

Ordinary Meeting of Council - 24 April 2012

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CY00337/2
5 April 2012

**RECLASSIFICATION OF COUNCIL LAND - 9 HAVILAH
LANE, LINDFIELD (LOT 21 DP 713207)**

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To have Council consider the reclassification of 9 Havilah Lane, Lindfield (lot 21 DP 713207).
BACKGROUND:	Council's car park at 9 Havilah Lane, Lindfield is located within the Lindfield Local Centre as was subject to a previous process for reclassification under the now invalidated Ku-ring-gai Local Environmental Plan (Town Centres) 2010.
COMMENTS:	Council's car park at 9 Havilah Lane, Lindfield is located within the vicinity of a new mixed use development site. It is proposed to recommence the reclassification for this site under the Ku-ring-gai Planning Scheme Ordinance (KPSO). Any future divestment of the land 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.

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PURPOSE OF REPORT

To have Council consider the reclassification of 9 Havilah Lane, Lindfield (lot 21 DP 713207).

BACKGROUND

The reclassification of the land at lot 21 DP 713207 (9 Havilah Lane, Lindfield) was the subject of a previous Planning Proposal under the now invalidated Ku-ring-gai Local Environmental Plan (Town Centres) 2010.

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

Council were advised by the delegate of the Minister for Planning and Infrastructure on 22 December 2011 that he had, in accordance with section 56(7) of the Act, altered the Gateway Determination for the reclassification planning proposals so as they were not to proceed. It was also noted that Council had agreed to take those reclassification matters forward as part of new plans for the Town Centres.

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 local centres LEP adopted by Council on 3 April 2012 did not include the reclassification of Council land.

Given the recent approval of the mixed use Major Project site 23-37 Lindfield Avenue and 11 Havilah Lane, Lindfield on 27 January 2012, it is proposed the reclassification of 9 Havilah Lane recommence. In order to recommence the reclassification for this site, a new resolution of Council is required. It is proposed that the reclassification process occur under the Ku-ring-gai Planning Scheme Ordinance (KPSO), as Council's proposed new Local Centres LEP is yet to be issued with a Gateway Determination.

COMMENTS

The site at 9 Havilah Lane, Lindfield (lot 21 DP 713207) is an existing Council car park of 766 m² in area and accommodates 25 spaces. A location map is included as Attachment A1. The site was dedicated to Council for car parking purposes in 1986 as part of the redevelopment of the adjoining site. The site is classified as community land under the Local Government Act, 1993.

The site is currently zoned Business 3(a)-(A2) Retail Services under the KPSO. Under the Planning Proposal adopted by Council on 3 April 2012, it is proposed that the site be zoned B2 Local Centre, with a potential maximum height of 7 to 8 storeys and an FSR of 3:1.

The approval of a mixed use retail/commercial/residential Major Project application for 23-37 Lindfield Avenue and 11 Havilah Avenue Lindfield on 27 January 2012 has determined the urban form for the lands to the south west of the site. The proposed zoning and provisions for Council's site (and adjoining sites) in the Local centres LEP will facilitate a built form consistent with newly

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approved development. This aligns with the objectives of the draft Ku-ring-gai Local Centres Plan and the proposed Ku-ring-gai Development Control Plan (Local Centres), the Ku-ring-gai Contributions Plan, 2010 and Ku-ring-gai Public Domain Plan, 2010.

If Council's site retains its community classification it could not be integrated into a new mixed use development for the adjoining sites, resulting in the isolation of the site and poor urban form and public domain outcomes.

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, in accordance with Schedule 10 of the KPSO.

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.

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, which will amend the Ku-ring-gai Planning Scheme Ordinance 1971, to reclassify 9 Havilah Lane Lindfield from Community Land to Operational Land as required under Chapter 6, Part 2 Division 1 of the Local Government Act 1993. Upon reclassification to Operational Land the property will be available for divestment 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 the site at 9 Havilah Lane, Lindfield to capture the best value for the site and return the funds to local community including new parking provision.

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If Council does not act the site could be left isolated and not be able to be viably redeveloped or sold into the future. This could result in a poor financial outcome for Council, in addition the isolation of the site could result in poor urban form and public domain outcomes

FINANCIAL CONSIDERATIONS

The reclassification of the site would facilitate its potential future sale. The proceeds of the site would go to Council's Infrastructure and Facilities Reserve.

SOCIAL CONSIDERATIONS

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 the Ku-ring-gai Contributions Plan, 2010 and Ku-ring-gai Public Domain Plan, 2010. As the site was dedicated to Council for car park purposes, the retention of parking on the site or within the vicinity would also be sought.

ENVIRONMENTAL CONSIDERATIONS

The planning proposal for the reclassification of 9 Havilah Lane, 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 and Environment Department in consultation with staff from other Departments where relevant.

SUMMARY

The reclassification of the land at lot 21 DP 713207 (9 Havilah Lane, Lindfield) was the subject of a previous planning proposal under the now invalidated Ku-ring-gai Local Environmental Plan (Town Centres) 2010.

Given the recent approval of the mixed use Major Project site at 23-37 Lindfield Avenue and 11 Havilah Lane Lindfield on 27 January 2012 and Councils adopted planning proposal for a new Local Centres LEP, it is proposed the reclassification of 9 Havilah Lane recommence. In order to recommence the reclassification for this site, a new resolution of Council is required. It is proposed that process occur under the Ku-ring-gai Planning Scheme Ordinance (KPSO).

Upon reclassification to Operational land the property will be available for divestment and this would be conducted inline with the procedures outlined in Council's Acquisition and Divestment of Land Policy, 2009.

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Any future divestment of the land 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 amend the Ku-ring-gai Planning Scheme Ordinance 1971 to reclassify Lot 21 DP 713207 (9 Havilah Lane Lindfield) from Community land to Operational land.
- B. That Council undertake a public hearing under the provisions of the Local Government Act, 1993 for the proposed reclassification of Lot 21 DP 713207 (9 Havilah Lane Lindfield) listed from Community land to Operational land.
- C. That Council formally seek to discharge all interests for Lot 21 DP 713207 (9 Havilah Lane Lindfield).
- 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 future divestment of 9 Havilah Lane, Lindfield.

Craige Wyse
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Director Strategy & Environment

Attachments: A1 Location of 9 Havilah Lane, Lindfield 2012/092905

