

## Planning Services

### Gateway Determination Report

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| <b>LGA</b>                      | Woollahra                                                                                                                                        |
| <b>RPA</b>                      | Woollahra Council                                                                                                                                |
| <b>NAME</b>                     | Planning proposal to amend Woollahra LEP 2014 to reclassify Dunara Reserve, Point Piper from Community to Operational land (0 jobs, 0 dwellings) |
| <b>NUMBER</b>                   | PP_2017_WOOLL_005_00                                                                                                                             |
| <b>LEP TO BE AMENDED</b>        | Woollahra LEP 2014                                                                                                                               |
| <b>ADDRESS</b>                  | Dunara Reserve, Point Piper                                                                                                                      |
| <b>DESCRIPTION</b>              | Lot 11 DP 27451                                                                                                                                  |
| <b>RECEIVED</b>                 | 10/07/2017                                                                                                                                       |
| <b>FILE NO.</b>                 | 17/09486                                                                                                                                         |
| <b>QA NUMBER</b>                | qA415381                                                                                                                                         |
| <b>POLITICAL DONATIONS</b>      | There are no donations or gifts to disclose and a political donation disclosure is not required                                                  |
| <b>LOBBYIST CODE OF CONDUCT</b> | There have been no meetings or communications with registered lobbyists with respect to this proposal                                            |

### INTRODUCTION

#### Description of Planning Proposal

The planning proposal seeks to reclassify Dunara Reserve, Point Piper (Lot 11 DP 27451) from Community to Operational land and discharge interests to facilitate the potential future sale of the site.

The planning proposal does not seek to amend the R2 Low Density Residential zone currently applying to the site.

#### Site Description

The site is located at the intersection of Wentworth Road and Dunara Gardens in Point Piper. The site is irregular in shape and is approximately 402m<sup>2</sup>. A mature Cook Pine is located on site and is identified as a local heritage item within the Woollahra Local Environmental Plan 2014.

#### Surrounding Area

To the west, the site has a narrow access to Wentworth Street. To the north, the site adjoins Dunara Gardens, the private road to the former Dunara Estate. To the east, the site adjoins No.9 Dunara Gardens and to the south the site adjoins No. 1 Wentworth Street.

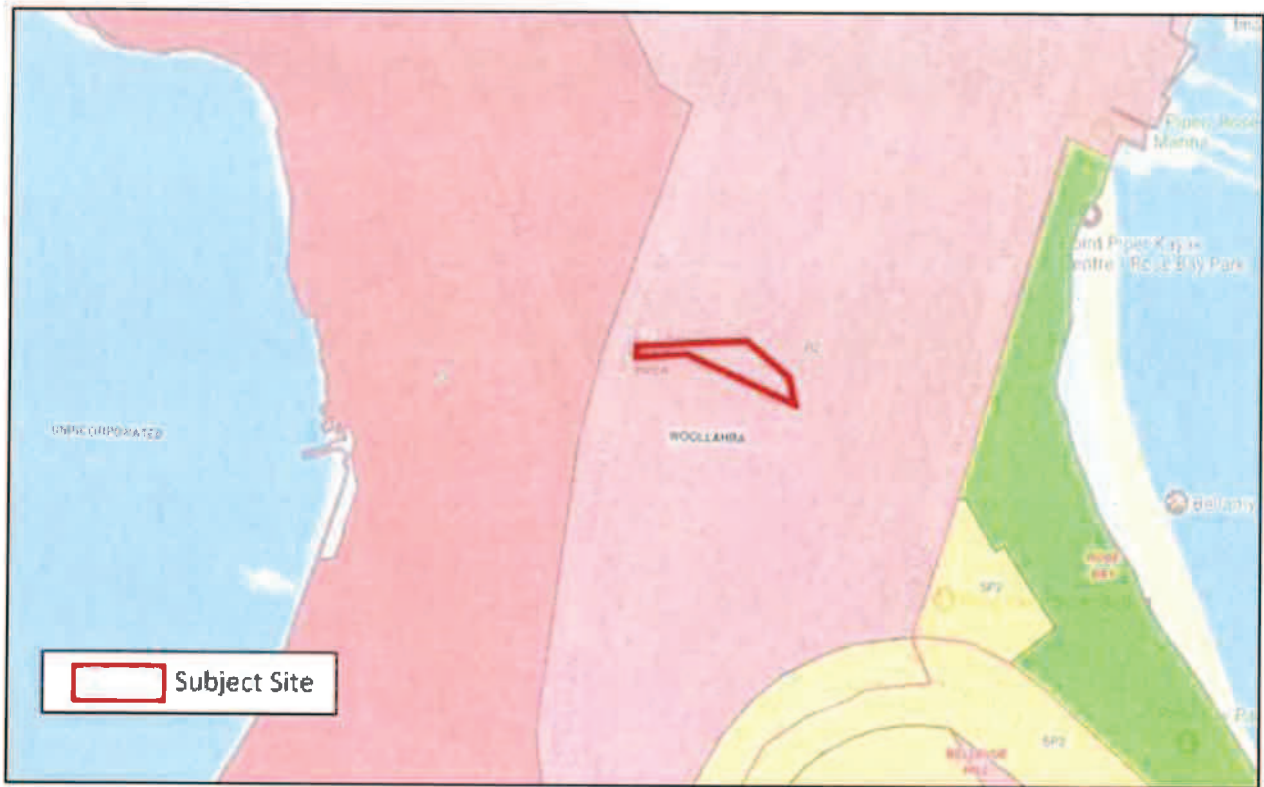


Figure 1 – Zoning Map



Figure 2 - Site Location

## **Summary of Recommendation**

The planning proposal is supported to proceed as submitted, as

- it is not discernible as a public space and is not used for public purposes;
- the reclassification will not result in the loss of any land that is actively or has the potential to be used for public recreation space; and
- any funds from the sale or leasing of the site will be used to upgrade other Council services and infrastructure.

The proposal is consistent with all relevant state and local environmental planning instruments, strategies, plans and policies, and will not result in any adverse environmental or amenity impacts on the site or neighbouring land.

## **PROPOSAL**

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### **Objectives or Intended Outcomes**

The planning proposal seeks to reclassify Dunara Reserve, Point Piper (Lot 11 DP 27451) from Community to Operational and discharge interests on the site to facilitate the potential future sale of the site. The planning proposal does not seek to amend the zoning for the site.

The objectives of the proposal are considered clear and do not require amendment prior to community consultation.

### **Explanation of Provisions**

The proposal seeks to insert Lot 11 DP 27451 into Part 2 of Schedule 4 of *Woollahra Local Environmental Plan 2014*. This will enable the reclassification of the land from community to operational land and discharge any applicable interests to facilitate the potential future sale of the site.

The explanation of provisions is considered clear and do not require amendment prior to community consultation.

### **Mapping**

The proposal does not involve any mapping amendments.

## **NEED FOR THE PLANNING PROPOSAL**

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The planning proposal is the result of a Council resolution to facilitate the reclassification and potential future sale of an underutilised piece of public land that does not benefit the wider community. The site is currently classified as community land and therefore Council is not able to develop, sell, exchange or dispose of the land under the provisions of the *Local Government Act 1993*.

Section 27(1) of the *Local Government Act 1993* requires that the reclassification of public land be made by a local environmental plan and a planning proposal is the only way to reclassify the land.

It is considered that the proposal is justified and the best way to achieve the intended outcomes.

## STRATEGIC ASSESSMENT

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### State

The reclassification will not result in the loss of actively used recreation space as the site is not used for recreational or other public purposes and is not discernible as a public space.

The proposal states that it will enable Council to take a strategic approach to the management of the site by broadening the options of potential use for the site. Should the site be sold, improvements to other recreation areas can be carried out with the money raised from the sale, which will benefit a broader section of the community (such as the Redleaf foreshore upgrade, Rose Bay Pedestrian Trail and Guilfoyle Park upgrade).

The planning proposal does not alter or impact the development potential of the site, nor does it impact upon the current transport network.

It is considered that the proposal is consistent with the goals and actions of A Plan for Growing Sydney.

### Regional / District

It is considered that the proposal is consistent with the goals and actions of the draft Central District Plan. There will be no net loss of land that is actively or has the potential to be used and zoned for public recreational purposes. Given the site's location and residential zoning, it is not apparent that the site is a public space.

### Local

The proposal is considered consistent with Council's Community Strategic Plan, Woollahra 2025: Our community, our place, our plan, as the proposed reclassification reflects the use of the site.

Any potential future funds generated from the sale or leasing of the site will facilitate the upgrade of other Council assets. It is considered that Council has other existing public open space sufficient to meet the needs of the local community in the area.

### Section 117(2) Ministerial Directions

The planning proposal is consistent with all applicable S117 Directions except in relation to the following:

#### 6.2 Reserving Land for Public Purposes

The proposal is inconsistent with this Direction as the approval of the Secretary of Planning and Environment has not been obtained in relation to the reduction in existing reservation of land for public open space. This is considered to be of minor significance due to size and existing undeveloped nature of the land, the low likelihood that it could be developed in the future for meaningful public open space, and that any funds raised from the reclassification will be utilised in embellishing other existing open space in the area.

### State Environmental Planning Policies

Council has identified a number of State Environmental Planning Policies (SEPPs) that they consider to be applicable to the planning proposal. Council has carried out an assessment against these SEPPs and considers that the proposed reclassification is consistent with the identified SEPPs.

It is considered that the planning proposal does not contain any provisions that would contravene the operation of relevant SEPPs.



## **SITE SPECIFIC ASSESSMENT**

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### **Social**

The reclassification will not result in the loss of actively used recreation space as the site is not used for recreational or other public purposes. Further, the site is not discernible as a public space and therefore is not used for public purposes. Any funds from the sale or leasing of the site will be used to upgrade other Council services and infrastructure in the local government area.

It is considered that the proposal has addressed the social impacts of the reclassification.

### **Environmental**

The site is located in a developed urban area. The site is covered by a mix of exotic and native vegetation species. A mature Cooks Pine, heritage item No. 277, is located on site. The reclassification will not have an adverse impact upon the vegetation and Cooks Pine located on site.

It is agreed that there are no known critical habitats or threatened species, populations or ecological communities or their habitats which will be affected by the proposal.

### **Economic**

Any funds raised from the sale or leasing of the site will be used to upgrade other Council services and infrastructure which will benefit the broader community. This can include existing usable open space in the vicinity of the site.

## **CONSULTATION**

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### **Community**

Council has proposed a minimum exhibition period of 28 days. A community consultation period of at least 28 days is considered appropriate.

### **Agencies**

Given the minor nature of the proposal, no consultation with Government Agencies is recommended.

## **TIMEFRAME**

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Council has recommended a project timeline of 6 months for completion. Given the nature of the planning proposal, a project timeline of 9 months (6 months for Council decision and 3 months for the Department to finalise the amendment) is considered appropriate.

## **DELEGATION**

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Delegation of this planning proposal has not been requested by Council. Delegation cannot be granted as the reclassification involves the discharge of interests in public land under section 30 of the Local Government Act, 1993.

## **CONCLUSION**

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The planning proposal is supported to proceed, as

- it is not discernible as a public space and is not used for public purposes;

- the reclassification will not result in the loss of any land that is actively or has the potential to be used for public recreation space; and
- any funds from the sale or leasing of the site will be used to upgrade other Council services and infrastructure.

## **RECOMMENDATION**

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It is recommended that the delegate of the Greater Sydney Commission, determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. No consultation is required with Public Authorities.
3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
4. The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.
5. Given the nature of the planning proposal, Council is not given delegation to make this plan.
6. The Secretary's delegate agree to the inconsistency with s117 Direction 6.2 Reserving Land for Public Purposes.

  
 20/07/2017  
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 20 July 2017  
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