gordon
- 2-4 Moree Street Gordon
- 62 Pacific Highway Roseville
- 1186-1188 Pacific Highway Pymble

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

Why is the Draft LEP being prepared?

- ☒ This information is found in the Council Report dated 30 April 2013 and in the Planning Proposal.

The current and proposed classification of the land

- ☒ This information is found in the Planning Proposal and the Council Report dated 30 April 2013.

The strategic reasons for the reclassification

- ☒ This information is found in the Council Report dated 30 April 2013 and in the Planning Proposal.

Council's ownership of the land

- ☒ This is confirmed in the Council Report dated 26 June 2012 and the A3 fold-out table entitled Reclassification Sites.

The nature of Council's interest in the land

- ☒ This is within the A3 fold-out table entitled Reclassification Sites.

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

- ☒ This is within the A3 fold-out table entitled Reclassification Sites.

Any agreements over the land and the details thereof

- ☒ Any such information is included in the Planning Proposal.

Prospective change in land valuation

- ☒ INSERT INFORMATION AT EXHIBITION STAGE

Asset Management objectives

- ☒ This information is included in the Council Report dated 30 April 2013.

Is there any agreement to sell or lease the land?

- ☒ There is no agreement to sell or lease the land. Any future decision to deal in the land following reclassification would require a further report and formal resolution of Council.

Other relevant matters

- ☒ Please refer to the Planning Proposal.

Attach a copy of Practice Note PN 09-003

- ☒ See next pages overleaf.

LEP practice note

STANDARD INSTRUMENT FOR LEPS

Note	PN 09-003
Date	12 June 2009
Related	Supersedes (re)classification advice in Best Practice Guideline (1997)

Classification and reclassification of public land through a local environmental plan

The purpose of this practice note is to update (and supersede) previous guidance on the process to classify or reclassify public land through a local environmental plan including a principal plan in accordance with the Standard Instrument.

Introduction

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

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

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

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

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

How is public land classified or reclassified?

Depending on circumstances, this is undertaken by either:

- resolution of council under section 31, 32 or 33 of the *Local Government Act 1993* (LG Act) [through section 27(2)], or
- a local environmental plan (LEP) under the *Environmental Planning and Assessment Act 1979* (EP&A Act) [through section 27(1) of the LG Act].

In both cases, it is not possible for councils to delegate their decision to classify or reclassify public land [section 377(1) of the LG Act]. Councils are encouraged to classify or reclassify land through the LG Act wherever circumstances conform to sections 31, 32 or 33 of the LG Act.

The remaining parts of this practice note identify the key areas councils must consider when proposing to classify or reclassify public land by means of a local environmental plan (LEP) under the second option.

This practice note supersedes the sections relating to classification and reclassification in *LEPs and council land*, Best Practice Guideline (Department of Urban Affairs and Planning 1997).

Procedure under the EP&A Act

Where classification or reclassification is proposed through an LEP, council is advised to include the proposal as early as possible in the draft LEP or planning proposal. If the public land to be classified or reclassified is not owned by council, landowner's consent is required prior to either section 54 or section 56 of the EP&A Act (when the Part 3 amendment to the EP&A Act applies).¹

The proposal would then form part of the material presented through either section 54 or section 56 of the EP&A Act (when the Part 3 amendment to the EP&A Act applies).

¹ In relation to the Part 3 amendment, council should also check the changes to the EP&A Act and Regulation once these commence.

To assist councils, the steps in preparing material either as a draft LEP or planning proposal are summarised in Attachment 1. Column 1 of Attachment 1 sets out the requirements in accordance with the EP&A Act prior to the Part 3 amendment commencing. Column 2 of the attachment sets out the requirements after the Part 3 amendment commences. In relation to the Part 3 amendment, council should also check the savings and transitional arrangements under the EP&A Act, once these commence.

Where land is proposed to be reserved for a public purpose such as provision of public services and facilities, section 117 Direction 6.2—Reserving Land for Public Purposes applies. The Direction also sets out requirements when a reservation of public land for such purposes is no longer required.

A summary of relevant matters that need to be available at the time the planning proposal is first forwarded are listed in Attachment 2 under 'Exhibition'. Other matters for exhibition and later stages are listed separately in that attachment.

Provisions in the Standard Instrument

The following Standard Instrument provisions are relevant to the classification and reclassification of public land.

Clause 5.2—Classification and reclassification of public land

The purpose of this clause is to enable councils to classify or reclassify public land identified in Schedule 4 of the Standard Instrument. Only public land to be classified or reclassified by publication on the NSW legislation website of that principal LEP is to be identified in the schedule. Schedule 4 must not contain a reference to any land already classified or reclassified.

Part 1 Schedule 4—change to 'operational' land, no interest changes

Land is identified in Part 1 of Schedule 4 where the trusts, estates, interests, dedications, conditions, restrictions or covenants over the land are to remain after reclassification to 'operational land', i.e. where no interests will change.

Part 2 Schedule 4—change to 'operational' land and an interest will change

Land is identified in Part 2 of Schedule 4 where the land is to be classified or reclassified as 'operational land' and some of the trusts, estates, interests, dedications, conditions, restrictions, or covenants over the land remain. The interests to remain are identified in column 3 of this part of the schedule.

Part 3 Schedule 4—change to 'community' land
Land proposed to be classified or reclassified as 'community land' through the LEP is identified in Part 3 of the schedule.

Where there is no land to be classified or reclassified through the LEP, the clause remains with the schedule empty.

General requirements for exhibition

Public exhibition of the LEP occurs after certification of the LEP (in accordance with section 66 of the EP&A Act). Public exhibition of a planning proposal may occur in accordance with section 57(2) (when the Part 3 amendment to the EP&A Act commences). To assist the public in understanding an exhibited draft LEP or planning proposal to classify or reclassify land, requirements are summarised in Attachment 2.

A copy of council's response to these requirements together with a copy of this practice note is to be part of material displayed during public exhibition of an LEP or planning proposal to reclassify or classify public land.

Public hearing

A public hearing must be held when 'community land' is proposed to be reclassified as 'operational land'.

To ensure council and the community have sufficient time to consider relevant matters associated with the proposed change, the public hearing is held after the close of the exhibition period under section 68 of the EP&A Act (section 29 of the LG Act) for an LEP and in accordance with section 57(6) (when the Part 3 amendment to the EP&A Act commences).

Public hearing provisions are set out in the EP&A Regulation (clause 14) and public notice of a hearing must be sent or published at least 21 days before the start of the public hearing.

The independence of the person chairing the public hearing and requirements relating to the preparation and inspection of reports from the hearing are specified in section 47G of the LG Act.

Further information

A copy of this practice note, Standard Instrument, and other specific practice notes and planning circulars on using the Standard Instrument, can be accessed on the Department's website <http://www.planning.nsw.gov.au/lep/index.asp>

Authorised by:

Sam Haddad, Director-General

List of attachments:

1. Main steps (in sequence) for classifying and reclassifying public land under the *Environmental Planning and Assessment Act 1979*
2. General requirements for classification or reclassification of land through local environmental plans and planning proposals

Attachment 1. Main steps (in sequence) for classifying and reclassifying public land under the *Environmental Planning and Assessment Act 1979*

Requirements prior to commencement of the 2008 Part 3 amendment to the EP&A Act	Requirements after commencement of the 2008 Part 3 amendment to the EP&A Act when it applies to a proposal
Council notifies the Department of a decision to prepare a draft LEP including a proposal to classify or reclassify public land (section 54 of the EP&A Act). This notification is accompanied by an appropriate level of information including for the following: - a justification for the proposal - reasons why council acquired an interest - details that would also accompany a plan at exhibition stage (see Attachment 2) - any proposal to extinguish or retain other interests in the land through the reclassification - a justification /explanation as to why such interests are being extinguished - any rezoning associated with the classification/ reclassification - any preliminary comments by a relevant government agency, including agency's consent where land is vested or held by an agency other than council - consideration of any relevant directions e.g. section 117 Direction 6.2—Reserving Land for Public Purposes, where appropriate.	A planning proposal is forwarded by council to the Minister (new section 56 of the EP&A Act), including a proposal to classify or reclassify public land. This proposal contains an appropriate level of information including for the following: - a justification for the planning proposal - reasons why council acquired an interest - details that would also accompany a plan at exhibition stage (see Attachment 2) - any proposal to extinguish or retain other interests in the land through the reclassification - a justification /explanation as to why such interests are being extinguished - any rezoning associated with the classification/ reclassification - any preliminary comments by a relevant government agency, including an agency in which the land is vested or held - consideration of any relevant directions, e.g. section 117 Direction 6.2—Reserving Land for Public Purposes, where appropriate.
Consultation with relevant public agencies and other stakeholders (section 62 of the EP&A Act).	See below.
After consultation, council submits a draft LEP to the Department and, subject to the issue of a section 65 certificate, the draft LEP is exhibited for a minimum of 28 days and the public invited to provide written submissions to the exhibited LEP within the exhibition period.	Following review, at the gateway, if the planning proposal is to proceed, requirements for the various stages of the proposal, including consultation requirements, will be provided to council (new section 56(1), 56(2) of the EP&A Act).
Where a draft LEP includes reclassification of 'community' land to 'operational' land, council holds a public hearing into the proposal in accordance with section 68 of the EP&A Act (section 29 of the Local Government Act). *	Where a planning proposal includes reclassification of 'community' land to 'operational' land, council holds a public hearing into the proposal in accordance with new section 57(6) of the EP&A Act. *
Such a hearing follows the requirements of clause 14 of the EP&A Regulation including that a notice of the details for the hearing must be published in a local newspaper and sent to any person requesting a hearing a minimum of 21 days prior to the hearing.	Such a hearing follows the requirements of clause 14 of the EP&A Regulation including that a notice of the details for the hearing must be published in a local newspaper and sent to any person requesting a hearing a minimum of 21 days prior to the hearing.
Where it is considered appropriate, the draft LEP is submitted to the Director-General together with details of all submissions and the report of the public hearing, together with a statement of other matters set out in section 68 of the EP&A Act.	Consultation for a planning proposal under new section 57 of the EP&A Act is completed when council has considered any submissions made concerning the proposed instrument and the report of any public hearing. Where the planning proposal is to proceed, the Director-General makes arrangements for the drafting of the LEP to give effect to the final proposal (new section 59 of the EP&A Act).
The Director-General furnishes a report to the Minister if the Director-General is satisfied that the draft LEP has been prepared in accordance with any applicable standard instrument under section 33A (section 69 of the EP&A Act).	
The Minister determines whether to make the LEP under section 70 of the EP&A Act. **	The Minister (or Minister's delegate) determines whether to make the LEP under new section 59 of the EP&A Act. **

Notes:

* Where a proposal includes a classification of 'operational' land to 'community' land, a public hearing is not generally required.

** Where a reclassification proposes to extinguish other interests in the land, the approval of the Governor is required in accordance with section 30 of the LG Act.

Attachment 2. General requirements for classification or reclassification of land through local environmental plans and planning proposals

Exhibition

When exhibiting a planning proposal or draft LEP to classify or reclassify public land, council must provide a written statement including the following:

- the reasons why the draft LEP or planning proposal is being prepared including the planning merits of the proposal, e.g. the findings of a centres' strategy, council's intention to dispose of the land, provision of open space in a town centre
- the current and proposed classification of the land
- the reasons for the reclassification including how this relates to council's strategic framework, council's proposed future use of the land, proposed zones, site specific requirements, e.g. heritage controls, anticipated physical or operational changes resulting from the reclassification
- council's ownership of the land, if this applies
- the nature of council's interest in the land, e.g. council has a 50 year lease over the site
- how and when the interest was first acquired, e.g. the land was purchased in 20XX through section 94
- the reasons council acquired an interest in the land, e.g. for the extension of an existing park; council was given responsibility for the land by a State agency
- any agreements over the land together with their duration, terms, controls, agreement to dispose of the land, e.g. whether any aspect of the draft LEP or planning proposal formed part of the agreement to dispose of the land and any terms of any such agreement
- an indication, as a minimum, of the magnitude of any financial gain or loss from the reclassification and of the type(s) of benefit that could arise e.g. council could indicate the magnitude of value added to the land based on comparable sites such as the land is currently valued at \$1500 per square metre, nearby land zoned for business development is valued at between \$2000 and \$5000 per square metre
- the asset management objectives being pursued, the manner in which they will be achieved and the type of benefits the council wants, i.e. without necessarily providing details of any possible financial arrangements, how the council may or will benefit financially
- whether there has been an agreement for the sale or lease of the land; the basic details of any such agreement and, if relevant, when council intends to realise its asset, either

immediately after rezoning/reclassification or at a later time

- Relevant matters required in plan making under the EP&A Act
- A copy of this practice note must be included in the exhibition material to assist the community in identifying information requirements. Council staff may wish to identify the column in Attachment 1 that applies.

Post-exhibition

Once a decision has been made regarding whether the draft LEP or planning proposal proceeds, everyone who made a written submission must be notified in writing of the decision.

Written notification must occur within 14 days of the decision and needs to clearly identify the reasons for council's decision. An explanation must be included of how issues raised in submissions were addressed including the reasons for council's decision.

The final report after exhibition to either the Director-General or the Minister should include:

- a brief summary of council's interest in the land
- issues raised in any relevant submissions
- the dates of the exhibition and the hearing
- an explanation of how issues raised were addressed or resolved.

Additional matters to be addressed when the Governor's approval is required

The Governor's approval is required for the extinguishment of public reserve status and other interests in land which a council proposes to reclassify from 'community' to 'operational' status under the LG Act.

Council must provide sufficient information in accordance with this practice note to inform the Minister of any public reserve and/or other third party property interests (e.g. trust, covenant, easement) that are proposed to be extinguished upon the making of such a draft LEP or planning proposal.

Important note

This note does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this note.

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