



PLANNING PROPOSAL

KU-RING-GAI LOCAL ENVIRONMENTAL PLAN (RECLASSIFICATION OF CERTAIN COUNCIL OWNED LAND) 2013

BEING AN AMENDMENT TO KU-RING-GAI PLANNING SCHEME ORDINANCE

**PROPOSAL TO RECLASSIFY:
19 HUGHES PLACE, EAST LINDFIELD
9 ERIC STREET, WAHROONGA
57 MERRIVALE ROAD, PYMBLE
6A PEACE AVENUE, PYMBLE
77A BRADFIELD ROAD, WEST LINDFIELD
EDITH STREET, (BETWEEN 74/76 BANNOCK BURN ROAD),
PYMBLE**

FROM COMMUNITY LAND TO OPERATIONAL LAND

September 2013

**Prepared for
Ku-ring-gai Council**

**By
BBC Consulting Planners**

Table of Contents

1.	INTRODUCTION	1
1.1	Land to which the Planning Proposal applies	4
1.1.1	19 Hughes Place, East Lindfield	4
1.1.2	9 Eric Street, Wahroonga.....	5
1.1.3	57 Merrivale Road, Pymble.....	6
1.1.4	6A Peace Avenue, Pymble	7
1.1.5	77A Bradfield Road, West Lindfield	8
1.1.6	74A Edith Street, Pymble between 74/76 Bannockburn Road	9
1.1.7	Land Classification	9
1.2	Planning Controls.....	1
1.2.1	Ku-ring-gai Planning Scheme Ordinance.....	1
	Edith Street 1	
1.2.2	Ku-ring-gai Local Environmental Plan No. 218..... Error! Bookmark not defined.	
	Edith Street Error! Bookmark not defined.	
1.2.3	Draft Ku-ring-gai Local Environmental Plan 2013.....	1
	Edith Street 2	
1.3	Proposed Planning Controls.....	2
2.	PART 1 – OBJECTIVES OF THE PROPOSED LOCAL ENVIRONMENTAL PLAN	4
3.	PART 2 - EXPLANATION OF PROVISIONS	5
4.	PART 3 - JUSTIFICATION	6
4.1	Section A - Need for the Planning Proposal	6
4.2	Section B – Relationship to Strategic Planning Framework.....	6
4.3	Section C – Environmental, Social and Economic Impact.....	19
4.4	Section D – State and Commonwealth Interests	20
5.	PART 4 – COMMUNITY CONSULTATION.....	21
6.	RECLASSIFICATION OF PUBLIC LAND.....	22
6.1.1	A - Is the planning proposal the result of any strategic study or report?	22
6.1.2	B - Is the planning proposal consistent with the local council's community plan, or other local strategic plan?	22
6.1.3	C- 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.	22
6.1.4	D - The concurrence of the landowner, where the land is not owned by the relevant planning authority.	22
7.	PROJECT TIMELINE	23

FIGURES

- Figure 1: 19 Hughes Place, East Lindfield
- Figure 2: 9 Eric Street, Wahroonga
- Figure 3: 57 Merrivale Road, Pymble
- Figure 4: 6A Peace Avenue, Pymble

Figure 5: 77A Bradfield Road, West Lindfield

Figure 6: Edith Street (between 74/76 Bannock Burn Road), Pymble

APPENDICES

Appendix 1: Report to Council Meeting on 30th April 2013

1. INTRODUCTION

This Planning Proposal contains an explanation of the intended effect and justification for a proposed amendment to the Ku-ring-gai Planning Scheme Ordinance 1971 (KPSO). The Planning Proposal has been prepared in accordance with section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the relevant Department of Planning Guidelines including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals* (the guide).

The Planning Proposal seeks an amendment to the KPSO to achieve the reclassification from Community land to Operational land, of the land following lands:

- 19 Hughes Place, East Lindfield;
- 9 Eric Street, Wahroonga;
- 57 Merrivale Road, Pymble;
- 6A Peace Avenue, Pymble;
- 77A Bradfield Road, West Lindfield; and
- Edith Street (between 74/76 Bannock Burn Road), Pymble.

(Note in the event that the Draft Ku-ring-gai Local Environmental Plan 2013 is made, then this proposed Planning Proposal would change to being an amendment to the Draft Ku-ring-gai Local Environmental Plan 2013).

The sites to which the Planning Proposal relates are shown in **Figures 1 to 6** following Section 7 of the Planning Proposal.

At the Ordinary meeting of Council on 30th April 2013 a report was tabled to Council recommending that Council prepare a Planning Proposal to reclassify a number of sites from Community land to Operational land. The report is provided in **Appendix 1**.

Council resolved (as amended at the Ordinary Meeting held on 14th May 2013) that:-

- "A. That a Planning Proposal be prepared, in accordance with section 55 of the *Environmental Planning and Assessment Act, 1979*, to reclassify and/or rezone the sites in the table below from Community land to Operational land either via an amendment the Ku-ring-gai Planning Scheme Ordinance (KPSO), draft Ku-ring-gai Principal Local Environmental Plan 2013 (if gazetted in the interim) or the Ku-ring-gai Local Centres LEP (2012) as appropriate:

Site	Property Address	Relevant Plan	Planning Action
1.	818 Pacific Highway, Gordon	KLEP (Local Centres) 2012	Initiate Planning Proposal to reclassify from Community land to Operational land
2.	2-4 Moree Street, Gordon	KLEP (Local centres) 2012	Initiate Planning Proposal to reclassify from Community land to Operational land
3.	Culworth Avenue Car Park, Killara	KPSO	Initiate Planning Proposal to reclassify from Community land to Operational land
4.	2A Park Avenue, Gordon	KLEP (Local Centres) 2012	Initiate Planning Proposal to reclassify from Community land to Operational land

Site	Property Address	Relevant Plan	Planning Action
5.	4 Park Avenue, Gordon	KLEP (Local Centres) 2012	Initiate Planning Proposal to reclassify from Community land to Operational land
6.	19 Hughes Place, East Lindfield	KPSO	Initiate Planning Proposal to reclassify from Community land to Operational land
7.	62 Pacific Highway, Roseville	KLEP (Local Centres) 2012	Initiate Planning Proposal to reclassify from Community land to Operational land
8.	27 Garrick Road, St Ives	KPSO	Initiate Planning Proposal to reclassify from Community land to Operational land and Rezone R2 Low Density Residential
9.	9 Eric Street, Wahroonga	KPSO	Initiate Planning Proposal to reclassify from Community land to Operational land and subdivide for sale as two lots
10.	56-58 Koola Avenue, East Killara	KPSO	Initiate Planning Proposal for reclassification and rezoning to R2 Low Density Residential
11.	97 Babbage Road, Roseville	KPSO	Initiate Planning Proposal to reclassify from Community land to Operational land and rezone to R2 Low Density Residential
12.	136A Morris Avenue/Junction Lane, Wahroonga	KPSO	Initiate Planning Proposal to reclassify from Community land to Operational land and rezone to R2 Low Density Residential
13.	Edith Street, Pymble (Between 74/76 Bannockburn Road)	KPSO	Initiate Planning Proposal to reclassify from Community land to Operational land
14.	57 Merrivale Road, Pymble	KPSO	Initiate Planning Proposal to reclassify from Community land to Operational land
15.	6A Peace Avenue, Pymble	KPSO	Initiate Planning Proposal to reclassify from Community land to Operational land
16.	77A Bradfield Road, West Lindfield	KPSO	Initiate Planning Proposal to reclassify from Community land to Operational land
17.	17 Marian Street, Killara	KPSO	Initiate Planning Proposal to reclassify from Community land to Operational land
18.	1186 Pacific Highway, Pymble	KLEP (Local Centres) 2012	Initiate Planning Proposal to reclassify from Community land to Operational land
19.	1186 Pacific Highway, Pymble	KLEP (Local Centres) 2012	Initiate Planning Proposal to reclassify 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 the sites in Table 1 from Community land to Operational land.

- C. *That where relevant, Council formally seeks to discharge all interests for the sites listed in Table 1.*
- D. *That the Planning Proposal(s) 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(s), 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 formal road closure application for the following sites be submitted to the Crown Lands Division, if required:*
 - *Edith Street, Pymble (Between 74/76 Bannockburn Road) Being Closed Road;*
- H. *That, upon issuance of the Certificates of Title from the Crown Lands Division the following land is classified as Operational Land:*
 - *Edith Street, Pymble (Between 74/76 Bannockburn Road) Being Closed Road;*
- I. *That, the General Manager be authorised to submitted a development application for subdivision of the lot into two building lots for the land known as 9 Eric Street, Wahroonga Being Lot 1 DP662194."*

BBC Consulting Planners have been engaged by Ku-ring-gai Council to prepare Planning Proposals in relation to the above resolution.

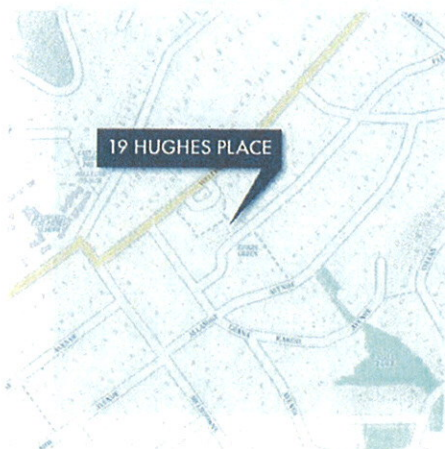
As detailed in the resolution above, there are a number of properties that will be the subject of Planning Proposals. The properties have been grouped for the purpose of preparing planning these proposals.

In accordance with Section 55 of the EP&A Act, this Planning Proposal seeks to explain the intended effect of the proposed instrument and sets out the justification for making the proposed instrument. It addresses matters that are intended to be included in the Local Environmental Plan.

Section 45 of the Local Government Act, 1993 prevents Council from selling, exchanging or otherwise disposing of community land. Therefore it is proposed to reclassify the sites from community land to operational land in accordance with Section 27 of the Act.

1.1 Land to which the Planning Proposal applies

1.1.1 19 Hughes Place, East Lindfield



The site comprises Lot 23 in DP 28233 and has an area of 110 square metres. The site is rectangular in shape and has a frontage of approximately 4.5 metres to Pleasant Avenue. Vehicular access to the site is provided via Pleasant Avenue.

The site adjoins the East Lindfield Shopping Centre. It contains a garden, lawn and some trees similar to open space system adjoining the shopping centre. Land adjoining to the west contains a shop and land immediately to the east comprises a public pathway and open space area.

Situated to the north of the site and the shops is Dukes Green, a large recreational space which contains a children's playground.

There are no easements or restrictions registered on the Certificate of Title. The site is owned by Ku-ring-gai Council. A search of the relevant records has not been able to ascertain when the site came into Council's ownership. However the adjoining pathway and public open space were dedicated following subdivision in 1957.

1.1.2 9 Eric Street, Wahroonga



The site comprises Lot 1 in DP 662194 and has an area of 2,681 square metres. The site is rectangular in shape, approximately 25.6 metres wide and is abutting the eastern end of Eric Street. The site is currently a vacant plot of land uses as passive open space. The site contains an access way to No 2A Clissold Road, a pathway and drainage infrastructure. The site connects to Burns Road via an adjoining parcel of vacant land to the south. To the north the site adjoins another parcel of vacant land connecting to Anne Place.

The site forms part of a redundant road reserve for a connection between Burns Road to Junction Road and into Hornsby.

The site is affected by a caveat by the Registrar General forbidding the registration of any dealing affecting the land not in accordance with the terms of a certain declaration of Trust dated 25 March 1960.

Council resolved (as amended at the Ordinary Meeting held on 14th May 2013) that the General Manager be authorised to submit a development application for subdivision of the site into two building lots.

Records indicate that the site has been in the ownership of Ku-ring-gai Council since 1958. Title was issued for the site in 1996.

1.1.3 57 Merrivale Road, Pymble



The site is known as Lot 2 in DP 252197 and has an area of 999 square metres. It is triangular in shape and has a frontage to Merrivale Road of approximately 45 metres. The site contains a former dwelling house and has been leased to the Playgroup Association of NSW to operate the Pymble Playgroup. The site is bounded by residential properties to the east and south, the surrounding area is characterised by residential development.

The site is identified as a heritage item in the KPSO Schedule 7 and Draft Ku-ring-gai Local Environmental Plan 2013.

Records indicate that the site has been in the ownership of Ku-ring-gai Council since 1973.

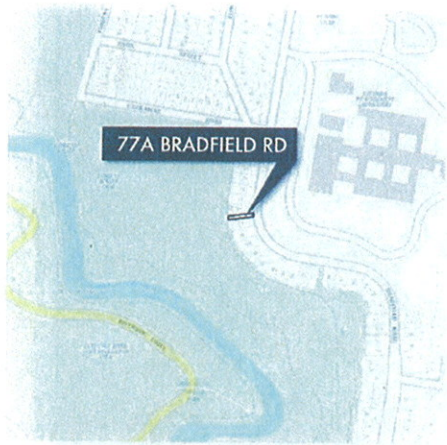
1.1.4 6A Peace Avenue, Pymble



The site comprises Lot 2 in DP 202873. The site is a rectangular strip of land having an area of 139 square metres and a frontage to of approximately 3 metres to Peace Street. The site contains a significant amount of vegetation and is steep. The site is surrounded by residential development.

Records indicate that the site was dedicated to Ku-ring-gai Council in 1920 as a public pathway. The pathway does not connect to any other public space.

1.1.5 77A Bradfield Road, West Lindfield



The site comprises as Lot 53 in DP 261073 and has an area of 303 square metres. The site is a rectangular strip of land and has a site frontage of 6 metres to Bradfield Road. The site acts as a connection to the Lane Cove River National Park. Residential properties are located to the north and south of the property. The site is vacant and is in a maintained condition.

Records indicate that the site has been in the ownership of Ku-ring-gai Council since 1981 and appears to have been dedicated as part of the subdivision of lots fronting Bradfield Road.

1.1.6 74A Edith Street (between 74/76 Bannockburn Road), Pymble



The site is an unformed road reserve (public road) and has an area of 930 square metres. Properties adjoining the road are 74 and 76 Bannockburn Road and 50 Rushall Street, Pymble. The site has a width of approximately 15 metres and a depth of approximately 60 metres (to be confirmed by survey).

The site provides secondary access to adjoining properties.

Council resolved (as amended at the Ordinary Meeting held on 14th May 2013) that a formal road closure application for the site be submitted to the Crown Lands Division, if required and that, upon issuance of the Certificate of Title from the Crown Lands Division the land is classified as Operational Land.

1.1.7 Land Classification

We are advised that the sites detailed above that comprise public land are classified as Community land under the Local Government Act, 1993. 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 sites from Community Land to Operational land in accordance with Section 27 of the Act.

There is no information available from Council records indicating that the sites were dedicated in accordance with a condition imposed under S94 of the EP&A Act.

1.2 Planning Controls

1.2.1 Ku-ring-gai Planning Scheme Ordinance 1971

Figures 1 to 6 shows the current zoning of the sites. The table below details the existing planning controls applying to the sites under the KPSO.

	19 Hughes Place, East Lindfield	9 Eric Street, Wahroonga	57 Merrivale Road, Pymble	6A Peace Avenue, Pymble	77A Bradfield Road, West Lindfield	74A Edith Street, Pymble
Zoning	Business 3(a) – (A3) Retail Services	Unzoned land. Southern part – Existing County Road Northern Part – Reservation County Road Proposed	Residential 2(c)	Residential 2(c)	Residential 2(b)	Residential 2(c)
Heritage Listing	No	No	Heritage Item	No	No	No
Bush Fire Prone Land	No	No	No	No	Yes	No
Heritage Conservation Area	No	No	No	No	No	No
Riparian	No	No	No	No	No	Yes
Biodiversity	No	No	No	No	Yes	Yes

1.2.2 Draft Ku-ring-gai Local Environmental Plan 2013

The Draft Ku-ring-gai Local Environmental Plan 2013 (DKLEP 2013) has been publically exhibited.

The table below and Figures 1 to 6 detail the proposed planning controls from the DKLEP 2013 that are relevant to this proposal.

	19 Hughes Place, East Lindfield	9 Eric Street, Wahroonga	57 Merrivale Road, Pymble	6A Peace Avenue, Pymble	77A Bradfield Road, West Lindfield	74A Edith Street, Pymble
Proposed Zoning	B1 – Neighbourhood Centre	R2 – Low Density Residential	R2– Low Density Residential	R2– Low Density Residential	R2– Low Density Residential	RE1- Public Recreation
Proposed Heritage Listing	No	No	Heritage Item	No	No	No

The DKLEP maps identify parts of the sites as being areas of biodiversity significance. These are the same as maps as provided in the KPSO as introduced by KLEP No.218. DKLEP 2013 also identifies 57 Merrivale Street as a heritage item.

1.3 Proposed Planning Controls

The Planning Proposal will result in the following amendments to the KPSO:

- Amendment of Schedule 10 *Classification and reclassification of public land* by inserting in Part 2 of that Schedule:

Under Column 1 Locality:	Under Column 2 Description:	Under Column 3 Any trust etc not discharged:
<i>Hughes Place, East Lindfield</i>	<i>Lot 23 in DP 28233</i>	<i>Nil</i>
<i>Eric Street, Wahroonga;</i>	<i>Lot 1 in DP 662194</i>	<i>Nil</i>
<i>Merrivale Road, Pymble;</i>	<i>Lot 2 in DP 252197</i>	<i>Nil</i>
<i>Peace Avenue, Pymble;</i>	<i>Lot 53 in DP 261073</i>	<i>Nil</i>
<i>Bradfield Road, West Lindfield</i>	<i>Lot 53 in DP 261073</i>	<i>Nil</i>
<i>Edith Street, Pymble</i>	<i>[title to be issued on closure of the road]</i>	<i>Nil</i>

- Amendment of KPSO Amendment Summary by inserting under Item G – *The Amendment of Schedules*:

The amendment to Schedule 10 by inserting the matters relating to 19 Hughes Place, East Lindfield; 9 Eric Street, Wahroonga; 57 Merrivale Road, Pymble; 6A Peace Avenue, Pymble; 77A Bradfield Road, West Lindfield; and 74A Edith Street, Pymble between 74/76 Bannock Burn Road.

If the event that DKLEP 2013 is gazetted prior to this planning proposal being resolved to the point of gazettal, this planning proposal would relate to the amendment of the DKLEP 2013 and would result in the following amendment to the DKLEP 2013:

- Amendment of Schedule 4 Classification and reclassification of public land by inserting in Part 2 of that Schedule:

Under Column 1 Locality:	Under Column 2 Description:	Under Column 3: Any trust etc not discharged:
<i>Hughes Place, East Lindfield</i>	<i>Lot 23 in DP 28233</i>	<i>Nil</i>
<i>Eric Street, Wahroonga;</i>	<i>Lot 1 in DP 662194</i>	<i>Nil</i>
<i>Merrivale Road, Pymble;</i>	<i>Lot 2 in DP 252197</i>	<i>Nil</i>
<i>Peace Avenue, Pymble;</i>	<i>Lot 53 in DP 261073</i>	<i>Nil</i>
<i>Bradfield Road, West Lindfield</i>	<i>Lot 53 in DP 261073</i>	<i>Nil</i>
<i>Edith Street, Pymble</i>	<i>[title to be issued on closure of the road]</i>	<i>Nil</i>

2. PART 1 – OBJECTIVES OF THE PROPOSED LOCAL ENVIRONMENTAL PLAN

This section of the Planning Proposal sets out the objectives or intended outcomes of the Planning Proposal.

Council purchased the former "SUN" building at 828 Pacific Highway, Gordon for the purposes of a new administration building. The acquisition gives Council a significant strategic landholding on the west side of Gordon with frontage to Pacific Highway, McIntyre Street and Dumaresq Street. This precinct will be master planned to provide a civic hub for community facilities, open space and Council's civic and administrative functions. The acquisition of 828 Pacific Highway was only made on the basis that it would be funded by the rationalisation of under-utilised Council assets. This principal was the basis of the Capital Expenditure Review prepared and submitted to the Division of Local Government in support of the acquisition.

The reclassification of the sites to Operational land will provide Council with the flexibility required to respond to new development opportunities and provide a range of other facilities and services.

The coordinated and orderly use of land would be best facilitated by classifying the sites as Operational land to enable Council to respond to new opportunities to implement planning strategies contained in the relevant environmental planning instruments.

3. PART 2 - EXPLANATION OF PROVISIONS

This section sets out the means through which the objectives described in Part 1 will be achieved by means of amending the KPSO.

Ku-ring-gai Council supports the Planning Proposal for the reclassification of the sites from Community Land to Operational Land.

The Planning Proposal will allow Council to sell, exchange or otherwise dispose of or deal with the sites.

Upon reclassification to Operational land the sites will be available for divestment (if required) and this would be conducted in line with the procedures outlined in Council's *Acquisition and Divestment of Land Policy, 2009* and relevant provisions of the *Local Government Act 1993*. The future divestment of the sites would be the subject of a separate report to Council following reclassification.

The planning proposal, when finalised, will discharge any trusts, estates, interests, dedications, conditions or restrictions and covenants affecting the land or any part of the land.

4. PART 3 - JUSTIFICATION

This section sets out the reasons for the proposed outcomes and development standards in the Planning Proposal.

The following questions are set out in the Department of Planning's *A Guide to Preparing Planning Proposals* and address the need for the planning proposal, its strategic planning context, the environmental, social and economic impacts and the implications for State and Commonwealth government agencies.

4.1 Section A - Need for the Planning Proposal

The sites are not used to capacity and their current use is not considered the highest or best use of the sites.

If the sites retain Community land classifications the ability of Council to deal with the sites and achieve its strategic objectives of the purchase and development of Council buildings at 828 Pacific Highway, Gordon and related properties would be limited.

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

Yes. Council resolved, at the Ordinary Meeting held on 30 April 2013, to prepare a Planning Proposal to reclassify the under-utilised Council assets from Community land to Operational land. The sale of the under-utilised land will fund the purchase and development of 828 Pacific Highway, Gordon and adjoining land for a civic hub for community facilities, open space and Council's civic and administrative functions.

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

The sites are currently classified as Community land and therefore Council is not able to develop, sell, exchange or dispose of Community land under the provisions of the Local Government Act 1993.

Amending the KPSO (or DKLEP 2013 if it is gazetted beforehand) would be the only means of achieving the objectives of the Planning Proposal.

A Planning Proposal for the sites is therefore considered appropriate.

4.2 Section B – Relationship to Strategic Planning Framework

1. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Yes. In December 2010 the NSW Government released the Metropolitan Plan for Sydney 2036. This Plan supersedes the 2005 Metropolitan Strategy – City of Cities: A Plan for Sydney's Future. Actions contained in the Plan focus on aligning subregional planning with the Metropolitan Plan and concentrating development around centres. The Planning Proposal is not inconsistent with the objectives and actions contained with the Metropolitan Strategy or the Draft North Subregional Strategy.

The Draft Metropolitan Strategy for Sydney to 2031 was publically exhibited between 19th March 2013 and 26th June 2013. The draft strategy focuses on housing and jobs growth in places across the city. It also aims to give people a choice of housing that is more affordable and enable them to work closer to where they live.

The draft strategy also looks to provide a city with high levels of accessibility and connectivity. It seeks to achieve this by ensuring transport integrates with land use by connecting centres of activity, matching patterns of development to transport capacity and providing a finer-grain network of connections. The Planning Proposal, in conjunction with the preparation of DKLEP 2013 will allow the sites to be developed for alternative uses.

The Planning Proposal is not inconsistent with the objectives and actions contained with the Metropolitan Plan or the Draft Metropolitan Strategy.

2. 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 references to implementing planning objectives for the local centres.

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 is consistent with Community Strategic Plan 2030 as outlined below:

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

Under the *Natural Environment* principle activity the proposed reclassification will assist in the aim of respecting and actively participating in the care and management of the environment. Natural attributes of the sites can be managed and will not be affected by the reclassification process.

Under the *Planning and Development* principle activity the proposed reclassification will assist in ensuring that the urban areas will become more liveable and sustainable to State Government and community demands for the provision additional housing, greater housing choice and associated facilities.

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 of the land to operational status will assist Council to consider the sale of the land. Council has an adopted 20 year long term financial model to assist in the financial planning and delivery of strategic projects.

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

The following State Environmental Planning Policies are relevant to the Planning Proposal:

		Consistent
SEPP 19	Bushland in Urban Areas	✓
SEPP 32	Urban Consolidation	✓
SEPP 55	Remediation of Land	✓
SEPP 65	Design Quality of Residential Flat Development	✓
SEPP	(Housing for Seniors or People with a Disability) 2004	✓
SEPP	Building Sustainability Index: BASIX 2004	✓
SEPP	Infrastructure 2007	✓
SEPP	Affordable Rental Housing 2009	✓
SEPP	Sydney Harbour Catchment 2005	✓

The proposal's compliance and consistency with the above SEPPs would be determined during the assessment of any development application on any of the sites.

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

The following table identifies the proposal's consistency with the relevant Ministerial Directions.

s.117 Direction Title	Consistency of Planning Proposal
Business and Industrial Zones Objectives (1) The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres. Where this direction applies (2) This direction applies to all relevant planning authorities.	Consistent. The Planning Proposal will allow the sites to be redeveloped in a way that will encourage employment growth. The proposal is consistent with the KSPO and DLEP 2013, which zones 19 Hughes Place, East Lindfield for business uses.

s.117 Direction Title	Consistency of Planning Proposal
When this direction applies (3) This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary). What a relevant planning authority must do if this direction applies (4) A planning proposal must: (a) give effect to the objectives of this direction, (b) retain the areas and locations of existing business and industrial zones, (c) not reduce the total potential floor space area for employment uses and related public services in business zones, (d) not reduce the total potential floor space area for industrial uses in industrial zones, and (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning. Consistency (5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are: (a) justified by a strategy which: (i) gives consideration to the objective of this direction, and (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and (iii) is approved by the Director-General of the Department of Planning, or (b) justified by a study (prepared in support of the planning proposal) which gives consideration to the objective of this direction, or (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or (d) of minor significance. Note: In this direction, "identified strategic centre" means a centre that has been identified as a strategic centre in a regional strategy, sub-regional strategy, or another strategy approved by the Director General.	
2.3 Heritage Conservation Objective (1) The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. Where this direction applies	The Planning Proposal will not reduce the existing heritage qualities of any of the sites (including 57 Merrivale Road). Existing heritage provisions will be retained.

s.117 Direction Title	Consistency of Planning Proposal
(2) This direction applies to all relevant planning authorities. When this direction applies (3) This direction applies when a relevant planning authority prepares a planning proposal. What a relevant planning authority must do if this direction applies (4) A planning proposal must contain provisions that facilitate the conservation of: (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area, (b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people. Consistency (5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that: (a) the environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land, or (b) the provisions of the planning proposal that are inconsistent are of minor significance. Note: In this direction: "conservation", "environmental heritage", "item", "place" and "relic" have the same meaning as in the Heritage Act 1977. "Aboriginal object", "Aboriginal area" and "Aboriginal place" have the same meaning as in the National Parks and Wildlife Act 1974. Heritage conservation is covered by a compulsory clause in the Standard Instrument (Local Environmental Plans) Order 2006. A LEP that adopts the Standard Instrument should identify such items, areas, objects or places of environmental heritage significance or indigenous heritage significance as are relevant to the terms of this direction on the Heritage Map and relevant Schedule of the LEP.	
3.1 Residential Zones Objectives (1) The objectives of this direction are: (a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and	Consistent. The sites are located within existing residential suburbs and will utilise existing infrastructure and have appropriate access to services. The proposal allows land zoned and to be zoned for residential purposes to be managed in a manner consistent with the

s.117 Direction Title	Consistency of Planning Proposal
(c) to minimise the impact of residential development on the environment and resource lands. Where this direction applies (2) This direction applies to all relevant planning authorities. When this direction applies (3) This direction applies when a relevant planning authority prepares a planning proposal that will affect land within: (a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary), (b) any other zone in which significant residential development is permitted or proposed to be permitted. What a relevant planning authority must do if this direction applies (4) A planning proposal must include provisions that encourage the provision of housing that will: (a) broaden the choice of building types and locations available in the housing market, and (b) make more efficient use of existing infrastructure and services, and (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and (d) be of good design. (5) A planning proposal must, in relation to land to which this direction applies: (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and (b) not contain provisions which will reduce the permissible residential density of land. Consistency (6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are: (a) justified by a strategy which: (i) gives consideration to the objective of this direction, and (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and (iii) is approved by the Director-General of the Department of Planning, or (b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or (d) of minor significance	residential zoning that applies to the land. The proposal is in keeping with the proposed DKLEP 2013, which zones five of the sites for residential purposes.
3.4 Integrating Land Use and Transport	Consistent. At this stage of the Planning Proposal, the

s.117 Direction Title	Consistency of Planning Proposal
Objective (1) The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight. Where this direction applies (2) This direction applies to all relevant planning authorities. When this direction applies (3) This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes. What a relevant planning authority must do if this direction applies (4) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of: (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and (b) The Right Place for Business and Services – Planning Policy (DUAP 2001). Consistency (5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are: (a) justified by a strategy which: (i) gives consideration to the objective of this direction, and (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and (iii) is approved by the Director-General of the Department of Planning, or (b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or (d) of minor significance.	appropriate State and Commonwealth public authorities have not yet been identified, and the Gateway Determination has yet to be issued by the Minister for Planning and Infrastructure. Consultation will need to be undertaken with public authorities including Transport for New South Wales if relevant. However, the sites are located within an established urban area and the Planning Proposal will not be inconsistent with this Direction.
4.1 Acid Sulfate Soils	Consistent in that the proposal does not alter any controls

s.117 Direction Title	Consistency of Planning Proposal
Objective (1) The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. Where this direction applies (2) This direction applies to all relevant planning authorities that are responsible for land having a probability of containing acid sulfate soils, as shown on Acid Sulfate Soils Planning Maps held by the Department of Planning. When this direction applies (3) This direction applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps. What a relevant planning authority must do if this direction applies (4) The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present. (5) When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with: (a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Director-General, or (b) such other provisions provided by the Director-General of the Department of Planning that are consistent with the Acid Sulfate Soils Planning Guidelines. (6) A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Director General prior to undertaking community consultation in satisfaction of section 57 of the Act. (7) Where provisions referred to under paragraph (5) of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with paragraph (5). Consistency (8) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are: (a) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or (b) of minor significance	relating to acid sulphate soils. DKLEP 2013 contains provisions relating to acid sulphate soils.

s.117 Direction Title	Consistency of Planning Proposal
4.3 Flood Prone Land Objectives (1) The objectives of this direction are: (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land. Where this direction applies (2) This direction applies to all relevant planning authorities that are responsible for flood prone land within their LGA. When this direction applies (3) This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land. What a relevant planning authority must do if this direction applies (4) A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas). (5) A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone. (6) A planning proposal must not contain provisions that apply to the flood planning areas which: (a) permit development in floodway areas, (b) permit development that will result in significant flood impacts to other properties, (c) permit a significant increase in the development of that land, (d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or (e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development. (7) A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General). (8) For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or	Consistent in that the sites do not comprise flood prone land.

s.117 Direction Title	Consistency of Planning Proposal
an officer of the Department nominated by the Director-General). Consistency (9) A planning proposal may be inconsistent with this direction only if the relevant planning authority can satisfy the Director-General (or an officer of the Department nominated by the Director-General) that: (a) the planning proposal is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005, or (b) the provisions of the planning proposal that are inconsistent are of minor significance. Note: "flood planning area", "flood planning level", "flood prone land" and "floodway area" have the same meaning as in the Floodplain Development Manual 2005.	
4.4 Planning for Bushfire Protection Objectives (1) The objectives of this direction are: (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) to encourage sound management of bush fire prone areas. Where this direction applies (2) This direction applies to all local government areas in which the responsible Council is required to prepare a bush fire prone land map under section 146 of the Environmental Planning and Assessment Act 1979 (the EP&A Act), or, until such a map has been certified by the Commissioner of the NSW Rural Fire Service, a map referred to in Schedule 6 of that Act. When this direction applies (3) This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land. What a relevant planning authority must do if this direction applies (4) In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made, (5) A planning proposal must: (a) have regard to Planning for Bushfire Protection 2006, (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and (c) ensure that bushfire hazard reduction is not prohibited within the APZ. (6) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate: (a) provide an Asset Protection Zone (APZ) incorporating at a minimum: (i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and	Consistent. The 77A Bradfield Road, West Lindfield is identified as bushfire prone land. Consultation can occur following gateway determination. The planning proposal does not change development controls applying to the sites.

s.117 Direction Title	Consistency of Planning Proposal
has a building line consistent with the incorporation of an APZ, within the property, and (ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road, (b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with, (c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks, (d) contain provisions for adequate water supply for fire fighting purposes, (e) minimise the perimeter of the area of land interfacing the hazard which may be developed, (f) introduce controls on the placement of combustible materials in the Inner Protection Area. Consistency (7) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), that the council has obtained written advice from the Commissioner of the NSW Rural Fire Service, to the effect that, notwithstanding the noncompliance, the NSW Rural Fire Service does not object to the progression of the planning proposal.	
6.1 Approval and Referral Requirements Objective (1) The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. Where this direction applies (2) This direction applies to all relevant planning authorities. When this direction applies (3) This direction applies when a relevant planning authority prepares a planning proposal. What a relevant planning authority must do if this direction applies (4) A planning proposal must: (a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and (b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of: (i) the appropriate Minister or public authority, and (ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of section 57 of the Act, and (c) not identify development as designated development unless the	Consistent. The Planning Proposal does not include provisions that require the concurrence, consultation or referral of future DAs to a Minister or Public Authority.

s.117 Direction Title	Consistency of Planning Proposal
relevant planning authority: (i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and (ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act. Consistency (5) A planning proposal must be substantially consistent with the terms of this direction. Note: In this direction "public authority" has the same meaning as section 4 of the Environmental Planning and Assessment Act 1979.	
6.2 Reserving land for public purposes Objectives (1) The objectives of this direction are: (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition. Where this direction applies (2) This direction applies to all relevant planning authorities. When this direction applies (3) This direction applies when a relevant planning authority prepares a planning proposal. What a relevant planning authority must do if this direction applies (4) A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General). (5) When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning proposal and the land would be required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991, the relevant planning authority must: (a) reserve the land in accordance with the request, and (b) include the land in a zone appropriate to its intended future use or a zone advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), and (c) identify the relevant acquiring authority for the land. (6) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must: (a) include the requested provisions, or	Consistent. Council is the relevant public authority. Land at 9 Eric Street Wahroonga is reserved for proposed county road. DKLEP 2013 zones the site for residential purposes and removes the reservation for proposed country road.

s.117 Direction Title	Consistency of Planning Proposal
(b) take such other action as advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) with respect to the use of the land before it is acquired. (7) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request. Consistency (8) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that: (c) with respect to a request referred to in paragraph (7), that further information is required before appropriate planning controls for the land can be determined, or (d) the provisions of the planning proposal that are inconsistent with the terms of this direction are of minor significance. Note: Clause 12 of the EP&A Reg 2000 provides that a planning proposal for a proposed local environmental plan: (a) may not contain a provision reserving land for a purpose referred to in section 26 (1) (c) of the EP&A Act, and (b) may not contain a provision in respect of that reservation as required by section 27 of the EP&A Act, unless the public authority responsible for the acquisition of the land has notified the relevant planning authority of its concurrence to the inclusion of such a provision in the planning proposal. In this direction: "public authority" has the same meaning as section 4 of the EP&A Act. the use or reservation of land for a public purpose has the same meaning as in section 26(1)(c) of the EP&A Act.	
6.3 Site specific provisions Objective (1) The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. Where this direction applies (2) This direction applies to all relevant planning authorities. When this direction applies (3) This direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out. What a relevant planning authority must do if this direction applies (4) A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either: (a) allow that land use to be carried out in the zone the land is situated on, or (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those	Consistent. The proposal does not contain any restrictive site specific planning controls.

s.117 Direction Title	Consistency of Planning Proposal
already contained in that zone, or (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended. (5) A planning proposal must not contain or refer to drawings that show details of the development proposal. Consistency (6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are of minor significance.	
7.1 Implementation of the Metro Strategy	The potential development of the sites will contribute to meeting the residential housing targets and local commercial/retail needs in the Metropolitan Plan.

Should the Planning Proposal be supported at the Gateway Determination, further detail on consistency with Ministerial Directions will be provided following the consultation with the relevant public and private authorities.

4.3 Section C – Environmental, Social and Economic Impact

1. 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?

KLEP No. 218 contains biodiversity and riparian overlays. Some sites have been identified as riparian land or land having biodiversity significance. This planning proposal to reclassify the land will not affect or remove the application of the riparian land or biodiversity overlays.

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

As noted above, some of the sites have been identified as having riparian or biodiversity significance. The planning proposal for the reclassification of the sites will not result in any additional environmental effects.

Any issues that may arise would be properly addressed during the assessment of any development application/s on the land.

3. Has the planning proposal adequately addressed any social and economic effects?

Yes. The reclassification of the sites will have social benefits for the community in that it enables the future development of land that is for uses consistent with its current and proposed zoning under DKLEP 2013 enabling scarce public funds to be used for purposes identified by the Council including a new administration centre at Gordon.

In relation to economic effects, Council purchased the former "SUN" building at 828 Pacific Highway for the purposes of a new administration building. The acquisition of 828 Pacific Highway was made on the basis that it would be funded by the rationalisation of under-

utilised Council assets. This principal was the basis of the Capital Expenditure Review prepared and submitted to the Division of Local Government in support of the acquisition. The Planning Proposal will enable a positive economic impact in facilitating the orderly and economic provision of Council facilities.

4.4 Section D – State and Commonwealth Interests

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

The proposal will result in minor increase in demand for facilities in an existing urban area where all utility services are available.

Consultation with key agencies about the capacity to service the sites was not undertaken prior to submitting this Planning Proposal to the Department of Planning and Infrastructure. Consultation will need to be undertaken with public authorities.

Consultation with State and Commonwealth agencies will be undertaken in accordance with **Section 5** of this Planning Proposal.

2. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

At this stage, the appropriate State and Commonwealth public authorities have not been identified or consulted, and the Gateway Determination has yet to be issued by the Minister for Planning and Infrastructure. Consultation with the following Government authorities, agencies and other stakeholders in regard to this Planning Proposal are proposed to include:-

- NSW Department of Planning of Infrastructure;
- Roads and Maritime Services NSW;
- Sydney Water Corporation;
- Energy Australia;
- Transport for NSW;
- NSW Department of Family and Community Services (Housing NSW);
- NSW Department of Education and Communities;
- Rural Fire Services.

Council seeks confirmation of the above list through the Minister's Gateway Determination.

5. PART 4 – COMMUNITY CONSULTATION

Extensive community consultation on the Planning Proposal will be undertaken by Council (subject to receiving a determination to proceed at the gateway) in accordance with the publication “A Guide to Preparing Local Environmental Plans”, published by the Department of Planning. The community consultation will not be commenced prior to obtaining approval from the Minister or Director-General. The notification and consultation process will be initiated after the s.55 submission has been sent to the Department of Planning and Infrastructure.

Council’s consultation methodology will include, but not be limited to:-

- forwarding a copy of the Planning Proposal, the gateway determination and any relevant supporting studies or additional information to State and Commonwealth Public Authorities identified in the gateway determination;
- undertaking consultation if required in accordance with requirements of a Ministerial Direction under section 117 of the EP&A Act and/or consultation that is required because, in the opinion of the Minister (or delegate), a State or Commonwealth public authority will be or may be adversely affected by the proposed LEP;
- giving notice of the public exhibition in the main local newspaper (the North Shore Times);
- exhibiting the Planning Proposal in accordance with the gateway determination. It is assumed this would require an exhibition period of at least 28 days duration;
- exhibiting the Planning Proposal pursuant to s.57 and all supporting documentation at Council’s Administration Centre and on Council’s website;
- notifying of the Planning Proposal’s exhibition on Council’s website, including providing copies of the Planning Proposal, all supporting studies and additional information and the gateway determination;
- notifying affected landowners and adjoining land owners where relevant;
- holding a Public Hearing; and
- any other consultation methods deemed appropriate for the proposal.

6. RECLASSIFICATION OF PUBLIC LAND

Pursuant to Section 55(3) of the Act, the Director-General may issue requirements with respect to the preparation of a planning proposal. In this regard, the Department of Planning Guideline *A Guide to Preparing Local Environmental Plans* sets out the Director-General's requirements regarding the matters that must be addressed in the justification of all planning proposals to reclassify public land.

These requirements are addressed below:

6.1.1 A - Is the planning proposal the result of any strategic study or report?

Yes. As outlined in Section 4.1 of this Planning Proposal Council resolved, at the Ordinary Meeting held on 30th April 2013, to prepare a Planning Proposal to rezone and reclassify land from Community land to Operational land.

6.1.2 B - Is the planning proposal consistent with the local council's community plan, or other local strategic plan?

Yes. Ku-ring-gai Council has adopted a number of 'strategic' plans, including the following:-

- Ku-ring-gai Council Community Strategic Plan 2030;
- Ku-ring-gai Sustainability Vision 2008-2033; and
- Ku-ring-gai Integrated Transport Strategy – July 2011.

These reports support the conclusions derived above and the Planning Proposal is considered to be consistent with the above plans/strategies.

6.1.3 C- 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.

Available Council records suggest that there are no unregistered interests in the sites would need to be extinguished.

No 9 Eric Street is affected by a caveat by the Registrar General forbidding the registration of any dealing affecting the land not in accordance with the terms of a certain declaration of Trust dated 25 March 1960.

At the Ordinary Meeting held on 30th April 2013, Council resolved to formally seek to discharge all interests in these properties.

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

Council is the landowner of all six sites and has endorsed the Preparation of the Planning Proposal.

7. Project Timeline

It is anticipated that the Planning Proposal will take effect at the end of May 2014. The timeline for the progression of this Planning Proposal is indicated in the following table:

Stage	Timing
Commencement date (date of Gateway determination)	18th October 2013
Letters to be sent to government agencies	23rd October 2013 • 21 days
Letters sent to residents within catchment	14th November 2013
Newspaper advertisement for Public Exhibition	15th November 2013
Commencement of Public Exhibition	15th November – 13 December 2013 • 28 days
Newspaper advertisement for Public Hearing	13th December 2013 Including reminder notice on 31st January 2014.
21 day notification/ advertisement period after Public Exhibition – letters to residents within Catchment	13th December – 13th February 2014
Date for public hearing	13th February 2013 - Council Chambers - 5-7pm 28 day follow on.
Timeframe for consideration of Submissions 28 days later date	13th March 2013 4 weeks for consideration
Time Frame for consideration of a post	1st April 2013 2 weeks for reporting

proposal exhibition.	
Forward for legal drafting	15th April 2013
Anticipated date of submission to the department to finalise LEP.	By late May 2014