



APPENDIX 2

Report to Council Meeting held on 24 April 2012

Ordinary Meeting of Council - 24 April 2012

GB.7 / 1

Item GB.7

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.

Ordinary Meeting of Council - 24 April 2012

GB.7 / 3

Item GB.7CY00337/2
5 April 2012

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.

Ordinary Meeting of Council - 24 April 2012

GB.7 / 5

Item GB.7

CY00337/2
5 April 2012

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.

Craig Wyse
Team Leader Urban Planning

Andrew Watson
Director Strategy & Environment

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