

Planning Services

Gateway Determination Report

LGA	Georges River
RPA	Georges River Council
NAME	Planning Proposal to amend Hurstville LEP 2012 to reclassify part of Taylor Reserve, Lime Kiln Road and Woodlands Avenue, Lugarno from Community to Operational Land (0 homes, 0 jobs)
NUMBER	PP_2017_GRIVE_004_00
LEP TO BE AMENDED	Hurstville LEP 2012
ADDRESS	Taylor Reserve, Lime Kiln Road and Woodlands Avenue, Lugarno
DESCRIPTION	Lot 2 and DP 1200178
RECEIVED	17/08/2017
FILE NO.	17/12426
QA NUMBER	qA418159
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

INTRODUCTION

Description of Planning Proposal

The Planning Proposal seeks to reclassify Taylor Reserve, Lime Kiln Road and Woodlands Avenue, Lugarno (Lot 2 DP 1200178) from Community to Operational land. The proposal seeks to formalise the use of the site through the creation of easements to resolve access and encroachments for the properties adjoining Taylor Reserve.

The Planning Proposal does not seek to amend the zoning or introduce building controls to the site.

Site Description

The site is located to the north of Woodlands Avenue and between residential properties with frontages to Lime Kiln Road and Woodlands Road. The site is an irregular shape. The area of Lot 2 is 2,899m².

The site contains a path that links Woodlands Avenue to Lime Kiln Road and is used by pedestrians and vehicles to access Taylor Reserve as well as the properties which share a boundary with the site.

Surrounding Area

To the north of the site there are a cluster of neighbourhood shops fronting Lime Kiln Road with 90-degree angle parking in the road reserve fronting the shops. The properties located

to the east, south and west of the site are zoned R2 Low Density Residential and comprise single, double storey and multi-dwelling developments.



Summary of Recommendation

It is recommended that the Planning Proposal proceed as submitted, as the proposed reclassification will:

- not result in the loss of any land that is actively or has the potential to be used for public recreation space; and
- formalise the use of the site through the creation of easements to resolve access and encroachments for the properties adjoining Taylor Reserve.

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

PROPOSAL

Objectives or Intended Outcomes

Objectives of the Planning Proposal

The objective of the Planning Proposal is to change the classification of the site under the *Local Government Act 1993* from 'community land' to 'operational land'. The community land classification restricts Council is to formalise the use of the site and create appropriate easements to resolve accessibility and encroachments. The 'operational land' classification enables Council to have greater flexibility to manage the site and formalise the historical informal access and encroachments.

Intended Outcomes of the Planning Proposal

The intended outcome of the reclassification is to enable Council to formalise access to the adjoining residential properties that currently and historically have informal access to Taylor Avenue via creating an easement in favour of the properties that require the formalised access. Council will also be able to resolve minor encroachments via an easement.

Explanation of Provisions

The proposal seeks to insert Lot 2 DP 1200178 into Part 2 of Schedule 4 of Hurstville Local Environmental Plan (Hurstville LEP) 2012. This will enable the reclassification of the land from community to operational land and formalise the use of the site through the creation of easements to resolve access and encroachments for the properties adjoining Taylor Reserve.

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

Mapping

The proposal does not involve any mapping amendments.

NEED FOR THE PLANNING PROPOSAL

The Planning Proposal is the result of Council's resolution on 18 September 2013 which resolves to reclassify the land as operational and to create a carriageway for access across Taylor Reserve to provide formal legal access to the properties.

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

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

STRATEGIC ASSESSMENT

State

A Plan for Growing Sydney

A Plan for Growing Sydney sets out the plan for the city's future. The Plan identifies Georges River within the South subregion whereby the priorities include accelerating housing supply,

choice and affordability and building great places to live. The following goals and directions under A Plan for Growing Sydney are considered relevant:

Goal 3: A great place to live with communities that are strong, healthy and well connected recognises the importance of improving access to parks and open spaces to increase connectivity. The proposal states that it is consistent with the goal as there will be no changes to zoning of the land for public recreation. In addition, the establishment of a legal access for adjoining properties will not prevent continued public access to Taylor Reserve.

Goal 4: A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources focuses on sustainably managing the productive and economic use of its natural assets and minimising the impacts of development on water, air and biodiversity. The proposal states that there will be no change to the zoning of the land for public recreation and the reclassification will not prevent continued public access to Taylor Reserve.

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

Regional / District

South District Plan (draft)

The relevant priority under the draft South District Plan are:

Priority 5.6: delivering Sydney's Green Grid contributes to the improvement of the city's sustainability and provision of open space that will meet the needs of residents. The proposal indicates that it will not change the current use of the site as part of a public reserve and will continue to contribute to Sydney's green grid and support a sustainable city.

It is considered that the proposal is consistent with *Priority 5.6* in delivering Sydney's Green Grid of the draft South District Plan.

Local

Hurstville Community Strategic Plan 2025

The Hurstville Community Strategic Plan 2025 has been effective from 1 July 2015 and notes that there is approximately 280 hectares of public open space which equates to 3.3 hectare per 1,000 residents. The Planning Proposal states that it will not change the capacity of Council to continue to implement the adopted strategies and works for public open space for ongoing maintenance.

It is considered that the proposal is consistent with the Local Strategy.

Section 117(2) Ministerial Directions

6.2 Reserving Land for Public Purposes

This Direction applies when a Planning Proposal is within land that is reserved for public purposes.

The proposal is consistent with this Direction as it does not seek to change the zoning of Taylor Reserve. The reclassification will enable Council to create a Right of Carriageway within Taylor Reserve to formalise the access for the properties adjoining Taylor Reserve.

The change will not affect the way in which the public can access and use Taylor Reserve.

The Planning Proposal is considered **consistent** with this Direction.

6.3 Site Specific Provisions

This Direction applies when a Planning Proposal will allow a particular development on the site.

The Planning Proposal seeks a site-specific amendment to the Hurstville LEP 2012. The amendment does not facilitate a specific type of development proposal that is not usually permitted in the RE1 Public Recreation zone.

The creation of the Right of Carriageway will enable formalised access for the residential properties and not reduce the public reserve.

The Planning Proposal is considered consistent with this Direction.

4.4 Planning for Bushfire Protection

This Direction applies when a Planning Proposal is affected, or is in proximity to land mapped as bushfire prone land.

The proposal is inconsistent with this Direction as the site is partly affected by the Vegetation Category 1 Buffer on Council's Bushfire Prone Land Maps.

As part of the Gateway Determination, formal consultation with NSW Rural Fire Service to ensure the proposal complies with the specific requirements of this Direction. Until this occurs the consistency of this proposal with the Direction will remain unresolved.

State Environmental Planning Policies

Council has carried out an assessment of the SEPPs and considers that the proposed reclassification is consistent with the identified SEPPs.

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

SITE SPECIFIC ASSESSMENT

Social

The reclassification will not result in the loss of public recreation space or impact on existing social infrastructure such as schools and hospitals.

Environmental

The site does not contain critical habitat, threatened species or any population of endangered communities.

The proposal is partly affected by the Vegetation Category 1 Buffer on Council's Bushfire Prone Land Maps. It is considered that the NSW Rural Fire Service should be consulted as part of the proposal.

Economic

The proposal will not result in employment and housing growth as it is a reclassification of Taylor Reserve, Lime Kiln Road and Woodlands Avenue, Lugarno (Lot 2 DP 1200178) from Community to Operational land.

CONSULTATION

Community

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

Agencies

The NSW Rural Fire Services should be consulted during public exhibition as the proposal is partly affected by the Vegetation Category 1 Buffer on Council's Bushfire Prone Land Maps

TIMEFRAME

Council have proposed a timeframe for completion of the LEP of 9 months. The timeframe is considered to be appropriate.

DELEGATION

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

CONCLUSION

The Planning Proposal is supported to proceed, as the proposed reclassification will:

- not result in the loss of any land that is actively or has the potential to be used for public recreation space; and
- formalise the use of the site through the creation of easements to resolve access and encroachments for the properties adjoining Taylor Reserve.

RECOMMENDATION

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

1. Prior to community consultation, the Planning Proposal is to be updated to demonstrate consistency with Section 117 Direction 4.4 Planning for Bushfire Protection.
2. The Planning Proposal should be made available for community consultation for a minimum of 28 days.
3. Consultation is required with the NSW Rural Fire Services.
4. Should the public authority specify any additional matters to be addressed, the Planning Proposal is to be updated to respond to the submission, a copy of which is to be included with the updated Planning Proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
6. The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.



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