

Reclassification of 9 Havilah Lane, Lindfield

Proposal Title : **Reclassification of 9 Havilah Lane, Lindfield**

Proposal Summary : **The planning proposal seeks to reclassify 9 Havilah Lane, Lindfield, from community land to operational land.**

PP Number : **PP_2012_KURIN_004_00** Dop File No : **12/10406**

Proposal Details

Date Planning Proposal Received : **21-Jun-2012** LGA covered : **Ku-Ring-Gai**

Region : **Sydney Region West** RPA : **Ku-ring-gai Council**

State Electorate : **DAVIDSON** Section of the Act : **55 - Planning Proposal**

LEP Type : **Reclassification**

Location Details

Street : **9 Havilah Lane**

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

Land Parcel : **Lot 21 in DP 713207**

Street :

Suburb : City : Postcode :

Land Parcel : **The site has an area of 766m2, and currently operates as a Council carpark.**

DoP Planning Officer Contact Details

Contact Name : **Sandy Shewell**

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RPA Contact Details

Contact Name : **Kate Paterson**

Contact Number : **0294240785**

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DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

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Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :	Metro North subregion	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Yes
Lobbyists Code of
Conduct has been
complied with :

If No, comment :

CODE OF CONDUCT

At this point in time, to the best of the Regional Team's knowledge, this planning proposal is compliant with the Department of Planning and Infrastructure's Code of Practice in relation to communications and meetings with lobbyists.

POLITICAL DONATIONS DISCLOSURE STATEMENT

The political donation disclosure laws commenced on 1 October 2008. The legislation requires public disclosure of donations or gifts for certain circumstances relating to the planning system.

The disclosure requirements under the new legislation are triggered by the making of relevant planning applications and relevant public submissions on such applications.

The term relevant planning application means:

"A formal request to the Minister, a council or the Director General to initiate the making of an environmental planning instrument..."

Planning Circular PS08-009 specifies that a person who makes a public submission to the Minister or Director General is required to disclose all reportable political donations (if any).

No disclosures were provided for this planning proposal.

Have there been
meetings or
communications with
registered lobbyists? :

No

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

The planning proposal will enable Ku-ring-gai Council to dispose of a surplus site, by reclassifying the site to operational.

External Supporting
Notes :

BACKGROUND

Ku-ring-gai Council has identified the site at 9 Havilah Lane, Lindfield which is currently owned by Council, as surplus. The site is currently a Council carpark.

The sale of the subject site will provide funds to Council's Infrastructure and Facilities Reserve which funds infrastructure projects throughout the local government area, including development of the Lindfield Town Centre.

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment :

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

Is an explanation of provisions provided? Yes

Comment : The explanation is generally fine, however, this part should be clearer in terms of the proposed discharge of all interests, trusts etc from this site. While this is discussed elsewhere in the planning proposal (eg. the introduction), the discharge of interests is considered to be a key objective of this proposal, and as such should be made clear up front in the body of the planning proposal.

As such, Part 2 should be revised to include words relating to the proposed discharge of any trusts, estates, interests, dedications, conditions or restrictions and covenants affecting the land or any part of the land.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones
2.1 Environment Protection Zones
3.4 Integrating Land Use and Transport
4.1 Acid Sulfate Soils
4.3 Flood Prone Land
6.1 Approval and Referral Requirements
6.2 Reserving Land for Public Purposes
6.3 Site Specific Provisions
7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? No

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

d) Which SEPPs have the RPA identified?

SEPP No 19—Bushland in Urban Areas
SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)
SEPP No 55—Remediation of Land
SEPP (Building Sustainability Index: BASIX) 2004
SEPP (Housing for Seniors or People with a Disability) 2004
SEPP (Infrastructure) 2007
SREP (Sydney Harbour Catchment) 2005
SEPP (Affordable Rental Housing) 2009

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

SECTION 117 DIRECTIONS

1.1 BUSINESS AND INDUSTRIAL ZONES

Ku-ring-gai Council has identified that the planning proposal is consistent with this Direction in that it will not reduce the total potential floor space area for employment uses and related public services in business zones. It is proposed to zone the subject site B2 Local Centre under the draft Ku-ring-gai Local Environmental Plan (Local Centres) 2012. The draft Local Centres LEP was publicly exhibited from 21 May 2012 to 18 June 2012. The reclassification to operational will allow for the site to be redeveloped for commercial or mixed uses purposes increasing the total potential floor space area for employment uses and related public services in business zones.

2.1 ENVIRONMENT PROTECTION ZONES

The planning proposal is considered to be consistent with this Direction as it will not reduce the existing and proposed environmental protection standards that will apply to

the land.

3.4 INTEGRATING LAND USE AND TRANSPORT

This planning proposal does not allow the land to be used for a higher urban purpose (eg. commercial development) - it only provides the potential for this use. The new controls proposed for this site are contained within the draft Local Centres LEP which was exhibited recently. State Transport authorities were consulted as part of this process. As such the planning proposal is considered consistent with this Direction.

4.1 ACID SULFATE SOILS

The planning proposal is consistent with this Direction as the site has not been identified as being located in an area where there is a known occurrence of acid sulfate soils.

4.3 FLOOD PRONE LAND

The planning proposal is consistent with this Direction as the subject land has not been identified as being constrained by flooding issues. However, it is noted that the site is burdened by an easement for drainage and sewerage along the northern boundary in favour of the adjoining land (Lot 1 in DP 502955).

Council has recently exhibited a planning proposal to introduce biodiversity and riparian provisions into the Ku-ring-gai Planning Scheme Ordinance. Ku-ring-gai Council is also addressing the issues of biodiversity and riparian constraints as part of its Standard Instrument Local Environmental Plan process. The resulting provisions will also apply to this planning proposal and will become matters for consideration in the future development of these sites.

6.1 APPROVAL AND REFERRAL REQUIREMENTS

The planning proposal is consistent with this Direction as it does not include provisions that require the concurrence, consultation or referral of future development applications to a Minister or Public Authority or identify development as designated development.

6.2 RESERVING LAND FOR PUBLIC PURPOSES

The planning proposal is considered consistent with this Direction as the site is neither zoned nor reserved for a public purpose.

6.3 SITE SPECIFIC PROVISIONS

The objective of this s117 Direction is to discourage unnecessarily restrictive site specific planning controls. The planning proposal will not impose any new development standards.

7.1 IMPLEMENTATION OF THE METRO STRATEGY

It is considered that the planning proposal is consistent with this Direction in that the future proposed development of the site for mixed use purposes will contribute to meeting the commercial and residential housing targets in the Metro Strategy.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council has proposed to consult the community during the preparation of this planning proposal, in accordance with the requirements specified in the Department's Guide to Preparing Local Environmental Plans and section 57 of the Environmental Planning and

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Assessment Act 1979.

Council's proposes a 28 day public exhibition. As the proposal would reclassify public land, this is supported.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

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

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **February 2013**

Comments in relation to Principal LEP : It is anticipated that the Principal LEP will be forwarded to the Department of Planning and Infrastructure post public exhibition towards the end of December 2012.

Assessment Criteria

Need for planning proposal : The land to which the planning proposal relates is currently zoned 3(a)-(A2) Business-Retail Services under the Ku-ring-gai Planning Scheme Ordinance 1971 and operates as a carpark. Council proposes to zone the site B2 Local Centre via the draft Ku-ring-gai Local Centres LEP which was publicly exhibited between 21 May 2012 and 18 June 2012.

The planning proposal will enable the subject site to cease to be a public carpark and the land to be discharged from any trusts, estates, interests, dedications, conditions or restrictions and covenants affecting the land or any part of the land.

It is considered appropriate for the subject site to be reclassified to enable the site to be developed or used in an orderly and economic manner as determined by Council's strategic planning investigations.

The property is surplus to local government uses. Because the land is classified as community land, an amendment to the KPSO is needed to reclassify the land to operational to enable the sale of the land.

The subject site is affected by the draft Ku-ring-gai Local Environmental Plan (Local Centres) 2012. If the Local Centres LEP is gazetted prior to this planning proposal, this planning proposal will amend the Local Centres LEP (rather than the KPSO).

Consistency with strategic planning framework : The planning proposal is generally consistent with the principles of both the Metropolitan Strategy and the draft North Subregional Strategy, as well as Council's Community Strategic Plan, the Ku-ring-gai Sustainability Vision 2008-2033 and Plans of Management for Ku-ring-gai's Parks.

Environmental social economic impacts : **ENVIRONMENTAL**
This site has been not been identified as an area of biodiversity significance nor as containing riparian corridors nor as being bushfire prone.

Council has recently exhibited a planning proposal to introduce biodiversity and riparian overlays along with associated provisions into the Ku-ring-gai Planning Scheme Ordinance. These provisions have since been incorporated into the draft Ku-ring-gai Local Environmental Plan 2012 which has recently been approved for exhibition by the Minister's

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delegate (ie. a gateway determination has been issued).

These provisions will also apply to the subject site and will become matters for consideration in any future development of the site. Council has advised that investigation is required at development application stage in relation to threatened species.

ECONOMIC AND SOCIAL

The future disposal of the sites will allow additional funds to be directed towards 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 2012.

The reclassification of the site would facilitate its potential future development.

Additionally, the disposal of the sites will reduce ongoing management costs.

Assessment Process

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

Timeframe to make LEP : **6 Month** Delegation : **DG**

Public Authority : **Transport for NSW - RailCorp**
Consultation - 56(2)(d) : **Transport for NSW - Roads and Maritime Services**

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

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

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
9 Havilah Lane Cover_letter.pdf	Proposal Covering Letter	Yes
9 Havilah Lane, Lindfield_Planning_Proposal_June_2012.pdf	Proposal	Yes
9 Havilah Lane, Lindfield_Council_Report.pdf	Proposal	Yes

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9 Havilah Lane, Lindfield_Appendix 1_Report_to_Council_3_April_2012.pdf	Proposal	Yes
9_Havilah_Lane_Lindfield_Appendix_2_Report_to_Coun cil_24_April_2012.pdf	Proposal	Yes
9_Havilah_Lane_Lindfield_draft_instrument.pdf	Proposal	Yes
9_Havilah_Lane_Lindfield_draft_map.pdf	Map	Yes

Planning Team Recommendation

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

S.117 directions:

- 1.1 Business and Industrial Zones
- 2.1 Environment Protection Zones
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information :

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

1. The planning proposal be publicly exhibited for 28 days;
2. Council revise Part 2 - Explanation in the planning proposal to include a clarification that the proposal, when finalised, will discharge any trusts, estates, interests, dedications, conditions or restrictions and covenants affecting the land or any part of the land.
3. Council consult with the following agencies:-
Transport for NSW - RailCorp
Transport for NSW - Roads and Maritime Services

This consultation can occur concurrently with the public exhibition of the proposal.
4. The timeframe for the making of the LEP is to be 6 months from the week following the gateway determination.

Supporting Reasons :

Ku-ring-gai Council has identified the site at 9 Havilah Lane, Lindfield as surplus. The planning proposal will enable Council to sell the sites and use the funds generated from the sale of the sites to contribute towards the funding of the future development of the Lindfield town centre.

Signature:



Printed Name:

Tim Archer

Date:

29/6/12

