

Ku-ring-gai LEP (Local Centres) 2012 - Reclassification and rezoning at 5 Ray St, 12 William St, and 1275 Pacific Highway, Turramurra

Proposal Title :	Ku-ring-gai LEP (Local Centres) 2012 - Reclassification and rezoning at 5 Ray St, 12 William St, and 1275 Pacific Highway, Turramurra		
Proposal Summary :	Ku-ring-gai LEP (Local Centres) 2012 - Reclassification and rezoning of Council owned land at 5 Ray Street, 12 William Street, and 1275 Pacific Highway, Turramurra		
PP Number :	PP_2016_KURIN_003_00	Dop File No :	16/03832

Proposal Details

Date Planning Proposal Received :	21-Mar-2016	LGA covered :	Ku-Ring-Gai
Region :	Metro(Parra)	RPA :	Ku-ring-gai Council
State Electorate :	KU-RING-GAI	Section of the Act :	55 - Planning Proposal
LEP Type :	Reclassification		

Location Details

Street :	5 Ray Street		
Suburb :	Turramurra	City :	Ku-ring-gai
Land Parcel :	Community to Operational Land and rezone part of the site from RE1 to B2		
Street :	12 William Street		
Suburb :	Turramurra	City :	Ku-ring-gai
Land Parcel :	Community to Operational Land		
Street :	1275 Pacific Highway		
Suburb :	Turramurra	City :	Ku-ring-gai
Land Parcel :	Community to Operational Land, and rezone part of site RE1 Public Recreation to B2 Local Centre, with small portion remaining an SP2 zone		
Street :	William Street road reserve		
Suburb :	Turramurra	City :	Ku-ring-gai
Land Parcel :	Rezoning from RE1 Public Recreation to B2 Local Centre		

DoP Planning Officer Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	
Regional / Sub Regional Strategy :		Consistent with Strategy :	
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 :

Have there been **No**
meetings or
communications with
registered lobbyists? :
If Yes, comment :

Supporting notes

Internal Supporting
Notes : **An earlier planning proposal was received by the Department in June 2015 regarding the subject land. In August 2015, Council requested the Department delay proceeding with the proposal due to the possible incorporation of an additional site. The proposal now incorporates 1275 Pacific Highway.**

As interests are to be discharged, the approval of the Governor is required and it is not possible to delegate the plan making function to Council.

A master plan was later submitted to the Department in March 2016 and is saved in 'documents'. The 'receipt date' has been amended accordingly.

For clarification only, a previous planning proposal and Gateway Determination was issued on 22 December 2011 for the reclassification of land at 5 Ray Street in the Town Centres Local Environmental Plan 2010 (PP_2010_KURIN_006_00). The Town Centres Local Environmental Plan 2010 was later deemed invalid, and the Gateway Determination was subsequently withdrawn.

There has been no material and contemporary consideration of the former proposal in respect of the current matter.

External Supporting
Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? **Yes**

Comment : **The objective of the planning proposal is to rezone and reclassify Council owned land so as to provide flexibility to implement the future masterplan for the Ray Street Precinct, Turramurra.**

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

Is an explanation of provisions provided? **Yes**

Comment : **The proposal seeks to amend the Ku-ring-gai Local Environmental Plan (Local Centres) 2012 as follows:**

RECLASSIFICATION

Amend Part 2 of Schedule 4 - Classification and Reclassification of Public Land, as per page 12 of the planning proposal applying to 5 Ray Street, 12 William Street and 1275 Pacific Highway.

LAND ZONING

Amend the Land Zoning Map (Map Sheet LZN_007A) by rezoning the existing RE1 Public Recreation Zone applying to:

- part of 5 Ray St (Lot 2 DP221290);**
 - the William St road reserve; and**
 - part of 1275 Pacific Highway (Lot 1 DP81994),**
- to B2 Local Centre.**

FLOOR SPACE RATIO

Amend the Floor Space Ratio Map (Map Sheet FSR_007A) by applying the maximum (S2) 1.8:1 ratio over:

- part of 5 Ray St (Lot 2 DP221290); and**
- the William St road reserve.**

Amend the Floor Space Ratio Map (Map Sheet FSR_007A) by applying the maximum (U1) 2.5:1 ratio over part of 1275 Pacific Highway (Lot 1 DP81994).

HEIGHT OF BUILDINGS

Amend the Height of Buildings Map (Map Sheet HOB_007A) by applying the maximum (P) 17.5m building height over:

- part of 5 Ray St (Lot 2 DP221290); and**
- the William St road reserve.**

Amend the Height of Buildings Map (Map Sheet HOB_007A) by applying the maximum (N) 14.5m building height over part of 1275 Pacific Highway (Lot 1 DP81994).

Note: Since lodgement of the planning proposal, Council has clarified that the proposed

land zoning, floor space ratio and height of building standards, apply to part of 1275 Pacific Highway, and the planning proposal does not seek to rezone the road reserve on the site (i.e. the land zoned SP2 Infrastructure). The SP2 Infrastructure zone on the road reserve will remain as zoned.

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

2.3 Heritage Conservation

3.1 Residential Zones

3.4 Integrating Land Use and Transport

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

7.1 Implementation of A Plan for Growing Sydney

Is the Director General's agreement required? **Yes**

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 (Infrastructure) 2007

SREP No. 20 - Hawkesbury–Nepean River (No. 2 - 1997)

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

SECTION 117 DIRECTIONS.

The proposal is considered consistent with Directions 1.1 Business and Industrial Zones, 2.3 Heritage Conservation, 3.1 Residential Zones, 3.4 Integrating Land Use and Transport and 6.1 Approval and Referral Requirements.

The proposal is considered consistent with Direction 1.1 Business and Industrial Zones, as the rezoning of land to B2 Local Centre, and reclassification of land to operational will enable the precinct to undergo a comprehensive masterplanned redevelopment, encouraging better use of employment land and the viability of the commercial precinct area as a whole

DIRECTION 6.2 - Reserving Land for Public Purposes.

Section 117 Direction 6.2 is relevant as the proposal seeks to rezone land at 1275 Pacific Highway (which is currently utilised as public open space - known as Turramurra Park) from RE1 Public Recreation, to B2 Local Centre (with associated development standards) to enable the development of a community hub at 1275 Pacific Highway.

The community hub is a result of Council's "Turramurra Community Facilities Study" (2014) which identifies a deficit in community facilities. The community hub aims to provide additional community facility floor space and further facilities.

Land zoned RE1 at 5 Ray St and part of William St road reserve is also proposed to be rezoned B2.

The proposal states the RE1 zoning restricts comprehensive development potential of the precinct as a whole. Further, the current masterplan option selected will provide additional open space in the form of a town square and linear park.

In these circumstances it is recommended that the delegate agrees to the removal of the open space zone.

It is noted there is an existing road reservation at 1275 Pacific Highway, and the proposal does not seek to remove or amend the reservation. However, this is not clear in the planning proposal. Amendment to Part 2 - Explanation of Provisions, is recommended to make it clear that the proposal will not rezone or apply development

standards on the road reservation of 1275 Pacific Highway, and it will only rezone part of 1275 Pacific Highway.

DIRECTION 7.1 IMPLEMENTATION OF A PLAN FOR GROWING SYDNEY

EP&A Act Section 75AI Implementation of strategic plans Section 75AI(2) states that, in preparing a planning proposal under section 55, the relevant planning authority is to give effect:

- (a) to any district plan applying to the local government area to which the planning proposal relates (including any adjoining local government area), or
- (b) if there is no district plan applying to the local government area—to any regional plan applying to the region in respect of which the local government area is part.

There is no district plan currently applicable to the subject land, and, under Section 75AE(3), A Plan for Growing Sydney is taken to be the regional plan for the Greater Sydney Region.

The proposal is considered consistent with A Plan for Growing Sydney as the proposal seeks to provide high quality development within the precinct, including community facilities, retail shops and residential apartments positioned between the Pacific Highway and Turramurra rail station - providing access to the North Shore Rail corridor.

SEPPS and DEEMED SEPPS.

The proposal is considered consistent with all relevant SEPPs.

SEPP 55 - Re-mediation of Land

A Stage 1 Preliminary Site Investigation was conducted on the subject site that identified:

- a low to medium likelihood of unacceptable contamination to be present on the site, as a result of past and present land use activities;
- Further assessment would be required to assess the suitability of the site for future land uses; and
- Potential future land use options should be identified prior to undertaking further assessment works.

Council is to be reminded of the need to further consider this matter during the process to ensure it complies with clause 6 of SEPP 55.

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: **Part 4 of the proposal provides adequate mapping for exhibition purposes, however, the maps should be amended as follows to provide greater clarity for public exhibition:**

- * all maps are to be amended to show the name of 'Ray St';
- * all maps are to clearly label the subject sites i.e. their precinct, current and proposed zonings, and current and proposed classification, and
- * the label 'RE1' is to be removed from the proposed zoning map, located at 1275 Pacific Highway and re-labelled 'B2'.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment: **The proposal recommends a 28 exhibition period.**

As the proposal involves reclassification of land from community to operational, Council is required to undertake a public hearing in accordance with the Department's Practice

Note PN 09-003.

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 : **January 2013**

Comments in relation to Principal LEP : **The proposal is to amend the Ku-ring-gai Local Environmental Plan (Local Centres) 2012.**

Assessment Criteria

Need for planning proposal : **The sites are currently classified as community land and therefore, Council is not able to develop, sell, exchange or dispose of the land under the provisions of the Local Government Act 1993. Amending the Ku-ring-gai Local Environmental Plan (Local Centres) 2012 would be the only means of achieving the objectives of the planning proposal.**

Consistency with strategic planning framework : **The proposal is considered consistent with A Plan for Growing Sydney and Council's Community Strategic Plan 2030.**

Environmental social economic impacts : **ENVIRONMENTAL**
The subject sites are predominately hard paved car parking containing minimal vegetation. There are no areas of biodiversity or other environmental considerations that would be adversely affected by the proposal.

The proposal identifies 'significant trees' however these have not been indicated on any maps, or the type of trees (e.g. native) identified. The draft masterplan for the precinct will clearly identify these trees and if they should be retained.

SOCIAL

The proposal states that it will provide social benefits to the Turramurra community, by providing a community building and enabling development aspirations as outlined by the Community Strategic Plan 2030 and Council's Development Control Plan.

ECONOMIC

Economic benefits as listed in the proposal may include:

- activation and re-invigoration of a declining commercial centre;**
- local employment and investment;**
- potential development contributions funds;**
- potential increase in value of Council's assets;**
- potential gain in actual or prospective revenue through the future sale and leasing of land;**
- reduced maintenance of new building assets;**
- no funding shortfall for the Turramurra community facilities in Council's Long**

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Term Financial Plan; and
-access to land, improved local retail services and reduction in the proportion of retail expenditure that escapes the LGA.

Assessment Process

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

Timeframe to make LEP : **12 months** Delegation : **Nil**

Public Authority Consultation - 56(2)(d) : **Energy Australia
Transport for NSW
Transport for NSW - Sydney Trains
Transport for NSW - Roads and Maritime Services
Sydney Water**

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
Ray Street Precinct Planning Proposal.pdf	Proposal	Yes
Appendix A - Council Report 12 November 2013.pdf	Proposal	Yes
Appendix B - Council Report 8 December 2015.pdf	Proposal	Yes
Appendix C - Turramurra Community Hub Masterplan Concept Sketch.pdf	Proposal	Yes
Appendix D - List of State Environmental Planning Policies.pdf	Proposal	Yes
Appendix E - Stage 1 Preliminary Site Investigation.pdf	Study	Yes
Appendix F - List of s117 Directions.pdf	Proposal	Yes
Appendix G and H - Checklist and Title Searches.pdf	Proposal	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**

2.3 Heritage Conservation
3.1 Residential Zones
3.4 Integrating Land Use and Transport
6.1 Approval and Referral Requirements
6.2 Reserving Land for Public Purposes
7.1 Implementation of A Plan for Growing Sydney

Additional Information :

GATEWAY DETERMINATION

As the matter is of a minor nature and is consistent with a strategy prepared by Ku-ring-gai Council, it is recommended that the Gateway determination function be exercised by the Director, Sydney Region West.

DELEGATION OF PLAN MAKING FUNCTION

Ku-ring-gai Council has not requested the delegation of the plan-making function in relation to this planning proposal. As the proposal may require the Governor's approval for the extinguishment of certain interests, it is not possible to delegate the making of the plan to Council.

SECTION 117 DIRECTION 6.2 - RESERVING LAND FOR PUBLIC PURPOSES

The Delegate's approval is recommended in accordance with Direction 6.2 Reserving Land for Public Purposes. The reduction of land zoned for public purposes is considered to be warranted on the basis that the masterplan for the area will facilitate appropriate public space.

RECOMMENDATIONS AND GATEWAY CONDITIONS

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

1. Prior to community consultation, Council is to amend the planning proposal as follows;
 - 1.1 To fully clarify the interests that apply at 12 William Street, Turramurra (page 9 of the planning proposal),
 - 1.2 In Part 2, the explanation be amended to clearly state that the proposal will not rezone or apply development standards on the road reservation of 1275 Pacific Highway, and it will only rezone part of 1275 Pacific Highway.
 - 1.3 Indicate the reason(s) for reclassifying the road reservation within 1275 Pacific Highway (Lot 1 DP81994);
 - 1.4 In Part 4:
 - 1.4.1 all maps are to be amended to show the name of 'Ray Street',
 - 1.4.2 all maps are to clearly labelled to show the precincts subject to the proposal the subject sites i.e. their precinct name, current and proposed zonings, and current and proposed classification, and
 - 1.4.3 remove the 'RE1' land zoning label from the proposed zoning map at 1275 Pacific Highway, and re-label 'B2'.
2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act as follows:
 - a) the planning proposal must be made publicly available for a minimum of 28 days; and
 - b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Planning & Infrastructure 2013).
4. Consultation is required with the following public authorities under

section 56(2)(d) of the Environmental Planning and Assessment Act:

- Transport for NSW,
- Transport for NSW – Roads and Maritime Services,
- Transport for NSW – Sydney Trains,
- Energy Australia,
- Sydney Water.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Environmental Planning and Assessment Act 1979. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

6. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons :

- The proposed rezoning and reclassification will allow the site to be redeveloped and enable Council the flexibility of master-planning the site as resolved by Council.
- The subject area is well located to public transport with the opportunity to strengthen and regenerate the existing Turramurra centre.

Signature:



Printed Name:

T DORAN

Date:

5/4/16

