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## PLANNING PROPOSAL FOR RECLASSIFICATION AND REZONING OF LOT Y DP387680 - PART OF 4 PENNANT AVENUE, GORDON

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### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

To refer the Planning Proposal for the reclassification and rezoning of Lot Y DP387680, part of 4 Pennant Avenue, Gordon to the Ku-ring-gai Local Planning Panel for advice as required by the Local Planning Panels Direction – Planning Proposals issued by the Minister for Planning under Section 9.1 of the *Environmental Planning and Assessment Act 1979*.

**BACKGROUND:**

On 8 May 2018 Council resolved to prepare a Planning Proposal for Lot Y DP387680 (part of 4 Pennant Avenue, Gordon) to:

- Rezone from RE1 Public Recreation to R3 Medium Density Residential;
- apply a Floor Space Ratio of 0.8:1, Height of Buildings 11.5m and Minimum Lot Size of 1200sqm;
- reclassify from community land to operational land and formally seek to extinguish all necessary interests that apply to the land.

**COMMENTS:**

The site is part of 4 Pennant Avenue, Gordon, which was the former Gordon Bowling Club. The club terminated their lease with Council and vacated the property in early 2018. The site is no longer required for the purposes it was originally acquired for, and the reclassification and rezoning will provide Council with greater flexibility in dealing with the land in the future.

**RECOMMENDATION:**

That the Ku-ring-gai Planning Panel makes a recommendation that the Planning Proposal be submitted to the Department of Planning and Environment for a Gateway Determination.

## PURPOSE OF REPORT

To refer the Planning Proposal for the reclassification and rezoning of Lot Y DP387680, part of 4 Pennant Avenue, Gordon to the Ku-ring-gai Local Planning Panel for advice as required by the Local Planning Panels Direction – Planning Proposals issued by the Minister for Planning under Section 9.1 of the *Environmental Planning and Assessment Act 1979*.

## BACKGROUND

On 8 May 2018 Council resolved:

- 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.*

## Site Description and Local Context

The site that is the subject of this Planning Proposal is Lot Y DP387680, part of 4 Pennant Avenue, Gordon. The site is located approximately 250m west of the Pacific Highway, Gordon. The site is irregular in shape, with a main frontage to Pennant Avenue, and a pedestrian access handle to the north of the site providing access to Bushland Avenue, Gordon. The site has an area of 1.12ha.

The site has historically been used by the former Gordon Bowling Club, which leased the site from Council. In 1953, the club was granted a 50 year lease to use the land. On 15 August 2017 the Club advised Council that they wished to terminate the lease with Council, and vacate the property in early 2018. The key reason for the club terminating the lease and vacating the site was declining membership.



Image 1 – Lot Y DP387680 – Subject Site Planning Proposal

The site currently comprises the former clubhouse building, asphalt carpark, greenkeepers storage shed, 3 bowling greens and asphalt pedestrian pathway to Bushlands Avenue.

The site is currently zoned RE1 Public Recreation under the *Ku-ring-gai Local Environmental Plan 2015*, and classified as community land.

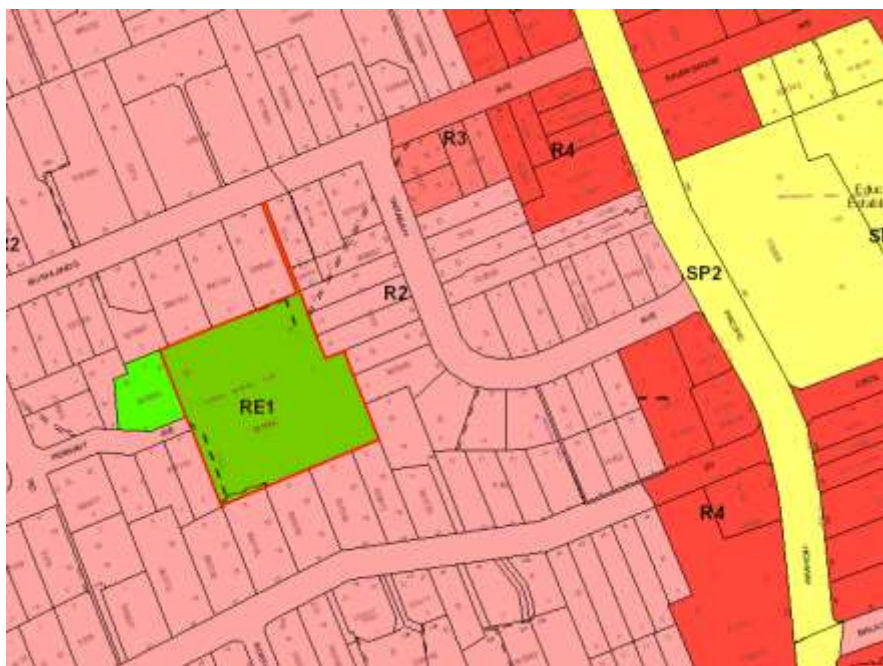


Image 2 – Excerpt Zoning Map KLEP 2015 and KLEP LC 2012

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The site is adjoined by single dwelling houses, and the surrounding area is zoned R2 Low Density Residential. Further to the east of the site, closer to the Pacific Highway (between 90-150m) is land zoned R3 Medium Density Residential, and R4 High Density Residential.

The site is located approximately 400m (as the crow flies) from the Gordon Local Centre, and Gordon Train Station. The site is approximately a 600m (9min) walk to Gordon Station via the pedestrian access handle to Bushlands Avenue.

**Adjoining Site – Lot X DP387680 – Part 4 Pennant Avenue, Gordon**

The site adjoins Lot X DP387680, which also forms part of 4 Pennant Avenue, Gordon, and has an area of 1638sqm. Lot X DP 387680 comprises the asphalt entrance and exit driveways to the carpark, as well as vegetation identified as Sydney Turpentine-Ironbark Forest.



Image 3 – Lot x DP387680 – Adjoining Site

Lot X DP387680 does not form part of the Planning Proposal. Lot X DP387680 is to be retained as community classified land and retain the RE1 Public Recreation zoning, allowing for the lot to be categorised as a Natural Area – Bushland under the *Local Government Act 1993* and managed through the Bushland Plan of Management. Retaining the site as community land allows the retention of significant trees and vegetation, while also providing open space.

**COMMENTS****Proposed Amendments to Ku-ring-gai Local Environmental Plan 2015**

The Planning Proposal seeks to make the following amendments to the *Ku-ring-gai Local Environmental Plan 2015*:

- Reclassify the site (Lot Y DP387680) from community land to operational land, and extinguish relevant interest relating to registrar Generals caveat and associated Declaration of Trust as a Public Reserve. The drainage easements will not be discharged;

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- rezone the site (Lot Y DP387680) from RE1 Public Recreation to R3 Medium Density Residential;
- apply Development Standards of 0.8:1 Floor Space Ratio, 11.5m Height of Buildings and 1200sqm Minimum Lot Size.

The objective of the Planning Proposal is to facilitate an alternate use of the site, which is no longer required for the purposes it was originally acquired for. The site's future use under the current zoning is not considered the highest or best use of the site. The proposed rezoning and reclassification will enable redevelopment of the site, and allow Council to effectively manage its financial position to meet community expectations for projects and service delivery, particularly for renewal and replacement of assets as well as capital works scheduled in Council's Long Term Financial Plan. This option will provide the best financial outcome for the broader Ku-ring-gai community.

A copy of the Planning Proposal is included at **Attachment A1**. The Appendices to the Planning Proposal are included at **Attachments A2 – A6**.

**Strategic and Site Specific Merit**

**Consistency with Strategic Planning Framework** – The Planning Proposal to reclassify and rezone the subject site is consistent with the following objectives from strategic planning documents, including the Greater Sydney Region Plan *A Metropolis of Three Cities* and the *North District Plan*:

- *Increased housing supply* – rezoning to medium density meets objectives relating to the delivery of housing supply, and contributes towards the additional 92, 000 new dwellings required in the North District from 2016-2036. The rezoning will increase the amount of land available for redevelopment in an existing urban are and result in increasing local housing supply;
- *Housing choice and diversity* – Currently, most new homes in NSW fall into two categories – either traditional free standing houses or apartments. Almost 75% of all dwellings in Ku-ring-gai are tradition free standing houses, which is much higher than the Greater Sydney average of 55%. Ku-ring-gai has a significantly lower proportion of medium density housing than the Greater Sydney average. Rezoning to medium density residential provides housing choice which better meets the needs of Sydney's changing population by providing a broader range of housing options to suit different lifestyle needs;
- *Housing affordability* – Medium density housing, such as townhouse style development – provides an alternative and more affordable housing choice when compared to a free standing house;
- *Integrating land use and transport* – The site is very well located in terms of access to jobs, services and public transport, consistent with the Greater Sydney Commission objective of a 30 min city. The site is in close proximity to Gordon local centre, which provides access to shops, services and transport options including trains and buses to Hornsby, Chatswood, Macquarie Park, St Leonards and the Sydney CBD.

The Planning Proposal is consistent with the following objectives from Council's Community Strategic Plan 2038:



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- *C6.1 Housing Choice and Affordability – Housing Diversity, adaptability and affordability is increased to support the needs of a changing community* – Participants of workshops on the review of Council's *Community Strategic Plan* in late 2017 expressed the view that there is a requirement for Council to provide a greater mix of housing in the locality, particularly townhouses or medium density development. This style of housing provides residents with an opportunity to downsize, and more affordable housing options for younger families;
- *L2 Financial Capacity and Sustainability – Council rigorously manages its financial resources and assets to maximise delivery of services* – The reclassification, rezoning and any future divestment of the subject site will assist Council to effectively manage its financial position to meet community expectations for renewal and replacement of assets as well as capital works scheduled in Council's Long Term Financial Plan. This option will provide the best financial outcome for the broader Ku-ring-gai community.

The Planning Proposal has addressed the following relevant Section 9.1 Ministerial Directions:

- *3.1 Residential Zones* – The Planning Proposal is consistent with this direction as the proposed rezoning will broaden the choice of housing types to provide for existing and future housing needs within Ku-ring-gai. The site is well located and additional housing in this location will make efficient use of existing infrastructure and services. The provision of housing is within an established centre, and not on the urban fringe;
- *3.4 Integrating Land Use and Transport* – The Planning Proposal is consistent with this direction as the subject site has good connections to the surrounding road network including the Pacific Highway, as well as good connections to public transport including Gordon Station with train and bus connections. The site is within walking distance to the Gordon local centre providing access to services and shops;
- *4.3 Flood Prone Land* – The site is within the catchment of Blackbutt Creek, and is identified within the Blackbutt Creek Flood Study and Blackbutt Creek Flood Plain Risk Management Study and Plan. As part of the Planning Proposal process, a Flood Risk Management Study will be undertaken for the subject site;
- *6.2 Reserving Land for Public Purpose* – As part of the reclassification process through this Planning Proposal, it is proposed to formally discharge and remove the Public Reserve status applying to the land under the Registrar General's caveat and associated Declaration of Trust. The site is no longer required for the public recreation purposes it was originally acquired for, and the site is not considered suitable for use as a public park when assessed against the principles of Council's *Open Space Acquisition Strategy*.

**Open Space-** The subject site is no longer required for the purpose that it was originally acquired for – which was a bowling club- and the site is not considered an appropriate location for more intensive recreation uses. The need to provide open space for passive recreation is recognised within Gordon, and Ku-ring-gai as a whole. Council's *Open Space Acquisition Strategy* has been prepared to establish a series of principles for acquisition of land for local parks within priority areas. The *Open Space Acquisition Strategy* establishes principles and priorities for acquiring open space in Ku-ring-gai.

When the subject site is assessed against the principles of the strategy, it is considered not to be suitable for a park because:

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- There has been little new development within walking distance of the subject site, and with heritage conservation areas to the north and south, and the golf course to the west, future significant development in the surrounds is unlikely;
- a park in this location would not maximise the number of people within a 400m radius, given the largely low density residential environment. Additionally, given the low levels of new development around the subject site, a park in this location would unlikely meet s94 (s7.11) nexus criteria;
- the site is well serviced by existing parks in the locality – including Greengate Park on Bruce Avenue, which was recently constructed by Council and approximately 500m from the site;
- a park on the site would result in a duplication of facilities, with a Council Resolution from 5 April 2016 to develop the Gordon Golf Course as a regional park, following the expiration of the lease in 2023. The golf course is less than 350m from the subject site;
- the site does not have particularly high visual for landscape qualities that would enhance the recreation use of the site;
- the contamination of the subject site would require remediation, increasing the costs of construction of a 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;
- the site is not in a prominent location, and has limited accessibility and visibility. The strategy requires that new parks have at least 2 street frontages – the subject site does not comply with this requirement;
- 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.

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 10 years for parkland in Wahroonga, Turramurra, St Ives, Killara, Lindfield and Gordon. A total of 20,000sqm of land has been purchased, and much of this converted to new parkland. Council will continue to acquire sites that are better suited for the provision of open space needs of the community.

**Additional Supporting Studies** - The Planning Proposal contains sufficient information to identify the relevant environmental, social, economic and other site specific considerations in order for the Department of Planning to consider whether there is merit in the proposed amendments at Gateway. The Planning Proposal outlines the scope for investigation of key issues, and lists the following additional studies which would be required to support the Planning Proposal:

- *Flood* – The subject site is within the Blackbutt Creek catchment, draining to the Lane Cove River. The site is identified in the Blackbutt Creek Flood Study as being flood prone. The site is also identified in the Ku-ring-gai Council Blackbutt Creek Floodplain Risk Management Study as a flood evacuation risk zone and overland escape route. These matters need to be investigated further, including impacts of development on flooding characteristics, appropriate flood planning levels, means of accommodating overland flows and duration and frequency of flood events affecting access to the site;
- *Traffic* – Any redevelopment of the site would result in additional traffic generation. A traffic study is required to further investigate adequacy of access to the site and capacity of the local road network to accommodate additional traffic;

- *Urban Design* – The density and height development standards proposed by the Planning Proposal are typical for land zoned R3 Medium Density within Ku-ring-gai. The suitability of the development standards will need to be investigated further through an urban design analysis having regard to factors such as access, flooding, drainage and easement, trees, and proximity of rear yards of surrounding residential properties.

As outlined in *A Guide to Preparing Planning Proposals*, with respect to additional studies, 'the actual information/investigation may be undertaken after Gateway Determination has been issued and if required by the Gateway Determination.' Any additional studies to support the Planning Proposal can be prepared following Gateway, and would form part of the Planning Proposal, and be placed on public exhibition.

## INTEGRATED PLANNING AND REPORTING

Places, Spaces and Infrastructure

Community Strategic Plan Long Term Objective	Delivery Program Term Achievement	Operational Plan Task
P2.1 A robust planning framework is in place to deliver quality design outcomes and maintain the identity and character of Ku-ring-gai	Land use strategies, plans and processes are in place to effectively manage the impact of development	Continue to review the effectiveness of existing strategies. Local environmental plans, development control plans and processes across all programs

## GOVERNANCE MATTERS

The process for the preparation and implementation of Planning Proposals is governed by the provisions contained in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

Local Planning Panels Direction – Planning Proposals issued by the Minister for Planning under Section 9.1 of the *Environmental Planning and Assessment Act 1979* requires Council to refer all Planning Proposals prepared after 1 June 2018 to the Local Planning Panel for advice, before it is forwarded to the Minister for a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.

## RISK MANAGEMENT

Since the former Gordon Bowling Club terminated their lease and vacated the site, the site is now vacant and Council has an opportunity to consider the rezoning of the site to a higher and better use. Rezoning and reclassification of the site will assist in the provisions of additional housing supply, and provide greater housing choice for Ku-ring-gai.

## FINANCIAL CONSIDERATIONS

The rezoning and reclassification of the site will allow Council to effectively manage its financial position to meet community expectations for projects and service delivery, particularly for renewal and replacement of assets as well as capital works scheduled in Council's Long Term Financial Plan. This option will provide the best financial outcome for the broader Ku-ring-gai community.



## **SOCIAL CONSIDERATIONS**

The site is well located in terms of access to public transport and services. The site is located in close proximity to Gordon local centre providing access to retail and services, and Gordon Train Station with both train and bus connections. There are educational and recreation facilities close by. The increase in residential density on the site will have access to facilities shared by the local community and is not anticipated to result in significant change in the demand for infrastructure.

Rezoning the site to medium residential will assist in the provision of additional housing supply and greater housing choice for Ku-ring-gai.

## **ENVIRONMENTAL CONSIDERATIONS**

The site is identified as containing areas of Biodiversity Significance and Riparian Lands under the KLEP 2015.

A Stage 1 and Stage 2 Site Investigation has been undertaken for the site, which identified a number of areas of environmental concern, relating to past activities including uncontrolled demolition, uncontrolled filling, application of herbicides/pesticides and chemical storage. The site could be made suitable (from a land use contamination perspective) for future land use settings, subject to further assessment, management and remediation.

## **COMMUNITY CONSULTATION**

In the event that the Planning Proposal is granted a Gateway Determination by the Department of Planning and Environment, the Planning Proposal would be placed on statutory public exhibition in accordance with the requirements of the Gateway Determination, and the Department of Planning, and Environment's publication *A Guide to Preparing Local Environmental Plans*.

In addition to the public exhibition of the Planning Proposal, a Public Hearing is required to be held by an Independent Chairperson into the proposed reclassification of the site from community land to operational land.

## **INTERNAL CONSULTATION**

Consultation has been undertaken with relevant internal sections of Council where required for the preparation of the Planning Proposal, and this report.

## **SUMMARY**

The subject site Lot Y DP387680 (part 4 Pennant Avenue, Gordon) is currently zoned for public recreation purposes, and the site has historically been utilised by the former Gordon Bowling Club. Due to declining membership, the club terminated their lease with Council and vacated the site in early 2018.

Council resolved on 8 May 2018 to prepare a Planning Proposal to reclassify and rezone the site. The objective of the Planning Proposal is to facilitate an alternate use of the site, which is no longer required for the purposes it was originally acquired for. The site's future use under the current zoning is not considered the highest or best use of the site. The proposed rezoning and reclassification will enable redevelopment of the site, and allow Council to effectively manage its financial position to meet community expectations for projects and service delivery, particularly for

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renewal and replacement of assets as well as capital works scheduled in Council's Long Term Financial Plan. This option will provide the best financial outcome for the broader Ku-ring-gai community.

There is sufficient strategic and site specific merit for the Planning Proposal to proceed to Gateway Determination.

**RECOMMENDATION:**













- A. That the Ku-ring-gai Local Planning Panel makes a recommendation that the Planning Proposal for the reclassification and rezoning of Lot Y DP387680, part of 4 Pennant Avenue, Gordon be submitted to the Department of Planning and Environment for a Gateway Determination.

Alexandra Plumb  
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<b>Attachments:</b>	A1 	Planning Proposal - Lot Y DP387680, part of 4 Pennant Avenue, Gordon		2018/243933
	<a href="#"></a>			
	A2 	Report to Council and Resolution - Ordinary Meeting 8 May 2018		2018/235301
	<a href="#"></a>			
	A3 	Notice of Motion - Ordinary Meeting 8 May 2018		2018/235303
	<a href="#"></a>			
	A4 	Stage 1 Preliminary Site Investigation - 4 Pennant Avenue Gordon		2018/235304
	<a href="#"></a>			
	A5 	Stage 2 Detailed Site Investigation - 4 Pennant Avenue, Gordon	Excluded	2018/235306
	<a href="#"></a>			
	A6 	Title Information		2018/235309
	<a href="#"></a>			