

Planning Services

Gateway Determination Report

LGA	Ku-ring-gai
RPA	Ku-ring-gai
NAME	Ku-ring-gai Local Environmental Plan (Local Centres) 2012 – Reclassification of land at 9, 15 and 17 Dumaresq Street, Gordon (0 homes, 0 jobs).
NUMBER	PP_2017_KURIN_004_00
LEP TO BE AMENDED	Ku-ring-gai Local Environmental Plan (Local Centres) 2012
ADDRESS	9, 15 and 17 Dumaresq Street, Gordon
DESCRIPTION	Lot A DP355615, Lots C and D DP386283
RECEIVED	19/09/2017
FILE NO.	17/13154
QA NUMBER	qA418951
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

INTRODUCTION

Description of Planning Proposal

Reclassify 9, 15 and 17 Dumaresq Street, Gordon, from community to operational land (0 homes, 0 jobs). The land is not proposed to be rezoned and no interests are to be discharged.

Site Description

The proposal covers three lots. Each lot comprises a single residential dwelling (house), and is zoned B2 Local Centre. These three houses are currently leased by Council. The combined area of the subject site is approximately 3,445 sqm.



Figure 1: Site description



Figure 2: Zoning map

Surrounding Area

The subject site is in the Gordon local centre. Gordon contains Ku-ring-gai Council offices/chambers, Gordon Library, shops and Gordon railway station. The Pacific Highway runs through the centre of Gordon.

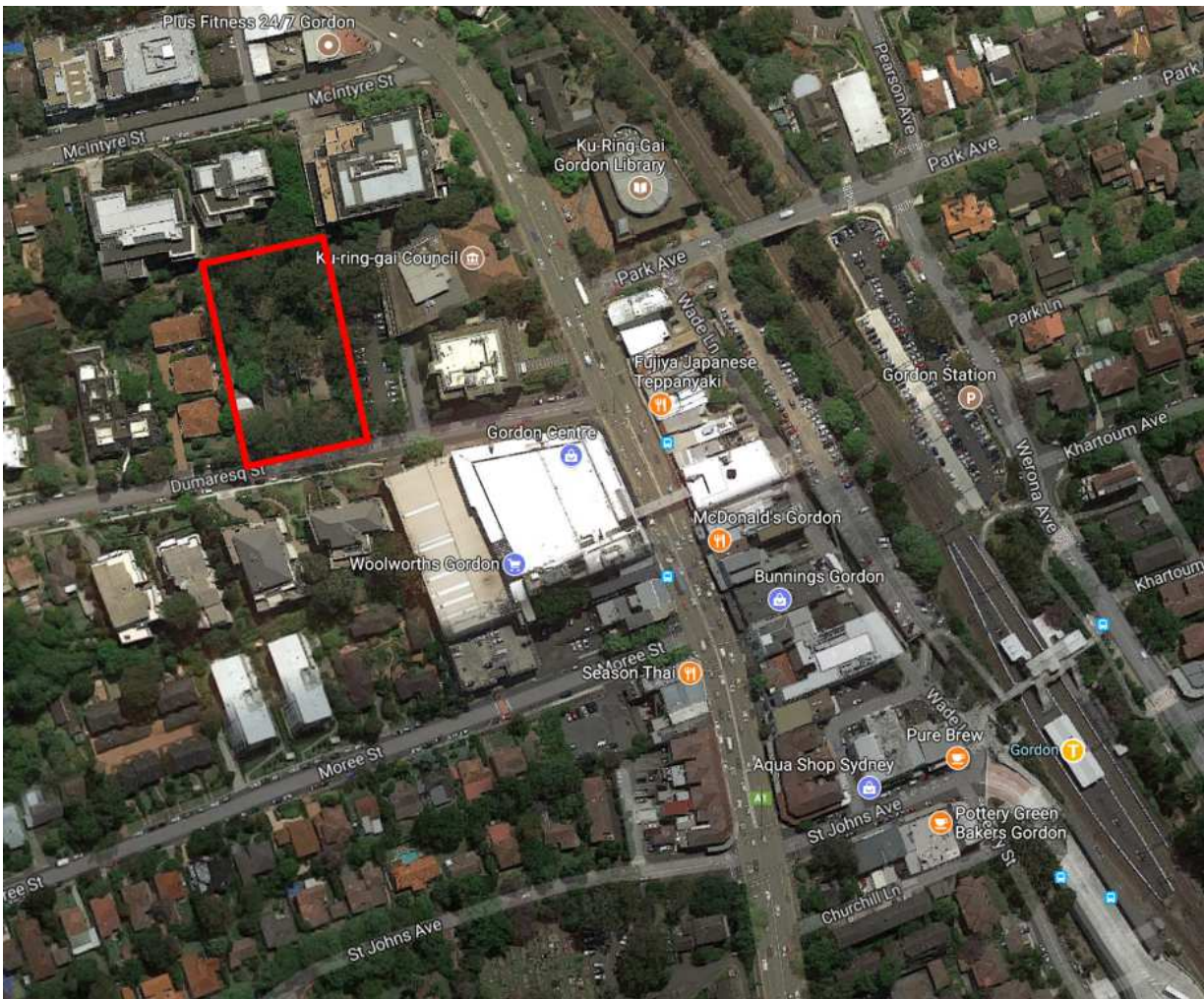


Figure 3: Surrounding Area

Summary of Recommendation

Proceed with Conditions.

This reclassification of land is a local planning matter, and the Gordon local centre is not identified as a Growth Precinct, Priority Growth Area or Strategic Centre. The reclassification will provide Council the flexibility in the design and implementation of a Council led masterplan for the Gordon local area.

Council will be required to hold a public meeting under Section 29 of the *Local Government Act 1993*. The Governor's approval is not required as Council does not seek to discharge interests on the land.

PROPOSAL

Objectives or Intended Outcomes

The objective of the proposal is to reclassify Council-owned land so to provide greater flexibility in the design and implementation of the proposed Gordon Hub masterplan.

Reclassification would enable consolidation with the neighbouring site (Ku-ring-gai Council office and chambers) to deliver a holistic approach to develop the Gordon local centre.

The objectives and intended outcomes of the proposal are considered clear, being explicitly stated in the proposal's introduction, Part 1 Objectives, and the attached Council reports that form the appendices of the proposal.

Explanation of Provisions

The proposal seeks to amend Schedule 4 of Ku-ring-gai Local Environmental Plan (Local Centres) 2012 by inserting into Part 1 of that Schedule ('Land classified, or reclassified, as operational land – no interests changed'), the follow sites:

Under Column 1 Locality:	Under Column 2 Description:
Gordon	Lot A DP 355615 9 Dumaresq Street
Gordon	Lot D DP 386283 15 Dumaresq Street
Gordon	Lot C DP 386283 17 Dumaresq Street

Certificates of Title have been provided by Council confirming the land descriptions, Council's ownership, and interests on the land (**Attachment G**).

Council has confirmed it does not seek to discharge any interests from the above sites as it is not necessary to discharge them:

- the drainage easement interest, noted on the certificates (SP52417), is beneficial to the 3 sites and so will not be discharged by Council; and
- the covenant noted on the certificates (D566708) is a redundant covenant which should no longer be noted on the title. Council is arranging for its removal separately with Land and Property Information NSW.

Mapping

No mapping is associated with this proposal.

The proposal seeks to amend the LEP written instrument only. The proposal does not seek to amend any LEP maps.

NEED FOR THE PLANNING PROPOSAL

The three lots of the subject site were purchased by Council in 2007, in accordance with its Open Space Acquisition Strategy 2006, to address a lack of open space in the area.

Council has identified the subject site as underutilized in its Ku-ring-gai Community Facilities Strategy 2014 (only comprising of three houses, and no community facilities/public space). The site is now subject to a Council led masterplan for the Gordon local area to deliver 3,465 sqm of open space and new facilities on Council-owned land.

To enable Council the flexibility to design and implement the masterplan, the land is required to be reclassified from community to operational land.

Currently, the land is classified as community land, meaning Council cannot develop, sell, exchange or dispose of the land.

It is proposed to reclassify the land to operational land, meaning Council can develop, sell, exchange or dispose of the land.

As Council has already conducted the above local strategy and commenced master-planning for the area, Council has demonstrated a public commitment and need for the reclassification of land.

An amendment to the LEP to reclassify land is therefore the best way to achieve the reclassification of land, and enable Council to better utilise the Gordon local centre.

STRATEGIC ASSESSMENT

State

A Plan for Growing Sydney is the Metropolitan Plan applying to the Ku-ring-gai Local Government Area.

The proposal is consistent with A Plan for Growing Sydney, specifically:

- Direction 3.1 – Revitalise existing suburbs; and
- Direction 3.3 – Create healthy built environments.

The proposal will allow Council to consider better development outcomes in seeking to revitalise the Gordon suburb and create a responsive, healthy, built environment.

District

The Draft North District Plan applies to the Ku-ring-gai Local Government Area.

The relevant Productivity Priorities are:

- Productivity Priority 2: Manage growth and change in strategic and district centres and, as relevant, local centres; and
- Productivity Priority 3: Prioritise the provision of retail floor space in centres.

The master-planning of the Gordon local centre, which the proposal will facilitate, aims to achieve managed growth and change in an established local centre.

Through the co-location of community services, civic and cultural facilities, together with open space provision, this will facilitate the provision of retail floor space in the local centre by providing the supporting amenities and community infrastructure.

Local

Council has demonstrated consistency with the following local strategies:

- Ku-ring-gai Council Community Strategic Plan 2030;
- Ku-ring-gai Integrated Transport Strategy;
- Ku-ring-gai Sustainability Visions 2008–2033;
- Open Space Acquisition Strategy 2006; and
- Ku-ring-gai Community Facilities Strategy 2014.

Section 117(2) Ministerial Directions

The proposal is consistent with the below relevant 117 Directions:

Direction 1.1. Business and Industrial Zones

The subject site is zoned B2 Local Centre. The proposal will facilitate a master plan approach to the Gordon local area, providing employment opportunities. The proposal does not seek to rezone the site. The proposal is consistent with this Direction.

Direction 2.3 Heritage Conservation

The subject site lies adjacent to the local heritage item Ku-ring-gai Council offices/chambers. The proposal will not affect the local heritage value of the item. The proposal is consistent with this Direction.

The proposal is inconsistent with the following 117 Direction:

Direction 6.2 Reserving Land for Public Purposes.

The proposal is inconsistent with this Direction as it seeks to alter a reservation of land for public purposes by reclassifying Council-owned land from community to operational land, allowing Council the potential to sell/lease/develop the land.

The approval of the Secretary's delegate is required. The inconsistency is considered justified within the terms of the Direction, being of minor significance. The subject site:

- is currently zoned B2 Local Centre, and no rezoning is proposed;
- is already owned by Council;
- does not comprise of a public reserve status;
- does not comprise of any community facilities or public space;
- has no land acquisition or road reservations applying to the site;
- does not seek to extinguish any interests on the land;
- has been identified by a local strategy and masterplan (i.e. Ku-ring-gai Community Facilities Strategy 2014, and Gordon Hub masterplan) to provide a greater benefit to the local centre by enabling the site to form part of a holistic development of Gordon local centre; and
- is consistent with the priorities, actions and directions set out by A Plan for Growing Sydney and the Draft North District Plan.

State Environmental Planning Policies

The proposal is consistent with all relevant SEPPs.

Council has addressed SEPP 55 Remediation of Land in the proposal. The proposal does not seek to rezone, change development standards, or alter land uses applying to the site. Consequently, the proposal is consistent with the SEPP regarding rezoning.

SITE SPECIFIC ASSESSMENT

Social

The proposal is anticipated to have a positive social impact, enabling Council to provide a range of community benefits through a consolidated design and implementation approach to the Gordon local centre, where the Gordon Hub masterplan seeks to deliver new community facilities and open space in the area.

Environmental

The subject site is:

- not located on, or within the vicinity of, bushfire prone land;
- not located on flood prone land;
- not identified as containing any critical habit or threatened species, populations or ecological communities; and
- not a state/local heritage item, or in a heritage conservation area. However the subject site lies adjacent to the locally listed Ku-ring-gai Council offices and chambers.

The subject site is included in the biodiversity mapping of the LEP, as it contains a number of trees.

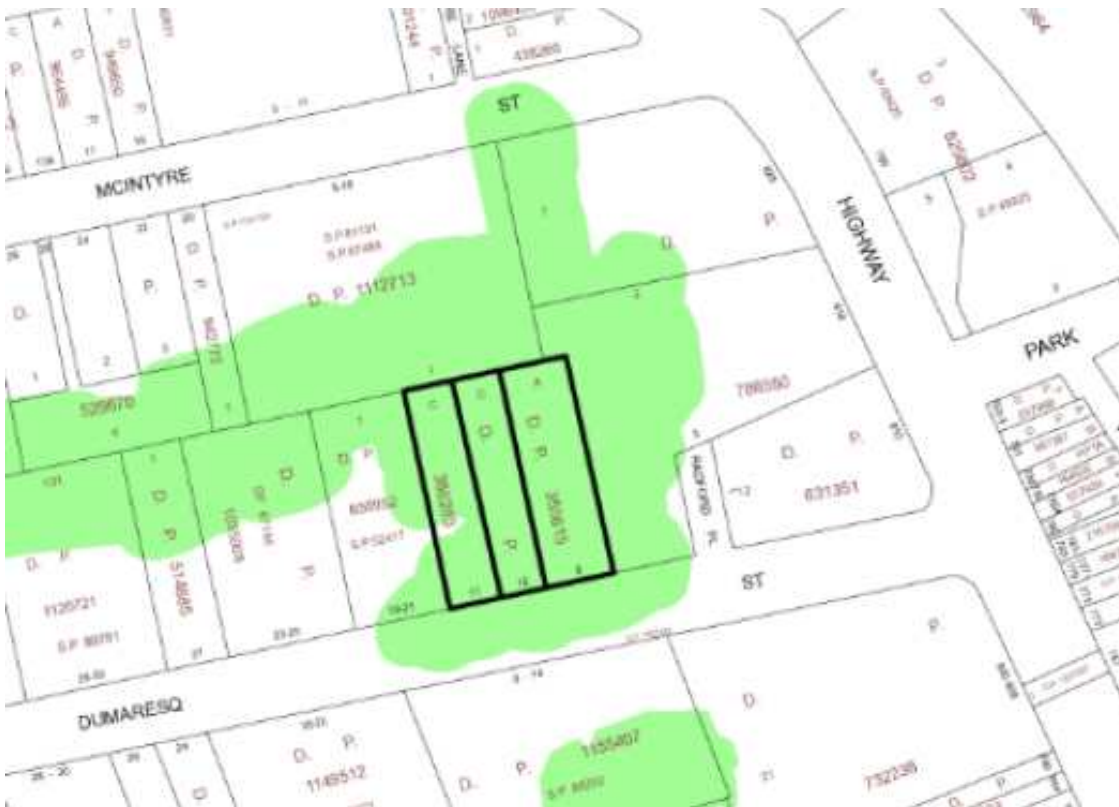


Figure 4: Biodiversity mapping

In considering impacts on the biodiversity area, the proposal only seeks to reclassify the land, and does not alter zonings, land uses, development standards, or alter the application of biodiversity mapping on the site. Therefore, protections applying to the land afforded by the biodiversity mapping, will remain unaltered by the proposal.

Any development on the subject site will still need to address biodiversity issues at the development application stage.

Economic

Council has stated a number of positive economic impacts resulting from the reclassification, and subsequent consolidation of the subject site into the Gordon Hub masterplan, delivering a range of benefits including:

- activation and re-invigoration of the existing commercial centre;
- generation of local employment and investment;
- potential development contribution funds;
- potential increase in value of Council's assets;

- potential gain in actual or prospective revenue through future sale/leasing of land;
- no funding shortfall of community facilities in Council's Long Term Financial Plan; and
- access to facilities, improved local retail services and reduction in the proportion of retail and other expenditure that escapes the LGA.

As the subject site only contains three houses, and no community infrastructure or facilities, the potential sale/leasing/development of the land is considered appropriate to allow Council to explore any economic benefits resulting in the reclassification of land.

Infrastructure

The proposal may result in an increase in demand for local infrastructure. The site is already serviced by existing utilities (water, electricity, sewerage), and is near established social infrastructure (e.g. shops, Gordon library), the Pacific Highway and Gordon railway station.

Consultation with state agencies (noted below) is recommended to ensure adequate provision of infrastructure is maintained and meets any future demand from any resultant development in the Gordon local centre.

CONSULTATION

Community

A 28-day community consultation period is required for the reclassification of land, and is appropriately cited in the proposal.

A public hearing will also be required to satisfy Section 29 of the *Local Government Act 1993*.

Agencies

Agencies identified to be consulted in the proposal include:

- Roads and Maritime Services NSW;
- Sydney Water Corporation;
- Ausgrid; and
- Transport for NSW.

Consultation with these agencies is supported to establish the impact of the proposal on servicing future infrastructure needs in the Gordon local centre.

No other agencies are required to be consulted.

TIMEFRAME

The proposed timeframe for completing the LEP as proposed by Council is 3 (three) months.

It is considered unrealistic for Council to complete the proposal in such a short timeframe, taking into account:

- the need for a 28-day public exhibition;
- a public hearing to be organised and held no less than 21 days after public exhibition;
- referral to agencies;

- the necessary assessment of community, agency and public hearing submissions;
- Council and Department closure during the Christmas/New Year period;
- presentation of submissions at a Council meeting; and
- drafting of an LEP instrument and required PC Opinion.

Considering the above, a more appropriate timeframe would be 6 (six) months to allow Council time to fully organise and exhibit the proposal, and address any issues resulting from agency and public submissions that are made.

DELEGATION

Council has requested the delegation of plan making powers.

Council's request for delegation is supported in this instance as:

- the matter is of a local planning significance;
- the reclassification of land does not seek to extinguish interests, therefore the Department is not required to organise the Governor's approval as part of the plan making process;
- is considered consistent with A Plan for Growing Sydney, the Draft North District Plan, and local planning strategies; and
- is only limited to the reclassification of land, and does not seek to rezone land or any other planning provisions relating to the subject site.

CONCLUSION

The proposal is supported as Council has demonstrated a public need (evidenced in its Open Space Acquisition Strategy 2006 and Ku-ring-gai Community Facilities Strategy 2014) to reclassify the land to provide greater flexibility in the design and implementation of the proposed Gordon Hub masterplan.

The proposal has demonstrated consistency with state, district and local planning strategies, and inconsistency with Section 117 Direction 6.2 Reserving Land for Public Purposes is justified within the terms of the direction.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. Agree any inconsistencies with Section 117 Direction 6.2 Reserving Land for Public Purposes are minor.

It is recommended that the delegate of the Greater Sydney Commission, determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. Consultation is required with the following public authorities:
 - Roads and Maritime Services NSW;
 - Sydney Water Corporation;
 - Ausgrid; and
 - Transport for NSW.

3. The timeframe for completing the LEP is to be 6 months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should be authorised to exercise delegation to make this plan.
5. Prior to public exhibition, Part 2 Explanation of Provisions, is to be amended to include the DP number for 15 Dumaresq Street, Gordon.
6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. However, this does not discharge Council from its obligation to conduct a public hearing for the proposed reclassification of land under the *Local Government Act 1993*



29.09.17

25/9/17

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