

Planning Services

Plan Finalisation Report

Local Government Area: Ku-ring-Gai

1. NAME OF DRAFT LEP

Ku-ring-gai Local Environmental Plan (Local Centres) 2012 Amendment No.9.

2. SITE DESCRIPTION

The planning proposal applies to land at 176 Mona Vale Road, St Ives (Lot 103 DP627012 and Lot 105 DP629388) (the site). The proposal at **Attachment A** shows the subject site. The subject site is zoned B2 Local Centre and is located within the St Ives shopping precinct to the north, east and west. Land to the south, separated by Mona Vale Road, is zoned R3 Medium Density Residential comprising townhouses of one and two storey heights.



Figure 1: Site Aerial (SixMaps)

4. STATE ELECTORATE AND LOCAL MEMBER

The site falls within the Davidson State Electorate. Jonathan Richard O'Dea MP is the State Member for Davidson.

The site falls within the Bradfield Federal Electorate. Paul Fletcher MP is the Federal Member for Bradfield.

To the regional planning team's knowledge, neither MP has made any written representations regarding the proposal.

NSW Government Lobbyist Code of Conduct: There have been no meetings or communications with registered lobbyists with respect to this proposal.

NSW Government reportable political donation: There are no donations or gifts to disclose and a political donation disclosure is not required.

5. GATEWAY DETERMINATION

The Gateway determination issued on 18 July 2017 (**Attachment B**) determined that the proposal should proceed subject to conditions.

6. PUBLIC EXHIBITION

The planning proposal was exhibited from 19 October to 16 November 2017 in accordance with the Gateway determination.

4 public submissions were received.

The key issues expressed were:

- Concerns over limited car parking at the centre and the potential loss of it;
- Support for the proposal, as long as proceeds of any sale of land are to be applied to the whole redevelopment of St Ives, and the need for community facilities; and
- Support for the proposal, subject to a required laneway closure at the site to orientate vehicle access.

A public hearing was held on 7 December 2017, which was chaired by an independent planning consultant. Three people addressed the meeting supporting the proposal and the need for the redevelopment of the St Ives Shopping Centre. One written submission was made to the hearing objecting to the potential loss of car parking.

Council has addressed issues regarding car parking by stating that any redevelopment at St Ives would be required to provide car parking in accordance with Council's local environmental plan and development control plan. Council also intends to provide an underground car park as part of the future redevelopment of the St Ives shopping centre and provide appropriate vehicle access.

7. ADVICE FROM PUBLIC AUTHORITIES

Council consulted with the following agencies, as required by the Gateway determination:

- Transport for NSW;
- Roads and Maritime Services;
- Energy Australia;
- Sydney Water; and
- NSW Office of Strategic Land.

Only Roads and Maritime Services responded to the consultation and raised no objection.

8. POST-EXHIBITION CHANGES

No amendments were made to the planning proposal following public exhibition.

9. ASSESSMENT

The reclassification of community land to operational land will enable the revitalisation of the site and the local centre of St Ives. The reclassification is considered appropriate for the following reasons:

- Council has received support of the adjoining owner, EK Nominees Pty Ltd, and the St Ives Progress Association to redevelop and revitalise the St Ives shopping precinct;
- The reclassification is consistent with the land-use zone and primary use of the land, being B2 Local Centre, and does not propose to amend the zoning or any other development standards applying to the site;
- The reclassification is consistent with the North District Plan, the Ku-ring-gai Community Strategic Plan and the Council-led St Ives Town Centre Public Domain Plan; and
- The public benefit of the land being reclassified will be the revitalisation of an underused local shopping centre at St Ives and the potential for public domain improvements.

North District Plan

In undertaking the strategic planning processes, planning authorities are required to demonstrate how the proposal gives effect to the District Plan.

The North District Plan contains directions for liveability, with a focus on creating and renewing great places and local centres. Council has identified a clear vision of revitalising the existing St Ives shopping precinct, an existing local centre. The reclassification will facilitate the revitalisation of the precinct by allowing redevelopment of the site. Council has stated its intention to provide an underground car park to service the growing needs of the community.

The reclassification is intended to encourage the growth of the local centre and will reduce the need for people to travel long distances to access jobs and local services. The reclassification gives effect to the North District Plan.

10. MAPPING

As the planning proposal is for the reclassification of land only, no mapping changes are required.

11. CONSULTATION WITH COUNCIL

Council was consulted on the terms of the draft instrument under clause 3.36(1) of the *Environmental Planning and Assessment Act 1979*. Council confirmed on 14 March 2018 that the draft instrument will give the intended effect of Council's planning proposal. **(Attachment C).**

12. PARLIAMENTARY COUNSEL OPINION

On 16 November 2018 Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at **Attachment PC**.

13. RECOMMENDATION

It is recommended that the Minister's delegate as the local plan-making authority determine to make the draft LEP under clause 3.36(2)(a) of the Act because:

- the reclassification of the site from community to operational land under the *Local Government Act 1993* will allow for the revitalisation and redevelopment of the St Ives shopping precinct;
- The reclassification is consistent with the North District Plan, the Ku-ring-gai Community Strategic Plan and the Council-led St Ives Town Centre Public Domain Plan;
- the reclassification proposal gives effects to the North District Plan in accordance with section 3.8 of the Environmental Planning and Assessment Act 1979. It will allow for the land to be better utilised within the shopping precinct; and
- there are no significant environmental, social or economic impacts anticipated as a result of the amendments sought.



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