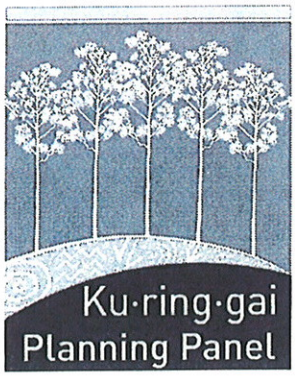

KU-RING-GAI PLANNING PANEL

Planning Proposal

Inclusion of provisions for the reclassification of certain Ku-ring-gai Council lands from Community Land to Operational Land status in the Ku-ring-gai Local Environmental Plan (Town Centres) 2010

2010/106449

CONTENTS

Part 1 A statement of the Objectives or Intended Outcomes of the proposed Local Environmental Plan

The planning proposal seeks to reclassify Council owned community land to operational land status.

The objective of this proposed Local Environmental Plan is to reclassify the Council owned public land as listed below from "community" land to "operational" land in accordance with Clause 5.2 of the Ku-ring-gai Local Environmental Plan (Town Centres) 2010.

1. 62 Pacific Highway, Roseville being Lot 2 DP 202148.
2. 1 Larkin Lane, Roseville being Lot 1 DP 502277, Lot 1 DP 215188, Lot 1 DP 500309, Lot 2 DP 511183, Lot 1 DP 501603, Lot 2 DP 511182, Lot 1 DP 215231, Lot 2 DP 505005, Lot 2 DP 507593, Lot 2 DP 504082, Lot 1 DP 500045, Lot 1 DP 505371, Lot 1 DP 507809.
3. 94A Pacific Highway, Roseville being Lot 22 DP 595126.
4. 80A Pacific Highway, Roseville being Lot 11 DP 861578.
5. 2 Lord Street, Roseville being Lot 4 DP 225030, Lot 1 DP 556917, Lot 3 DP 556955, Lot 5 DP 559096, Lot 7 DP 561031, Lot 9 DP 563301, Lot 11 DP 575457.
6. 9 Havilah Lane, Lindfield being Lot 21 DP 713207.
7. 3 Kochia Lane, Lindfield being Lot 12 DP 225925.
8. 8-10 Tryon Road, Lindfield being Lots 2 and 3 DP 219628 and Lot 5 DP 219146.
9. 1/12-18 Tryon Road, Lindfield being Lot 1 SP 37466.
10. 5 Kochia Lane, Lindfield being Lot 31 DP 804447.
11. 2 Moree Street, Gordon being Lot 4 DP 3965.
12. 4 Moree Street, Gordon being Lot 5 DP 3965.
13. 753 Pacific Highway, Gordon being Lot 1 DP 213736.
14. Post Office Lane, Pymble being Lot 2 DP 582963.
15. 261 Mona Vale Road, St Ives being Lot 31 DP 719052.
16. 176 Mona Vale Road, St Ives being Lot 103 DP 627012 and Lot 105 DP 629388.
17. 12 William Street, Turramurra being Lot 1 DP 519532.
18. 1A and 3 Kissing Point Road, Turramurra being Lot 2 DP 500077, Lot 2 DP 502388, Lot 2 DP 500761, Lot A DP 391538 and Lot B DP 435272.
19. 3 Stonex Lane, Turramurra being Lot 2 DP 550866.

The above sites have also been mapped, see Attachment C. The reclassification to operational status of the sites will assist Council to consider long term leases, sale, subdivision, or land swaps where appropriate.

This will assist in the planning and delivery of new and improved facilities and services, aligned with the objectives of the Ku-ring-gai Local Environmental Plan (Town Centres) 2010, Ku-ring-gai Development Control Plan (Town Centres) 2010 and the draft Ku-ring-gai Contributions Plan 2010.

Part 2 An Explanation of the Provisions that are to be included in the proposed Local Environmental Plan

The Ku-ring-gai Local Environmental Plan (Town Centres) 2010 will be amended to include in Schedule 4 the subject land as operational land. It is also proposed to extinguish interests applying to one site.

The zoning of the Council sites remain unchanged being predominantly zoned B2 local centre as per the Ku-ring-gai Local Environmental Plan (Town Centres) 2010.

Part 3 The Justification for those Objectives, Outcomes and Provisions and the process for their implementation

A. Need for the planning proposal.

A1. Is the planning proposal the result of any strategic study or report?

Council. on behalf of the community, is a significant land owner within the Town Centres. In particular, some of the sites that Council holds are strategic sites that can directly affect the realisation of a number of key proposals identified by Ku-ring-gai Development Control Plan (Town Centres) 2010 and the draft Ku-ring-gai Contributions Plan 2010, in accordance with the stated aims of Ku-ring-gai Local Environmental Plan (Town Centres) 2010.

The development of the Ku-ring-gai Town Centres documentation involved a comprehensive integrated planning approach over a 4+ year period and was based on a considerable range of planning studies. These studies included:

- Urban design studies.
- Traffic and parking studies.
- Retail study.
- Employment lands study.
- Open space acquisition.
- Ecological and biodiversity studies.
- Heritage conservation area and items assessments.
- Community facilities strategy.
- Economic feasibility assessments.

The extent of development envisaged under the Ku-ring-gai Town Centres LEP is supported by the findings of these studies.

In undertaking the Town Centre planning process Council and the Ku-ring-gai Planning Panel has sought to prepare a vision and direction for its Town Centres over the next 30 year period that outlines an integrated response to planning for the future of Ku-ring-gai. The town centres planning process has taken into account and is consistent with the planning strategies of the Sydney Metropolitan Strategy and the Draft Sydney North (Ku-ring-gai and Hornsby LGAs) Subregional Strategy.

The key documents are:

- Ku-ring-gai Local Environmental Plan (Town Centres) 2010.
- Ku-ring-gai Development Control Plan (Town Centres) 2010 and the draft Ku-ring-gai Contributions Plan 2010.
- Draft Ku-ring-gai Public Domain Plan.

The series of proposed plans include a range of opportunities for investment in public infrastructure. Initiatives that have been identified include:

- Public transport facilities and services.
- Creation of new urban spaces for outdoor dining and new public domain areas.
- Changes to the road network and redesign of car parking layout and locations.
- Streetscape redesign and embellishment including new street trees, undergrounding of power lines, new footpaths and cycleways.
- Masterplans for existing parks and identification of potential future open space acquisitions.
- New and refurbished community facilities including expansion of library facilities and new civic precincts.
- Protection of an addition to the native tree canopy and other environmental improvements.

A2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, the planning proposal is the best way of achieving the intended outcomes. The Ku-ring-gai Town Centres LEP when made on 25 May 2010 did not reclassify any land. The matter needs now to be addressed by amendment of the Town Centres LEP to insert the relevant land into Schedule 4.

A3. Is there a net community benefit?

This proposal does not involve a rezoning and therefore the "Net Community Benefit Test" is not applicable. However, the planning proposal is considered to be a benefit to the community as it will provide more certainty in the implementation of the Ku-ring-gai Town Centres LEP and will facilitate appropriate inclusion of Council lands in Town Centre development.

B. Relationship to strategic planning framework.

B1. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

Yes. The planning proposal will help facilitate the implementation of the Ku-ring-gai Town Centre LEP which is consistent with the objectives and actions contained in the Sydney Metropolitan Strategy and the draft Sydney North Subregional Strategy.

B2. Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?

Yes. The planning proposal is consistent with the Ku-ring-gai Council Community Strategic Plan 2030, which includes the objective of the effective implementation of the Ku-ring-gai Town Centres LEP. The planning proposal will help to facilitate the implementation of the LEP through the inclusion of Council lands.

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 6 town centres is consistent with Community Strategic Plan 2030 as outlined below:

Under the **Community Development principle activity**, the proposed reclassifications 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 reclassifications will assist in the aim that Council's assets are managed effectively to meet community needs and standards within our available resources.

Under **Planning and Development principle activity** the proposed reclassification will assist in ensuring that the urban areas will become more liveable and sustainable to respond to State Government and community demands for additional housing, greater housing choice and associated provision of more local retail and commercial floor space and associated employment activity.

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 to operational status of the sites will assist Council to consider long term leases, sale, subdivision, or land swaps where appropriate. Council has an adopted long term 20 year financial model to assist in the financial planning and delivery of a range of strategic projects.

B3. Is the planning proposal consistent with applicable state environmental planning policies?

Yes. This planning proposal is consistent with all applicable State Environmental Planning Policies. Refer to Attachment B.

B4. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Yes. The planning proposal is consistent with all applicable s.117 directions. Refer to Attachment B.

The relevant directions are:

1.1 Business and Industrial Zones.
2.1 Environment Protection Zones.
3.1 Residential Zones.
4.4 Planning for Bushfire Protection.
6.1 Approval and Referral Requirements.
6.2 Reserving Land for Public Purposes.
7.1 Implementation of the Metropolitan Strategy.

C. Environmental, social and economic impact.

C1. 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?

No. The proposed reclassifications will not apply to any land subject to covenant, agreement or other similar instruments created under relevant legislation to protect critical habitat or threatened species, populations or ecological communities, or their habitats.

C2. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. The planning proposal will not result in any additional environmental effects to those considered during the process of making the Ku-ring-gai Town Centres LEP.

C3. How has the planning proposal adequately addressed any social and economic effects?

The planning proposal will not result in any additional social and economic effects to those considered during the process of making the Ku-ring-gai Town Centres LEP.

C4. 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 proposal seeks to extinguish interests in the land at 176 Mona Vale Road, St Ives (being Lot 103 DP 627012 and Lot 105 DP 629388). No other lands are proposed to have interests extinguished. Refer to Attachment A.

The land at 176 Mona Vale Road is proposed to incorporate the main entry to the St Ives Village Shopping Centre as well as providing for residential / retail / commercial developments, as per the Town Centres LEP and DCP. To facilitate this requires that a deed of trust be extinguished. The deed restricts the use of the land to the provision of baby health centre / library / public purposes and parking.

A 1921 covenant also applies requiring that building development not be valued less than four hundred pounds. This is now outmoded and should also be extinguished.

D. State and Commonwealth interests.

D1. Is there adequate public infrastructure for the planning proposal?

Yes. The planning proposal will not result in any additional demand for public infrastructure beyond that considered during the process of making the Ku-ring-gai Town Centres LEP.

D2. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?

No consultation has been carried out with State and Commonwealth public authorities. Consultation will occur with relevant public authorities identified as part of the gateway determination.

Part 4 Details of the community consultation that is to be undertaken on the planning proposal.

It is proposed that the planning proposal will be exhibited in accordance with the requirements of Section 57 of the EP&A Act and Section 29 of the Local Government Act 1993 and/or any other requirements as determined by the gateway process under Section 56 of the EP&A Act.

As a minimum Council proposes to undertake public exhibition, to hold a public hearing, give separate public notice of the arrangements for both the public exhibition and public hearing in the local newspaper, at Council's Customer Service Centre, Libraries, and on Council's website for a duration of 28 days. Notification will also be sent to those who made submissions in respect of previous public hearing processes for Town Centre lands and those whose lands lie within the area encompassed by the Ku-ring-gai Town Centres LEP.

Part 5 Owners Concurrence

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

Council is the landowner for the sites to be considered for reclassification.

Attachment A – Sites for Reclassification – Ku-ring-gai Town Centres

Site Description		Details of extinguishment of any interests in the land (if relevant) and reasons)
1.	62 Pacific Highway, Roseville being Lot 2 DP 202148	N/A
2.	1 Larkin Lane, Roseville being Lot 1 DP 502277, Lot 1 DP 215188	N/A
	Lot 1 DP 500309, Lot 2 DP 511183, Lot 1 DP 501603, Lot 2 DP 511182	N/A
	Lot 1 DP 215231, Lot 2 DP 505005, Lot 2 DP 507593, Lot 2 DP 504082	N/A
	Lot 1 DP 500045, Lot 1 DP 505371, Lot 1 DP 507809	N/A
3.	94A Pacific Highway, Roseville being Lot 22 DP 595126	N/A
4.	80A Pacific Highway, Roseville being Lot 11 DP 861578	N/A
5.	2 Lord Street, Roseville being Lot 11 DP 861578	N/A
	Lot 3 DP 556955, Lot 5 DP 559096, Lot 7 DP 561031, Lot 9 DP 563301	N/A
	Lot 11 DP 575457	N/A
6.	9 Havilah Lane, Lindfield being Lot 21 DP 713207	N/A
7.	3 Kochia Lane, Lindfield being Lot 12 DP 225925	N/A
8.	8-10 Tryon Road, Lindfield being Lots 2 and 3 DP 219628 and Lot 5 DP 219146	N/A
9.	1/12-18 Tryon Road, Lindfield being Lot 1 SP 37466	N/A
10.	5 Kochia Lane, Lindfield being Lot 31 DP 804447	N/A
11.	2 Moree Street, Gordon being Lot 4 DP 3965	N/A
12.	4 Moree Street, Gordon being Lot 5 DP 3965	N/A
13.	753 Pacific Highway, Gordon being Lot 1 DP 213736	N/A

Site Description	Details of extinguishment of any interests in the land (if relevant) and reasons)
14. Post Office Lane, Pymble being Lot 2 DP 582963	N/A
15. 261 Mona Vale Road, St Ives being Lot 31 DP 719052	N/A
16. 176 Mona Vale Road, St Ives being Lot 103 DP 627012 and Lot 105 DP 629388	• A 1921 Covenant A 717421 applies to the land providing that any main building erected on the land shall not be of a value less than four hundred pounds. • Deed of Trust No. 19101 applies to the land and provides that Council is to hold the land for use as a baby health centre and/or library and/or other public purposes and public car parking. • It is proposed to extinguish both the 1921 Covenant and Trust to enable future development of the site and adjoining lands in accordance with the provisions of the Ku-ring-gai Local Environmental Plan (Town Centres) 2010 and the Ku-ring-gai Development Control Plan (Town Centres) 2010.
17. 12 William Street, Turramurra being Lot 1 DP 519532	N/A
18. 1A and 3 Kissing Point Road, Turramurra being Lot 2 DP 500077, Lot 2 DP 502388, Lot 2 DP 500761, Lot A DP 391538 and Lot B DP 435272	N/A
19. 3 Stonex Lane, Turramurra being Lot 2 DP 550866	N/A

Attachment B

ASSESSMENT OF PLANNING PROPOSAL CONSISTENCY WITH SECTION 117 DIRECTION AND STATE ENVIRONMENTAL PLANNING POLICIES

PART A: DIRECTIONS UNDER S117(2)		Not relevant	Consistent
PART 1 – GENERAL DIRECTIONS			
1.	**Employment and Resources**		
1.1	Business and Industrial Zones		✓
1.2	Rural Zones	✓	
1.3	Mining, Petroleum Production and Extractive Industries	✓	
1.4	Oyster Aquaculture	✓	
1.5	Rural Lands	✓	
2.	**Environment and Heritage**		
2.1	Environment Protection Zones		✓
2.2	Coastal Protection	✓	
2.3	Heritage Conservation	✓	
2.4	Recreation Vehicle Areas	✓	
3.	**Housing, Infrastructure and Urban Development**		
3.1	Residential Zones		✓
3.2	Caravan Parks and Manufactured Home Estates	✓	
3.3	Home Occupations	✓	
3.4	Integrating Land Use and Transport	✓	
3.5	Development Near Licensed Aerodromes	✓	
4.	**Hazard and Risk**		
4.1	Acid Sulfate Soils	✓	
4.2	Mine Subsidence and Unstable Land	✓	
4.3	Flood Prone Land	✓	
4.4	Planning for Bushfire Protection		✓
5.	**Regional Planning**		
5.1	Implementation of Regional Strategies	✓	
5.2	Sydney Drinking Water Catchments	✓	
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	✓	
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	✓	
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	✓	
5.6	Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	✓	
5.7	Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	✓	
5.8	Second Sydney Airport: Badgerys Creek	✓	

6.	Local Plan Making		
6.1	Approval and Referral Requirements		✓
6.2	Reserving Land for Public Purposes		✓
6.3	Site Specific Provisions	✓	
7.	Metropolitan Planning		
7.1	Implementation of the Metropolitan Strategy		✓

PART B:	STATE ENVIRONMENTAL PLANNING POLICIES	Not relevant	Consistent
SEPP1	Development Standards	✓	
SEPP4	Development Without Consent	✓	
SEPP6	Number of Storeys in a Building	✓	
SEPP19	Bushland in Urban Areas		✓
SEPP21	Caravan Parks	✓	
SEPP22	Shops and Commercial Premises	✓	
SEPP30	Intensive Agriculture	✓	
SEPP32	Urban Consolidation (Redevelopment of Urban Land)		✓
SEPP33	Hazardous and Offensive Development	✓	
SEPP44	Koala Habitat Protection	✓	
SEPP53	Metropolitan Residential Development	✓	
SEPP55	Remediation of Land	✓	
SEPP60	Exempt and Complying Development	✓	
SEPP62	Sustainable Aquaculture	✓	
SEPP64	Advertising and Signage	✓	
SEPP65	Design Quality of Residential Flat Development	✓	
SEPP70	Affordable Housing (Revised Schemes)	✓	
SEPP	(Housing for Seniors or People with a Disability) – 2004		✓
SEPP	Building Sustainability Index : Basix 2004	✓	
SEPP	Major Development	✓	
SEPP	Mining, Petroleum and Extractive Industries	✓	
SEPP	Temporary Structures 2007	✓	
SEPP	Infrastructure 2007		✓
SEPP	Affordable Rental Housing 2009		✓
SEPP	Exempt and Complying Development Codes 2008		✓

PART C: REGIONAL ENVIRONMENTAL PLANS	Not relevant	Consistent
SYDNEY REP20 Hawkesbury-Nepean River		✓
SYDNEY REP (Sydney Harbour Catchment) 2005		✓