

To allow two additional uses on 51, 55 and 55A Lindfield Avenue, Lindfield

Proposal Title : **To allow two additional uses on 51, 55 and 55A Lindfield Avenue, Lindfield**

Proposal Summary : **The planning proposal seeks to allow two additional uses of a [1] Carpark, and [2] Restaurant/Cafe (to a maximum of 100sqm total floor area) at 51, 55A and 55 Lindfield Avenue, Lindfield.**

PP Number : **PP_2014_KURIN_007_00** Dop File No : **14/12101**

Proposal Details

Date Planning Proposal Received : **19-Sep-2014** 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 : **Spot Rezoning**

Location Details

Street : **51, 55A, & 55 Lindfield Avenue**

Suburb : **Lindfield** City : **Lindfield** Postcode : **2070**

Land Parcel : **Lots 1-8 DP 4880 SP 31270, Lots A & B DP 311108**

DoP Planning Officer Contact Details

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RPA Contact Details

Contact Name : **Rathna Rana**

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DoP Project Manager Contact Details

Contact Name : **Terry Doran**

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Land Release Data

Growth Centre : Release Area Name :

Regional / Sub Consistent with Strategy :

Regional Strategy :

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MDP Number :

Date of Release :

Area of Release
(Ha) :

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Lobbyists Code of
Conduct has been
complied with : **Yes**

If No, comment :

CODE OF CONDUCT

At this point in time, to the best of the Regional Team's knowledge, this planning proposal is compliant with the Department's Code of Practice in relation to communications and meetings with lobbyists.

POLITICAL DONATIONS DISCLOSURE STATEMENT

Political donations disclosure laws commenced on 1 October 2008. The legislation requires the public disclosure of donations or gifts for certain circumstances relating to the Planning system.

The disclosure requirements under the new legislation are triggered by the making of relevant planning applications and relevant public submissions on such applications. The term relevant planning application means:

'A formal request to the Minister, a council or the Secretary to initiate the making of an environmental planning instrument...'

Planning Circular PS 08-009 specifies that a person who makes a public submission to the Minister or Secretary is required to disclose all reportable political donations (if any).

At this point in time, to the best of the Regional Team's knowledge, the Department has not received any disclosure statements for this Planning Proposal.

Have there been
meetings or
communications with
registered lobbyists? :

No

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

External Supporting
Notes :

Adequacy Assessment

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

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

Comment :

The stated objective is to amend the Ku-ring-gai LEP (Local Centres) 2012 to allow two additional uses (Car park and Restaurant/Cafe with a maximum floor area of 100sqm) on the R4 zoned sites at 51, 55 & 55A Lindfield Avenue. The additional uses will enable integrated development across a consolidated development site that includes a portion of land zoned B2.

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

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

Comment : **The explanation of provisions provided is clear and easily understood. It involves the amendment of the Ku-ring-gai Local Environmental Plan (Local Centres) 2012 by addition of an item in Schedule 1 - Additional Permitted Uses.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

2.1 Environment Protection Zones

* May need the Director General's agreement

3.1 Residential Zones

3.4 Integrating Land Use and Transport

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

7.1 Implementation of the Metropolitan Plan for Sydney 2036

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

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

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

There are no State Environmental Planning Policies applicable to the proposal.

Section 117 Directions:

Of the identified Section 117 Directions the planning proposal is inconsistent with: 3.1 - Residential Zones and 6.3 - Site Specific Provisions.

3.1 Residential Zones. The planning proposal will result in 100sqm of floor space being allocated for Restaurant or Cafe use and the potential for reduction in floor area for residential use. This is considered to be minor and will not significantly impede or reduce residential use of the site. It is recommended that the Secretary's delegate agree to the planning proposal proceeding on this basis.

6.3 Site Specific Provisions. The planning proposal seeks to include two additional uses on R4 zoned land. This is to facilitate a specific development that incorporates the adjoining property which is zoned B2. The addition of the additional uses of Car park and Restaurant/Cafe (<100sqm) will allow for a more efficient and integrated development outcome. The inconsistency is of minor significance and it is recommended that the Secretary's delegate agree to the planning proposal proceeding on this basis.

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 : **The maps provided are adequate for exhibition purposes.
It is noted that the planning proposal does not involve changes to any maps.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The planning proposal is identified as being low impact and accordingly a 14 day exhibition period has been proposed.
This is supported.**

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 : **November 2014**

Comments in
relation to Principal
LEP :

This is an amendment to the Ku-ring-gai LEP (Local Centres) 2012 which is a standard instrument LEP. The draft KLEP 2014 which encompasses most of the remaining area of the LGA is due for finalisation in November 2014.

Assessment Criteria

Need for planning
proposal :

The planning proposal states that the proposed two additional uses will support a retail use on the site which will contribute to the local centre character, and also support adjacent retail/commercial uses through enabling retail/commercial vehicular access and car parking.

Council has justified the inclusion of the proposed uses in the additional use schedule for the following reasons:

- . it would be inappropriate to include the proposed uses in the R4 zone for all land;**
- . there are unique circumstances applying to the site i.e. proximity of the site to the local centre and access arrangements; and**
- . rezoning the site to B2 would not be appropriate in view of loss of land zoned for residential development.**

Department comment:

Given the unique circumstances described above and, particularly in recognition of the ability of the proposal to contribute to the viability and use of the adjacent local centre, on this occasion, the addition of the uses as additional permitted uses is supported.

Consistency with
strategic planning
framework :

The planning proposal has been prepared in response to a site specific development application that requires the two additional uses for it to proceed and achieve effective design outcomes.

Nevertheless, it is argued that the proposal is consistent with the Sydney Metropolitan Strategy 2036 and the Draft North Subregional Strategy as it will promote the orderly and economic delivery of a new development area in the Lindfield local centre.

It is stated that the redevelopment of the consolidated site, facilitated by the proposed additional uses, has the potential to revitalise the western portion of Lindfield Ave. This supports the themes of Places, Spaces and Infrastructure, and Local Economy and Employment of the Ku-ring-gai Council Community Strategic Plan 2030.

Environmental social
economic impacts :

The addition of two uses to the zone is highly unlikely to have any negative environmental impact. It is noted in the planning proposal that an area of biodiversity significance affects the rear portion of the subject sites but that any potential impacts of development in this regard would be considered at the development application stage.

The planning proposal states that there will be a positive economic and social impact

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arising from the more orderly and economic development of the sites.

Assessment Process

Proposal type : **Minor** Community Consultation Period : **14 Days**

Timeframe to make LEP : **6 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **Office of Environment and Heritage
Transport for NSW - Roads and Maritime Services**

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 :

Metropolitan and Regional Strategy

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Letter from Council.pdf	Proposal Covering Letter	Yes
Planning proposal2.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
2.1 Environment Protection Zones
3.1 Residential Zones
3.4 Integrating Land Use and Transport
6.1 Approval and Referral Requirements
6.3 Site Specific Provisions
7.1 Implementation of the Metropolitan Plan for Sydney 2036**

Additional Information : **SECTION 117 DIRECTIONS**

Inconsistencies with s117 directions 3.1 and 6.3 are considered to be of minor significance and it is recommended that the delegate agrees the proposal can proceed on this basis.

DELEGATION OF GATEWAY DETERMINATION

For the purpose of the Director exercising the Minister's function under section 56 of the EP&A Act, it is considered that the matter is of a minor nature as the planning proposal applies to one site within the local government area and is consistent with the position of Ku-ring-gai Council.

It is therefore recommended that the Gateway determination be exercised by the Director, Metropolitan (Parramatta) under delegation.

DELEGATION OF PLAN MAKING FUNCTION

Ku-ring-gai Council has requested that the plan making function for this planning proposal be delegated to Council.

As the matter is of local planning significance, it is recommended that the plan making function be delegated to Ku-ring-gai Council.

RECOMMENDATION AND CONDITIONS

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

1. Consultation is required with the Office of Environment and Heritage and Transport for NSW - Roads and Maritime Service.
2. The proposal is to be placed on public exhibition in accordance with Section 57 of the Act for a period of 14 days.
3. The proposal is to be finalised within 6 months of the week following the date of the Gateway determination.

Supporting Reasons :

The proposal is supported for the following reasons:

- . there are unique circumstances applying to the site i.e. proximity of the site to the local centre and access arrangements;
- . it would be inappropriate to include the proposed uses in the R4 zone for all land; and
- . rezoning the site to B2 would not be appropriate in view of loss of land zoned for residential development.

Signature:



Printed Name:

T DORAN

Date:

5/11/14