



Planning Proposal

Planning Proposal to reclassify Council owned land at 8-10 Tryon Road and 3 & 5 Kochia Lane, Lindfield, from Community Land to Operational Land via an amendment to the Ku-ring-gai Local Environmental Plan (Local Centres) 2012

December 2015

**Prepared by
Ku-ring-gai Council**

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Executive Summary

This Planning Proposal seeks to amend the *Ku-ring-gai Local Environmental Plan (Local Centres) 2012* to achieve:

The reclassification of Tryon Road Carpark, Lindfield otherwise known as 8-10 Tryon Road and 3 & 5 Kochia Lane, Lindfield from community to operational land.

The Proposal supports the resolution of Council (23rd June 2015) to reclassify the council owned lots and extinguish any necessary interests on the land. The reclassification of the site to operational land will 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 potential commuter car parking by TFNSW and/or commercial operations

The Planning Proposal is in accordance with the objectives of A Plan for Growing Sydney, applicable State Environmental Planning Policies and Section 117 Directions as well as local strategic directions adopted by Ku-ring-gai Council. There are not considered to be any negative environmental, social or economic impacts arising as a result of the Planning Proposal.

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) as well as the Planning Practice Note PN09-003 Classification and reclassification of public land through a local environmental plan.

The Planning Proposal seeks to amend the Ku-ring-gai Local Environmental Plan (Local Centres) 2012 as it applies to the following lands:

- 8-10 Tryon Road, Lindfield (Lot 2 and 3 DP 219628 & Lot 5 DP 219146) – reclassification of the land.
- 3 Kochia Lane, Lindfield (Lot 12 in DP 225925) – reclassification of the land
- 5 Kochia Lane, Lindfield (Lot 31 in DP 804447) – reclassification of the land

At its meeting on 23rd June 2015, Council resolved to adopt a preferred concept plan for the Lindfield Village Green. As a result, council also resolved that a Planning Proposal to reclassify the above lots from Community Land to Operational Land be prepared. This report is provided at **Appendix A** and the resolution at **Appendix B**.

Section 45 of the *Local Government Act 1993* prevents Council from selling, exchanging or otherwise disposing of Community Land. In order to allow more flexibility in dealing with any land use matters (e.g. potential commuter car parking by TFNSW and/or commercial operations on the site – as part of the development of the Lindfield Village Green), it is prudent for Council to consider having the site reclassified to operational land status.

Note: this Planning Proposal refers to various terms that are defined in the Department of Planning and Environment's ***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 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.

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.

Refer to **Appendix C** for NSW Planning Reclassification of public land through a Local Environmental Plan Checklist based on Practice Note PN09-003 *Classification and reclassification of public land through a local environmental plan*

Land to which the Planning Proposal applies

The location and base descriptions appear below. Additional maps including zoning and development controls appear in **Part 4 – Mapping**.

8-10 Tryon Road & 3-5 Kochia Lane, Lindfield

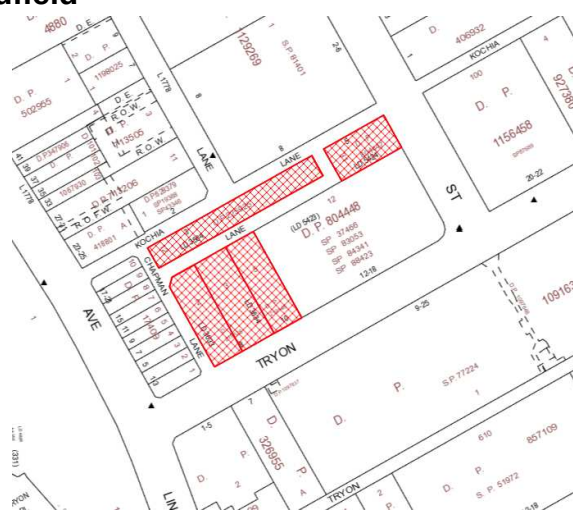
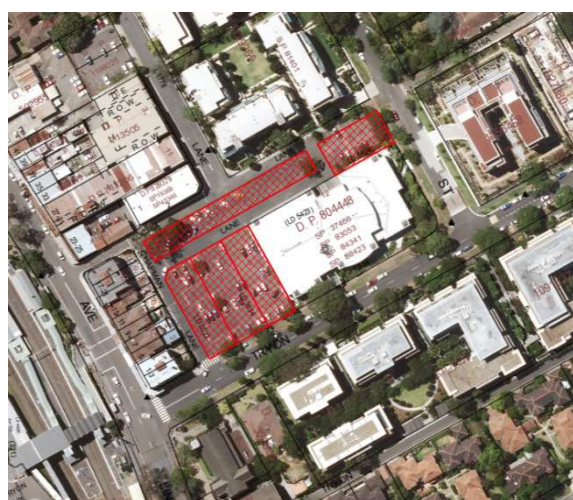


Figure 1: Aerial Photograph and Sketch Map – 8-10 Tryon Road & 3-5 Kochia Lane, Lindfield

Description and Use

The site is comprised of five (5) allotments – Lot 2, 3 and 5 DP 219628, Lot 12 DP 225925 and Lot 31 DP 804447 and form a total site area of 3,352m². The site has frontages of

approximately 45 metres to Tryon Road (south-east), 61m to Chapman Lane (south-west), 16m to Milray Street (north-east) and 121m to the Kochia Lane (north-west) and is currently utilised for public car parking. Collectively, the five lots are known as “Tryon Road Carpark”.

The council owned lands are situated on the eastern side of the Lindfield Train Station and Pacific Highway with a vehicular entrance at Tryon Road – the southern corner of the carpark. The collective Tryon Road carpark is a battle-axe shape and is in the vicinity of a number of existing buildings including:

1. The heritage listed (KLEP Local Centres 2012) commercial block at 1-21 Lindfield Avenue, Lindfield.
2. Recently erected apartment buildings situated at 2-6 Milray Street and 8 Kochia Lane, Lindfield.
3. Commercial offices situated at 2 Kochia Lane, Lindfield.
4. Three storey commercial building at 12-18 Tryon Road, Lindfield.

A search of Council records indicates the following:

- 8 Tryon Road (Lot 2&3 DP219628) was purchased in 1966 using a Lindfield car parking fund for the purposes of car parking.
- 10 Tryon Road (Lot 5 DP219146) was purchased in 1982 using Lindfield car parking fund for the purposes of car parking.
- 3 Kochia Lane (Lot 12 DP225925) was part resumed (compulsorily acquired) and part purchased in 1964/1965 using Lindfield car parking fund in for the purposes of providing, controlling and managing a site for the accommodation of vehicles in or near a public road and car parking.
- 5 Kochia Lane (Lot 31 DP804447) was dedicated, free of cost, to Council in 1990 as a condition of consent for Development Application No. 1515/87 for the construction of the existing three storey commercial building at 12-18 Tryon Road, Lindfield. At the time of dedication and transfer to Council, the site was a Reservation for Special Uses – (Car parking) under the Ku-ring-gai Planning Scheme Ordinance 1971. The Reservation applying to the land was removed in 1992 via LEP 100, which rezoned the site to 3(b) - Business – Commercial Services.

The council owned lands are currently used for car parking purposes. There are no easements or restrictions registered on the current Certificate of Title. Refer to **Appendix F** for title searches.

Existing planning controls

Land Classification

The council owned sites are currently classified as Community Land under the *Local Government Act 1993*. Section 45 of that Act prevents Council from selling, exchanging or otherwise disposing of Community classified land.

Records indicate that Ku-ring-gai Council acquired lands subject lands between 1964 and 1990 through the dedication of land and purchase through a Lindfield car parking fund. The land has been community classified since it came into Council ownership over this period.

Available Council records indicate that 5 Kochia Lane was dedicated to Council in 1990 for the purposes of car parking - as a condition of consent for Development Application No. 1515/87 – the construction of the existing three storey commercial building at 12-18 Tryon Road, Lindfield.

There is no evidence of any lands being dedicated in accordance with a condition imposed under Section 94 of the EP&A Act.

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

The following table shows the relevant planning controls that apply to the subject sites:

	8 - 10 Tryon Road	3 Kochia Lane	5 Kochia Lane
Zoning	B2 Local Centre	B2 Local Centre	B2 Local Centre
Floor Space Ratio (FSR)	Maximum FSR of 2.0:1	Maximum FSR of 2.0:1	Maximum FSR of 2.0:1
Height of Building	Maximum Height of Building – 11.5m on land	Maximum Height of Building – 11.5m on land	Maximum Height of Building – 11.5m on land
Lot Size	There are no lot size restrictions applying to the site.		
Heritage Listing	Not Listed.		
Bushfire Prone Land	Not recorded as Bushfire Prone on the Bushfire Prone Land Map.		
Riparian Land	Not shown as affected on the Natural Resource Riparian Lands Maps.		
Biodiversity	Not shown as affected on the Natural Resource Biodiversity Maps.		

Part 1 – Objectives

This objective of this Planning Proposal seeks to reclassify the Tryon Road Carpark, Lindfield otherwise known as 8-10 Tryon Road and 3 & 5 Kochia Lane, Lindfield from community land to operational land and extinguish any necessary interests on the land.

The reclassification of the site to operational land will 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 potential commuter car parking by TfNSW and/or commercial operations

Part 2 – Explanation of provisions

Explanation of the provisions

This Planning Proposal seeks to amend the Ku-ring-gai LEP (Local Centres) 2012 by:

- Inserting the following matter in Part 2 of Schedule 4 – Classification and Reclassification of Public Land:

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc. not discharged
Lindfield	Lot 2 and 3 DP 219628 & Lot 5 DP 219146, 8-10 Tryon Road	nil
Lindfield	Lot 12 in DP 225925, 3 Kochia Lane	nil
Lindfield	Lot 31 in DP 804447, 5 Kochia Lane	nil

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

Q1. Is the planning proposal a result of any strategic study or report?

Yes. At its meeting on 23rd June 2015, Council considered a report on the preferred concept design for the Lindfield Village Green. As a result of that report, Council resolved to prepare a Planning Proposal to reclassify 8-10 Tryon Road (Lot 2, 3 DP219628 and Lot 5 DP219146) 3 Kochia Lane (Lot 12 DP 225925), and 5 Kochia Lane (Lot 31 DP804447) from Community Land to Operational Land.

As outlined in the Ku-ring-gai Council Meeting Report (Item GB.5) of 23rd June 2015:

"In order to allow more flexibility in dealing with any land use matters (e.g. potential commuter car parking by TFNSW and/or commercial operations on the site), it is prudent for Council to consider having the site reclassified to operational land status. Reclassification would also assist with any potential land titling issues and provides flexibility for Council with longer leasing arrangements and could avoid any unnecessary time delays. If Council adopts the preferred option then, it is considered the process for reclassification should be relatively straightforward as there is certainty for the community in Council's long term vision for the site as a village green, car parking and a café space."

Additionally, at its meeting on 10th December 2013, (GB.19) Council resolved:

"B. That Council continues to actively investigate the potential to provide some of the commuter car parking proposed by Transport for NSW under the proposed Lindfield Village Green."

The reclassification of the lots to operational land will provide council with greater flexibility to provide future commercial operations and continue to actively investigate the potential future commuter car parking.

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

Yes. The sites are currently classified as community land and therefore, Council is not able to develop, sell, exchange or dispose of the land under the provisions of the Local Government Act 1993. Section 27(1) of the Local Government Act 1993 requires that the reclassification of public land be made by a local environmental plan.

A planning proposal for the site is therefore considered appropriate.

Section B - Relationship to the Strategic Planning Framework

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

Yes. This Planning Proposal is consistent with the applicable regional and subregional strategies as detailed below.

A Plan for Growing Sydney

The NSW Government's *A Plan for Growing Sydney* sets the framework for the delivery of the Government's vision for Sydney: 'a strong global city, a great place to live'. The Plan is built around achieving four (4) key goals:

1. A competitive economy with world class services and transport,
2. A city of housing choice with homes that meet our needs and lifestyles,
3. A great place to live with communities that are strong, healthy and well connected
4. A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.

Each goal sets out a number of key directions and actions that are aimed at achieving these goals. The planning proposal is consistent with the following actions and directions of *A Plan for Growing Sydney*:

Direction 3.1 – Revitalise existing suburbs.

The reclassification will facilitate the development of a high quality public space including grassed areas, new cafes and commuter car parking in an area that is experiencing considerable population growth and adjoining high density residential developments. The reclassification will allow greater flexibility around the future land use matters and commercial operations, providing the local community with a much needed community asset that is in close proximity to existing amenities and the Lindfield Train Station.

Action 3.1.1: Support urban renewal by directing local infrastructure to centres where there is growth.

In this regard, the proposed reclassification will enable Ku-ring-gai Council to enhance the amenity of the local centre through a range of potential new infrastructure projects and community facilities. The reclassification will allow for greater accessibility and commuter car parking so that transport links can be improved. Proposals for the future of the lands will allow greater opportunity for commercial leasing attracting new businesses to the Lindfield local centre.

Direction 3.2 – Create a network of interlinked, multi-purpose open and green spaces across Sydney.

The reclassification of these council owned lands will promote a healthier urban environment, improve community access to recreation and exercise, encourage social interaction, support active transport connections to centres and public transport, and improve the city's environmental resilience.

Direction 3.3 – Create healthy built environments.

The Planning Proposal will encourage a healthy community by creating a mixed-use precinct that can support physical activity and connect and strengthen communities. Furthermore, the planning proposal allows for future built environment that can encourage healthy communities by:

- Creating an attractive public space within a mixed-use centre that provides a convenient focus for daily activities;
- providing facilities such as bike lockers at rail stations to make it easier to walk or cycle to public transport and local centres;
- creating attractive public spaces and improving the quality of the public domain through better design, including landscaping, lighting and traffic calming measures in high pedestrian areas; and
- linking open spaces to encourage recreational walking and cycling, and support cross-regional trips to centres and other destinations.

Specifically, the proposed reclassification will facilitate the integration of land use and transport to encourage active modes of travel, such as walking and cycling, and will provide a public space that is safe, clean and attractive and of which, will encourage social interaction.

Ku-ring-gai Council continues to actively investigate the potential to provide some of the commuter car parking proposed by Transport for NSW under the proposed Lindfield Village Green. Delivering transport improvements, including public transport, traffic management and car parking will improve the business environment of strategic centres.

District plans that set out how community needs such as housing, jobs, public spaces, community facilities, transport options, schools and hospitals will apply to local areas, are yet to be finalised. However, *A Plan for Growing Sydney* highlights the priorities and objectives that are contained within the future district plans. The council owned land under this planning proposal is situated in the North District and sits within the rail line corridor that has been identified for accelerated urban renewal. The reclassification of these lands will enable council to deliver community facilities such as open space/ recreational spaces that support the rapid growth of local residential development and subsequent population increases

along this corridor.

Q4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Ku-ring-gai Council Community Strategic Plan 2030

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 Ku-ring-gai Council Community Strategic Plan is based around the following six principle themes:

- Community, People and Culture
- Natural environment
- Places, Spaces and Infrastructure
- Access, Traffic and Transport
- Local Economy and Employment
- Leadership and Governance

Community, People and Culture

Under this principle, the proposed reclassification will assist Council in creating a healthy, safe, and diverse community that respects our history, and celebrates our differences in a vibrant culture of learning.

Specifically, the planning proposal is consistent with Council's long term objective "*C4.1 A community that embraces healthier lifestyle choices and practices*". The proposed reclassification will allow Council fulfil its term achievement – *New and enhanced open space and recreational facilities have been delivered to increase community use and enjoyment.*

Places, Spaces and Infrastructure

The Planning Proposal is consistent with Council's long term objective *P8.1 – An improved standard of infrastructure that meets the community's service level standards and Council's obligations as the custodian of our community assets.*

Under this principle, the proposed reclassification will assist council in its goal to provide a range of well planned, clean and safe neighbourhoods and public spaces designed with a strong sense of identity and place. The proposed reclassification will allow greater flexibility in the delivery of future land use operations that may occur such as increased commuter car parking and retail space – thereby increasing the availability of community assets and facilities.

Access, Traffic and Transport

The Planning Proposal is consistent with Council's long term objective - *T1.1 A range of integrated transport choices are available to enable effective movement to, from and around Ku-ring-gai.*

Under this principle, the proposed reclassification will ensure that access and connection to, from and within Ku-ring-gai is safe, reliable and affordable. The Planning Proposal will provide Council with greater flexibility in dealing with any land use matters such as potential

commuter car parking by TFNSW – thereby improving accessibility in and out of Lindfield via public transport.

Local Economy and Employment

The Planning Proposal is consistent with Council's long term objective *E1.1 – Ku-ring-gai is an attractive location for business investment*.

Under this principle, the proposed reclassification will enable council to create economic employment opportunities through vital, attractive centres, business innovation and technology. The reclassification will ensure that council can, with greater ease, provide new commercial opportunities that will lead to increased employment opportunities. The proposed reclassification will allow for new retail and commercial opportunities that will lead to a strengthening of our local and neighbourhood centres to promote small and medium businesses in Ku-ring-gai.

Leadership and Governance

The Planning Proposal is consistent with Council's long term objective *L4.1 – The community is informed and engaged in decision-making processes for community outcomes*.

Under this principle, the proposed reclassification will allow Ku-ring-gai to be well led, managed and supported by ethical organisations which deliver projects and services to the community by listening, advocating and responding to their needs.

As highlighted in Part 5 Community Consultation, Council is committed to undertaking an extensive consultation and community engagement program in accordance relevant Department of Planning guidelines including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals* (the Guide).

Ku-ring-gai Community Facilities Strategy 2014

The Ku-ring-gai Community Facilities Strategy concluded that existing facilities on the whole are inadequate to meet the needs of the existing population and will be unable to absorb growing numbers of users, or respond to changing population interests and needs, without redevelopment, expansion and the construction of additional facilities. As such, the planning proposal is consistent with the Draft Ku-ring-gai Community Facilities Strategy as it will enable Council to provide new community facilities and deliver improvements on existing infrastructure.

Lindfield Community Facilities Study 2014

Consultants were engaged in May 2014 to prepare the Lindfield Community Facilities Study, which sought to determine a successful network of community facilities across the Lindfield catchment in line with the principles proposed in the Ku-ring-gai Community Facilities Strategy 2014. A draft Study has been completed.

The draft Study identified that the Tryon Road Carpark has the opportunity to contribute to the public domain and sense of place and that Lindfield would benefit greatly from a community focal point and gathering space, provided either to the east or west of the pacific highway. As such, the proposed reclassification is considered to be consistent with the Draft Lindfield Community Facilities Study.

Ku-ring-gai Local Centres Development Control Plan 2013

The development objectives of the area are expressed in the Ku-ring-gai Local Centres DCP in "1E.1: Local Centre Urban Precincts, namely:

- 1. To create distinct commercial precincts that provide a range of services, facilities and experiences.*
- 2. To create vibrant commercial areas with distinctive and memorable characters.*
- 3. To provide opportunities for new speciality retail, cafes and restaurants to be located away from the highway.*
- 4. To establish a new mixed use precinct on the eastern side of Lindfield focused around a new town square on Tryon Road.*
- 5. To establish a new mixed use precinct on the western side of Lindfield focused around a community hub on Woodford Lane and a new urban park on Bent Street.*
- 6. To encourage restaurants, cafes and outdoor dining and offices fronting the rear lanes to contribute to the vibrant activity and safety of the centre.*
- 7. To provide opportunities for new supermarkets to support and anchor the centre.*

The proposed reclassification will allow for the delivery of the various objectives identified within Precinct 1E.1. Reclassification of the land will allow for a range of future land uses and commercial operations.

The planning proposal is also consistent with the Planned Future Character for *Precinct L4 – Tryon Road and Lindfield Avenue Retail Area*:

- i) In the future the precinct will provide an improved retail centre with a larger supermarket and speciality retail, offices, as well as shop top housing.*
- ii) This area will have a strong community focus with a new town square and public library. The new library will be located adjacent to the new town square with direct ground level access. Public parking will be provided in a basement under the town square and will accommodate both existing and future parking requirements.*
- iii) The heritage listed shops at 1-21 Lindfield Avenue will be protected as an example of an Inter War Mediterranean style commercial building. Sensitive redevelopment at the rear of the existing heritage buildings will replace the existing unsightly garages and alterations with new retail shops (eg. cafes and restaurants) along the Chapman Lane and will contribute to the success and vibrancy of the town square precinct.*

The proposed reclassification will allow for the delivery of the various precinct upgrades identified within Precinct L4. Council is currently engaged in an ongoing negotiation with Transport for NSW to provide additional commuter car parking on the subject site.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes. The State Environmental Planning Policies (SEPPs) that are directly relevant to the Planning Proposal are detailed and reviewed below.

In summary, it is considered that the Planning Proposal for reclassification of the Council owned sites is not inconsistent with any of the SEPPs. However, further compliance and consistency with the SEPPs will need to be considered during the assessment of any future development application involving the subject sites.

The following is a discussion of those SEPPs that apply to this Planning Proposal.

State Environmental Planning Policy (Infrastructure) 2007

The key objective of the Policy is to assist in facilitating the delivery of infrastructure by introducing consistent planning regime, which provides greater certainty regarding the planning provisions applying to infrastructure projects across NSW.

This Planning Proposal does not contradict or repeat any provision within the Policy. Any future development within the subject sites will need to be in accordance with the provisions of the Policy.

Based on the above, the Planning Proposal is consistent with this SEPP.

State Environmental Planning Policy No. 19 – Bushland in Urban Areas

The key objective of this SEPP is to protect and preserve bushland within urban areas due to its value to the community, its aesthetic value and its value as a recreational, educational and scientific resource. The Policy is designed to protect bushland in public open space zones and reservations, and to ensure that bush preservation is given a high priority when local environmental plans for urban development are prepared.

The Council owned lots are predominantly hard paved public car parks with some trees located throughout. This Planning Proposal is considered to be consistent with the objectives of this Policy as future plans aim to preserve existing trees and embellish the green space around them. Council has adopted a preferred design concept for a Village Green which includes the future embellishment of the existing Tryon Road Car Park including streetscape improvements that would allow for further tree plantings. Therefore it is considered that the planning proposal is consistent with this SEPP.

State Environmental Planning Policy No. 32 – Urban Consolidation

This SEPP focuses on the redevelopment of urban land that is no longer required for the purpose it is currently zoned or used, and encourages local councils to pursue their own urban consolidation strategies to help implement the aims and objectives of the Policy.

The Planning Proposal is consistent with the provisions of this SEPP as it facilitates urban consolidation which will promote the social and economic welfare of the State and a better environment by enabling increased opportunities for people to live in a locality which is close to employment, leisure and other opportunities.

State Environmental Planning Policy No. 55 – Remediation of Land

This SEPP introduces planning controls for the remediation of contaminated 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 for all of the subject sites. 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 the site walkover, and the proposed land use scenario (one or two basement levels of car parking across the site, with village green and commercial above the basement), SLR makes the following conclusions:

- 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;
- The site is considered suitable (from a contamination perspective) for the proposed redevelopment land use scenario;

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

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

This deemed SEPP provides zoning and development controls for land surrounding the harbour and the waterways (including the wider catchment) for the protection of the environment, vistas and function of the harbour.

The Planning Proposal is consistent with the deemed SEPP as it does not contradict or repeat any provision within the Policy. Any future development within the subject sites will need to be in accordance with the provisions of the Policy.

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

The Section 117 Directions that are relevant to the Planning Proposal have been detailed below.

Applicable s117 Direction	Consistency of the Planning Proposal and Comments
1. Employment and Resources 1.1 Business and Industrial Zones Objectives The objectives of this direction are to: Encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified strategic centres.	Consistent. The objectives of the planning proposal are to provide greater flexibility around future land use matters such as commuter car parking and future commercial transactions. As such, it is considered that the planning proposal will encourage employment growth within the Local Centre. The planning proposal will enable council to facilitate an optimal arrangement of retail, commercial, community and open space uses.
2. Environment and Heritage 2.3 Heritage Conservation Objective The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	Consistent. In summary, the purpose of this Direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. The subject sites do not contain any items, areas, objects and places of environmental heritage significance and indigenous heritage significance. The heritage items nearest to the subject sites are: The commercial block that fronts Lindfield Avenue and rear adjoins Chapman Lane (1-21 Lindfield Avenue, Lots 1-10 DP 17409). This is listed as an item of local heritage significance under Schedule 5 of the Local Centres LEP 2012 (Item No. I41). St Alban's Anglican Church (1-5 Lindfield Avenue, Lot 1 DP 501299). This is listed as an item of local heritage significance under Schedule 5 of the Local Centres (Item No. I55). The Planning Proposal will not affect these current listings. Any future development of the sites will need to address

	any potential impacts on the existing heritage items.
3. Housing, Infrastructure and Urban Development 3.4 Integrating Land Use and Transport Objective 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: improving access to housing, jobs and services by walking, cycling and public transport, and increasing the choice of available transport and reducing dependence on cars, and reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and supporting the efficient and viable operation of public transport services, and providing for the efficient movement of freight.	Consistent. The planning proposal will facilitate a suite of traffic improvements, increased commuter car parking facilities, and pedestrian access improvements to the Lindfield Train Station and other areas of the Lindfield Local Centre. To further the objectives, the planning proposal will enable council to improving access to current and future housing, jobs and services by walking, cycling and public transport.
4. Hazard and Risk 4.1 Acid Sulfate Soils Objective 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.	Consistent. The KLEP (Local Centres) 2012 does not include any acid sulphate soil maps indicating an absence of acid sulphate soils in the centres, and including the subject site.
4. Hazard and Risk 4.3 Flood Prone Land Objectives The objectives of this direction are: to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i>, and 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.	Consistent. The site is not flood prone land.
4. Hazard and Risk 4.4 Planning for Bushfire Protection Objectives The objectives of this direction are: 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 to encourage sound management of bush fire prone areas.	Consistent. The site does not contain bush fire prone land.
6. Local Plan Making 6.1 Approval and Referral Requirements Objective The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	Consistent. This Planning Proposal does not propose to include additional provisions in the Local Centres LEP that require the concurrence, consultation or referral to a Minister or public authority. It is therefore, consistent with this Direction. Despite the above, due to the sites proximity to the Pacific Highway and the North Shore Rail Corridor, future DAS may require the concurrence of, consultation with or referral to the RMS and RailCorp (Sydney Trains) respectively.
6. Local Plan Making 6.2 Reserving Land for Public Purposes Objectives The objectives of this direction are: to facilitate the provision of public services and facilities by reserving land for public purposes, and to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	Consistent. Council owns the subject site – there is no reservation of land for a public purpose under this planning proposal.
6. Local Plan Making 6.3 Site Specific Provisions	Consistent. No site specific planning controls will be introduced by this planning proposal.

Objective The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	
7. Metropolitan Planning 7.1 Implementation of the Metropolitan Plan for Sydney 2036 Objective The objective of this direction is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036.	Consistent. Since this Direction was made the State Government has adopted <i>A Plan for Growing Sydney</i> as the new metropolitan plan to replace <i>Metropolitan Plan for Sydney 2036</i>. The <i>Plan for Growing Sydney</i> sets the framework for the delivery of the Government's vision for Sydney: 'a strong global city, a great place to live'. A key goal of the Plan is to create more vibrant places and revitalised suburbs where people want to live – welcoming places and centres with character and vibrancy that offer a sense of community and belonging. This Planning Proposal is considered to be consistent with the key goals of the Plan as it will facilitate the future development of the Linfield Village Green, as well as providing greater flexibility around the leasing of new commercial floorspace, commuter car parking, and pedestrian and road improvements.

Section C – Environmental, social and economic impact

Q7. Is there any likelihood that critical habitat or threatened species, population or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The subject site is predominantly a hard paved public car park containing minimal vegetation and no remnant vegetation. There are no areas of biodiversity significance.

There are no likely impacts on threatened species or ecological communities that would preclude the reclassification of the subject sites.

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

The intent of the proposed reclassification is to provide Council more flexibility in dealing with any land use matters such as potential commuter car parking by TFNSW and/or commercial operations on the site.

The subject site is predominantly a hard paved public car park so environmental impacts will be minimal. In any event, a reclassification would allow Council the flexibility to make improvements that would support future commercial. These improvements could include:

- Streetscape improvements, village green, landscaping and additional tree planting.
- Café/ restaurant operating as a commercial premises.

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

Social Effects

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

Collectively, the council owned lands at Tryon Road and Kochia Lane, once reclassified to operational land, have the potential to provide new commercial opportunities that will provide a high level of social and health benefits to the community. The opportunity cost to Council

by not proceeding with the proposed reclassification is that future commercial transactions and public domain upgrades could face lengthy delays and may not be delivered for many years, if at all.

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.
- Potential increase in value of the Council's assets.
- Potential gain in actual or prospective revenue through leasing of new commercial space.
- Reduced maintenance of new building assets

Section D – State and Commonwealth Interests

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

The subject site is situated within the North Shore Rail Corridor that is earmarked for urban renewal. The council owned lands are located in close proximity to Lindfield train station, existing shopping facilities, and the proposed reclassification will provide Council with greater flexibility to plan for improved public transport accessibility, pedestrian improvement upgrades, and long stay commuter carparking facilities.

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 Environment. Consultation with the following Government authorities, agencies and other stakeholders in regard to this Planning Proposal are proposed to include:

- Roads and Maritime Services
- Sydney Water Corporation;
- Energy Australia;
- Transport for NSW

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

Part 4 – Mapping

The subject land of the Planning Proposal

Location of 8-10 Tryon Road & 3-5 Kochia Lane, Lindfield



Figure: Location

Current land use zone(s) applying to the land under Ku-ring-gai LEP (Local Centres) 2012

Current Land Use Zoning of 8-10 Tryon Road & 3-5 Kochia Lane, Lindfield under the KLEP (Local Centres) 2012

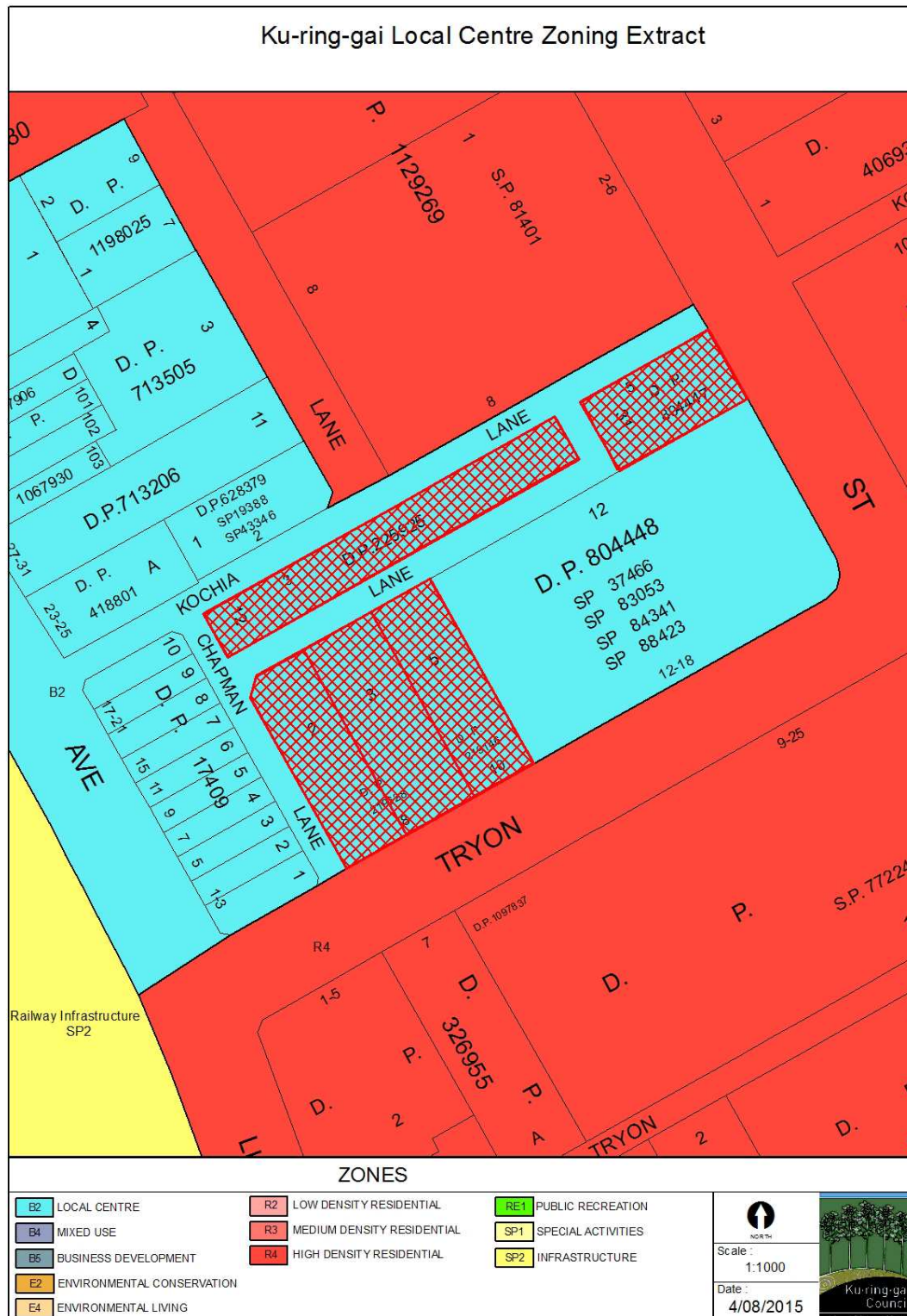


Figure: Land Zoning Map – Ku-ring-gai LEP (Local Centres) 2012

Current development standards applying to the land under Ku-ring-gai LEP (Local Centres) 2012

Current FSR of 8-10 Tryon Road & 3-5 Kochia Lane, Lindfield under the KLEP (Local Centres) 2012

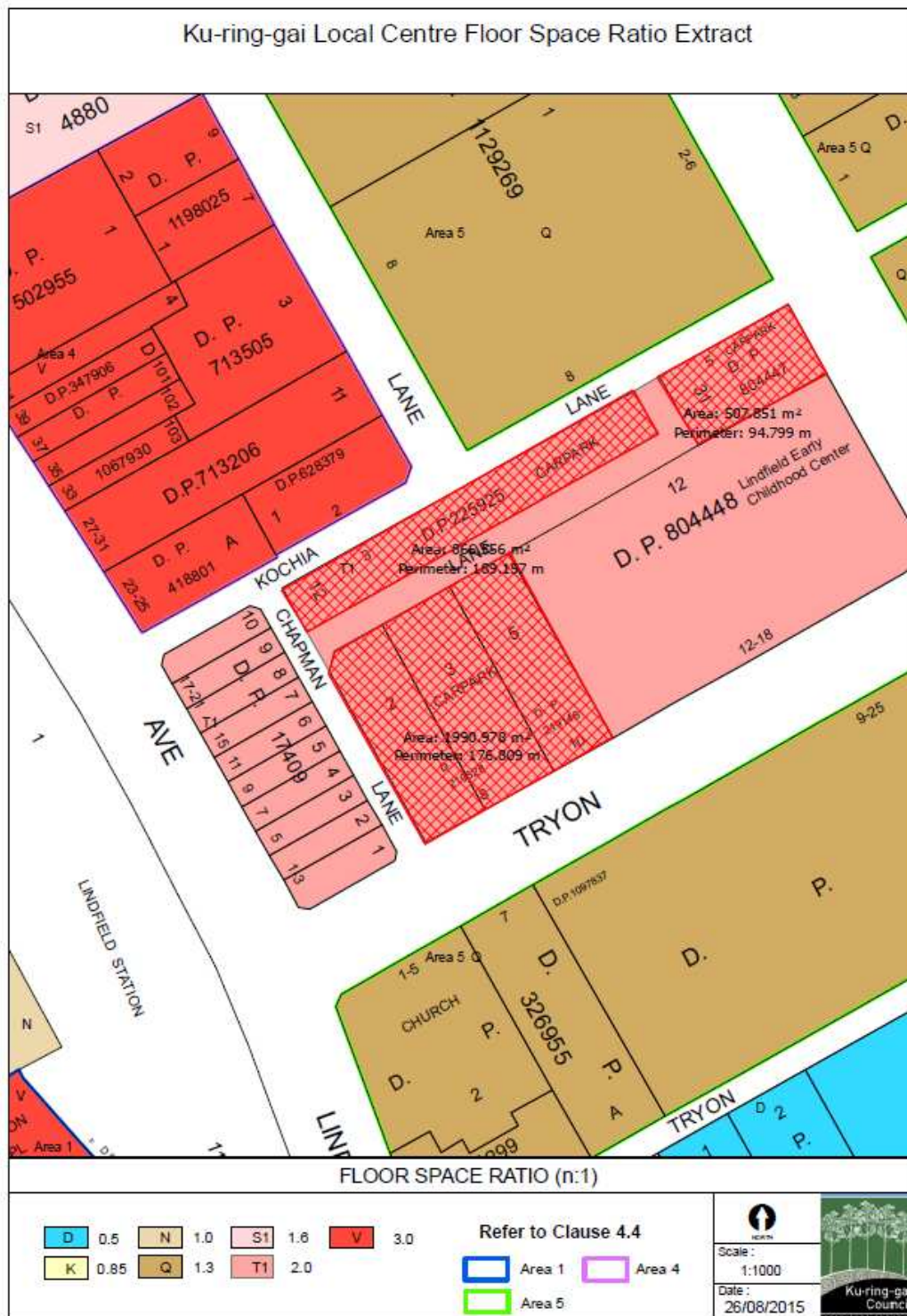


Figure: Floor Space Ratio Map – Ku-ring-gai LEP (Local Centres) 2012

Current Building Height of 8-10 Tryon Road & 3-5 Kochia Lane, Lindfield under the KLEP (Local Centres) 2012

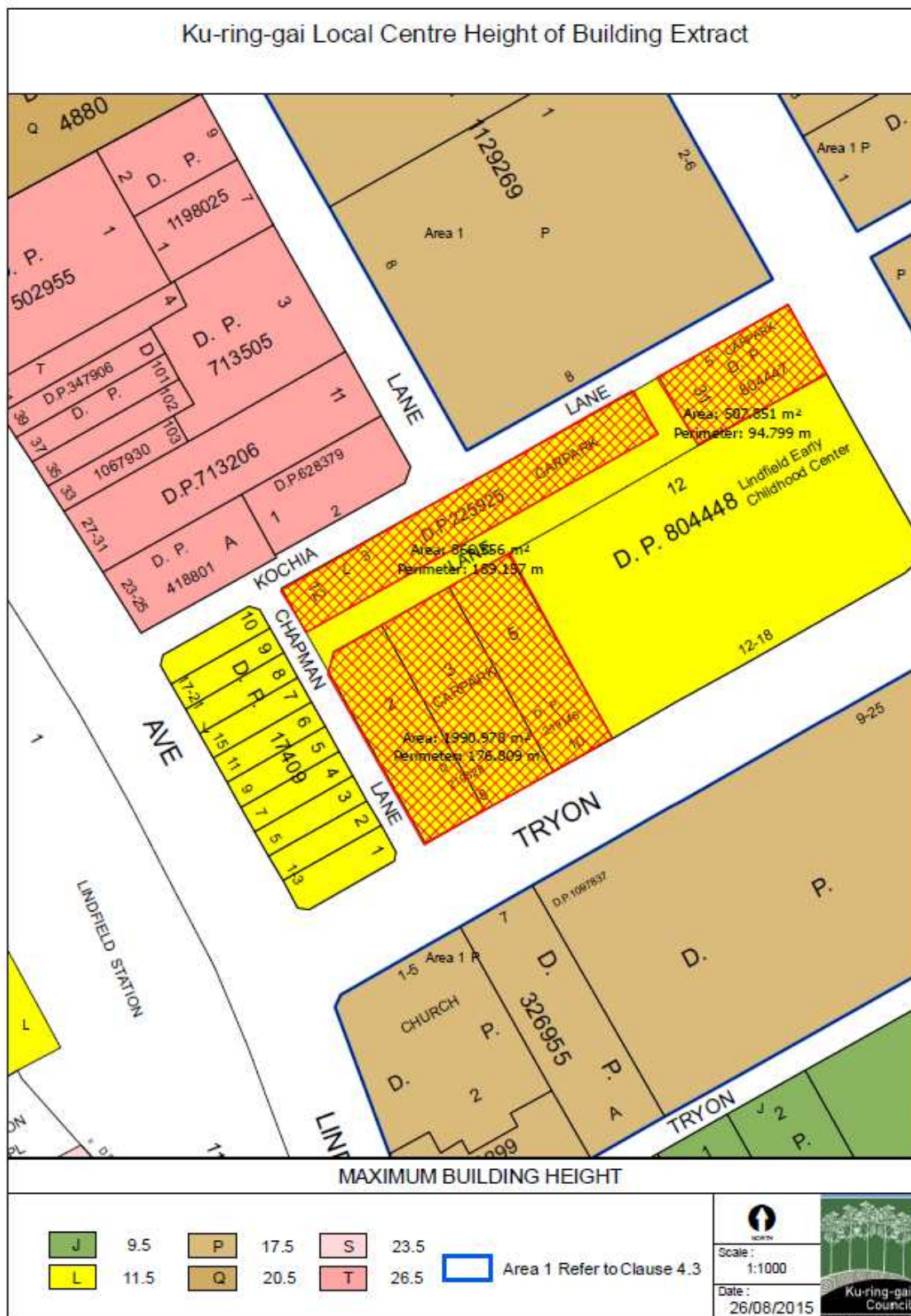


Figure: Height of Building Map – Ku-ring-gai LEP (Local Centres) 2012

Aerial Photograph

Aerial photo of 8-10 Tryon Road & 3-5 Kochia Lane, Lindfield

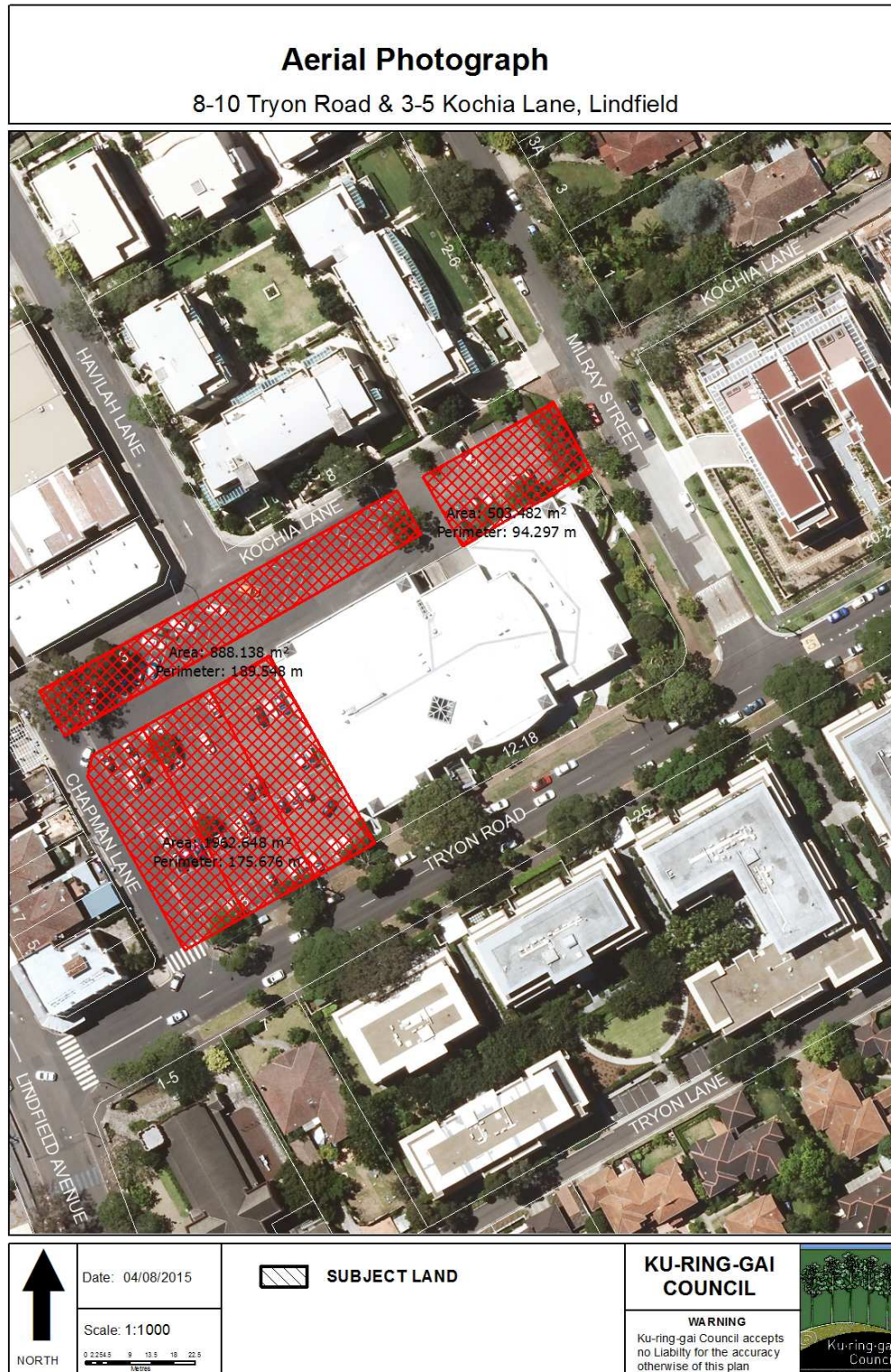


Figure: Aerial Photograph

Part 5 – Community Consultation

Proposed Community Consultation Strategy

Community consultation on the Planning Proposal will be undertaken by Council in accordance with the Department of Planning's guidelines, including '*A Guide to Preparing Local Environmental Plans*' and '*A Guide to Preparing Planning Proposals*'.

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 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 proposal.
- 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 Section 57 and the supporting documentation at Council's Administration Centre and on Council's website.
- Notifying 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 landowners where relevant.
- Holding a Public Hearing – chaired by an independent chairperson.
- Any other consultation methods deemed appropriate for the Proposal.

Reclassification of Council 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. At its meeting on 23rd June 2015, Council resolved to prepare a Planning Proposal to reclassify 8-10 Tryon Road (Lot 2, 3 DP219628 and Lot 5 DP219146) 3 Kochia Lane (Lot 12 DP 225925), and 5 Kochia Lane (Lot 31 DP804447) from Community Land to Operational Land.

Is the planning proposal consistent with the local council's community plan, or other local strategic plan?

Yes. As detailed at Part 3 Section B, this Planning Proposal is considered to be consistent with the Ku-ring-gai Council Community Strategic Plan 2030.

If the provision 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

At the Ordinary Meeting held on 23rd June 2015, Council resolved to formally seek to discharge all interests in these properties. Based on information provided by Council and certificates of title for the lots, there are no other notifications or restrictions over the land.

It is noted that 5 Kochia Lane (Lot 31 DP804447) was dedicated, free of cost, to Council in 1990 as a condition of consent for the construction of the existing commercial building at 12-18 Tryon Road, Lindfield. At the time of dedication and transfer to Council, the site was a Reservation for Special Uses – (Car parking) under the Ku-ring-gai Planning Scheme Ordinance 1971. The Reservation applying to the land was removed in 1992 via LEP 100, which rezoned the site to 3(b) - Business – Commercial Services. Council is currently investigating whether the circumstances under which this land was dedicated to Council establishes an unregistered interest in the land. If that is deemed to be the case then this planning proposal will seek to discharge that interest.

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

Council is the landowner of both sites and has endorsed the preparation of this Planning Proposal.

Part 6 – Project Timeline

It is anticipated that the Planning Proposal will take effect at the end of February 2016. The timeline for the progression of this Planning Proposal is indicated in the following Table:

Stage	Timing
Anticipated commencement date (date of Gateway determination)	5 February 2016
Agency consultation	12 February 2016 (28 days)
Notification of Exhibition	Friday 11 March 2016
Commencement and completion dates for public exhibition period	Friday 11 March 2016 – Friday 8 April 2016 (28 days exhibition)
Target date for Advertising Public Hearing in the Local Press	Friday 15 April 2016 (Min 21 days in advance of hearing)
Prospective dates for public hearing	Week beginning Monday 9 May 2016
Timeframe for consideration of submissions	May 2016
Timeframe for Chairperson's Report	May - June 2016

Preparation of Report to Council	June 2016
Targeted Dates for Ordinary Meeting of Council	July 2016
Legal drafting / Plan Making / Return to Department	July - August 2016 (6 weeks)
Anticipated date RPA will forward to the Department for notification.	September 2016

APPENDICES

APPENDIX A

Report to Council Meeting 23 June 2015

APPENDIX B

Resolution of the Council Meeting 23 June 2015

APPENDIX C

Reclassification Checklist: Practice Note PN 09-003

Planning Proposal to reclassify Council owned land 8-10 Tryon Road and 3-5 Kochia Road, Lindfield via an amendment to the Ku-Ring-Gai Local Environmental Plan (Local Centres) 2012

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

Attachment 2 Checklist of Exhibition Material

Why is the Draft LEP being prepared?

- ☒ This information is found in the Council Report dated 23rd June 2015.

The current and proposed classification of the land

- ☒ The subject land, being 8-10 Tryon Road (Lot 2, 3 DP219628 and Lot 5 DP219146) 3 Kochia Lane (Lot 12 DP 225925), and 5 Kochia Lane (Lot 31 DP804447) from Community Land to Operational Land is currently classified as 'Community Land'. The Draft LEP proposes to reclassify the land to 'Operational Land'

Further details regarding the proposed re-classification are provided in 'Existing Planning Controls' in Part 1 – Objectives and Intended Outcomes of the Planning Proposal.

The strategic reasons for the reclassification

- ☒ The Planning Proposal will provide Council with greater flexibility to deal with any land use matters such as potential commuter car parking by TfNSW and/or commercial operations that may occur on the site resulting from the development of the Lindfield Village Green

Council's ownership of the land

- ☒ A search of council records indicate that the lands were purchased using a car parking fund and also dedicated to council. The acquisition of these lands occurred progressively between 1964 and 1990.

The nature of Council's interest in the land and how and when Council's interest in the land was acquired

- ☒ A search of Council records indicate the following:

- 8 Tryon Road (Lot 2&3 DP219628) was purchased in 1966 using a Lindfield car parking fund for the purposes of car parking.
- 10 Tryon Road (Lot 5 DP219146) was purchased in 1982 using Lindfield car parking fund for the purposes of car parking.
- 3 Kochia Lane (Lot 12 DP225925) was part resumed (compulsorily acquired) and part purchased in 1964/1965 using Lindfield car parking fund in for the purposes of providing, controlling and managing a site for the accommodation of vehicles in or near a public road and car parking.
- 5 Kochia Lane (Lot 31 DP804447) was dedicated, free of cost, to Council in 1990 as a condition of consent for Development Application No. 1515/87 for the construction of the existing three storey commercial building at 12-18 Tryon Road, Lindfield.

Any agreements over the land and the details thereof

- ☒ It is noted that 5 Kochia Lane (Lot 31 DP804447) was dedicated, free of cost, to Council in 1990 as a condition of consent for the construction of the existing commercial building at 12-18 Tryon Road, Lindfield. At the time of dedication and transfer to Council, the site was a Reservation for Special Uses – (Car parking) under the Ku-ring-gai Planning Scheme Ordinance 1971. The Reservation applying to the land was removed in 1992 via LEP 100, which rezoned the site to 3(b) - Business – Commercial Services.

Council is currently investigating whether the circumstances under which this land was dedicated to Council establishes an unregistered interest in the land. If that is deemed to be the case then this planning proposal will seek to discharge that interest.

Prospective change in land valuation

- ☒ Council had the land valued by Landmark White (P/L) in August 2012. Based on the existing FSR of 2.0:1 and a maximum height of 11.5m, the site was valued at between \$2000/sqm and \$2500/sqm.

The Landmark White (P/L) was peer reviewed in March 2013 by Hill PDA. This peer review supported the findings of the earlier Landmark White valuation.

Asset Management objectives

- ☒ This information is included in the Council Report dated 23rd June 2015.

Is there any agreement to sell or lease the land?

- ☒ In May 2012, the Hon Barry O'Farrell, MP Premier of NSW Minister for Western Sydney announced by media release that the NSW Government would build 9 new commuter car parks

across Sydney, including 240 new spaces at Lindfield. Following this announcement, at the Ordinary Meeting of Council on 28 May 2013, Ku-ring-gai Council resolved to undertake a comprehensive master plan for a Council-owned car park site on the western side of the Pacific Highway in Lindfield, in the vicinity of Woodford Lane, referred to as the Lindfield Community Hub project.

In July 2013, a Project Working Group (PWG) was established with representatives of Council and Transport for NSW (TfNSW) to inform the preparation of a master plan incorporating commuter car parking. Council representatives and TfNSW have since been meeting regularly to ensure the delivery of a coordinated and shared outcome.

At the Ordinary Meeting of Council 10 November 2015 it was resolved to submit a formal proposal to TfNSW as the basis for commencing negotiations and completing an agreement between the parties for the provision of 100 commuter car parking spaces as part of the proposed Lindfield Village Green project on the eastern side of Lindfield; and 140 commuter car spaces as part of the Lindfield Community Hub project on the western side of Lindfield. A proposal was submitted to TfNSW on Monday 7th December 2015 and negotiations are expected to commence in 2016.

At this stage it is anticipated that the car parking will be delivered as a stratum within the overall development; whether the stratum is owned or leased by TfNSW is subject to negotiations.

Other relevant matters

- ☒ Please refer to the Planning Proposal.

Attach a copy of Practice Note PN 09-003

- ☒ See next page overleaf.

APPENDIX D

Phase 1 Environmental Site Assessment

APPENDIX E

Preferred Design Concept – Lindfield Village Green

APPENDIX F

Title Search