

**Ku-ring-gai LEP 2012 (Local Centres) - Reclassification of 8-10 Tryon Road, and 3-5 Kochia Lane, Lindfield from community to operational land.**

Proposal Title : Ku-ring-gai LEP 2012 (Local Centres) - Reclassification of 8-10 Tryon Road, and 3-5 Kochia Lane, Lindfield from community to operational land.

Proposal Summary : Planning Proposal to reclassify the Tryon Road car park (Council owned land at 8-10 Tryon Road, and 3-5 Kochia Lane, Lindfield), from community to operational.

PP Number : PP\_2015\_KURIN\_006\_00      Dop File No : 15/18211

**Proposal Details**

Date Planning Proposal Received : 10-Dec-2015      LGA covered : Ku-Ring-Gai

Region : Metro(Parra)      RPA : Ku-ring-gai Council

State Electorate : KU-RING-GAI      Section of the Act : 55 - Planning Proposal

LEP Type : Reclassification

**Location Details**

Street : 8-10 Tryon Road

Suburb : Lindfield      City : Ku-ring-gai      Postcode : 2070

Land Parcel : Lot 2-3 DP 219628 and Lot 5 DP 219146

Street : 3-5 Kochia Lane

Suburb : Lindfield      City : Ku-ring-gai      Postcode : 2070

Land Parcel : Lot 12 DP 225925 and Lot 31 DP 804447

**DoP Planning Officer Contact Details**

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### Land Release Data

|                                       |   |                                                            |   |
|---------------------------------------|---|------------------------------------------------------------|---|
| Growth Centre :                       |   | Release Area Name :                                        |   |
| Regional / Sub<br>Regional Strategy : |   | Consistent with Strategy :                                 |   |
| MDP Number :                          |   | Date of Release :                                          |   |
| Area of Release (Ha)<br>:             |   | Type of Release (eg<br>Residential /<br>Employment land) : |   |
| No. of Lots :                         | 0 | No. of Dwellings<br>(where relevant) :                     | 0 |
| Gross Floor Area :                    | 0 | No of Jobs Created :                                       | 0 |

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**  
If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**  
If Yes, comment :

### Supporting notes

Internal Supporting Notes : **The redevelopment concept for the site consists of one or two levels of basement car parking across the site with a village green and commercial uses above the basement.**

**The planning proposal indicates there are no easements or restrictions registered on the current certificates of title, however, Council is considering whether an unregistered interest applies to 5 Kochia Lane (refer to Appendix C).**

**The subject site is zoned B2 Local Centre.**

External Supporting Notes :

### Adequacy Assessment

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

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

Comment : **The planning proposal seeks to reclassify the subject land from community land to operational land to enable Council to redevelop the existing public car parking facilities at Lindfield and to provide Council with greater flexibility to deal with any land use matters that may occur on the site resulting from the development of the Lindfield Village Green (such as, potentially, commuter car parking by Transport for New South Wales and/or commercial operations, such as a cafe or restaurant).**

**Existing car parking capacity is 138 spaces. The estimated number of car parking spaces to be provided in the redevelopment is 100 spaces. There is, however, the potential for an additional 100 commuter car spaces that may be provided by Transport for NSW.**

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

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

Comment : **The planning proposal seeks to amend Schedule 4, Part 2 of the Ku-ring-gai Local Environmental Plan (Local Centres) 2012 by reclassifying the existing Tryon Road car park at Lindfield from community to operational land.**

**Justification - s55 (2)(c)**

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

\* May need the Director General's agreement

**1.1 Business and Industrial Zones  
2.3 Heritage Conservation  
3.4 Integrating Land Use and Transport  
4.3 Flood Prone Land  
4.4 Planning for Bushfire Protection  
6.1 Approval and Referral Requirements  
6.2 Reserving Land for Public Purposes  
6.3 Site Specific Provisions  
7.1 Implementation of A Plan for Growing Sydney**

Is the Director General's agreement required? **N/A**

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

d) Which SEPPs have the RPA identified?

**SEPP No 19—Bushland in Urban Areas  
SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)  
SEPP No 55—Remediation of Land  
SEPP (Infrastructure) 2007**

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

**1.1 BUSINESS AND INDUSTRIAL ZONES:**

**This Direction applies to the planning proposal as it will affect land within an existing or proposed business or industrial zone.**

**The proposal does not alter the current business zone nor impose different devolvement controls than currently apply and is therefore consistent with this direction.**

**2.3 HERITAGE CONSERVATION:**

**This Direction applies as the subject site is in proximity to several locally listed heritage items including the St Alban's Anglican Church that is located diagonally opposite the site.**

**The proposal is considered to be consistent with this direction as it does not alter the provisions of the LEP in regard to heritage items.**

**3.4 INTEGRATING LAND USE AND TRANSPORT:**

**This Direction does not strictly apply to the reclassification planning proposal as it will not create/alter/remove a zone/provision relating to urban land.**

**It is noted, however, the intent of the planning proposal is to facilitate a suite of traffic improvements, increase in commuter parking facilities and pedestrian access improvements to the Lindfield train station and other areas of the Lindfield Local Centre. The proposal is therefore considered to be consistent with the intent of the direction.**

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

If No, explain :

**Mapping Provided - s55(2)(d)**

Is mapping provided? **Yes**

Comment : **Maps are included in the Council's planning proposal, and are sufficient for exhibition purposes.**

**As the planning proposal does not involve a rezoning, no changes to the maps are necessary.**

**Community consultation - s55(2)(e)**

Has community consultation been proposed? **Yes**

Comment : **Public exhibition for a period of 28 days is proposed.**

**A public hearing is to be held in accordance with the requirements of the Local Government Act 1993.**

**Additional Director General's requirements**

Are there any additional Director General's requirements? **N/A**

If Yes, reasons :

**Overall adequacy of the proposal**

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

If No, comment :

**Proposal Assessment**

**Principal LEP:**

Due Date :

Comments in relation to Principal LEP : **The Ku-ring-gai Local Environmental (Local Centres) 2012 came into effect on 25 January 2013.**

**Assessment Criteria**

Need for planning proposal : **The planning proposal is necessary to enable Council to change the status of the subject land from community to operational land. It is the only means of reclassifying community land to operational under the Environmental Planning and Assessment Act 1979.**

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Consistency with strategic planning framework :

The planning proposal is consistent with the applicable regional and subregional strategies.

A Plan for Growing Sydney provides key directions and actions to guide Sydney's productivity, environmental management, and liveability – including the delivery of housing, employment, infrastructure and open space.

This planning proposal is considered to be consistent with the relevant key goals of the Plan as it will facilitate the future development of the Lindfield Village Green, as well as providing greater flexibility for the leasing of new commercial floor space, commuter car parking and pedestrian and road improvements. The proposal is considered to be consistent with all relevant Section 117 Directions.

**State Environmental Planning Policy 55 - Remediation of Land**

The Policy states that land must not be developed if contamination renders it unsuitable for a proposed use. If the land is unsuitable, remediation must take place before the land is developed.

A Phase One (1) Environmental Site Assessment has been undertaken. A copy of the Environmental Site Assessment is attached at Appendix D. Based on a review of the available desktop search data, observations made during a site walkover, and the proposed land use scenario of one or two basement levels of car parking across the site, with village green and commercial above the basement, the study report concludes that the potential for unacceptable concentrations of contamination (with respect to human health) to be present in soils on the site, is considered to be low to negligible. Therefore, the site is considered suitable (from a contamination perspective) for the proposed redevelopment land use scenario.

Based on the above, this Planning Proposal is considered to be consistent with the provisions of this SEPP.

Environmental social economic impacts :

**ENVIRONMENTAL IMPACTS**

The subject land is an existing car park. The planning proposal is not proposing a rezoning or a change in land use and therefore it is expected that there will not be any likely environmental effects arising from the reclassification process.

**SOCIAL IMPACTS**

The reclassification of the site will have social benefits for the Lindfield community.

Once reclassified Council intends to redevelop the site, by replacing the existing car park with a one or two level basement car park, and providing a landscaped village green urban park, an amenities building and café over the underground parking. A village green and café will have the potential to create opportunities for the community's social interaction and enjoyment of passive open space. Therefore the proposal will have social benefits for the Lindfield community.

It is noted however that there is a proposed reduction in the number of existing car spaces. The planning proposal does not provide details regarding the potential loss of spaces and proposed compensatory measures. A condition in this regard is recommended for attachment to the determination.

**ECONOMIC IMPACTS**

In terms of economic effects, the reclassification of the sites will have economic benefits for both the Lindfield local community and Council.

The reclassification of the council owned lands will allow for a range of potential economic benefits to be achieved. Such benefits may include the following;

- activation and re-invigoration of a declining commercial centre.
- generation of local employment and investment;
- potential nearby development leading to further contribution funds;

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- potential increase in value of the Council's assets;
- potential gain in actual or prospective revenue through leasing of new commercial space; and
- reduced maintenance of new building assets.

**Assessment Process**

Proposal type : **Consistent** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 months** Delegation : **Nil**

Public Authority Consultation - 56(2)(d) **Energy Australia  
Transport for NSW  
Transport for NSW - Roads and Maritime Services  
Sydney Water**

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

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

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :  
**No internal consultation required**

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

If Yes, reasons :

**Documents**

| Document File Name                        | DocumentType Name        | Is Public |
|-------------------------------------------|--------------------------|-----------|
| Council Letter.pdf                        | Proposal Covering Letter | No        |
| Preferred Design Concept - Appendix E.pdf | Drawing                  | No        |
| Environmental Assessment - Appendix D.pdf | Study                    | No        |
| Council Report - Appendix A.pdf           | Proposal                 | No        |
| Council Resolution.pdf                    | Proposal                 | No        |
| Title Search.pdf                          | Proposal                 | No        |
| Planning Proposal.pdf                     | Proposal                 | No        |

**Planning Team Recommendation**

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.1 Business and Industrial Zones  
2.3 Heritage Conservation  
3.4 Integrating Land Use and Transport  
4.3 Flood Prone Land**

**Additional Information :**

- 4.4 Planning for Bushfire Protection
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions
- 7.1 Implementation of A Plan for Growing Sydney

**GATEWAY DETERMINATION**

As the matter is of a minor nature and is consistent with a strategy prepared by Ku-ring-gai Council, it is recommended that the Gateway determination function be exercised by the Director Sydney Region West, under delegation.

**DELEGATION OF PLAN MAKING FUNCTION**

Ku-ring-gai Council has not requested the delegation of the plan-making function in relation to this planning proposal. As the proposal may require the Governor's approval for the extinguishment of certain interests, it is not possible to delegate the making of the plan to Council.

**RECOMMENDATIONS AND GATEWAY CONDITIONS**

It is recommended that the planning proposal proceed, subject to the following conditions:

1. Prior to exhibition, the planning proposal is to be amended to:
  - (a) clarify whether it is intended to extinguish interests (pages 7/8 and Appendix C refer) and to ensure that the correct deposited plan number is included in the proposal in its description of 8-10 Tryon Road; and
  - (b) include advice over the potential loss of car parking spaces and any compensatory actions that are proposed.
2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979("EP&A Act") as follows:
  - (a) the planning proposal be publicly exhibited for 28 days; and
  - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for materials that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).
3. Consultation is required with the following public authorities under section 56(2)(d) of the Environmental Planning and Assessment Act 1979:
  - Energy Australia;
  - Transport for New South Wales - Roads and Maritime Services;
  - Transport for NSW; and
  - Sydney Water
4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The timeframe for completing the local environmental plan is to be 9 months from the week following the date of the Gateway Determination.

**Supporting Reasons :**

The regional team supports the planning proposal in principle as it will facilitate the proposed redevelopment of the Tryon Road public car park and provide flexibility for Council's plan for revitalisation of the Lindfield Village Green.

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Signature:



Printed Name:

T DORMAN

Date:

1/3/16