



PLANNING PROPOSAL

KU-RING-GAI LOCAL ENVIRONMENTAL PLAN (RECLASSIFICATION OF CERTAIN COUNCIL OWNED LAND) 2012

BEING AN AMENDMENT TO DRAFT KU-RING-GAI LOCAL ENVIRONMENTAL PLAN (Local Centres) 2012

PROPOSAL TO RECLASSIFY PART LOT 1 IN DP 929131 AND LOTS 1-16 DP 1099330 KNOWN AS 1B BEACONSFIELD PARADE AND 19 DROVERS WAY, LINDFIELD FROM COMMUNITY LAND TO OPERATIONAL LAND

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

**By
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Job No. 12232
Planning Proposal from BBC Planners for Woodford Lane Car Park
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- Appendix 1: Report to Council Meeting held on 26 June 2012
- Appendix 2: Proposed format of LEP

1. INTRODUCTION

This Planning Proposal contains an explanation of the intended effect and justification for a proposed amendment to the Draft Ku-ring-gai Local Environmental Plan (Local Centres) 2012. The Planning Proposal has been prepared in accordance with section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the relevant Department of Planning Guidelines including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals* (the guide).

The Planning Proposal seeks an amendment to the Draft Ku-ring-gai Local Environmental Plan (Local Centres) 2012 to achieve:

- the reclassification of Part Lot 1 in DP929131 and Lots 1-16 in DP 1099330, known as 1b Beaconsfield Parade and 19 Drovers Way ("the site"), from Community land to Operational land.

(Note in the event that the Draft Ku-ring-gai Local Environmental Plan (Local Centres) 2012 is not made, then this proposed Planning Proposal would revert to being an amendment to the Ku-ring-gai Planning Scheme Ordinance (1971)).

The land to which the Planning Proposal relates is shown in **Figure 1** following Section 5 of the Planning Proposal.

At the Ordinary meeting of Council on 6 June 2012 a report was tabled to Council recommending that "Council prepare a Planning Proposal to reclassify the site from community land to operational land and that a further report be brought back to Council regarding the future divestment following the reclassification process". The report is provided in **Appendix 1**.

At the Ordinary Meeting held on 6 June 2012, Council resolved:-

- "A. That a Planning Proposal be prepared, in accordance with section 55 of the *Environmental Planning and Assessment Act, 1979*, to reclassify Woodford Lane Car Park (1b Beaconsfield Parade & 19 Drovers Way), Lindfield - being Part Lot 1 DP929131 & Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 DP1099330 from Community land to Operational land either via an amendment the Ku-ring-gai Planning Scheme Ordinance (KPSO) or the draft Ku-ring-gai Local Centres LEP (2012)
- B. That Council undertake a public hearing under the provisions of the *Local Government Act, 1993* for the proposed reclassification of Woodford Lane Car Park (1b Beaconsfield Parade & 19 Drovers Way), Lindfield from Community land to Operational land.
- C. That Council formally seek to discharge all interests for Woodford Lane Car Park (1b Beaconsfield Parade & 19 Drovers way), Lindfield - being Part Lot 1 DP929131 & Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 DP1099330.
- D. That the Planning Proposal 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, 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 a further report be brought back to Council regarding the arrangements with Transport for NSW for the delivery of a commuter car park at Woodford Lane, Lindfield."*

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

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

1.1 Land to which the Planning Proposal applies

The Planning Proposal applies to the land identified in **Figure 1** (following Section 5 in this Planning Proposal) and is described as Part Lot 1 in DP 929131 and Lots 1-16 in DP 1099330, known as 1b Beaconsfield Parade and 19 Drovers Way respectively (the site). The site is owned by the 'Ku-ring-gai Municipal Council'. The site has an area of 5,558.85m². Drovers Way divides the site into two elements with Part Lot 1 in DP 929131 located to the west of Drovers Way and Lots 1-16 in DP 1099330 to the east. Drovers Way is proposed to be relocated along the western boundary of the site following the acquisition of 12 Bent Street Lindfield which is proposed to be zoned SP2 (Local Road) under Draft Ku-ring-gai Local Environmental Plan (Local Centres) 2012. This will allow Drovers Way to be closed and the site to be consolidated.

Part of the site, Part Lot 1 in DP 929131 is burdened by an easement for drainage which runs east west through the southern section of the lot in favour of Ku-ring-gai Municipal Council.

The site and Drovers Way accommodates approximately 109 short term and unrestricted car parking spaces and operates as a Council car park. The unrestricted parking spaces are regularly used by commuters on weekdays and the car park generally services the short term parking needs of the retail and commercial areas on the western side of the Pacific Highway.

We are advised that the site known as 1b Beaconsfield Parade and 19 Drovers Way Lindfield is classified as Community land under the Local Government Act, 1993. Section 45 of the Local Government Act, 1993 prevents Council from selling, exchanging or otherwise disposing of Community classified land therefore it is proposed to reclassify the site from Community Land to Operational land in accordance with Section 27 of the Act.

1.2 Existing Planning Controls

Figure 2 demonstrates the current zoning of the land affected by the Planning Proposal. The site and Drovers Way, is currently zoned Special Uses A - Parking. A discussion on the existing controls applying to the land to which this Planning Proposal relates is provided below.

1.2.1 3(a)- Special Uses A- Parking

The following development is permitted with consent under the KPSO:

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

The particular use in scarlet lettering on the map is “Parking”. All other development other than exempt development is prohibited.

1.3 Heritage

There are no items of heritage significance within the land affected by this Planning Proposal. There are no heritage items or Heritage Conservation Areas within the immediate vicinity of the site.

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

Council has prepared Draft Ku-ring-gai Local Environmental Plan (Local Centres) 2012 (Draft Local Centres LEP) which was exhibited from Monday 21 May 2012 to Monday 18 June 2012 inclusive.

The Draft Local Centres LEP was adopted by Council at its meeting of 31 July 2012 and has been sent to the NSW Minister for Planning and Infrastructure for consideration for final approval and/or gazettal.

The Draft Local Centres LEP contains new planning controls for local centres including Lindfield within which the site is located. These include the zoning of the site as B2 Local Centre.

1.5 Proposed Planning Controls

The Planning Proposal will result in the following amendments to the the Draft Local Centres LEP:

- Amendment of Schedule 4 Classification and reclassification of public land by inserting in Part 2 of that Schedule:
 - o Under Column 1, the word *Lindfield*;
 - o Under Column 2, the following description *1b Beaconsfield Parade and 19 Drovers Way, Lindfield – Lots 1 to 16 in DP1099330 and Part Lot 1 in DP929131*;

- o Under Column 3, the words drainage easement six feet wide affecting *part of Lot 1 in DP 929131*.

It the event that Draft Local Centres Plan is not gazetted prior to this planning proposal being resolved to the point of gazettal, this planning proposal would relate to the amendment of the KPSO and would result in the following amendment to the KPSO:

- Amendment of Schedule 10 *Classification and reclassification of public land as operational* by inserting the following property into the Schedule:
 - o 1b Beaconsfield Parade and 19 Drovers Way, Lindfield – Lots 1 to 16 in DP1099330 and Part Lot 1 in DP929131.
- Amendment of Planning Scheme Ordinance Amendment Summary by inserting under Item G – *The Amendment of Schedules*:
 - o The amendment to Schedule 10 by inserting the matter relating to 1b Beaconsfield Parade and 19 Drovers Way, Lindfield.
- Amendment of Planning Scheme Ordinance Amendment Summary by inserting under Item E – *The addition of Clauses*:
 - o [insert clause No.] on commencement of LEP [insert reference no.], the land known as 1b Beaconsfield Parade and 19 Drovers Way, Lindfield ceases to be a public car park and the land is discharged from any trusts, estates, interests, dedications, conditions or restrictions and covenants affecting the land or any part of the land.

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

This section of the Planning Proposal sets out the objectives or intended outcomes of the Planning Proposal. The following objectives will be developed further as studies are undertaken to inform the Planning Proposal.

The objectives of the Planning Proposal are to enable the development of certain identified parts of the Ku-ring-gai Local Government Area for future development. The site has been identified by Transport for NSW for a new commuter car park as recently announced under its public transport infrastructure initiative. The reclassification would facilitate the joint delivery of this public transport infrastructure and provide for the orderly and economic development of land.

As part of the \$170 million investment in public transport infrastructure the NSW Premier, The Hon. Barry O'Farrell, and Minister for Transport, The Hon. Gladys Berejiklian recently announced for Ku-ring-gai the following projects:

- Lindfield: A car park with 240 additional spaces, new Kiss and Ride zone, estimated to cost \$34 million (the site); and
- Gordon: More than 160 additional spaces at two locations, upgrade of bus interchange, Kiss and Ride zone, estimated to cost \$44 million.

The planned infrastructure investment by the State government can potentially act as a catalyst for the provision of other urban design and community facility projects in the Lindfield centre.

The reclassification of the Woodford Lane Car Park to Operational land will facilitate the intended delivery of the new commuter car park in Lindfield and provide Council with the flexibility required to respond to new development opportunities and provide a range of other facilities and services in concert with any works carried out by Transport for NSW.

The coordinated and orderly development of the site would be best facilitated by classifying the site as Operational land to assist in the joint delivery of the new commuter car parking and its integration into the commercial area of Lindfield.

Furthermore the reclassification of the site would enable council to respond to new opportunities for improvements to public domain and community facilities associated with the rezoning of the land under the Draft Ku-ring-gai Local Environmental Plan (Local Centres) 2012.

3. PART 2 - EXPLANATION OF PROVISIONS

This section sets out the means through which the objectives described in Part 1 will be achieved, in the form of controls on development in an LEP.

Ku-ring-gai Council supports the Planning Proposal for the reclassification of Part Lot 1 in DP929131 and Lots 1-16 in DP 1099330 known as 1b Beaconsfield Parade and 19 Drovers Way, Lindfield from Community land to Operational land.

The LEP will allow Council to sell, exchange or otherwise dispose of or deal with the site. Upon reclassification to Operational land the property will be available for divestment (if required) and this would be conducted in line with the procedures outlined in Council's *Acquisition and Divestment of Land Policy, 2009*. The future divestment of the land would be the subject of a separate report to Council following reclassification.

Any potential relocation of Drovers Way would be subject to formal processes for the closing and opening of roads as a distinct process.

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 with the exception of the easement for drainage affecting part of the site.

4. PART 3 - JUSTIFICATION

Section 2 and this section sets out the reasons for the proposed outcomes and development standards in the Planning Proposal.

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

4.1 Section A - Need for the planning proposal

The site has been identified by Transport for NSW for a new commuter car park as recently announced under its public transport infrastructure initiative.

If the site retains its Community land classification it would not be able to facilitate the joint delivery of the public transport infrastructure.

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

Yes. Council resolved, at the Ordinary Meeting held on 6 June 2012, to prepare a Planning Proposal to reclassify the site from Community land to Operational land to facilitate the delivery of a new commuter car park.

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

Yes. The main objectives or intended outcomes of the Planning Proposal are to facilitate the joint delivery of a new commuter car park with Transport NSW.

The site is currently classified as Community land and therefore Council is not able to develop and sell, exchange or dispose of Community land under the provisions of the Local Government Act 1993. The site is in two parts separated by Drovers Way, a public road. It is intended that this road will be relocated to the west of the site and connect Bent Street to Beaconsfield Parade.

Amending the Draft Local Centres LEP (or the KPSO if it remains in force at the time this planning proposal reaches gazettal) would be the only means of achieving the objective of the Planning Proposal.

A planning proposal for the site is therefore considered appropriate.

3. Is there a net community benefit?

The planning proposal and desired future outcome in terms providing Council with the flexibility to deal with the land toward the provision of a new commuter car park and other urban design and community facility benefits will provide the most appropriate outcome for the community.

The reclassification and potential future divestment of this site will assist with the revitalisation of the Lindfield centre and the planning and delivery of new and improved facilities and services consistent with Ku-ring-gai Contributions Plan 2010 and Ku-ring-gai Public Domain Plan 2010.

The announcement by Minister for Transport (see section 2) provides an opportunity for Council to move forward with the upgrading of urban design and community facilities in Lindfield town centre.

Under the guide, it is recommended that the Net Community Benefit Test from the Draft Centres Policy should be followed when assessing a Planning Proposal. However, as the Planning Proposal does not involve a rezoning 'the net community benefit test' is not applicable.

4.2 Section B – Relationship to Strategic Planning Framework

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

Yes. In December 2010 the NSW Government released the *Metropolitan Plan for Sydney 2036*. This Plan supersedes the 2005 *Metropolitan Strategy – City of Cities: A Plan for Sydney's Future*. Actions contained in the Plan focus on aligning subregional planning with the Metropolitan Plan and concentrating development around centres. The Metropolitan Plan contains a hierarchy for strategic and local centres. These revised subregional strategies, consistent with the Metropolitan Plan 2036, are anticipated for release in 2012. The Planning Proposal is not inconsistent with the objectives and actions contained with the Metropolitan Strategy or the Draft North Subregional Strategy.

2. Is the planning proposal consistent with the Council's local strategy 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 within the Lindfield Local Centre 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 *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 of new public transport infrastructure.

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.

The Planning Proposal is also consistent with the Ku-ring-gai Town Centres Public Domain Plan 2010. In this regard, the northern section of the site is highlighted as proposed urban or local park. The reclassification of the site to Operational land would not adversely impact the potential future development of the as an urban or local park. The northern section site could be reclassified to Community land to allow for better management of a urban or local park should the need arise.

3. Is the planning proposal consistent with applicable State Environmental Planning policies ?

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

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

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

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

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

s.117 Direction Title	Consistency of Planning Proposal
1.1 Business and Industrial Zones Objectives 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 This direction applies to all relevant planning authorities. When this direction applies 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 A planning proposal must: a. give effect to the objectives of this direction, b. retain the areas and locations of existing business and industrial zones, c. not reduce the total potential floor space area for employment uses and related public services in business zones, d. not reduce the total potential floor space area for industrial uses in industrial zones, and e. ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning. Consistency 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:	Consistent. The Planning Proposal will allow the site to be redeveloped in a way that will encourage employment growth and protect existing employment in Lindfield town centre.

s.117 Direction Title	Consistency of Planning Proposal
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.	
2.1 Environmental Protection Zones Objective (1) The objective of this direction is to protect and conserve environmentally sensitive areas. 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 include provisions that facilitate the protection and conservation of environmentally sensitive areas. (5) A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 “Rural Lands”. Consistency (6) A planning proposal may be inconsistent with the terms of this direction only if the relevant	Consistent. The Planning Proposal applies to land which is identified as being environmentally sensitive. The Planning Proposal will not reduce the existing and proposed environmental protection standards that will apply to the land and is therefore consistent with the Local Planning Direction.

s.117 Direction Title	Consistency of Planning Proposal
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: b. justified by a strategy which: i. gives consideration to the objectives of this direction, 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 objectives 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) is of minor significance.	
3.4 Integrating Land Use and Transport Objective (1) The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight. Where this direction applies (2) This direction applies to all relevant planning authorities. When this direction applies (3) This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes. What a relevant planning authority must do if this direction applies (4) A planning proposal must locate zones for urban	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
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.	Consistent.

s.117 Direction Title	Consistency of Planning Proposal
What a relevant planning authority must do if this direction applies (4) The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present. (5) When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with: (a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Director-General, or (b) such other provisions provided by the Director-General of the Department of Planning that are consistent with the Acid Sulfate Soils Planning Guidelines. (6) A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Director General prior to undertaking community consultation in satisfaction of section 57 of the Act. (7) Where provisions referred to under paragraph (5) of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent 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	Consistent

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

s.117 Direction Title	Consistency of Planning Proposal
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.	
6.1 Approval and Referral Requirements Objective (1) The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. Where this direction applies (2) This direction applies to all relevant planning authorities. When this direction applies (3) This direction applies when a relevant planning authority prepares a planning proposal. What a relevant planning authority must do if this direction applies (4) A planning proposal must: (a) minimise the inclusion of provisions that require the concurrence, 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	Consistent. The Planning Proposal does not include provisions that require the concurrence, consultation or referral of future DAs to a Minister or Public Authority.

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

s.117 Direction Title	Consistency of Planning Proposal
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	

s.117 Direction Title	Consistency of Planning Proposal
of such a provision in the planning proposal. In this direction: “public authority” has the same meaning as section 4 of the EP&A Act. the use or reservation of land for a public purpose has the same meaning as in section 26(1)(c) of the EP&A Act.	
6.3 Site specific provisions Objective (1) The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. Where this direction applies (2) This direction applies to all relevant planning authorities. When this direction applies (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 Planning Proposal will not impose any new development standards.
7.1 Implementation of the Metro Strategy	The flexibility provided by the planning proposal will facilitate the redevelopment of the site in a manner consistent with the Metropolitan Plan and assist in meeting the transport and commercial residential

s.117 Direction Title	Consistency of Planning Proposal
	targets in the Metropolitan Plan.

Should the Planning Proposal be supported at the Gateway Determination, further detail on consistency with Ministerial Directions will be provided following the consultation with the relevant public and private authorities.

4.3 Section C – Environmental, Social and Economic Impact

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

The site is identified as an area of biodiversity significance in the draft Local Centres LEP 2012. The proposed change of classification to Operational land however will not adversely affect an impact that critical habitat or threatened species, populations or ecological communities, or their habitats.

Council has exhibited a planning proposal to introduce biodiversity and riparian overlays (as well as heritage conservation overlays) along with associated provisions into the KPSO. The site is affected by the biodiversity overlay representing mature trees on the western part of the site. Further investigation is required at the DA stage in relation to threatened species although given the use of the site as a public car park within an urbanised centre the likelihood of threatened species is considered low.

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

The planning proposal for the reclassification of the site will not result in any additional environmental effects to those considered during the preparing of the draft Local Centres LEP.

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

Yes. As outlined above, the reclassification and potential joint delivery of new public infrastructure is not inconsistent with Ku-ring-gai Contributions Plan 2010 and Ku-ring-gai Public Domain Plan 2010.

The reclassification of the site would facilitate its potential future divestment and development in a manner consistent with regional and local planning strategies for the area. Any proceeds would go to Council's Infrastructure and Facilities Reserve which will support the provision of infrastructure supporting the needs of people in and around new developments in Lindfield.

4.4 Section D – State and Commonwealth Interests

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

Yes. The planning proposal will facilitate the provision of new public infrastructure such as commuter car parking and other urban design and community facility outcomes in conjunction with the growth and development of the town centre.

Consultation with key agencies about the capacity to service the site was not undertaken prior to submitting this Planning Proposal to the Department of Planning and Infrastructure. Consultation will need to be undertaken with public authorities.

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

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

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

- NSW Department of Planning and Infrastructure;
- State Transit Authority of NSW;
- Roads and Maritime Services NSW;
- Sydney Water Corporation;
- Energy Australia;
- Transport for NSW;
- Lifetime Care and Support Authority of NSW;
- NSW Department of Family and Community Services (Housing);
- NSW Department of Education and Communities;
- Ministry of Police;
- NSW Health Department;
- Rail Corporation of NSW; and
- Adjoining Councils.

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

5. PART 4 – COMMUNITY CONSULTATION

Extensive community consultation on the Planning Proposal will be undertaken by Council (subject to receiving a determination to proceed at the gateway) in accordance with the publication “A Guide to Preparing Local Environmental Plans”, published by the Department of Planning. The community consultation will not be commenced prior to obtaining approval from the Minister or Director-General. The notification and consultation process will be initiated after the s.55 submission has been sent to the Department of Planning and Infrastructure.

Council's consultation methodology will include, but not be limited to:-

- forwarding a copy of the Planning Proposal, the gateway determination and any relevant supporting studies or additional information to State and Commonwealth Public Authorities identified in the gateway determination;
- undertaking consultation if required in accordance with requirements of a Ministerial Direction under section 117 of the EP&A Act and/or consultation that is required because, in the opinion of the Minister (or delegate), a State or Commonwealth public authority will be or may be adversely affected by the proposed LEP;
- giving notice of the public exhibition in the main local newspaper (the North Shore Times);
- exhibiting the Planning Proposal in accordance with the gateway determination. It is assumed this would require an exhibition period of at least 28 days duration;
- exhibiting the Planning Proposal pursuant to s.57 and all supporting documentation at Council's Administration Centre and notification of exhibition at Council's Libraries in Gordon and Lindfield;
- notifying of the Planning Proposal's exhibition on Council's website, including providing copies of the Planning Proposal, all supporting studies and additional information and the gateway determination;
- notifying affected landowners and adjoining land owners where relevant;
- holding a Public Hearing; and
- any other consultation methods deemed appropriate for the proposal.

6. RECLASSIFICATION OF PUBLIC LAND

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

These requirements are addressed below:

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

Yes. As outlined in Section 4.1 of this Planning Proposal Council resolved, at the Ordinary Meeting held on 6 June 2012, to prepare a Planning Proposal to reclassify the land from Community land to Operational land. This is consistent with Council's intention to dispose of or deal with land to allow it to be included in the redevelopment of the Lindfield Centre.

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

Yes. The Planning Proposal is consistent with Ku-ring-gai Council Community Strategic Plan 2030 and the Ku-ring-gai Town Centre Public Domain Plan 2010. See section 4.2 of this Planning Proposal.

6.1.3 C- If the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished.

The Certificates of Title for the property indicates that there are two restrictions on the title:

- G820213 easement for drainage affecting the part of the land;
- C130099 land excludes the road(s) shown in plan with C130099 (a splay at the corner of Beaconsfield Parade and Drovers Way).

It is proposed to retain the easement for drainage.

Available Council records suggest that there are no unregistered interests in the site that would need to be extinguished.

There is a public interest in the provision of public car parking in the area which, if substantiated, can be met by the provision of public car parking spaces either as part of the redevelopment of the site or other sites in the Lindfield local centre.

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

Council is the landowner of the site and has endorsed the preparation of the Planning Proposal.



FIGURES

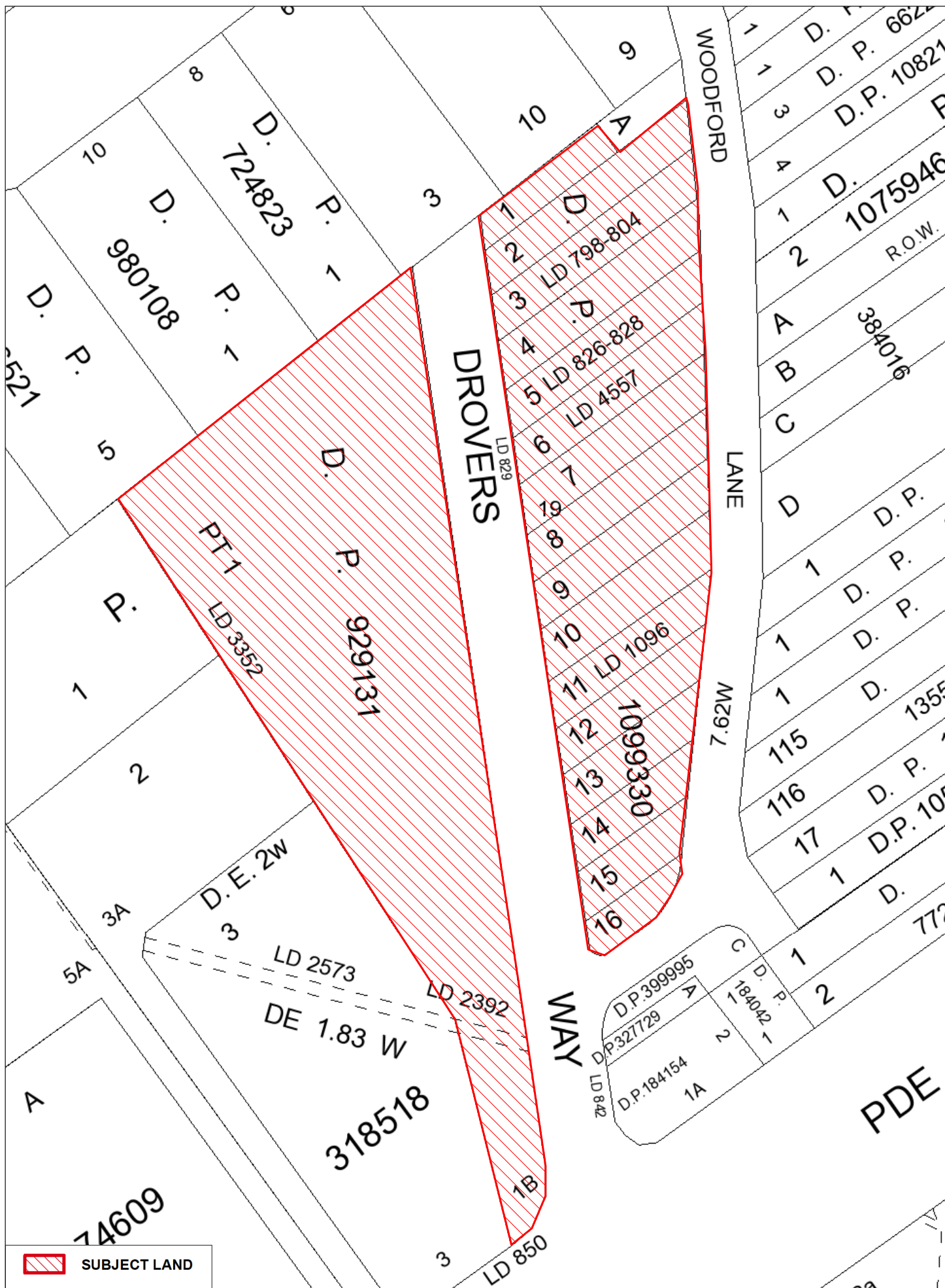


FIGURE 1
Site

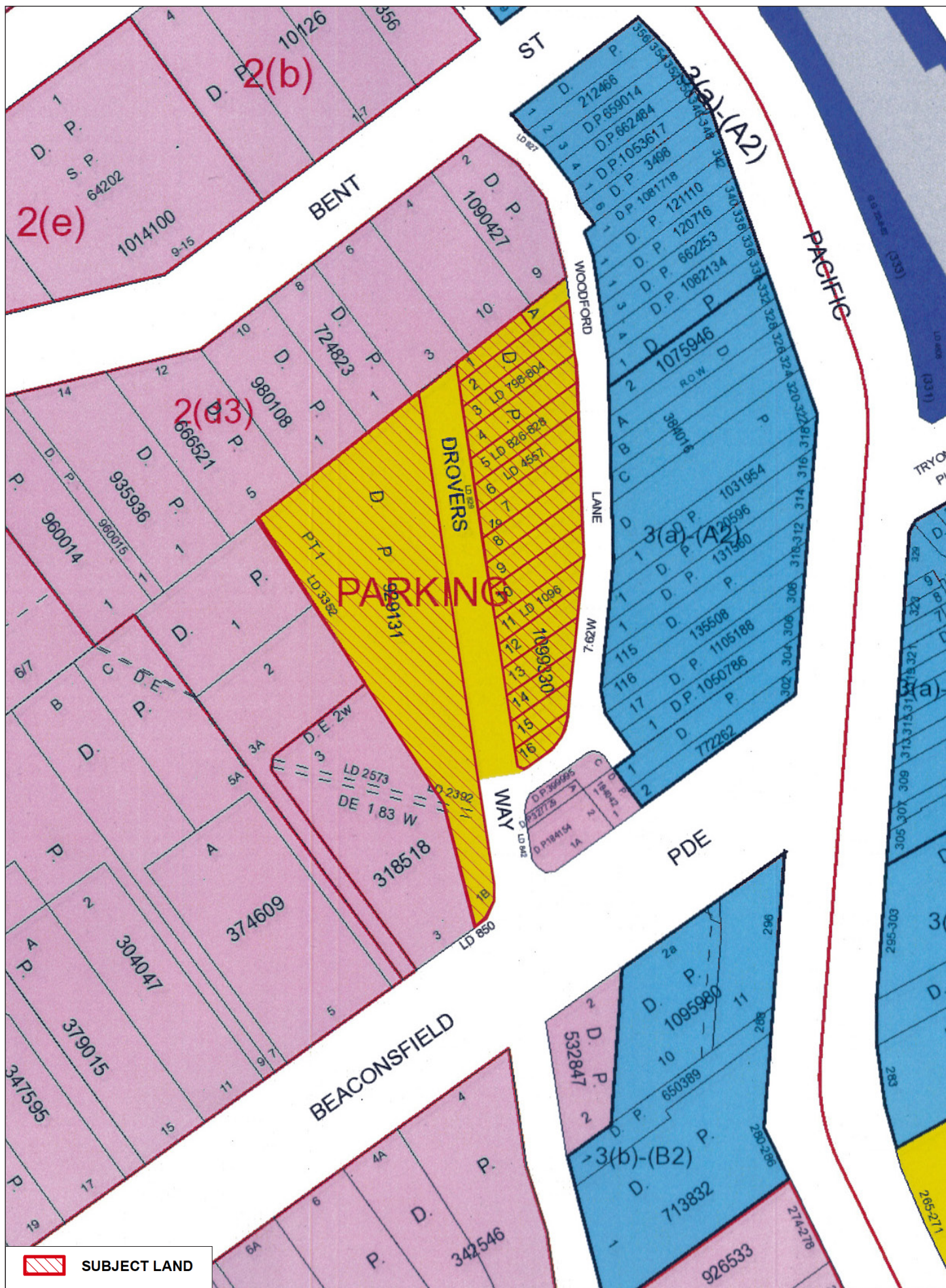


FIGURE 2
Current Zoning - Ku-ring-gai PSO

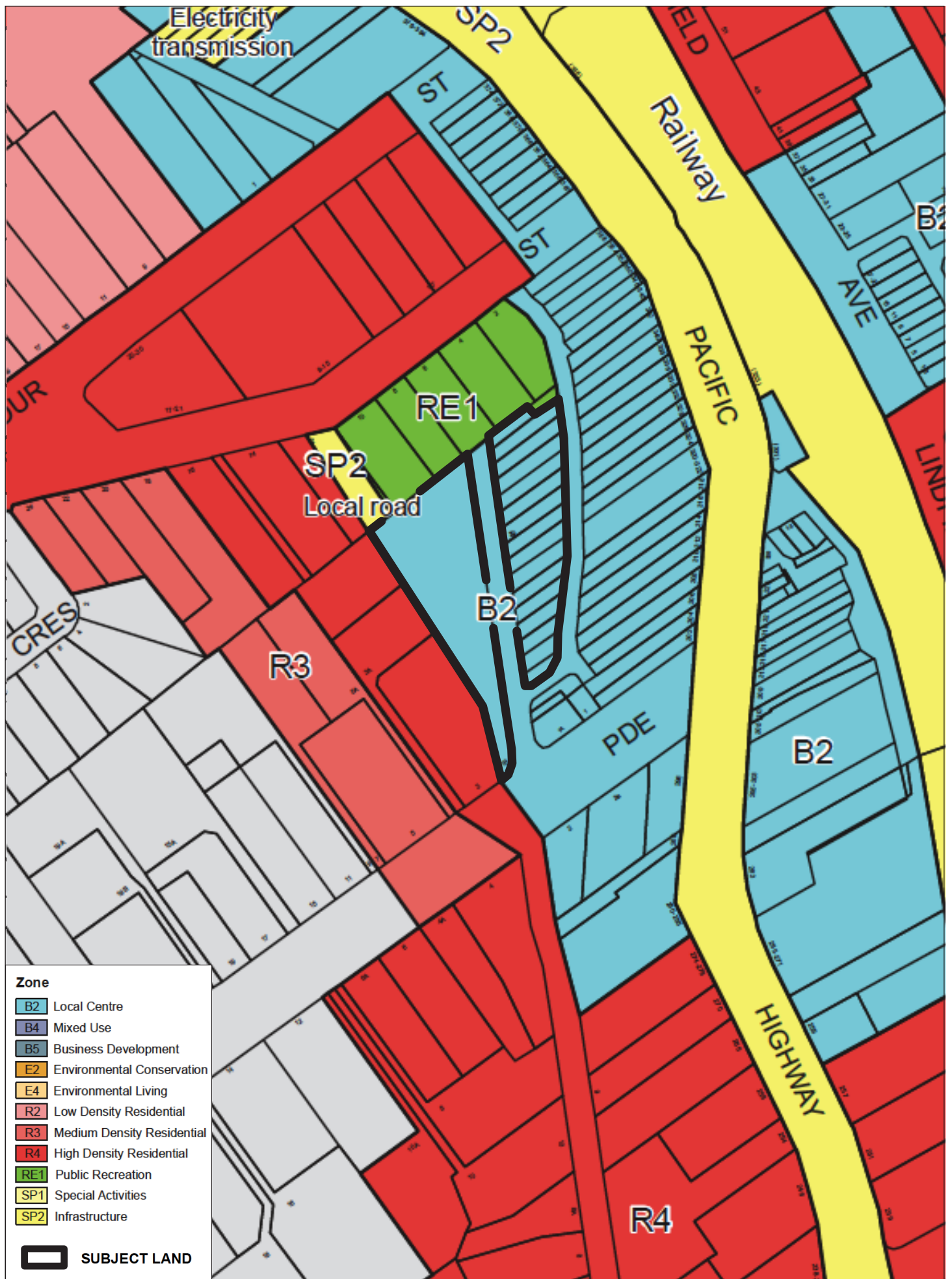


FIGURE 3
Proposed Zoning - Draft Ku-ring-gai LEP (Local Centres) 2012



APPENDICES



APPENDIX 1

Report to Council Meeting held on 26 June 2012

COUNCIL CAR PARK - WOODFORD LANE, LINDFIELD - RECLASSIFICATION

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To have Council consider the reclassification of Council Car Park – Woodford Lane, Lindfield to Operational land.

BACKGROUND:

Council's Car Park at Woodford Lane, Lindfield has been identified by Transport for NSW for a new commuter car park as recently announced under its public transport infrastructure initiative.

COMMENTS:

It is proposed to commence the reclassification for this site to Operational land to facilitate the delivery of this new public transport infrastructure. Any future divestment or joint venture for development of the land between Council and Transport for NSW would be the subject of a separate process and report to Council following reclassification.

RECOMMENDATION:

That Council prepare a Planning Proposal to reclassify the site from Community land to Operational land and that a further report be brought back to Council regarding the future divestment following the reclassification process.

PURPOSE OF REPORT

To have Council consider the reclassification of Council Car Park – Woodford Lane, Lindfield to Operational land.

BACKGROUND

The land known as Woodford Lane Car Park (1b Beaconsfield Parade & 19 Drovers Way), Lindfield - being Part Lot 1 DP 929131 & Lots 1-16 DP 1099330 is located within the Lindfield local centre area.

Council, in its Statement of Commitments to the Minister for Planning adopted on 22 November 2011 regarding the preparation of local centres plans, agreed to address reclassification of key Council owned sites within the local centre areas to facilitate orderly and economic growth.

On 20 March 2012, Council adopted a revised Statement of Commitments for the preparation of the new centres plans, which among other things, removed the commitment to reclassify land in the centres. As a result, the planning proposal for the draft Local Centres Local Environmental Plan (LEP) adopted by Council on 3 April 2012 did not include the reclassification of Council land.

As part of the \$170 million investment in public transport infrastructure the NSW Premier, The Hon. Barry O'Farrell, and Minister for Transport, The Hon. Gladys Berejiklian recently announced for Ku-ring-gai the following projects:

- **Lindfield:** A car park with 240 additional spaces, new Kiss and Ride zone, estimated to cost \$34 million; and
- **Gordon:** More than 160 additional spaces at two locations, upgrade of bus interchange, Kiss and Ride zone, estimated to cost \$44 million;

Woodford Lane Car Park, Lindfield has been identified as the site for the proposed new commuter car park in Lindfield.

COMMENTS

The recent announcement by the Minister for Transport provides a significant opportunity for Council to bring forward vital urban design and community facilities in the Lindfield town centre which might otherwise be delayed many years. Further, the provision of commuter car parking in this locality has long been a matter raised in the various consultation processes Council has facilitated over the last ten years or so.

It is proposed to commence the reclassification of the Woodford Lane Car Park to Operational land to facilitate the delivery of the new commuter car park in Lindfield and provide Council with the maximum flexibility to provide a range of other facilities and services in concert with any works carried out by Transport for NSW.

The Woodford Lane Car Park (1 Beaconsfield Parade & 19 Drovers Way), Lindfield - being Part Lot 1 DP 929131 and Lots 1-16 DP 1099330 is an existing Council Car Park of 5574.61m² and accommodates 109 spaces. A location map is included as **Attachment A1**.

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The land is owned by Council and used for public car parking. Funding used to acquire the site was from the Lindfield Car Parking fund. The Car Park is classified as Community land and zoned Special Uses 5(a) – Parking under the *Ku-ring-gai Planning Scheme Ordinance 1971* (KPSO). In the draft Planning Proposal Ku-ring-gai Local Centres 2012 the site is zoned B2 Local Centre, with a potential maximum height of 11.5 metres and an FSR of 1:1.

If Council's site retains its Community classification at the Woodford Lane Car Park, it may limit the ability to jointly deliver the new commuter car park with Transport for NSW, as part of the site may need to be transferred, sold, leased or exchanged for the project to proceed. At this stage the location, layout and design details of project are undeveloped and Council has the opportunity to work with Transport for NSW to achieve the best outcomes for the community while meeting the requirements for commuter parking.

Section 45 of the *Local Government Act, 1993* prevents Council from selling, exchanging or otherwise disposing of Community classified land; therefore it is proposed to reclassify the site from Community Land to Operational Land in accordance with Section 27 of the Act.

The first step is to prepare a planning proposal to submit to the Department of Planning & Infrastructure (DP&I) to reclassify Council owned community land to operational land status. The objective of this proposed Local Environmental Plan is to reclassify the site from "Community" land to "Operational" land, including the discharge all interests in the land.

Should a Gateway Determination for the planning proposal be granted formal consultation with the State Agencies and the community commences. The reclassification of land also requires a public hearing. The public hearing shall be held after the public exhibition of the draft LEP for reclassification.

The reclassification of the land itself, does not commit Council to the sale of the site. Any future divestment of the land would be the subject of a separate process and report to Council following reclassification.

Importantly, any future divestment/ or agreements such as a joint venture for the land between Council and Transport for NSW would be the subject of a separate process and report to Council following reclassification.

GOVERNANCE MATTERS

The process outlined in this report complies with both legislative requirements and Council Policy.

The Planning Proposal is to be prepared, in accordance with Section 55, *Environmental Planning and Assessment Act, 1979*, to change the classification status from Community Land to Operational Land as required under *Chapter 6, Part 2 Division 1* of the *Local Government Act, 1993*.

Currently there are two (2) planning instruments under which the land could be reclassified - either the KPSO or the draft Planning Proposal Ku-ring-gai Local Centres 2012. At this stage it is proposed to consult further with DoPI on the most appropriate instrument to reclassify the site - taking into account timing by Transport for NSW and the draft status of the Local Centres LEP.

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Upon reclassification to Operational land the property will be available for divestment (if required) and this would be conducted inline with the procedures outlined in Council's *Acquisition and Divestment of Land Policy, 2009*. The future divestment of the land would be the subject of a separate report to Council following reclassification.

RISK MANAGEMENT

Council needs to make a decision to reclassify Woodford Lane Car Park, Lindfield to assist in attaining the best outcome in the delivery of the new commuter Car Park and any other associated land uses activities for the site.

The NSW State Government at this stage has not expressed an intention to formally compulsorily acquire the site to enable the commuter Car Park to be constructed. Moreover, they have expressed a willingness to work on a joint venture basis with Council to deliver the new infrastructure. It is therefore prudent that Council has identified and dealt with any restrictions or barriers that may impede the delivery of the infrastructure and/or any use of the residual of Council's landholdings. This matter would be the subject of a separate report to Council.

FINANCIAL CONSIDERATIONS

The reclassification of the site would maximise Council's ability to provide a wide range of facilities and services on the subject land, or in the event of compulsory acquisition, place Council in the best possible position.

SOCIAL CONSIDERATIONS

The reclassification of this site will assist Council in its dealings with Transport for NSW for the delivery of additional public transport infrastructure for Lindfield.

ENVIRONMENTAL CONSIDERATIONS

The planning proposal for the reclassification of Woodford Lane Car Park, Lindfield will not result in any additional environmental effects to those considered during the preparing of the draft Local Centres LEP.

COMMUNITY CONSULTATION

Statutory community consultation will be carried out through the reclassification process. An independently chaired public hearing is also necessary in relation to reclassification from Community land to Operational land.

INTERNAL CONSULTATION

This report was prepared by the Strategy & Environment Department in consultation with staff from other Departments where relevant.

SUMMARY

Council's car park at Woodford Lane, Lindfield has been identified by Transport for NSW for a new commuter car park recently announced under its public transport infrastructure initiative. It is proposed to commence the reclassification process for this site to Operational land to facilitate the delivery of this new public transport infrastructure. Any future divestment/or agreements such as joint venture for the land between Council and Transport for NSW would be the subject of a separate process and report to Council following reclassification.

RECOMMENDATION:

- A. That a Planning Proposal be prepared, in accordance with section 55 of the *Environmental Planning and Assessment Act, 1979*, to reclassify Woodford Lane Car Park (1b Beaconsfield Parade & 19 Drovers Way), Lindfield - being Part Lot 1 DP929131 & Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 DP1099330 from Community land to Operational land either via an amendment the Ku-ring-gai Planning Scheme Ordinance (KPSO) or the draft Ku-ring-gai Local Centres LEP (2012)
- B. That Council undertake a public hearing under the provisions of the *Local Government Act, 1993* for the proposed reclassification of Woodford Lane Car Park (1b Beaconsfield Parade & 19 Drovers Way), Lindfield from Community land to Operational land.
- C. That Council formally seek to discharge all interests for Woodford Lane Car Park (1b Beaconsfield Parade & 19 Drovers way), Lindfield - being Part Lot 1 DP929131 & Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 DP1099330.
- D. That the Planning Proposal 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, 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 a further report be brought back to Council regarding the arrangements with Transport for NSW for the delivery of a commuter car park at Woodford Lane, Lindfield.

Antony Fabbro
Manager Urban & Heritage Planning

Andrew Watson
Director Strategy & Environment

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Attachments: A1 Woodford lane, Lindfield Car park Location Map 2012/141660



APPENDIX 2

Proposed format of the LEP

Ku-ring-gai Local Environmental Plan (Local Centres) 2012 (Amendment No. X)

under the Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Ku-ring-gai Local Environmental Plan (Local Centres) 2012 (Amendment No X)*

2 Aims of plan

This plan aims:

- (a) To reclassify the land to which this plan applies from community land to operational land within the meaning of the *Local Government Act 1993*.

3 Land to which plan applies

This plan applies to land situated in the Ku-ring-gai local government area, being 1B Beaconsfield Parade (Part Lot1 in DP299131) and 1-19 Drovers Way, Lindfield (Lots1-16 in DP 1099330).

4 Amendment of Ku-ring-gai Local Environmental Plan (Local Centres) 2012

The (Draft) *Ku-ring-gai Local Environmental Plan (Local Centres) 2012* is amended as set out in Schedule 1.

Schedule 1 Amendments

[1] Schedule 4 Classification and reclassification of public land

Insert in Columns 1, 2 and 3 respectively:

1B Beaconsfield Parade, Lindfield	Part Lot 1, DP 929131	Drainage easement six feet wide
1-19 Drovers Way, Lindfield	Lots 1-16, DP1099330	Nil

Ku-ring-gai Local Environmental Plan No XXXXX

under the Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Ku-ring-gai Local Environmental Plan XXXXX*

2 Aims of plan

This plan aims:

- (a) To reclassify the land to which this plan applies from community land to operational land within the meaning of the *Local Government Act 1993*.

3 Land to which plan applies

This plan applies to land situated in the Ku-ring-gai local government area, being 1B Beaconsfield Parade (Part Lot1 in DP299131) and 1-19 Drovers Way, Lindfield (Lots1-16 in DP 1099330).

4 Amendment of Ku-ring-gai Planning Scheme Ordinance

The *Ku-ring-gai Planning Scheme Ordinance* is amended as set out in Schedule 1.

Schedule 1 Amendments

[1] Schedule 10, Part 2

Insert in Columns 1, 2 and 3 respectively:

1B Beaconsfield Parade, Lindfield	Part Lot 1, DP 929131	Drainage easement six feet wide
1-19 Drovers Way, Lindfield	Lots 1-16, DP1099330	Nil