

Request to initiate a Planning Proposal

Schedule 1 - Additional Permitted Use - *Child Care Centre*

Proposed Lot 5 within existing Lot 29, DP 1044841, 501 Cowpasture Road,

LEN WATERS ESTATE

June 2017



PLANNING

APPROVALS

DEVELOPMENT

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Executive Summary

This Planning report has been prepared to initiate an amendment to the Liverpool Local Environmental Plan 2008 ("the LLEP 2008"). The amendment would allow the inclusion of child care centre as a permitted land use upon proposed Lot 5 within existing Lot 29, DP 1044841, 501 Cowpasture Road Len Waters Estate ("the subject site"). When Lot 5 is officially created it will be of site area of 13,924sqm. The subject site is of irregular shape and is set well back from Cowpasture Road and the M7 motorway. The site is currently zoned B6 Enterprise Corridor.

The inclusion of an additional permitted use on the subject site is particularly attractive and appropriate in this location as the development scheme envisaged for the site would assist in meeting the growing need for child care services for the locality. Furthermore, significant shop top housing development has recently been approved on the subject site. This means that there is a real likelihood that the demand for child care services will increase from development on the subject site alone.

This proposal is also consistent with the approach to increasing the availability of child care services that the State Government has embarked upon. That is, the Draft Education and Childcare SEPP reform package recognizes that access to quality child care is vital for the development of our children and for our economy. The Government says that the number of children under five will climb 18 percent to over 600,000, and the total population under 15 years of age will grow by 23 per cent to more than 1.8 million. This growth is placing increasing pressure on our social infrastructure, including child care facilities and all levels of our education system. The Government's SEPP reform package further advises that:

many families face difficulties in finding suitable child care arrangements, with access to long day care facilities being limited and costly. The Productivity Commission has estimated that approximately 165,000 parents in NSW would like to work, or work more hours, if they could access suitable, affordable child care. It is estimated that an additional 2,700 long day care centres would be required by 2036 in order to address shortages and meet projected demand.

This proposal seeks the amendment of the LLEP 2008 to include an additional permitted use of Child Care Centre to the subject site.

1.1 PROPOSED LEP AMENDMENT

The current land use zoning and the range of permissible uses for the zone do not allow for the provision of child care centre on a well located site. This proposal will seek to permit the development of land for a much needed land use to the locality.

The Planning Proposal does not seek a change in zoning or development standard. This proposal simply seeks the introduction of an additional permitted land use for the subject site.

Following an assessment of the context and the relevant State planning policies, it can be concluded that there is planning merit for the preparation of a Planning Proposal. It is therefore recommended that this request to prepare a Planning Proposal be favorably considered by Liverpool City Council and that Council resolve to forward a proposal to the NSW Department of Planning and Environment for Gateway determination in accordance with the Environmental Planning and Assessment Act, 1979 to prepare the necessary LEP amendment.



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2 Introduction

This Planning report has been prepared to initiate the preparation of an amendment to the Liverpool Local Environmental Plan 2008 (LLEP 2013) to permit the addition of an appropriate and much needed land use to service a rapidly growing community. The subject site is currently undergoing significant development for a wide variety of land uses, including commercial and residential mixed uses. A significant residential component will be introduced to the subject site. This residential component and the existing residential land uses in the immediate vicinity are exerting pressure on existing child care services. An appropriate response is to permit child care services on a wider range of sites.

It is argued that the existing zoning does not recognise the locational advantages relevant to child care. That is, the current Enterprise Corridor zoning, while permitting residential land uses, does not provide for the delivery of much needed child care services.

It is argued that making child care permitted on the subject would also be consistent with State Government policy as the site is located within an area experiencing significant population growth.

This report includes an early concept plan for the subject site which indicates a possible location for a child care facility. The concept plan has been prepared to meet the needs of a child care provider who has expressed a desire to occupy the site. ***The proposed amendment of the LLEP 2008 would only involve changes to Schedule 1 – Additional Permitted Uses. No changes to LEP mapping or development standards are necessary.***

This submission has been prepared to seek the support of the Council to initiate the preparation of a Planning Proposal for the rezoning of the site in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

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3 Site Location

3.1 SITE LOCATION AND DESCRIPTION

The subject site is situated on the southern side of Cowpasture Road within the suburb of Len Waters Estate. The site is east of the M7 Motorway and serviced by the recently upgraded Cowpasture Road. This site is particularly attractive for mixed use development as it is easily accessed by highway and motorway. The subject site will soon support a significant residential population and is also surrounded by significant residential population, hence the desire to include child care services on the site. The site's location is shown as Figure 1.

Figure 1: Site Location

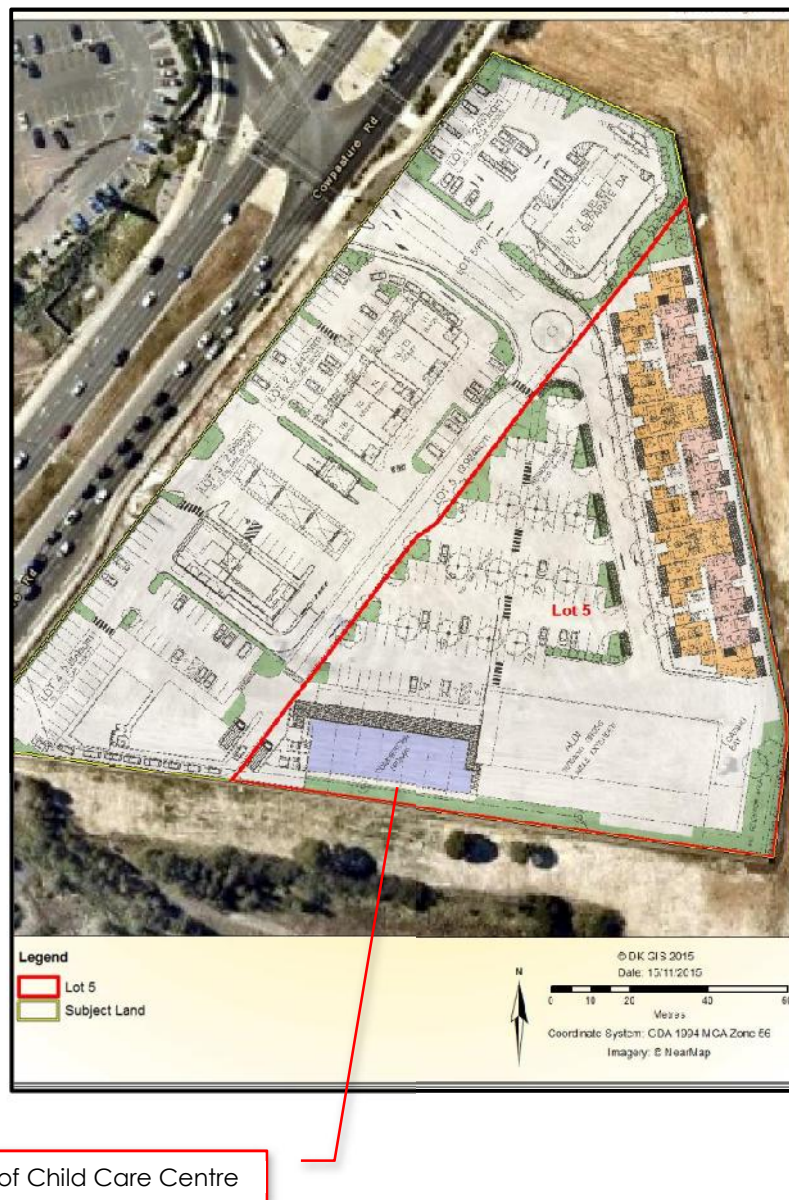


Source: Google Maps

3.2 SITE DESCRIPTION

The entire site is currently described as Lot 29 DP 1044841, 501 Cowpasture Road, Len Waters Estate. Consent was recently issued for the subdivision of Lot 29 into five (5) Lots and the creation of a residual Lot. Consent was also given for the development of Lot 5 for a mix of uses including commercial and residential land uses. Lot 5 is at the southeastern most portion of the subject site and is accessed via a controlled intersection off Cowpasture Road and internal private road.

The site was recently prepared for development in accordance with previously issued development consents permitting the filling of the site and the provision of site servicing infrastructure. Construction of buildings will commence in the very near future.

Figure 2: Future Lot 5

3.3 SURROUNDING DEVELOPMENT

The site is situated within a Business Zone (Zone B6 – Enterprise Corridor). Development within the immediate vicinity comprises bulky goods retail and warehousing land uses. The closest residential development is located to the east of the site, separated from the subject site by an expanse of open space and waterway known as Hinchinbrook Creek. Residential development will also occur on the subject site with the recent issue of development consent for shop top housing.

4 Supporting Increased access to Child Care

The population size and profile of Liverpool will change greatly over the next twenty years. The Liverpool Local Government Area is expected to grow significantly over the next twenty years. To meet the future housing needs of increased population, the Liverpool Local Government Area will need to accommodate a significant proportion of new dwellings. The household composition and type will also change, with a significant proportion of households containing young child and parents in fulltime employment. These changes mean that child care services must be made available in greater number and wider locations.

The NSW Government's draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 recognises the need to make child care services more easily available. The Government argues that access to quality child care is vital. NSW is facing unprecedented growth with the population forecast to increase by 28% to almost ten million people by 2036. ***The number of children under five will climb 18 percent to over 600,000, and the total population under 15 years of age will grow by 23 per cent to more than 1.8 million. This growth is placing increasing pressure on our social infrastructure, including child care facilities and all levels of our education system.***

Many families face difficulties in finding suitable child care arrangements, with access to long day care facilities being limited and costly. The Productivity Commission has estimated that approximately 165,000 parents in NSW would like to work, or work more hours, if they could access suitable, affordable child care. It is estimated that an additional 2,700 long day care centres would be required by 2036 in order to address shortages and meet projected demand.

4.1 DESCRIPTION OF PROPOSED DEVELOPMENT

Should child care centre be permitted, a development proposal could be submitted to Council for the development of the first floor commercial portion of the approved building for child care centre.

Reference should be made to the Concept Plan accompanying this report for an indication of development potential. However, it should be noted there are wide ranging options for child care centre development and the Concept Plan submitted with this proposal is the preferred option at this point in time. Further review and refinement will be likely as part of the detailed design and development application phase of the project. For the purposes of strategic planning functions under Part 3 of the EP&A Act 1979 the concept plans submitted are considered sufficient.

4.2 SITE SPECIFIC CONTROLS

The proposal requires no change in land use zone, floor space ratio or height of buildings standards.

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5 Planning Context

The environmental planning context is derived from the consideration of State and local level strategic planning policy. At the State level the most relevant plans are:

- A Plan for Growing Sydney December 2014 (Metro Strategy); and,
- Draft South West District Plan (District Plan); and,
- Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.

At the local level consideration should be given to the:

- Liverpool Local Environmental Plan 2008;
- Liverpool Residential Development Strategy (RDS); and,
- Liverpool Development Control Plan.

The relevance of these plans are discussed below.

5.1 A PLAN FOR GROWING SYDNEY 2014

A Plan for Growing Sydney was released as an action plan which is intended to guide land use planning to 2034. It is a plan for growth and most specifically, accommodating expected population growth by facilitating the delivery of appropriate, accessible and affordable housing, creation of jobs along with the preservation of the environment.

Growth is to be supported by improved social services. The plan says that

Growth will be supported by infrastructure including transport, utilities and social infrastructure such as schools, **child care centres**, health facilities, open space and recreation.

Furthermore, under action 1.11.3, Undertake long-term planning for social infrastructure to support growing communities, the plan says:

Providing social infrastructure where and when it is needed is important to the daily lives of residents in areas experiencing growth. It also helps people to feel connected with their local community. Social infrastructure can include police stations, libraries, **child care centres**, community centres, open space and recreational facilities.

In this regard, it is argued that this proposal will assist in meeting the identified need to improve access to child care centres.

5.2 DISTRICT PLANNING

A Plan for Growing Sydney divides the metropolitan area into six districts. Draft District Plans have been released and the Liverpool Local Government Area is located within the South West District.

Chapter 4 A Liveable City says that:

There is a need to do more than just provide new houses but also provideupfront to support new residents with the right mix of schools, health services, community facilities,to maintain and improve residents' quality of life by providing more housing and employment opportunities and the infrastructure that makes these opportunities accessible.

social infrastructure provision by promoting an integrated approach to social infrastructure that includes health care, education, fresh food access, public open spaces and other community/cultural facilities

It is argued that this proposal will make social infrastructure in the form of child care services more accessible to a growing population.

5.3 DRAFT STATE ENVIRONMENTAL PLANNING POLICY (EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES) 2017

This proposal is also consistent with the approach to increasing the availability of child care services that the State Government has embarked upon. That is, the Draft Education and Childcare SEPP reform package recognizes that access to quality child care is vital for the development of our children and for our economy. The Government says that the number of children under five will climb 18 percent to over 600,000, and the total population under 15 years of age will grow by 23 per cent to more than 1.8 million. This growth is placing increasing pressure on our social infrastructure, including child care facilities and all levels of our education system. The Government's SEPP reform package further advises that:

This proposal seeks the amendment of the LLEP 2008 to include an additional permitted use of child care centre to the subject site.

5.4 LIVERPOOL LOCAL ENVIRONMENTAL PLAN 2008

The aims of the LLEP includes:

(a) to encourage a range of housing, employment, recreation and **services** to meet the needs of existing and future residents of Liverpool,

It is argued that this proposal will work towards the provision of services to meet the needs of existing and future residents of Liverpool. That is, child care services are in need in the locality and this proposal would enable the need to be met.

The subject site is within a B6 Enterprise Corridor zone. While child care centre is not a permitted land use, it is noted that:

Home-base child care is permitted without consent hence suggesting that child care services are not inappropriate to B6 zones. Furthermore, the B6 zone objectives are:

- To promote businesses along main roads and to encourage a mix of compatible uses.
- To provide a range of employment uses (including business, office, retail and light industrial uses).
- To maintain the economic strength of centres by limiting the retailing activity.
- To provide primarily for businesses along key corridors entering Liverpool city centre, major local centres or retail centres.
- To ensure residential development is limited to land where it does not undermine the viability or operation of businesses.
- To provide for residential uses, but only as part of a mixed use development.

This proposal would in no way undermine the zone objectives. In fact, the permitting of child care centre on the subject site would support a compatible mix of land uses, provide employment, is not a retail land use, would not undermine the operation of business and supports already approved residential development on the site.

5.5 LIVERPOOL RESIDENTIAL DEVELOPMENT STRATEGY

The Liverpool Residential Development Strategy (RDS) seeks to meet the needs of a growing population by encouraging the provision of more housing and more variety in housing. While the RDS does not specifically address child care centres, it does recognise the need to support housing growth with services to support a growing population. Hence, it is argued that this proposal does recognise the need to provide services for a growing residential population.

5.6 LIVERPOOL DEVELOPMENT CONTROL PLAN

The Liverpool DCP includes further guidance for the development of child care centres in business zones, hence being applicable to the B6 Enterprise Corridor Zone. However, the DCP seeks to limit the number of children per centre as a means of maintaining the amenity, streetscape and character of the area and to limit traffic and parking impact to the level found within the area. It is argued that the DCP does not properly consider the size and location of the subject site. Hence, in this regard, a site specific DCP may be an appropriate means of refining development guidance for the unique attributes of the site.

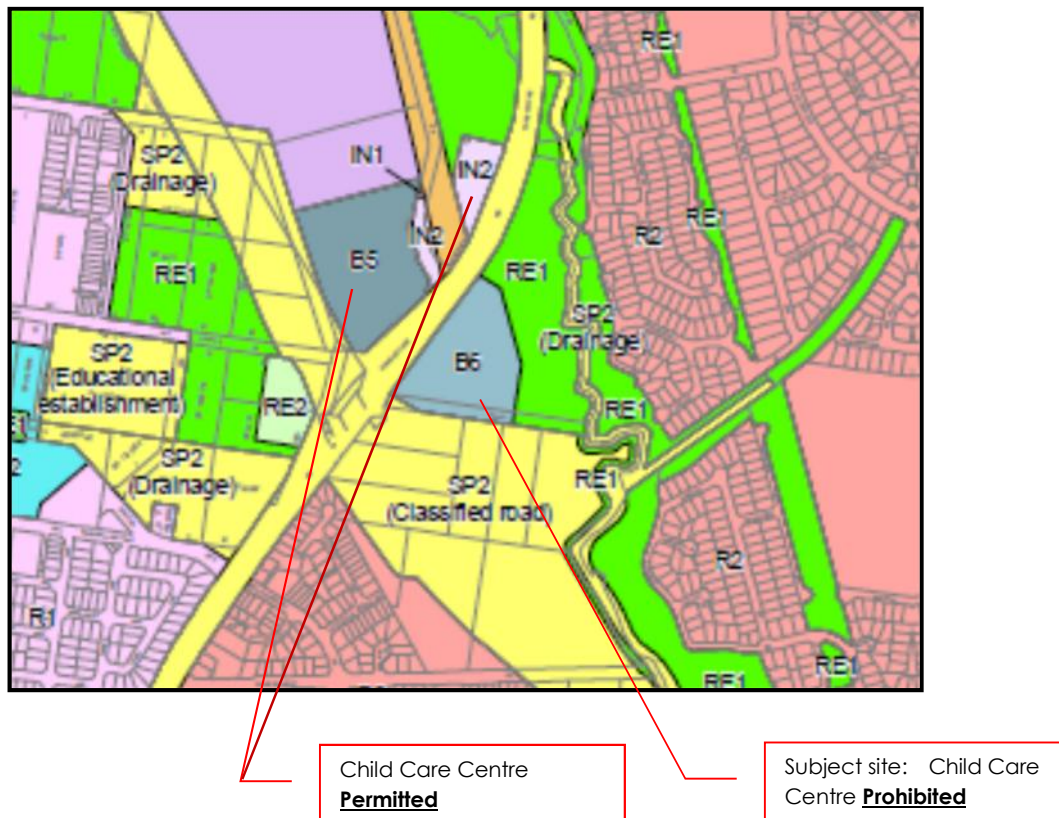
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6 Current Planning Controls

The current environmental planning instrument and development standards are outlined below

6.1 LIVERPOOL LOCAL ENVIRONMENTAL PLAN, 2008

The subject site is zoned B6 - Enterprise Corridor pursuant to the Liverpool Local Environmental Plan 2008.



This proposal seeks no change in zone or zone objectives or permissibility (generally). This proposal only seeks the introduction of an additional permitted land use for the subject site.

In addition to the above zone objectives, Part 7 of the Liverpool Local Environmental Plan imposes additional local provisions on development within B6 - enterprise corridor zone. This proposal seeks no change to the additional local provisions.

Furthermore, it should be noted that child care centres are permissible on adjoining sites with similar environmental and locational attributes.

Land use permissibility within the B6 zone is

Permitted without consent

Home-based child care; Home occupations

Permitted with consent

Building identification signs; Business identification signs; Business premises; Car parks; Commercial premises; Community facilities; Depots; Educational establishments; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Garden centres; Hardware and building supplies; Helipads; Home businesses; Hotel or motel accommodation; Information and education facilities; Landscaping material supplies; Light industries; Liquid fuel depots; Multi dwelling housing; Passenger transport facilities; Places of public worship; Plant nurseries; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Roads; Service stations; Serviced apartments; Shop top housing; Storage premises; Transport depots; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres

Prohibited

Any development not specified in item 2 or 3

As child care centre in neither permitted without consent or with consent in the B6 zone, this proposal seeks the inclusion of child care as an additional permitted land use over the subject site. No further amendments to the LEP are requested.

7 Proposed LEP Amendment

This section of this report has been prepared in accordance with the Department of Planning's guide to preparing planning proposals and provides justification and intended outcomes of making an amendment to the Liverpool Local Environmental Plan 2008.

7.1 OBJECTIVES AND INTENDED OUTCOMES

The objective of this planning proposal is to permit child care centre upon the subject site. No further changes to plan aims, zone objectives, zone permissibility, development standards or additional local provisions are required.

7.2 EXPLANATION OF PROVISIONS

This planning proposal seeks the amendment of the Liverpool Local Environmental Plan so that increased access to child care services are available. It is suggested that the most efficient means of achieving this outcome is to amend the Local Environmental Plan by adding an additional permitted land use of *childcare centre* for the subject site. No other amendments are requested.

7.3 LAND TO WHICH THE PLAN WILL APPLY

The amendment would only apply to the subject site.

7.4 RELATIONSHIP TO EXISTING LOCAL ENVIRONMENTAL PLAN

This proposal would result in child care centre being an additional permitted use over the subject site. Building heights and floor space ratio standards that apply to the subject site would not require amended. The usual savings provisions should apply.

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8 Justification

This section of this report provides the justification for the making of a Local Environmental Plan to amend FLEP 2013. This section of this report has been prepared with reference to the Department of Planning's guidelines for the preparation of planning proposals (2014).

8.1 SECTION A - NEED FOR THE PLANNING PROPOSAL

8.1.1 *Is the planning proposal the result of any strategic study or report?*

This Planning Proposal is not the result of a strategic study or report. However, this Proposal is consistent with the draft State Government Planning Policy and does not undermine any local government plan or policy.

The amendment of the LEP as proposed would provide the land owner with the potential to include much needed child care services upon the subject site.

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

A planning proposal is the only means of achieving the objectives or intended outcomes outlined in this proposal.

8.2 SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

8.2.1 *Is the planning proposal consistent with the Objectives and Actions of the Applicable Regional and Sub-Regional Strategy (Including The Sydney Metropolitan Strategy and Exhibited Draft Strategies)?*

The applicable regional and sub-regional strategies are in section 5 of this report.

8.2.2 *Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other strategic plan?*

The applicable local plans and strategies are in section 5 of this report

8.3 IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE STATE ENVIRONMENTAL PLANNING POLICIES?

This proposal is consistent with the relevant State Environmental Planning Policies as detailed below.

8.3.1 State Environmental Planning Policy No. 55 - Remediation of Land

Clause 7(1)(a) of State Environmental Planning Policy 55 – Remediation of Land (SEPP 55) states that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated. The Department of Planning publication “Managing Land Contamination – Planning Guidelines SEPP 55 – Remediation of Land” provides advice on the process of determination as to whether a site is contaminated. In this regard, Section 2.2 of the Guidelines states:

When carrying out planning functions under the EP & A Act, a planning authority must consider the possibility that a previous land use has caused contamination of the site as well as the potential risk to health or the environment from that contamination.

When an authority carries out a planning function, the history of the land use needs to be considered as an indicator of potential contamination. Where there is no reason to suspect contamination after acting substantially in accordance with these Guidelines, the proposal may be processed in the usual way.

The Guidelines continue at Section 3.2.1 by stating that:

The potential for contamination is often linked to past uses of land and a good early indicator of possible uses is land zoning. Contamination is more likely to have occurred if the land is currently, or was previously, zoned for industrial, agricultural or defence purposes.

The history of land use and potential for site contamination has been addressed through previous rezoning and development applications. It is confirmed that it is unlikely that land uses have occurred to render the site unsuitable for future land uses.

8.3.2 State Environmental Planning Policy (INFRASTRUCTURE) 2007

Traffic generating developments, to be referred to Roads and Maritime Services (RMS), are detailed in SEPP (Infrastructure) 2007. This requirement seeks to ensure that the RMS is made aware of, and is given an opportunity to comment on certain developments listed in Schedules 3 of the SEPP.

Numerous traffic assessments and reports for the total potential development of the subject site have been prepared and referred to RMS. This proposal does not alter or jeopardise approved access arrangements.

8.3.3 State Environmental Planning Policy NO 19- BUSHLAND IN URBAN AREAS

The requirements of State Environmental Planning Policy No 19- Bushland in Urban Areas were considered as part of the previous rezoning application for this site. It was confirmed that the site contained significant bushland along the creek corridor. However, the developable portion of the site will not impact on significant vegetation as there is suitable separation provided.

8.3.4 Greater Metropolitan Regional Environmental Plan 2 – Georges River Catchment

This Proposal will have no significant impact upon the water quality within the Georges River Catchment. Future Development proposals will need to incorporate measures to protect water quality including sediment control measures and surface water quality control measures as appropriate for the circumstance.

8.4 IS THE PLANNING PROPOSAL CONSISTENT WITH THE APPLICABLE MINISTERIAL DIRECTIONS (S.117)?

Section 117 Ministerial Directions (pursuant to s.117(2) of the Environmental Planning and Assessment Act, 1979) must to be considered when preparing an amendment to a local environmental plan. The relevant Section 117 considerations are considered below.

Direction 1.1 Business and Industrial Zones

Objectives (1) The objectives of this direction are to:

- (a) encourage employment growth in suitable localities;
- (b) protect employment land in business and industrial zones, and
- (c) support the viability of identified centres.

The inclusion of child care centre as an additional permitted use does not undermine the objectives of this direction. That is, there is no reduction on floor space for employment or business uses.

Direction 3.4 Integrating Land Use and Transport

The objectives of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- (a) improving access to housing, jobs and services by walking, cycling and public transport, and
- (b) increasing the choice of available transport and reducing dependence on cars, and
- (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and
- (d) supporting the efficient and viable operation of public transport services, and
- (e) providing for the efficient movement of freight.

This proposal will facilitate the achievement of the objectives of this direction by:

- improving access to child care jobs and services in a location where it may be accessed by walking, cycling and public transport;
- reducing travel demand including the number of trips generated by development and the distances travelled, especially by car; and,
- supporting the efficient and viable operation of public transport services.

Direction 6.1 Approval and Referral Requirements

This is an administrative provision relevant to the Council.

Direction 6.2 Reserving Land for Public Purposes

This is an administrative provision relevant to the Council.

Direction 6.3 Site Specific Provisions

The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. This proposal will be consistent with this direction. That is, this proposal seeks to amend the LLEP 2008 in the most efficient and appropriate manner and it is suggested that the most efficient means would be to add child care centre as an additional permitted land use to the subject site.

Direction 7.1 Implementation of the Metropolitan Plan for Sydney

The objective of this direction is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney. This proposal is considered to be consistent with the Metropolitan Plan as detailed in the preceding sections of this report.

8.5 SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

The environmental, social and economic impacts of the proposal have been considered as follows.

8.5.1 *Is there a likelihood that critical habitat or threatened species populations or ecological communities or their habitats will be adversely affected as a result of the proposal?*

No, the subject land does not contain threatened or endangered ecological communities.

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

This proposal should be considered minor in respect to the potential for environmental impact. The primary potential impacts are those arising from the actual development of the land and these impacts can be readily managed by the employment of environmental protection systems during construction. This would include the inclusion of stormwater protection systems and site management procedures.

8.5.3 *Has the planning proposal adequately addressed any social and economic effects?*

The social and economic impacts of this proposal could be positive to the locality. This proposal will provide child care services to a rapidly growing population. The Proposal is considered to be consistent with the Metropolitan Strategy, Draft District Plan and Draft SEPP (EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES) 2017.

8.6 SECTION D – STATE AND COMMONWEALTH INTERESTS

State and Commonwealth interests have been considered as detailed below

8.6.1 *Is there adequate Public Infrastructure for the Planning Proposal?*

It is argued that there is already sufficient infrastructure available. The site is served by existing utility services.

8.6.2 *What are the views of State and Commonwealth Public Authorities consulted in accordance with the Gateway Determination?*

No consultation with State or Commonwealth authorities has been carried out to date on this Proposal. It is acknowledged that Liverpool City Council will consult with relevant public authorities following the Gateway determination.

8.7 PART 4 – MAPS

Amendments to LEP mapping is not require to achieve the objectives of this proposal,

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9 Consultation

9.1 PUBLIC CONSULTATION

No formal public community consultation has been undertaken to date in regard to this Proposal. The Planning Proposal will be publicly exhibited in accordance with the requirements of the Gateway Determination. It is anticipated that the proposal would be notified by way of:

- A public notice in the local newspaper(s).
- A notice on the Liverpool Council website.
- Written correspondence to adjoining and surrounding landowners.

The Planning Proposal is likely to be publicly exhibited at Council's offices and any other locations considered appropriate to provide interested parties with the opportunity to view the submitted documentation.

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10 Conclusion

This report is provided to initiate the preparation of a Planning Proposal to amend the Liverpool Local Environmental Plan 2008 to allow the inclusion of child care centre as a permitted land use upon proposed Lot 5 within existing Lot 29, DP 1044841, 501 Cowpasture Road Len Waters Estate. The inclusion of an additional permitted use on the subject site is considered to be attractive and appropriate in this location as the development scheme envisaged for the site would support the growing need for child care services for the locality. Furthermore, significant shop top housing development has recently been approved on the subject site. This means that there is a real likelihood that the demand for child care services will increase from development on the subject site alone.

This proposal is also consistent with the approach to increasing the availability of child care services that the State Government has embarked upon. That is, the Draft Education and Childcare SEPP reform package recognizes that access to quality child care is vital for the development of our children and for our economy.

It is argued that this proposal has planning merit and is deserving the endorsement of the Liverpool City Council to be referred to the Department of Planning and Environment for Gateway determination.