

Reclassification of 6 council owned sites

Proposal Title : **Reclassification of 6 council owned sites**

Proposal Summary : **The planning proposal seeks to amend the Ku-ring-gai Planning Scheme Ordinance to reclassify Council owned lands in Lindfield, Wahroonga and Pymble from community land to operational land.**

PP Number : **PP_2013_KURIN_003_00**

Dop File No : **13/17995**

Proposal Details

Date Planning Proposal Received : **15-Oct-2013**

LGA covered : **Ku-Ring-Gai**

Region : **Sydney Region West**

RPA : **Ku-ring-gai Council**

State Electorate : **DAVIDSON
KU-RING-GAI**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Reclassification**

Location Details

Street : **19 Hughes Place**

Suburb : **East Lindfield**

City : **Sydney**

Postcode : **2070**

Land Parcel : **Lot 23 DP28233**

Street : **9 Eric Street**

Suburb : **Wahroonga**

City : **Sydney**

Postcode : **2076**

Land Parcel : **Lot 1 DP 662194**

Street : **57 Merrivale Road**

Suburb : **Pymble**

City : **Sydney**

Postcode : **2073**

Land Parcel : **Lot 2 DP 252197**

Street : **6A Peace Avenue**

Suburb : **Pymble**

City : **Sydney**

Postcode : **2073**

Land Parcel : **Lot 2 DP 202873**

Street : **77A Bradfield Road**

Suburb : **West Lindfield**

City : **Sydney**

Postcode : **2070**

Land Parcel : **Lot 53 DP 261073**

Street : **Edith Street**

Suburb : **Pymble**

City : **Sydney**

Postcode : **2073**

Land Parcel : **Unformed road reserve (public road) between 74 and 76 Bannockburn Road, Pymble.**

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DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
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 :

Have there been
meetings or
communications with
registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting Notes : **The planning proposal seeks to reclassify 6 council owned sites from operational land to community land. All interests are to be discharged.**

External Supporting
Notes :

Adequacy Assessment

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

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

Comment : Council states that the objective is to facilitate the coordinated and orderly use of land to enable Council to respond to new opportunities to implement planning strategies contained in the relevant planning instruments.

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

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

Comment : The planning proposal is to reclassify the 6 parcels of land from community land to operational land. This will enable Council to sell, exchange or otherwise dispose of or deal with the sites.

It is proposed to discharge any trusts, estates, interests, dedications, conditions or restrictions and covenants affecting the land or any part of the land. However the proposal does not include details of these interests or an explanation for their discharge, as required by Practice Note PN 09-003. It is recommended that a condition of the Gateway determination be that to planning proposal be amended to include this information.

Details of the sites to be reclassified are currently in the Introduction of the planning proposal. In accordance with the guidelines, this information should be moved to Part 2 - Explanation of Provisions (or a cross reference provided), so that Part 2 provides complete information on the provisions of the proposal to assist in both public exhibition and drafting of the legal instrument.

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
4.1 Acid Sulfate Soils
4.3 Flood Prone Land
4.4 Planning for Bushfire Protection
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 No 65—Design Quality of Residential Flat Development
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 :

The planning proposal is not inconsistent with any State Environmental Planning Policies or Section 117 Directions.

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain :

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Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The planning proposal includes detailed maps of the six sites.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council has indicated that extensive community consultation will be undertaken in accordance with the publication "A Guide to Preparing Local Environmental Plans" published by the Department of Planning and Infrastructure. Consultation will take place after Gateway Determination is issued, and will include a public hearing process as the planning proposal involves a reclassification of community land to operational land.

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 : **March 2014**

Comments in relation to Principal LEP : Ku-ring-gai Principal LEP is expected to be notified in early 2014. The planning proposal notes that if the Draft LEP is made, the proposal would amend the new LEP rather than the Ku-ring-gai Planning Scheme Ordinance.

Assessment Criteria

Need for planning proposal : The planning proposal is required to reclassify the six sites from community land to operational land. This will enable Council to sell, exchange or otherwise dispose of or deal with the sites.

Consistency with strategic planning framework : The planning proposal states that it is consistent with the Ku-ring-gai Community Strategic Plan 2030.

Reclassification of the sites forms part of a plan to fund the acquisition of a building at Gordon for a new administration building.

The proposal is not inconsistent with the provisions of the Draft Metropolitan Strategy for Sydney to 2031.

Environmental social economic impacts : The planning proposal states that some of the sites have riparian or biodiversity significance. The reclassification will not affect or remove the existing controls, and therefore will not result in any additional environmental impacts. Any issues which arise would be properly addressed during the assessment of any development applications.

The planning proposal states that it will have a positive economic impact in facilitating the orderly and economic provision of Council facilities.

While the site at 19 Hughes Place, East Lindfield is zoned for business use, it contains lawn and gardens and effectively forms part of the adjoining park. There may be some

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social impact through the loss of open space, although the site of 110 square metres forms only a very small proportion of the park.

Reclassification of the site at 9 Eric Street, Wahroonga may also have some social impact through the loss of passive open space.

The site at 57 Merrivale Road, Pymble is listed as a local heritage item in the Ku-ring-gai Planning Scheme Ordinance and the Draft Ku-ring-gai Local Environmental Plan. The planning proposal will not remove or change the heritage protection.

Assessment Process

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

Timeframe to make LEP : **9 months** Delegation : **DDG**

Public Authority Consultation - s56(2)(d) : **Department of Education and Communities
Family and Community Services - Housing NSW
Transport for NSW
NSW Rural Fire Service
Transport for NSW
Transport for NSW - Roads and Maritime Services
Sydney Water
Other**

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
Reclassification - Council letter.pdf	Proposal Covering Letter	No
Reclassification Planning Proposal.pdf	Proposal	No
reclassification - Maps.pdf	Map	No
Reclassification Council Report.pdf	Proposal	No

Planning Team Recommendation

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

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S.117 directions:

- 1.1 Business and Industrial Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 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 : **DELEGATION OF GATEWAY DETERMINATION**

The proposal is to reclassify 6 parcels of land. No changes to zoning or other development controls are proposed. The proposal is of minor significance, and it is recommended that the determination function of the Gateway be exercised under delegation by the Regional Director, Sydney West Region.

DELEGATION OF PLAN MAKING FUNCTION TO COUNCIL

As the proposal includes discharge of interests in relation to some parcels, the approval of the Governor is required and therefore it is not possible to delegate the plan making function.

RECOMMENDATION

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

1. The planning proposal should be emended prior to public exhibition to:

(a) Move the information on the details of the sites proposed for reclassification from sections 1.1 and 1.3 of the report to Part 2 Explanation of Provisions in the planning proposal, or provide a cross reference in that section. This is to ensure that Part 2 provides completed information on the provisions of the proposal to assist in both public exhibition and drafting of the legal instrument in accordance with the guidelines.

(b) Include information on all interests to be discharged for each site, together with a justification or explanation for the discharge of these interests.

2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act for a period of 28 days.

3. Consultation with the following government agencies:

- Department of Education and Communities
- Family and Community Services - Housing NSW
- Transport for NSW
- NSW Rural Fire Service
- Transport for NSW - Roads and Maritime Services
- Sydney Water
- Ausgrid

4. The timeframe for completion of the local environmental plan is to be nine months from the week following the date of the Gateway determination.

Supporting Reasons : The planning proposal is to reclassify 6 small parcels of land from community land to operational land. No changes to existing zones or development controls are proposed.

The proposal will result few, if any, environmental, social or economic impacts.

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Signature:

S Nugent

Printed Name:

SHANE NUGENT

Date:

11/11/13