



PLANNING PROPOSAL

TO REZONE AND RECLASSIFY COUNCIL OWNED LAND BEING LOT Y IN DP387680 PART OF 4 PENNANT AVENUE, GORDON

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

**By
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Job No. 18-107B

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I. INTRODUCTION

Overview

This planning proposal contains an explanation of the intended effect and justification for a proposed amendment to the Ku-ring-gai Local Environmental Plan 2015 (“the LEP”). The planning proposal has been prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979 (“the EP&A Act”) and the relevant Department of Planning guidelines and practice notes including ‘A Guide to Preparing Local Environmental Plans’ and ‘A Guide to Preparing Planning Proposals’ (“the guidelines”) and Practice Note *PN 16-001 Classification and reclassification of public land through a local environmental plan* prepared by the Department of Planning and Environment dated 5 October 2016.

This planning proposal seeks an amendment to the LEP to reclassify land from ‘community land’ to ‘operational land’ and to change the zoning, height, floor space ratio, and minimum lot size controls relating to a Council owned site being Lot Y in DP 387680, part of 4 Pennant Avenue, Gordon (“the site”).

The site comprises part of the former Gordon Bowling which closed in early 2018 due to declining membership. The site is no longer needed for the purposes for which it was originally acquired. The reclassification of the site from community land to operational land will extinguish relevant interests in the land and provide Council with greater flexibility in dealing with the land in the future.

At the Ordinary Meeting of Council on 8 May 2018, Council considered a report recommending that Council commences the process of amending the controls relating to the site (see **Appendix 1**).

A copy of the minutes to the Ordinary Meeting of Council on 8 May 2018 is provided at **Appendix 1** to this planning proposal. Council resolved as follows:

- “A. That a Planning Proposal be prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979 to amend the Ku-ring-gai Local Environmental Plan 2015 for part of 4 Pennant Avenue, Gordon being Lot Y DP387680 to:*
- 1. rezone Lot Y DP387680 from RE1 Public Recreation to R3 Medium Density Residential;*
 - 2. apply floor space ratio development standard of 0.8:1, height of buildings of 11.5m and minimum lot size of 1200sqm;*
 - 3. reclassify Lot Y DP387680 from ‘community land’ to ‘operational land’ and formally seek to extinguish all necessary interests that apply to the land.*
- B. That the Planning Proposal be submitted to the Department of Planning and Environment for Gateway Determination in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979.*
- C. That upon receipt of a Gateway Determination, the exhibition and consultation process is carried out in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the Gateway Determination.*

D. Public access being maintained through to Bushlands Avenue.

E. That a report be brought back to Council at the end of the exhibition process.”

BBC Consulting Planners has been engaged by Ku-ring-gai Council to prepare a planning proposal in relation to the above resolution.

In accordance with Section 3.33 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. This planning proposal addresses matters that are intended to be included in the Ku-ring-gai Local Environmental Plan 2015.

Section 45 of the Local Government Act 1993 (“the LG Act”) prevents Council from selling, exchanging or otherwise disposing of community land. Accordingly, it is proposed to reclassify and amend the planning controls relating to the site. Reclassification is sought from community land to operational land in accordance with Section 27 of the LG Act which states that classification or reclassification of public land may be made by a local environmental plan.

Some Definitions

Department of Planning and Environment *Practice Note PN 16-001 Classification and reclassification of public land through a local environmental plan* contains some definitions of terms used in this planning proposal.

Public land is defined in the LG Act as any land (including a public reserve) vested in, or under council control. Exceptions include a public road, land to which the Crown Lands Act 1989 applies, a common, land subject to the Trustees of Schools of Arts Enabling Act 1902 or a regional park under the National Parks and Wildlife Act 1974.

Public reserve is defined in the LG Act and includes a public park and land declared or dedicated as a public reserve. Land can be dedicated as a public reserve by either:

- registering a deposited plan with a statement creating a lot(s) as ‘public reserve’, or
- publishing a notification in the Government Gazette for an existing parcel

Community land is land council makes available for use by the general public, for example, parks, reserves or sports grounds.

Operational land is land which facilitates the functions of council, and may not be open to the general public, for example, a works depot or council garage.

Classification of public land occurs when it is first acquired by a council and classified as either community or operational.

Reclassification of public land occurs when its classification is changed from community to operational, or from operational to community.

Land classified as community land means that Council cannot sell, exchange or grant an interest to another party other than in accordance with the provisions of the Local Government Act 1993.

Land classified as operational land means that Council can sell, exchange or grant an interest to another party other than in accordance with the provisions of the Local Government Act 1993.

II. Land to which this planning proposal relates

Location

The land to which this planning proposal relates comprises part of the former Gordon Bowling Club, Lot Y DP 387680, known as 4 Pennant Avenue, Gordon ("the site"). The site is located at the eastern end of Pennant Avenue, Gordon approximately 600 metres (10 minute walk) from Gordon Railway Station which is serviced by the T1 line and the Central Coast Line.

The site details and its immediate surroundings are shown in **Figures 1 – 4** below. The immediate locality is generally characterised by single and two storey detached dwelling houses. The immediate environs of the site is predominantly low density residential with the site located mid-block adjoining the rear or side boundaries of approximately 16 dwellings.

Figure 1: Site Location (source: SixMaps)



Figure 2: Site Details (source: SixMaps)

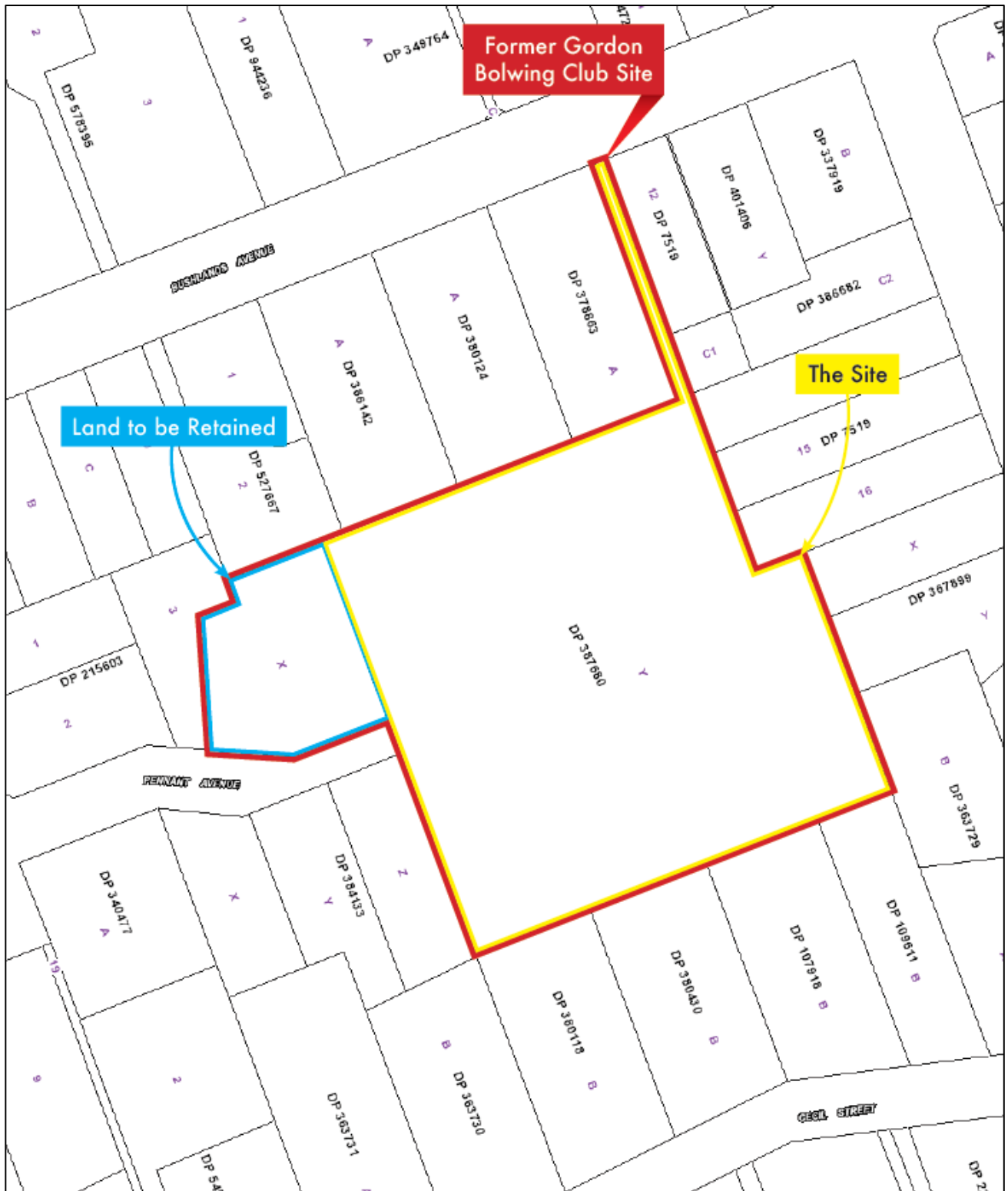


Figure 3: Aerial Image (Detail) (source: Nearmap)



Figure 4: Site Context (Wider Area) (source: Nearmaps)



Description

The subject site of the Planning Proposal is legally described as Lot Y in DP 387680 and has an area of approximately 1.12ha. The site is irregular in shape with a main frontage to Pennant Avenue and pedestrian access handle to the north of the site provided access to Bushlands Avenue, Gordon (between numbers 18 and 22 Bushlands Avenue).

Lot X in DP 387680 adjoining the site to the west is also owned by Council as a public reserve. No change is sought to the classification of land or the planning controls applying to this site. It is intended that this area retain its RE1 Public Recreational zoning and community land classification. This would allow the area to be classified as Natural Area acknowledging the significance of the vegetation on the site including canopy remnants identified as *Sydney Turpentine-Ironbark Forest* (STIF) vegetation community. Retention of this area provides for the reservation of urban bushland and open space which would allow for passive recreation.

The site comprises the following:

- A single storey former clubhouse building in the central portion of the site;
- An asphalt paved carpark area located within the south western portion of the site;
- Three lawn bowls greens;
- A greenkeepers shed a storage space adjacent to the eastern boundary of the site;
- A toilet block and additional greenkeepers storage space towards the south eastern corner of the asphalt car parking area; and
- An asphalt pathway along the access handle in the northern portion of the site, which provides pedestrian access to Bushlands Avenue.

Access

The site has vehicular access from Pennant Avenue, a public road with a variable width reducing to approximately 9 metres at the site boundary. Access to the site is currently provided through the adjoining Lot X in DP 387680 via separate entry and exit driveways. Pennant Avenue connects to Browns Road which provides access via Bushlands Avenue and Cecil Street to the Pacific Highway and the surrounding road network.

There is a pedestrian connection to Bushlands Avenue via a 1.8 metre wide footpath forming part of the site.

Vegetation

Previous assessments by Councils landscape officers indicate that the site is characterised by broad open grassed expanses, including bowling greens, and sporadic exotic ornamental species.

Drainage and flooding

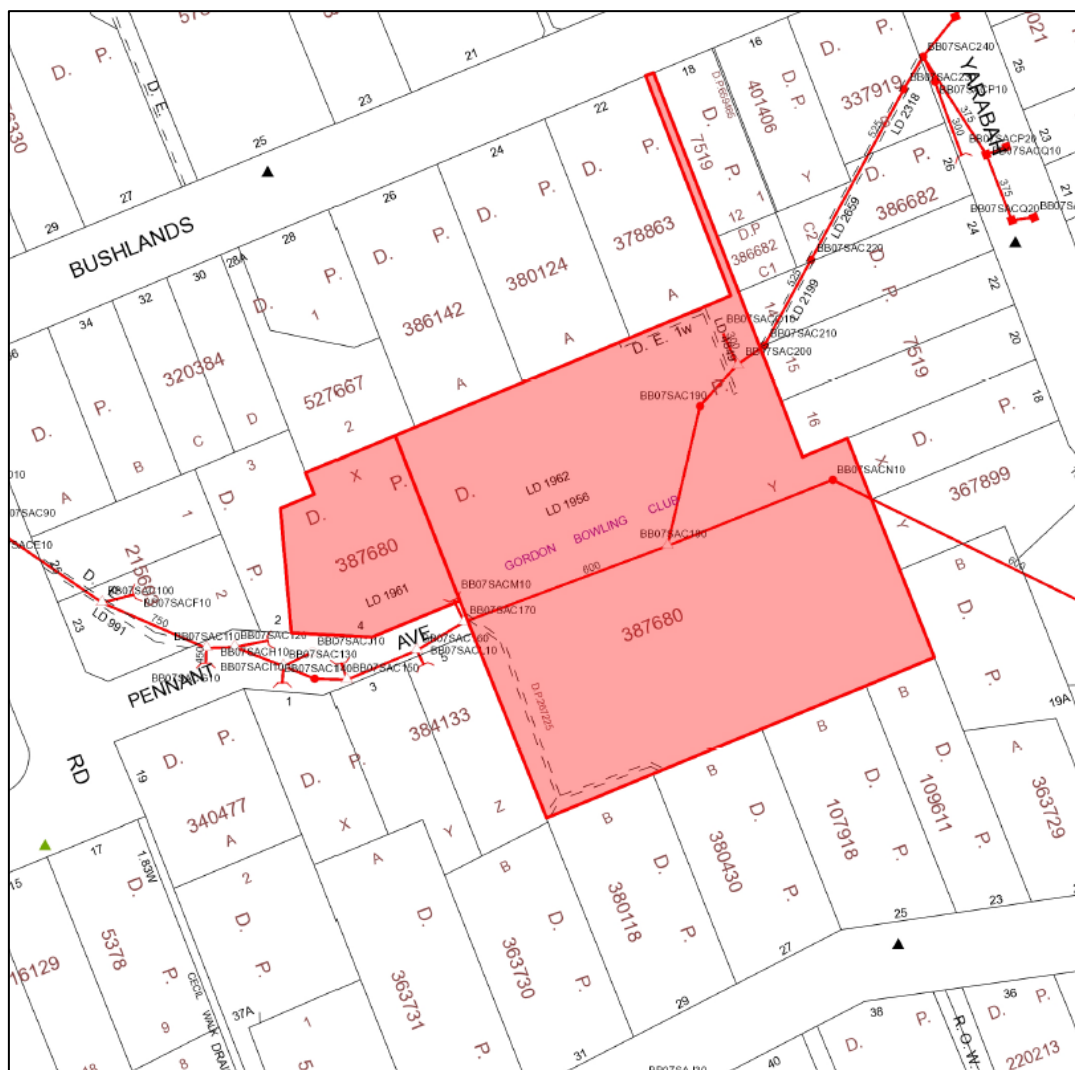
The site is within the catchment of Blackbutt Creek draining to the Lane Cove River. The site is mapped under the LEP as Category 3a Riparian Land (discontinuous or piped watercourse). There does not appear to be any natural water courses on the site. The site contains Council drainage infrastructure as shown on Figure 3 entering the site from the

north and east and exiting the site at Pennant Avenue. A number of drainage easements provide connections from private properties to this infrastructure.

The site is identified in the *Blackbutt Creek Flood Study Final Report, 5 December 2014* prepared by Jacobs as being partially flood prone in a range of storm events and has been identified in the overland flow flood planning area.

The site is identified in the *Ku-ring-gai Council Blackbutt Creek Floodplain Risk Management Study and Plan* dated 9 June 2018 prepared by GHD as affected by an overland flow path. The site is also identified in this report as an overland escape route for the 20% and 1% AEP event, a High Trapped perimeter for the PMF and as having evacuation problems due to the flood flow over the road.

Figure 5: Drainage Infrastructure



III. Reason site was acquired

Gordon Bowling Club was formed in 1950, following which Council agreed to investigate sites to purchase for the club. Between 1951 and 1953 the rear portions of properties fronting Bushlands Avenue and Cecil Street were progressively acquired by Council. This included the pedestrian access to Bushlands Avenue. DP387680 was registered in December 1953 creating the site. At this time a caveat was registered on title referring to a Declaration of Trust to the effect that the site be held as a public reserve. It is understood that the site has been in the continued possession of, and occupation by, Gordon Bowling Club who constructed the greens and buildings on the site and maintained them. The site has been continuously used as a private recreation facility by the Gordon Bowling Club and its members.

The site has been leased to Gordon Bowling Club Limited since 1953 when the club was granted a 50 year lease to use the land. On 15 August 2017 Gordon Bowling Club Limited advised Council that they wished to terminate their lease and vacate the property in early 2018.

The site is currently vacant. The site is no longer needed for the purpose it was acquired.

IV. Interests in the land

The certificate of title and deposited plan (**Appendix 5**) indicates the following interests in the land:

F815777	Covenant affecting that part of the site marked "Z" in the title diagram (for drainage)
F993941	Caveat by Registrar General. By Trust Deed No 18029 dated 9 December 1953, the site (and Lot X in DP 387680 are held by Council as Public Reserve .
T118588	Easement to drain water
F815777	Easement to drain water
DP267225	Easement to drain water
523615	Easement to drain water
AB762565	Lease to Gordon Bowling Club (since expired)

V. Existing Planning Controls

Table 1 below details the existing planning controls and development standards contained within the LEP that apply to the site to which this planning proposal relates.

Table 1: Existing planning controls relating to the site

Planning Control	Development Standard
Land Zoning	RE1 Public Recreation
FSR (n:1)	No FSR control
Maximum Height of Building	No maximum height of building control
Minimum Subdivision Lot Size	No minimum lot size control
Riparian Land and Waterways	The site is mapped as containing Category 3 Water Course Restoration Riparian Land pursuant to the LEP maps. A Category 3a watercourse is defined as being a discontinuous or piped watercourse.
Biodiversity Protection and Greenweb	The site is mapped as containing areas of Biodiversity significance pursuant to the LEP. The DCP further breaks down the biodiversity significance into different categories in Greenweb maps. The site contains canopy remnants, biodiversity corridors and buffer areas, and support for core biodiversity lands pursuant to the DCP Greenweb maps.
Heritage	The site is not identified as a heritage item nor is it located within a heritage conservation area under the LEP. The southern boundary of the site adjoins the Smith Grant Heritage Conservation Area (C19) and the eastern boundary of the site adjoins the Yarabath Avenue Conservation Area (C18).
Bushfire Prone Land	Not bushfire prone land

Maps of the site's current zoning and development standards are included in Part 4 of this Planning Proposal.

PART 1 – OBJECTIVES AND INTENDED OUTCOMES

The objectives of the planning proposal are to:

- Rezone the site so as to enable redevelopment of the site for the purposes of residential accommodation;
- Reclassify the site to enable Council greater flexibility in dealing with the land in the future;
- Better provide for the orderly, economic and prompt development of the site; and
- Ensure that development within the Ku-ring-gai LGA appropriately supports the objectives of planning policies and plans namely Council's *Community Strategic Plan*, the *Greater Sydney Regional Plan A Metropolis of Three Cities*, and the *North District Plan*

The site is the former Gordon Bowling Club terminated their lease with Council due to declining membership and vacated the property in early 2018. The site's future use under the current RE1 Public Recreation zoning is not considered the highest or best use of the site. When assessed against Councils Open Space Acquisition Strategy it is not considered suitable as a park primarily due to limited access and visibility.

Council will benefit financially from any future divestment which will assist Council to effectively manage its financial position to meet community expectations for projects and service delivery, particularly in the context of Council's Resourcing Strategy 2018-2028, Long Term Financial Plan 2018-2028 and Asset Management Strategy 2018-2028.

At the Ordinary Meeting of Council on 8 May 2018 it was resolved that any future sale of the Gordon Bowling Club site could raise funds to contribute to the restoration and expansion of Council assets such as the Marian Street Theatre as a place for the performing arts (see **Appendix 2**).

PART 2 – EXPLANATION OF PROVISIONS

This section establishes the means through which the objectives of the planning proposal as described in Part 1 will be achieved via an amendment to the LEP. The planning proposal will result in the following amendments to the LEP:-

- Rezone the site from RE1 Public Recreation to R3 Medium Density Residential;
- Apply a Floor Space Ratio Control of 0.8:1;
- Apply a Maximum Building Height Control of 11.5m;
- Apply a Minimum Lot Size Control of 1,200m²; and
- Amendment of Schedule 4 ('Classification and reclassification of public land') by inserting the following in Part 2 ('Land classified, or reclassified, as operational land – interests changed') of that Schedule:

Under Column 1 Locality	Under Column 2 Description	Under Column 3 Any trusts etc not discharged
Gordon	Lot Y in DP 387680, known as 4 Pennant Avenue, Gordon, identified as operational land.	T118588 Easement to drain water F815777 Easement to drain water DP267225 Easement to drain water 523615 Easement to drain water

The reclassification of the site through this planning proposal will allow Council to sell, exchange, or otherwise divest of, or deal with, the site.

Upon reclassification to operational land, the site will be available for divestment (if required) and this would be conducted in accordance with the procedures outlined in Council's *Acquisition and Divestment of Land Policy* (June 2014) and with relevant provisions of the Local Government Act 1993. The future divestment of the site would be the subject of a separate report to Ku-ring-gai Council following the proposed reclassification.

This planning proposal, when finalised, will discharge any trusts, estates, interests, dedications, conditions, easements, restrictions, or covenants affecting the land holdings other than that indicated in the table above.

PART 3 – JUSTIFICATION

This section establishes the reasons for the proposed outcomes of the planning proposal and proposed amendments of the LEP.

The following questions are set out in the NSW Department of Planning and Environment guidelines “*A Guide to Preparing Planning Proposals*”. The questions 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.

Section A – Need for the Planning Proposal

On 15 August 2017 Gordon Bowling Club Limited advised Council that they wished to terminate their lease and vacate the property in early 2018. The site is and is no longer needed for the purpose it was acquired.

It is appropriate that the planning controls which apply to the site be changed to enable the site to be developed or used in an orderly and economic manner as determined by Council’s strategic planning investigations. Thus there is seen to be a need for a planning proposal for the site.

Q1. Is the planning proposal a result of any strategic study or report?

Yes. Council resolved, at the Ordinary Meeting of Council held on 8 May 2018 (see **Appendix 1**), to prepare a planning proposal to amend the planning controls relating to the site. The planning proposal will facilitate future planning and redevelopment of the site. Since it was progressively acquired between 1951-1953, the site has been used by Gordon Bowling Club, which, due to declining membership terminated their lease with Council and vacated the property in early 2018. The site is currently zoned RE1 Public Recreation. The site’s future use under the current zoning is not considered the highest or best use of the site. When assessed against the provisions listed in Councils Open Space Acquisition Strategy the site is not considered an appropriate location for more intensive recreation uses due to limited access and visibility. Reclassifying and rezoning the site is consistent with the objectives relating to increasing housing supply, housing choice and housing affordability within strategic planning policies and plans such as Council’s *Community Strategic Plan*, the Greater Sydney Region Plan *A Metropolis of Three Cities*, and the *North District Plan*.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, in a statutory sense, the orderly and economic use of the site for the purposes of residential accommodation is only possible through a residential zoning. A planning proposal is the only means of which an LEP can be amended. Accordingly the best means of achieving the objectives or intended outcomes is through a planning proposal.

Additionally, the site is currently classified as community land. 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 LEP would be the only means of achieving the objectives of the planning proposal. A planning proposal for the site is therefore considered appropriate.

Section B – Relationship to Strategic Planning Framework

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The planning proposal is consistent with the following regional and subregional strategies:

Greater Sydney Regional Plan – A Metropolis of Three Cities (March 2018)

The Greater Sydney Regional Plan 2056 – A metropolis of three cities – connecting people was released in March 2018. It sets out a vision, objectives, strategies and actions for a metropolis of three cities across Greater Sydney. Gordon is located within the Eastern Harbour City area.

The planning proposal is consistent with the following objectives provided by the Greater Sydney Regional Plan:

- Objective 10 (Greater Housing Supply): The planning proposal would have the result in increasing the supply of land which has the potential to increase the housing supply in Sydney. Almost 73% of dwellings in Ku-ring-gai are separate houses compared to the Greater Sydney average of 55%. 8.4% of dwellings are medium density compared to 20% in greater Sydney. Whilst there has been a significant increase in high density dwellings between 2011 and 2016, the number of medium density dwellings decreased between 2011 and 2016¹. The planning proposal would have the result of increasing the supply of medium density housing in an appropriate location. The planning proposal would assist Ku-ring-gai Council in meeting its housing targets provided for the north district. It provides the opportunity for local infill development in an existing urban area with walkable access to centres, facilities and public transport achieving greater housing diversity.
- Objective 11 (Housing is more diverse and affordable): The planning proposal is consistent with this objective in that it would allow the land to be developed to provided medium density residential uses, a portion of which, could be affordable. Medium density housing provides for an alternative, and a more affordable housing choice compared to a detached dwelling.
- Objective 14 (Integrated land use and transport creates walkable and 30 minute cities): The site is well located in terms of public transport with Gordon Railway Station located approximately 10 minutes (600 metres) walking distance north east of the site which is serviced by the T1 line which provides access to the metropolitan centre of Sydney's CBD, and the strategic centres of Chatswood, Hornsby, Macquarie Park and St Leonards. Additionally, the site is located within close proximity to Gordon local centre which comprises a number of local shops and services which can be accessed by future residents of the site. As the plan suggests, it is appropriate that future residents of the site have access to the services, jobs and skills which are available within centres.

¹ Ku-ring-gai Council Community Profile by.idcommunity

A central goal of the Draft Greater Sydney Regional Plan 2056 is to strategically plan Sydney to ensure that residents will have quick and easy access to jobs and essential services. It is intended that workers will be closer to knowledge intensive jobs, city scale infrastructure and services, and entertainment and cultural facilities.

The site is located within close proximity to public transport services and other amenities that can be readily accessed by future residents of the site. It would seem that the proposed future establishment of a new residential development within at the site in accordance with its proposed zoning would be entirely consistent with the objectives of the Greater Sydney Regional Plan.

North District Plan

The North District Plan was released in March 2018. It sets out the planning priorities and actions for the growth of the North District.

The planning proposal is consistent with the plan, particularly with respects to the following planning priorities:

- Planning Priority N3 (Providing services and social infrastructure to meet people's changing needs): The site was acquired for the purposes of the Gordon Bowling Club which has since closed and no longer requires the site. The planning proposal facilitates alternative uses for the site and any future sale of the property to release funds for other social infrastructure required by the community. The reclassification and rezoning of the subject site will allow Council to effectively manage its financial position to meet community expectations for projects and service delivery.
- Planning Priority N5 (Providing housing supply, choice and affordability, with access to jobs, services and public transport): The planning proposal is consistent with this planning priority in that it will facilitate the future development of the site to provide residential accommodation within close walkable proximity to excellent public transport services such as Gordon Railway Station which service the metropolitan cluster of Sydney's CBD and the strategic centres of Chatswood, Hornsby, St Leonards, and Macquarie Park. Additionally, the site is located within close proximity to Gordon local centre which comprises a number of local shops and services which can be accessed by future residents of the site

The planning proposal meets the objectives relating to greater housing supply and in that it would contribute to meeting the North District's housing target of 92,000 dwellings from 2016-2036. A medium density residential zoning allows for the site to better cater for the demand of Sydney's changing population by providing a broader range of housing options to suit different lifestyle and affordability needs. It provides the opportunity for local infill development in an existing urban area with walkable access to centres, facilities and public transport achieving greater housing diversity.

- Planning Priority N12 (Delivering integrated land use and transport planning and a 30 minute city): As previously stated the site is well located in terms of public transport and has excellent access to centres. Its rezoning and reclassification to facilitate medium density residential development would allow the benefits of its accessibility to be better utilised.

Q4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Yes, the planning proposal is consistent with the following issues identified within the Ku-ring-gai Community Strategic Plan 2038:

- C4.1 (A community that embraces healthier lifestyle choices and practices): The planning proposal contributes to the provision of a range of cultural, recreational and leisure facilities and activities are available to encourage social interaction and stimulate everyday wellbeing. It provides additional residential opportunities in a location within walking distance of Gordon Town Centre.
- C6.1 (Housing Choice and Affordability): The planning proposal would allow the site to be redeveloped for the purposes of medium density residential purposes which would increase the housing supply, choice and affordability in the area. Currently, the area is predominately saturated by a single detached dwelling housing stock which does not provide for housing diversity and affordability. The rezoning and reclassification of the site would provide housing choice which would suit different lifestyles and address housing affordability.
- L2.1 (Council rigorously manages its financial resources and assets to maximise delivery of services): The divestment of the site from any future sale would provide Council with additional financial assets which will assist Council to effectively manage its financial situation to meet community expectations for renewal and replacement of assets. As resolved at Councils Ordinary Meeting on 8 May 2018, any future sale of the site could finance Marion Street Theatre as a place for the performing arts (see **Appendix 2**).

A review of the Community Strategic Plan was undertaken by Council in 2017 which included a variety of community planning workshops. Participants of the workshops were of the opinion that there was a requirement for Council to provide a greater mix of housing in the locality, particularly town houses or medium density development. More dense styles of development would provide residents with the opportunity to downsize and a more affordable housing option for younger families.

Open Space Acquisition Strategy

Council's Open Space Acquisition Strategy (OSAS) establishes principles and priorities for acquiring open space in Ku-ring-gai. It identifies priority areas generally around local centres and along the main road corridors where there is limited existing parkland and where new development is increasing the local population. This includes Gordon. The OSAS establishes principles and priorities for acquiring open space in Ku-ring-gai. The planning report accompanying the report to Council on 8 May 2018 (**Appendix 1**) undertakes an assessment of the suitability of the site for this purpose:

- *Location - The site is located on the junction of priority 1 and 2 zones which might indicate that there is a need for a park in this location however there are three factors to consider:*
 - *there has been very little new development within walking distance (500 metres) of the subject site on the western side of the highway. With two heritage conservation areas to the south and north and a golf course to the west future significant development in the surrounds is unlikely;*

- Council has recently constructed a park (Greengate Park) on Bruce Avenue, which is approximately 500 metres from the subject site;
 - Council has resolved (OMC 5 April 2016) to develop the Gordon golf Course as a regional park, following the expiration of the lease of the Gordon Golf Club in 2023; the golf course is less than 350 metres from the subject site.
- *Size* - The OSAS requires new parks to have an area greater than 3000m² to provide for maximum passive recreation opportunity. The subject is approximately 1.3Ha in size.
 - *Natural Systems* - There would be no potential conflicts between natural systems and recreation on the subject site
 - *Cultural heritage* - There would be no potential conflicts between heritage and recreation on the site
 - *Visual and landscape quality* - The site does not have particularly high visual or landscape qualities that would enhance the recreational use of the site
 - *Accessibility* - The site is not in a prominent location and highly visible from public street and there is only two access points, one via a narrow walkway. The OSAS requires that new parks have at least 2 street frontages, the subject site does not comply with this requirement
 - *Connectivity* - The site would not provide potential to create new linkages between residential blocks
 - *Carrying Capacity* - The site does not extend or build on an existing reserve or system of reserves.
 - *Economic Efficiency* - Assessment of a walking catchment around the subject site indicates that a park in this location would not maximise the number of people within a 400 metre radius given the largely low density residential environment. Given the low levels of new development around the subject site a park in this location would be unlikely to meet S94 nexus criteria
 - *Management and Maintenance* - The subject site is likely to be affected by unacceptable risks such as contamination given the past use. This would dramatically increase the cost of construction of the park. Such costs are not budgeted for and must be avoided to ensure maximum funds are available to create new parks with high levels of facilities and amenities
 - *Passive Surveillance* - The location is not consistent with "Safety by Design" principles in terms of passive surveillance. The subject site is surrounded on three sides by the back fences of adjoining residential properties.

In summary when the site is assessed against the principles and criteria under the OSAS, the subject site is not considered suitable as a park primarily due to limited access and visibility as well as contamination risk.

Council is committed to providing additional open space within Gordon, and Ku-ring-gai as a whole. Council has been actively acquiring land over the past 10years for parkland in Wahroonga, Turramurra, St Ives, Killara, Lindfield and Gordon. A total of 20,000sqm of land have been purchased and much of this converted to new parklands. Council will continue to acquire sites that are better suited for the provision of open space needs of the community. To this end Council voted at the Ordinary Meeting of Council 13 March 2018 to establish a Gordon Public Realm Reference Committee to advise Council on

community space issues particular to the suburb of Gordon. The reference committee will consist of Councillors, Gordon residents to be selected by a publicly placed advertisement, and a staff member.

Additionally, Lot X in DP 387680 which also forms part of the former Gordon Bowling Club Site is to be retained as RE1 land and will provide open space for passive recreation within close proximity to the site. The planning proposal would not impede the ongoing implementation of the Open Space Acquisition Strategy.

Q4A. Does the proposed instrument give effect to the local strategic planning statement of Council

A local strategic planning statement as required under the recent changes the Environmental Planning and Assessment Act 1979 is not required to be in place until mid 2019. A local strategic planning statement is to implement actions in the regional and district plans, and Council's own priorities in the Community Strategic Plan 2038. The planning proposal implements actions in the regional and district plans and is consistent with priorities in the Community Strategic Plan as outlined above.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Table 2 below details the consistency of the Planning Proposal with State Environmental Policies (SEPPs) or Deemed SEPPs.

Table 2: SEPP and deemed SEPP Compliance Table

State Environmental Planning Policy (SEPP) or Deemed SEPP		Consistency
SEPP	(Vegetation in Non-Rural Areas) 2017	Consistent. Any future development application on the site would be subject to the provisions of the SEPP.
SEPP No 55	Remediation of Land	See discussion below
SEPP No 65	Design Quality of Residential Apartment Development	Consistent. Any future development application on the site would be subject to the provisions of the SEPP.
SEPP	(Affordable Rental Housing) 2009	Consistent. Any future development application on the site would be subject to the provisions of the SEPP.
SEPP	(Housing for Seniors or People with a Disability) 2004	Consistent. Any future development application on the site would be

State Environmental Planning Policy (SEPP) or Deemed SEPP		Consistency
		subject to the provisions of the SEPP.
SEPP	(Building Sustainability Index: BASIX) 2004	Consistent. Any future development application on the site would be subject to the provisions of the SEPP.
SEPP	(Infrastructure) 2007	Consistent. Any future development application on the site would be subject to the provisions of the SEPP.
SEPP	(Exempt and Complying Development Codes) 2008	Consistent. Any future development application on the site would be subject to the provisions of the SEPP.
SEPP	(Urban Renewal) 2010	Consistent. Any future development application on the site would be subject to the provisions of the SEPP.
SREPP	(Sydney Harbour Catchment) 2005	Consistent. Any future development application on the site would be subject to the provisions of the deemed SEPP.

The planning proposal's compliance and consistency with the above SEPPs and deemed SEPP would be determined during the assessment of a development on the subject site.

State Environment Planning Policy No 55 – Remediation of Land

Pursuant to Clause 6(1) of SEPP55, a planning proposal should not be prepared unless:

- “(a) the planning authority has considered whether the land is contaminated, and*
- (b) if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and*
- (c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.”*

Stage 1 and Stage 2 contamination investigations have been undertaken at the site (see **Appendix 3 and 4** respectively). The Stage 1 report identified a number of areas of environmental concern from past activities, including uncontrolled demolition, uncontrolled filling, application of herbicides/pesticides and chemical storage. It concluded that the site could be made suitable (from a land contamination perspective) for future land use settings subject to further assessment, management and remediation. The Stage 2 assessment concluded:

- *the detected concentrations of identified contaminants of potential concern in the soils assessed are considered unlikely to present an unacceptable direct contact human health exposure risk;*
- *the detected concentrations of identified contaminants of potential concern in the soils assessed are considered unlikely to present an unacceptable inhalation / vapour intrusion human health exposure risk;*
- *the detected concentrations of identified contaminants of potential concern in the soils assessed are considered unlikely to present a petroleum hydrocarbon management limit risk;*
- *the asbestos detected in the soils assessed, are considered unlikely to present an unacceptable human health exposure risk, with the exception of soils in the vicinity of TP16, TP17 and TP08;*
- *the concentrations of contaminants of potential concern in the AEC06 (footprint of former building underlying existing club house), have not been assessed, due to access constrained by the presence of the existing club house building; and*
- *the site could be made suitable for the proposed land use setting, subject to assessment of soils in AEC06 and management/remediation of asbestos in soil in AEC06 and in the vicinity of TP08.*

The Stage 2 report recommended as follows:

- *a supplementary contamination assessment should be undertaken to:*
 - *further characterise the extent of asbestos in soil risks in AEC04 and in the vicinity of TP08;*
 - *characterise the nature and extent of soil contamination in AEC06, following removal of the existing clubhouse building;*
- *consideration should be given to preparation of a remedial action plan (RAP), which includes a strategy for implementing the supplementary contamination assessment works recommended, and which includes a preferred remedial strategy for addressing identified asbestos in soil risks. It is noted that an addendum to the RAP may be required in the event that contamination risks are identified in AEC04, which require management and/or remediation.*

The Stage 1 and Stage 2 Reports satisfy the requirements of SEPP55 for the purposes of ensuring the planning authority is satisfied that the site can be remediated to be suitable for the purposes for which land in the zone concerned is permitted to be used. A Remedial Action Plan may be required to be prepared prior to any development being completed on the site.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

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

Section 9.1 Directions	Consistency of Planning Proposal
<p>2.1 Environment Protection Zones</p> <p><u>Objective</u></p> <p>(1) The objective of this direction is to protect and conserve environmentally sensitive areas.</p>	<p>Consistent. The site is not within an environmental protection zone. Part of the site is subject to clause 6.3 of the LEP dealing with biodiversity protection and clause 6.4 dealing with riparian land and waterways.</p> <p>These provisions of the LEP would continue to apply to the site.</p>
<p>3.1 Residential Zones</p> <p><u>Objectives</u></p> <p>(1) The objectives of this direction are:</p> <p>(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,</p> <p>(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</p> <p>(c) to minimise the impact of residential development on the environment and resource lands.</p>	<p>Consistent. This planning proposal would rezone an area to allow for medium density residential developments which would encourage housing choice which meets the changing needs of Sydney's population. The future residents of the site would have excellent access to existing infrastructure and services. The planning proposal is entirely consistent with relevant strategic planning considerations provided for the Greater Sydney Region and locally for Ku-ring-gai Council.</p> <p>The LEP does not 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).</p> <p>However, given the site is in an established urban area it is expected that all urban utility services are available or can be readily augmented to meet the needs of the development allowed by this planning proposal. Inconsistency with this requirement is justified because it is of minor significance.</p> <p>The planning proposal will not reduce the permissible residential density of the land.</p>

<p>3.4 Integrating Land Use and Transport</p> <p><u>Objectives</u></p> <p>(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:</p> <p>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</p> <p>(b) increasing the choice of available transport and reducing dependence on cars, and</p> <p>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</p> <p>(d) supporting the efficient and viable operation of public transport services, and</p> <p>(e) providing for the efficient movement of freight.</p>	<p>Consistent. The planning proposal rezones land in an existing urban area that has good connections to the surrounding road network including Pacific Highway and to public transport including Gordon Railway Station and is within walking distance to an existing centre being Gordon Local Centre.</p>
<p>4.1 Acid Sulfate Soils</p> <p><u>Objective</u></p> <p>(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.</p>	<p>Consistent. A review of the New South Wales Department of Land and Water Conservation (NSW DLWC 1997, 2nd Ed) Acid Sulfate Risk Map series for Prospect – Parramatta River indicates that the site lies in an area mapped as 'No Known Occurrence' with respect to acid sulfate soils.</p>
<p>4.3 Flood Prone Land</p> <p><u>Objectives</u></p> <p>(1) The objectives of this direction are:</p> <p>(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</p> <p>(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.</p>	<p>Inconsistent. The planning proposal is inconsistent with clause (5) in that it rezones land from Recreation to Residential.</p> <p>The site contains flood prone land.</p> <p>The site is within the catchment of Blackbutt Creek draining to the Lane Cove River. Council has prepared the Blackbutt Creek Flood Study and Blackbutt Creek Flood Plain Risk Management Study and Plan which have been prepared in accordance with the Floodplain Development Manual. The site is identified as being within a flood planning area. The site the subject of the Planning Proposal was not identified as an option in the Flood Risk Management Plan.</p> <p>As part of the Planning Proposal process, a Flood Risk Management Study will be undertaken for the site.</p>
<p>4.4 Planning for Bushfire Protection</p>	<p>Consistent. The site is not</p>

<p><u>Objectives</u></p> <p>(1) The objectives of this direction are:</p> <p>(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</p> <p>(b) to encourage sound management of bush fire prone areas.</p> <p>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.</p>	<p>identified as bushfire prone land.</p>
<p>6.1 Approval and Referral Requirements</p> <p><u>Objective</u></p> <p>(1) The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p>	<p>Consistent. The planning proposal does not include provisions that require the concurrence, consultation or referral of future DAs to a Minister or Public Authority.</p>
<p>6.2 Reserving Land for Public Purposes</p> <p><u>Objectives</u></p> <p>(1) The objectives of this direction are:</p> <p>(a) to facilitate the provision of public services and facilities by reserving land for public purposes, and</p> <p>(b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</p>	<p>Justifiably inconsistent. The Secretary's approval is sought through this Planning Proposal.</p> <p>As previously stated, the site was leased by Council to Gordon Bowling Club for use of the site for the purposes of a Bowling Club. Since it was progressively acquired between 1951-1953, the site has been used by Gordon Bowling Club, which, due to declining membership terminated their lease with Council and vacated the property in early 2018. The land is therefore no longer required for the original purposes it was acquired being a Bowling Club.</p> <p>Additionally, as indicated above, the site is not considered suitable for use as public land for open space when assessed against the principles and criteria provided by Council's OSAS primarily due to limited access and visibility as well as contamination risk.</p> <p>Ku-ring-gai Council is the relevant public authority.</p>
<p>6.3 Site Specific Provisions</p> <p><u>Objective</u></p> <p>(1) The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</p>	<p>Consistent. The proposal does not contain any restrictive site specific planning controls.</p>
<p>7.1 Implementation of A Plan for Growing Sydney</p> <p><u>Objective</u></p>	<p>Consistent. The potential development of the site for</p>

(1) The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.

medium density residential purposes will contribute to meeting local housing needs in the Metropolitan Plan.

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

Section C – Environmental, Social and Economic Impact

Q7. 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?

There are no records of any threatened species on the site. The remnant trees provide some marginal habitat for highly mobile and urban adapted species. There is no critical habitat within or adjoining the site.

The site contains remnant components of the critically endangered ecological community (CEEC) blue gum high forest (BGHF). The remnant trees are located on the boundary of the site. Any future development would be required to be designed and sited to avoid impacts to this CEEC. Construction would also be required to protect the trees and comply with AS4970-2009 Protection of trees on development sites and the relevant provisions of the Kuring-gai Development Control Plan and Local Environmental Plan.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The site is identified as Council's Biodiversity and Greenweb maps as containing biodiversity. Additionally, the site is identified as containing a Category 3a Water Course Restoration Riparian Land pursuant to the LEP. Impacts of development on biodiversity and riparian qualities of the site can be considered in the determination of any development application for the site. This planning proposal to reclassify the land will not affect or remove the application of the biodiversity overlay.

The site is subject to flooding and contains an overland flow path. Further, departing the site during a flood event may be problematic given the potential for Pennant Avenue and Browns Road to flood. These matters should be investigated further as part of the planning proposal including impacts of development on flooding characteristics in the area, appropriate flood planning levels for the site, means of accommodating overland flows and duration and frequency of flood events affecting access to the site.

Any redevelopment of the site consequential to action following this planning proposal would result in additional traffic generation. The implications of this on the adequacy of access to the site (for construction and operation) and capacity of the local road network to accommodate additional traffic should be investigated further as part of this planning proposal.

The planning proposal proposes density and building height development standards for the site that are typical of land within R3 Medium Density Residential. This is an FSR of 0.8:1 and a maximum building height of 11.5 metres. The suitability of these development

standards should be investigated further as part of this planning proposal through urban design analysis having regard to factors such as:

- Access opportunities to the site;
- Managing flooding on the site;
- Existing drainage infrastructure and easements;
- Major trees;
- Proximity to the rear yards of adjoining residential development.

Q9. Has the planning proposal adequately addressed any social and economic effects?

Yes. The planning proposal will have social benefits for the community in that it will facilitate future residential development within the locality that would provide additional housing stock and diversity that is more affordable. The public interest is best served by the orderly and economic use of land for permissible purposes in a form which is cognisant of and does not impact unreasonably on development on surrounding land and which satisfies the need for economic development of the land.

At the Ordinary Meeting of Council on 8 May 2018 it was resolved that any future sale of the Gordon Bowling Club site could raise funds to contribute to the restoration and expansion of Council assets such as the Marion Street Theatre for the performing arts (see **Appendix 2**). The rezoning and reclassification of the site will have social benefits for the community in that it enables scarce public funds to be used for purposes identified by the Council.

In relation to the economic impacts, the reclassification sought by the planning proposal will allow Council to sell, exchange, or otherwise divest of or deal with the land; this will enable the future upgrade and redevelopment of the site pursuant to the site's proposed R3 Medium Density zoning under the LEP. The planning proposal will enable a positive public economic impact in facilitating the orderly and economic development of an under-utilised Council asset.

Section D – State and Commonwealth Interests

Q10. Is there adequate public infrastructure for the planning proposal?

The proposal may result in a minor increase in demand for facilities in an existing residential area where all utility services are available.

Consultation with key agencies regarding infrastructure capacity to service the site was not undertaken prior to the lodgement of this planning proposal to the Department of Planning and Environment. 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.

Q11. 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 Environment. Consultation with the following Government authorities, agencies and other stakeholders in regard to this planning proposal are proposed to include:-

- NSW Department of Planning and Environment;
- Sydney Trains;
- Roads and Maritime Services NSW;
- Sydney Water Corporation;
- Ausgrid;
- Transport for NSW.

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

PART 4 – MAPPING

Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies

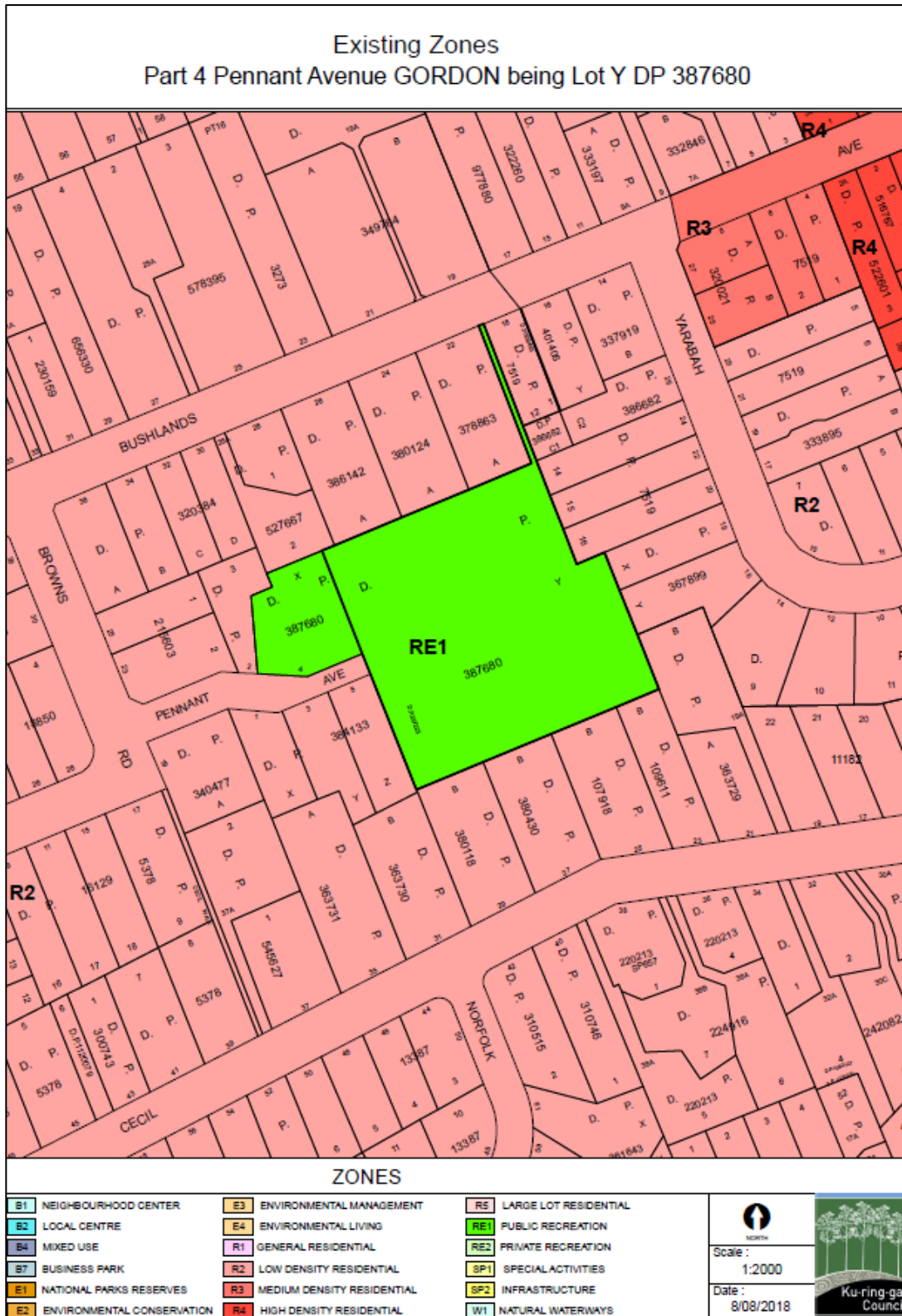
The amendments sought in this Planning Proposal will require changes to the LEP mapping sheets.

Indicative maps are included in this section as well as excerpts of the site with its current mapping alongside its proposed mapping.

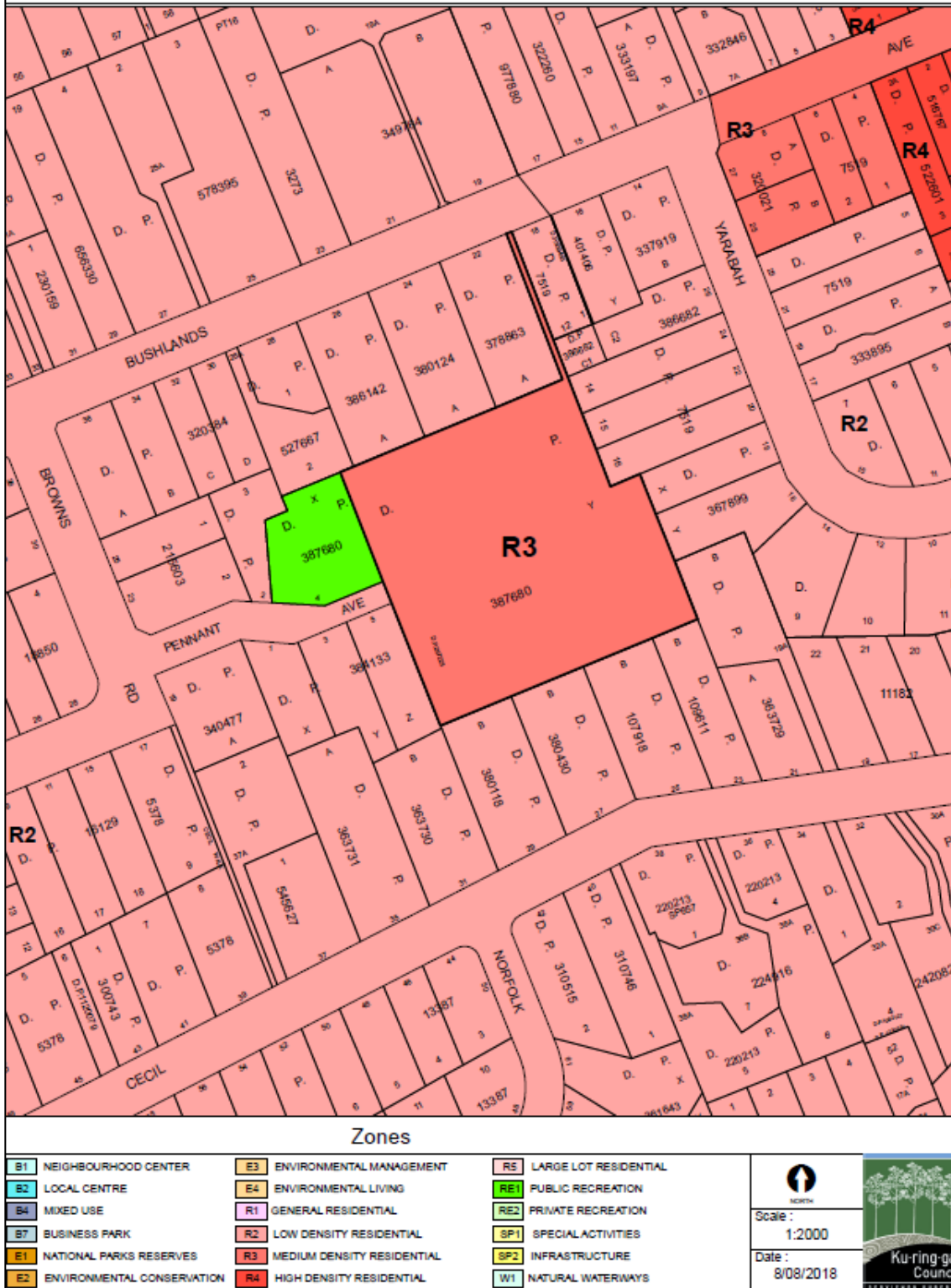
Amendments to the following Ku-ring-gai Local Environmental Plan 2015 maps are proposed:

1. Zoning Map
2. Floor Space Ratio
3. Height of Building Map
4. Minimum Lot Size Map

1. Zoning Map



Proposed Zoning
Part 4 Pennant Avenue GORDON being Lot Y DP 387680



2. Floor Space Ratio Map



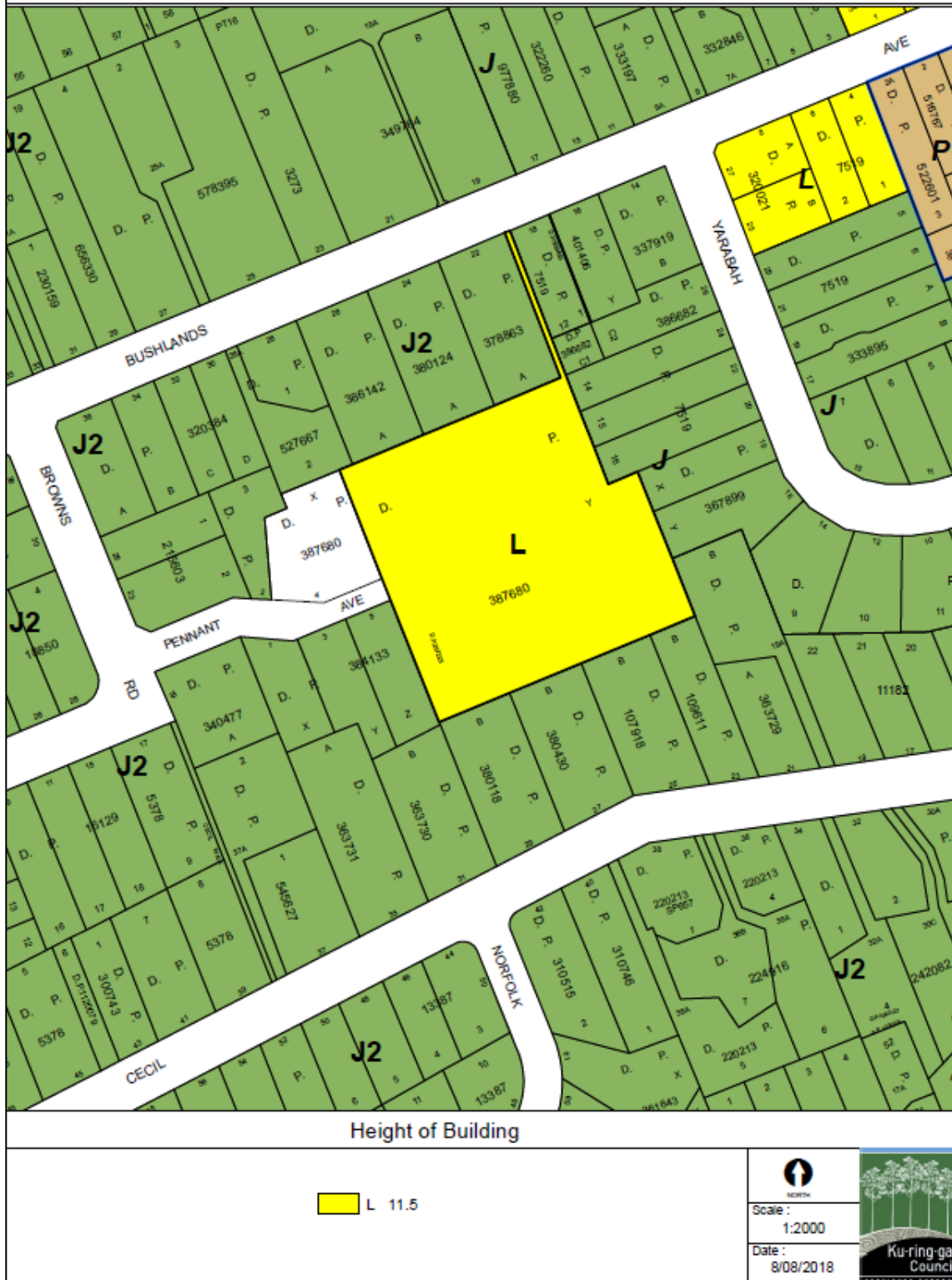
Proposed Floor Space Ratio 0.8
Part 4 Pennant Avenue GORDON being Lot Y DP 387680



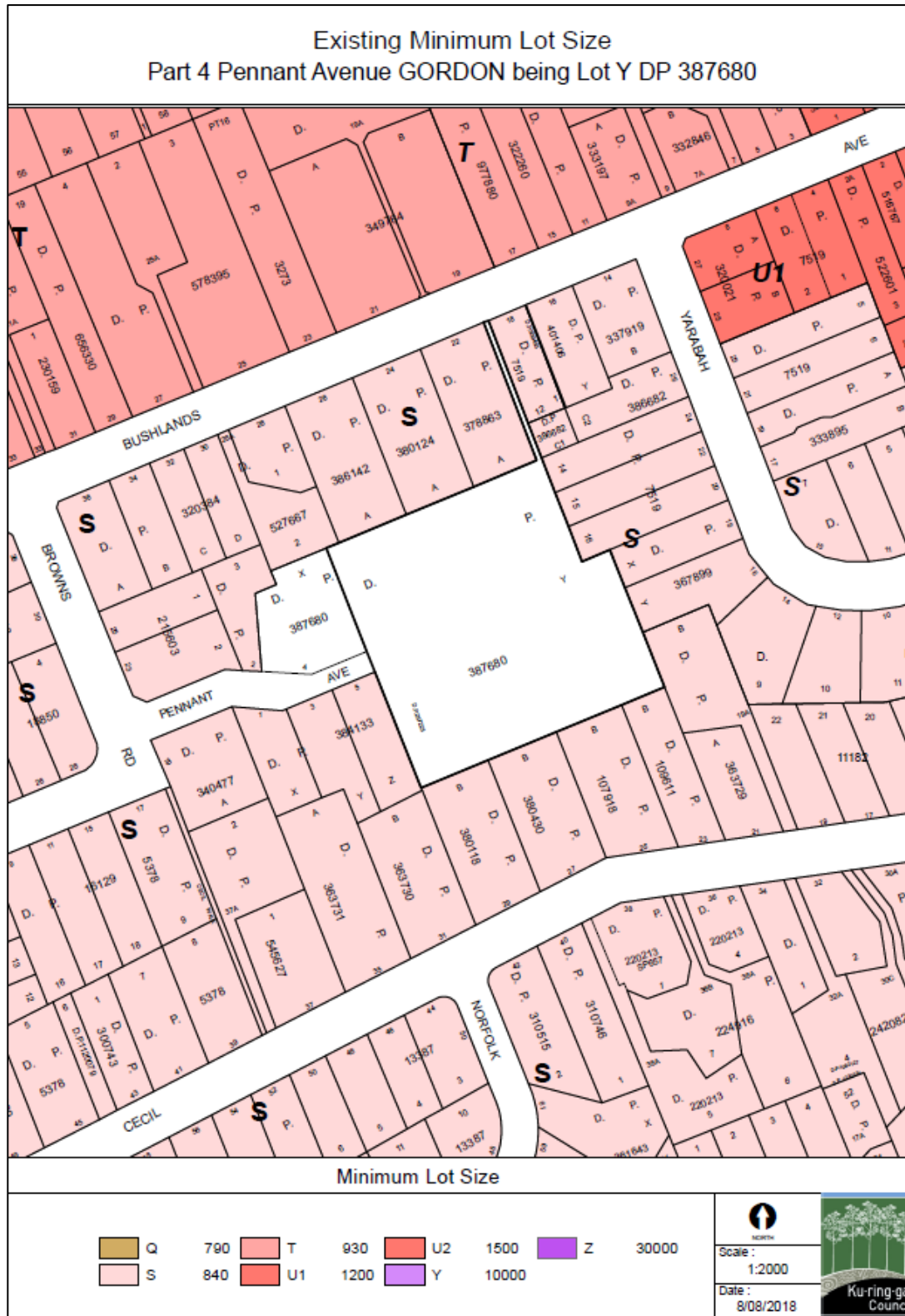
3. Height of Building Map



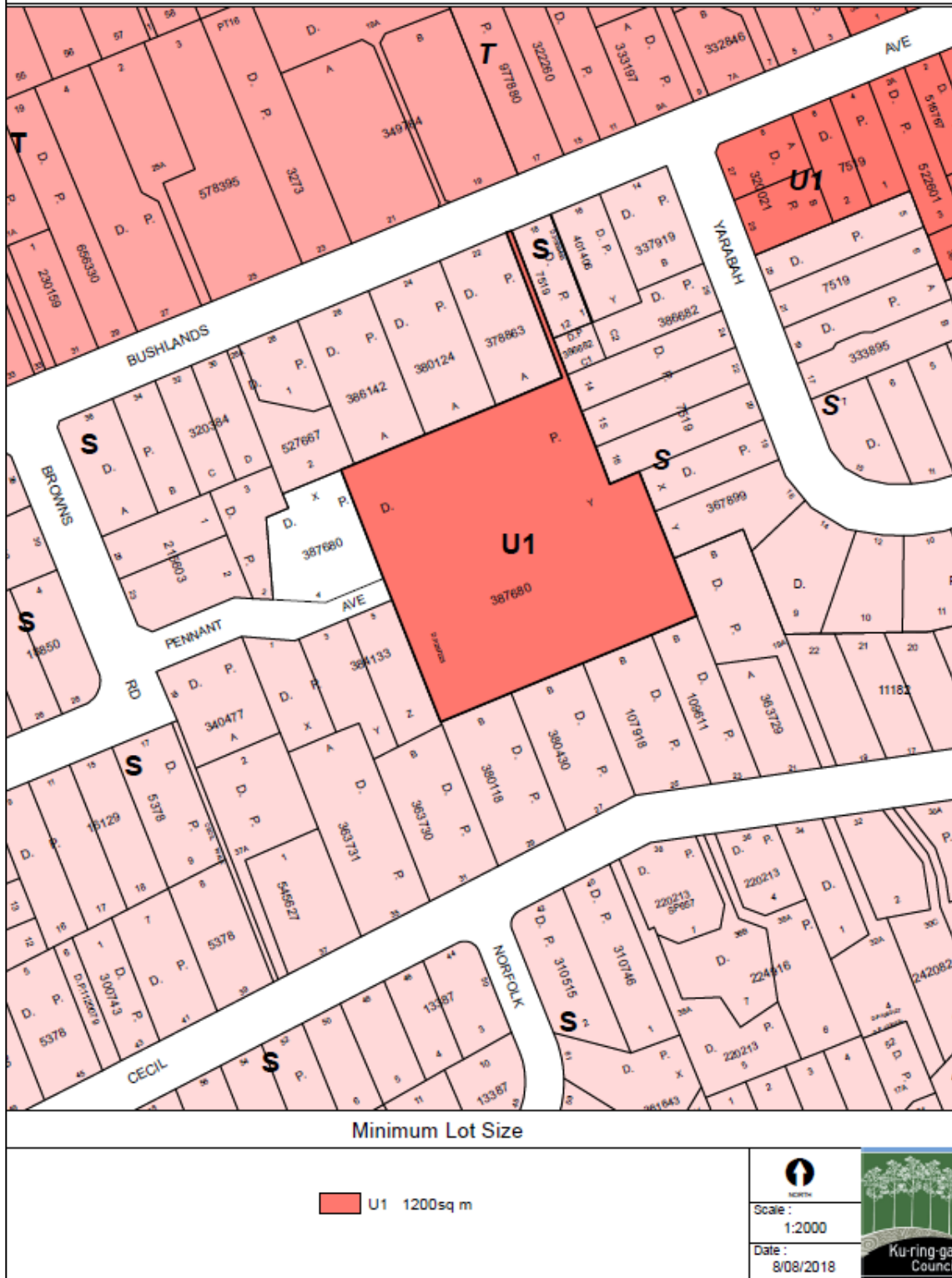
Proposed Height of Building 11.5
Part 4 Pennant Avenue GORDON being Lot Y DP 387680



4. Minimum Lot Size Map



Proposed Minimum Lot Size 0.8
Part 4 Pennant Avenue GORDON being Lot Y DP 387680



PART 5 – COMMUNITY CONSULTATION

Extensive community consultation on the planning proposal will be undertaken by Ku-ring-gai Council (subject to receiving a determination to proceed at Gateway) in accordance with the publication '*A Guide to Preparing Local Environmental Plans*', published by the Department of Planning. 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 Section 3.33 submission has been sent to the Department of Planning and Environment.

Council's consultation methodology will include, but not be limited to, the following:-

- 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 9.1 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 amendments to the 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 Schedule 1 Clause 4 of the EP&A Act 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 in accordance with Section 29 of the Local Government Act 1993 in relation to the reclassification of the site from community land to operational land; and
- any other consultation methods deemed appropriate for the proposal.

RECLASSIFICATION OF PUBLIC LAND

Pursuant to Section 3.33 of the Act, the Secretary 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 requirements regarding the matters that must be addressed in the justification of all planning proposals to reclassify public land.

These requirements are addressed below:

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

Yes. As outlined in Section A of this planning proposal Council resolved, at the Ordinary Meeting held on 8th May 2018, to prepare a planning proposal to rezone and reclassify the site from community land to operational land (see **Appendix 1**).

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

Yes. These matters are discussed in Section B of this planning proposal. The planning proposal is considered to be consistent with relevant plans/strategies including the Ku-ring-gai Community Strategic Plan 2038 and Council's Open Space Acquisition Strategy.

The planning proposal would allow the site to be redeveloped for the purposes of medium density residential which would increase the housing supply, choice and affordability in the area. The divestment of the site from any future sale would provide Council with additional financial assets which will assist Council to effectively manage its financial situation to meet community expectations for renewal and replacement of assets. As resolved at Council's Ordinary Meeting on 8 May 2018, any future sale of the site could finance Marion Street Theatre as a place for the performing arts (see **Appendix 1**).

Additionally, the site is not considered suitable for use as public land for open space when assessed against the principles and criteria provided by Council's OSAS primarily due to limited access and visibility as well as contamination risk.

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?

At the Ordinary Meeting held on 8 May 2018, Council resolved to reclassify Lot Y DP387680 from 'community land' to 'operational land' and formally seek to extinguish all necessary interests that apply to the land. The site is subject to a caveat and associated Declaration of Trust dated 1953 to the effect that the land shall be held by Council as a public reserve. This followed a resolution of Council that the land be held as a public reserve. Drainage easements are not proposed to be extinguished. The site is no longer needed for the purposes it was acquired for.

The site is the former Gordon Bowling Club, which due to declining membership terminated their lease with Council and vacated the property in early 2018. The site was acquired for the purposes of the Bowling Club between 1950 and 1953. The site is not considered suitable as a park primarily due to limited access and visibility. The site's future use under the current RE1 Public Recreation zoning is not considered the highest or best use. Reclassification and

rezoning of the site provides Council with greater flexibility in dealing with the land in the future.

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

Council is the landowner and has resolved to prepare the planning proposal.

LEP Practice Note PN 16-001 dated 5 October 2016 provides guidance on classifying and reclassifying public land through a local environmental plan (LEP). This planning proposal to reclassify public land, has been prepared in accordance with the practice note and the additional matters specified in Attachment 1 to the practice note. All planning proposals classifying or reclassifying public land must address the following matters for Gateway consideration (Attachment 1 to the practice note):

<input type="checkbox"/> the current and proposed classification of the land;	The site is currently community land and is proposed to be classified as operational
<input type="checkbox"/> whether the land is a 'public reserve' (defined in the LG Act);	The land has been used as a bowling club and is held by Council as a public reserve under a Declaration of Trust. The land was acquired by Council for the purpose of the Gordon Bowling Club.
<input type="checkbox"/> the strategic and site specific merits of the reclassification and evidence to support this;	Discussed in Section B this planning proposal. The reclassification of the site to 'operational land' provides Council with greater flexibility in dealing with the land in the future. Additionally, the site is not considered suitable as a park primarily due to limited access and visibility. The site's future use under the current RE1 Public Recreation zoning is not considered the highest or best use. The site is no longer needed for the purposes it was acquired for.
<input type="checkbox"/> whether the planning proposal is the result of a strategic study or report;	Discussed in Section B of this planning proposal. Council resolved to prepare the Planning Proposal at its Ordinary meeting on 8 May 2018 (see Appendix 1).
<input type="checkbox"/> whether the planning proposal is consistent with council's community plan or other local strategic plan;	Discussed in Section B of this planning proposal. The planning proposal is considered to be consistent with relevant plans/strategies including the Ku-ring-gai Community Strategic Plan 2038 and Council's Open Space Acquisition Strategy. The planning proposal would

	<p>allow the site to be redeveloped for the purposes of medium density residential purposes which would increase the housing supply, choice and affordability in the area. The divestment of the site from any future sale would provide Council with additional financial assets which will assist Council to effectively manage its financial situation to meet community expectations for renewal and replacement of assets. As resolved at Councils Ordinary Meeting on 8 May 2018, any future sale of the site could finance Marion Street Theatre as a place for the performing arts (see Appendix 2).</p> <p>Additionally, the site is not considered suitable for use as public land for open space when assessed against the principles and criteria provided by Council's OSAS primarily due to limited access and visibility as well as contamination risk.</p>
<input type="checkbox"/> a summary of council's interests in the land, including:	
- how and when the land was first acquired (e.g. was it dedicated, donated, provided as part of a subdivision for public open space or other purpose, or a developer contribution)	The site was acquired by Council progressively between 1951 – 1953 for the purposes of a Bowling Club. It was not dedicated, donated, provided as part of a subdivision for public open space or other purpose, or a developer contribution.
- if council does not own the land, the land owner's consent;	The land is owned by Council.
- the nature of any trusts, dedications etc;	Refer to Section IV of this Planning Proposal.
<input type="checkbox"/> whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why;	Refer to Section IV of this Planning Proposal. The registrar Generals caveat and associated Declaration of Trust will be discharged. Existing drainage easement will not be discharged.
<input type="checkbox"/> the effect of the reclassification (including, the loss of public open space, the land ceases to be a public reserve or particular interests will be discharged);	The reclassification will result in the land ceasing to be a public reserve. The site has only ever been used as the Gordon Bowling Club, a private recreational purpose. Due to declining membership, the club terminated its lease with Council

	<p>and vacated the property in early 2018. The site was acquired for the purposes of the Bowling Club between 1950 and 1953 and is no longer required for this purpose. The site is not considered suitable as a park primarily due to limited access and visibility. The site's future use under the current RE1 Public Recreation zoning is not considered the highest or best use.</p>														
<input type="checkbox"/> evidence of public reserve status or relevant interests, or lack thereof applying to the land (e.g. electronic title searches, notice in a Government Gazette, trust documents);	<p>The certificate of title and deposited plan (Appendix 5) indicates the following interests in the land:-</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%;">F815777</td><td>Covenant affecting that part of the site marked "Z" in the title diagram (for drainage)</td></tr> <tr> <td>F993941</td><td>Caveat by Registrar General. By Trust Deed No 18029 dated 9 December 1953, the site (and Lot X in DP 387680 are held by Council as Public Reserve.</td></tr> <tr> <td>T118588</td><td>Easement to drain water</td></tr> <tr> <td>F815777</td><td>Easement to drain water</td></tr> <tr> <td>DP267225</td><td>Easement to drain water</td></tr> <tr> <td>523615</td><td>Easement to drain water</td></tr> <tr> <td>AB762565</td><td>Lease to Gordon Bowling Club (since expired)</td></tr> </table>	F815777	Covenant affecting that part of the site marked "Z" in the title diagram (for drainage)	F993941	Caveat by Registrar General. By Trust Deed No 18029 dated 9 December 1953, the site (and Lot X in DP 387680 are held by Council as Public Reserve .	T118588	Easement to drain water	F815777	Easement to drain water	DP267225	Easement to drain water	523615	Easement to drain water	AB762565	Lease to Gordon Bowling Club (since expired)
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AB762565	Lease to Gordon Bowling Club (since expired)														
<input type="checkbox"/> current use(s) of the land, and whether uses are authorised or unauthorised;	<p>The site and buildings are vacant. Previously used by Gordon Bowling Club.</p>														
<input type="checkbox"/> current or proposed lease or agreements applying to the land, together with their duration, terms and controls;	<p>No current lease agreements.</p>														
<input type="checkbox"/> current or proposed business dealings (e.g. agreement for the sale or lease of the land, the basic details of any such agreement and if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time);	<p>No current or proposed business dealings. Subject to Council resolution, the asset may be realised following finalisation of the planning proposal.</p>														

<input type="checkbox"/> any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy);	<p>There is a rezoning associated with the reclassification which will change the zoning from RE1 Public Recreation to R3 Medium Density Residential and introduce a floor space ratio development standard of 0.8:1 and a maximum building height development standard of 11.5 metres. There is no plan of management applying to the site.</p>
<input type="checkbox"/> how council may or will benefit financially, and how these funds will be used;	<p>Council will benefit financially from any future divestment which will assist Council to effectively manage its financial position to meet community expectations for projects and service delivery, particularly in the context of Council's "Roadmap to Sustainability", Resourcing Strategy, Long Term Financial Plan, and Asset Management Strategy. At the Ordinary Meeting of Council on 8 May 2018 it was resolved that any future sale of the Gordon Bowling Club site could raise funds for the Marion Street Theatre as a place for the performing arts (see Appendix 2).</p> <p>Any divestment of property would be accordance with Councils Acquisition and Divestment of Land Policy and the provisions of the LG Act. Any future divestment would be the subject of a separate Council report and resolution.</p>
<input type="checkbox"/> how council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal;	<p>At the Ordinary Meeting of Council on 8 May 2018 it was resolved that any future sale of the Gordon Bowling Club could raise funds to contribute to the restoration and expansion of Council assets such as the Marion Street Theatre for the performing arts (see Appendix 1). The rezoning and reclassification of the site will have social benefits for the community in that it enables scarce public funds to be used for purposes identified by the Council.</p>
<input type="checkbox"/> a Land Reclassification (part lots) Map, in accordance with any standard technical requirements for spatial datasets and maps, if land to be reclassified does not	<p>The reclassification applies to the whole lot being Lot Y in DP387680.</p>

apply to the whole lot; and	
<input type="checkbox"/> preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.	Comments from government agencies will be sought during consultation undertaken in accordance with the requirements of the EP&A Act (see Section 6). The land was not dedicated to Council.

PROJECT TIMELINE

The timeline for the progression for this planning proposal is indicated in the following table.

Stage	Timing
Anticipated lodgement date	August 2018
Anticipated date for Gateway determination	August 2018
Anticipated timeframe for additional technical information	September 2018
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	October 2018 28 days Run concurrently with exhibition period
Commencement and completion dates for public exhibition period	October 2018 28 days exhibition Plus notification and advertisement period
Dates for public hearing	October 2018 21 days public notice
Timeframe for consideration of submissions	November 2018 4 weeks for consideration
Timeframe for the consideration of a proposal post-exhibition	November 2018 2 weeks for reporting
Legal drafting	November 2018 6 weeks
Anticipated date Relevant Planning Authority (RPA) (Ku-ring-gai Council) will forward to the Department of Planning and Environment	December 2018



APPENDICES



APPENDIX 1

Report to Council and Resolution – Ordinary Meeting 8 May 2018



APPENDIX 2

Notice of Motion – Ordinary Meeting 8 May 2018



APPENDIX 3

Stage 1 Preliminary Site Investigation prepared by Alliance Geotechnical



APPENDIX 4

Stage 2 Detailed Site Investigation prepared by Alliance Geotechnical



APPENDIX 5

Title Information
