

## Planning Services

### Gateway Determination Report

<b>LGA</b>	Georges River
<b>RPA</b>	Georges River Council
<b>NAME</b>	Proposal to rezone, introduce building height, floor space ratio and minimum lot size controls and amend Schedule 1 additional permitted uses for land at 12-14 Pindari Road, Peakhurst Heights (0 homes, 0 jobs)
<b>NUMBER</b>	PP_2018_GRIVE_002_00
<b>LEP TO BE AMENDED</b>	Hurstville Local Environmental Plan 2012
<b>ADDRESS</b>	12-14 Pindari Road, Peakhurst Heights
<b>DESCRIPTION</b>	Lot 58 DP 206906 and Lot 59 DP 206906
<b>RECEIVED</b>	22 February 2018
<b>FILE NO.</b>	IRF18/921
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## INTRODUCTION

### Description of planning proposal

The planning proposal seeks to amend Hurstville Local Environmental Plan 2012 (LEP 2012) in relation to 12-14 Pindari Road, Peakhurst Heights to legitimise the existing uses on site as well as allow for a broader range of uses. Specifically, the planning proposal seeks to:

- rezone the site from SP2 Infrastructure (Church) to R2 Low Density Residential;
- introduce a maximum building height of 9m;
- introduce a maximum floor space ratio (FSR) of 1:1; and
- amend Schedule 1 Additional Permitted Uses to allow for 'office premises' and 'restaurant or café' uses on the site.

The cover letter attached to the proposal also notes that there is an intention to introduce a minimum lot size requirement of 450m<sup>2</sup> for the site. It is noted that this was not included in the relevant 18 December 2017 Council resolution due to an oversight.

### Site description

The subject site is known as 12-14 Pindari Road, Peakhurst Heights and comprises two lots that have a combined site area of 1,170m<sup>2</sup>. The site is owned by Learning Links and operates primarily as a community facility that services children with learning difficulties and disabilities. The site also consists of a community based child care centre (pre-school) that is also owned and run by Learning Links.

The site fronts Pindari Road to the east and Council owned Pindari Road Reserve to the south.

The site currently contains a former church building which is elevated and fronts Pindari Road. The former church building is used as the Learning Links facility and includes a basement area that is partitioned and used for administrative offices, tuition rooms and storage. There is also a single storey building located on the western portion of the site that is accessed via Pindari Road Reserve. This building is connected to the main building and is used as an associated child care centre.

The site also includes an outdoor play and recreation area that is partly covered and adjoins the neighbouring residential dwelling to the north. See **Figures 1 and 2** below for further context.



**Figure 1:** Site Map. Source: Nearmap - Picture taken 21 January 2018



**Figure 2:** Site Map. Source: Nearmap - Picture taken 21 January 2018



## Surrounding area

The land to the north of the site accommodates low density residential dwelling houses. No. 10 Pindari Road immediately adjoins the site to the north and accommodates a single storey brick dwelling house.

The land to the west of the site also accommodates low-density dwelling houses that front Karwarra Place, which is a cul-de-sac. All of the surrounding residential land is zoned R2 Low Density Residential.

Immediately east of the site, on the opposite side of Pindari Road, is Peakhurst South Public School. The school caters to kindergarten to year six and is zoned SP2 Infrastructure (Educational Establishment).

Immediately to the south of the site is a small parcel of open space known as Pindari Road Reserve. This land is zoned RE1 Public Recreation and is owned and managed by Council. Directly south of the road reserve is the Peakhurst Heights Neighbourhood centre, which is zoned B1 Neighbourhood Centre.

The Peakhurst Heights Neighbourhood centre currently contains an older group of shops and a new two storey mixed use development, which includes shop top housing. The business offerings in the centre include hairdressing, podiatry, pharmacy, a yoga studio and a café.

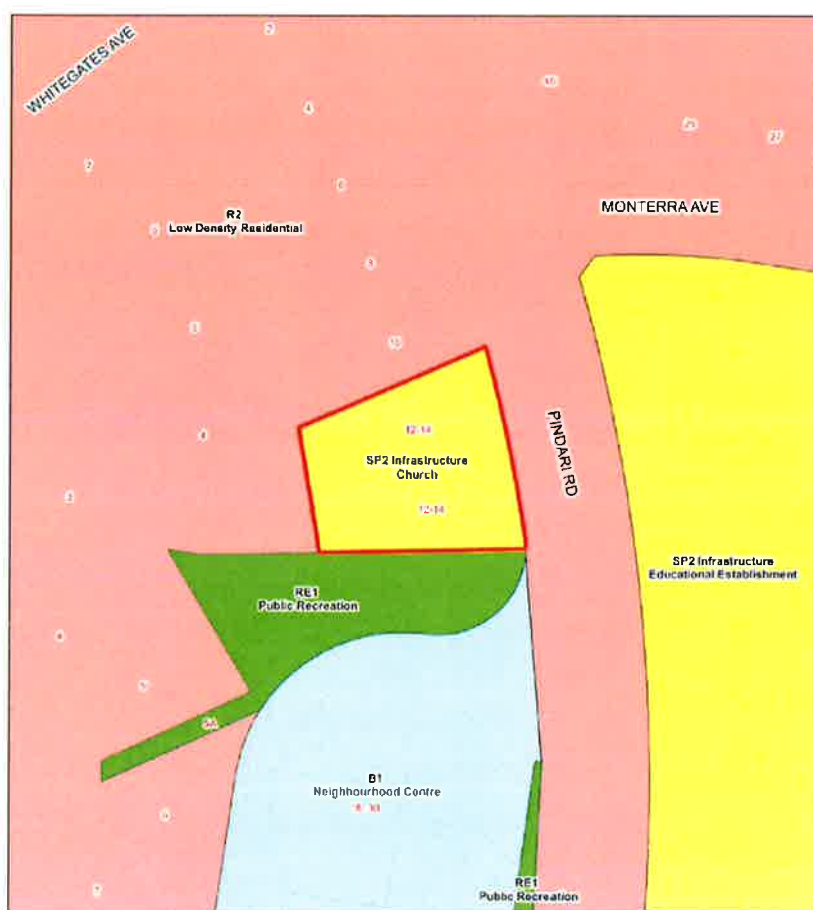
See **Figures 3, 4 and 5** below for further context.



**Figure 3:** Site Context. Source: Nearmap - Picture taken 21 January 2018



**Figure 4:** Site Context. Source: Googlemaps.



**Figure 5:** Site Context – Existing Zoning Map - Hurstville LEP 2012



## Summary of recommendation

It is recommended the planning proposal proceed subject to the following conditions:

- Prior to community consultation the planning proposal is to be updated to:
  - include the proposed minimum lot size control of 450m<sup>2</sup> within the explanation of provisions;
  - include maps indicating the current and proposed minimum lot size control;
  - include a concept or block diagram to demonstrate the proposed built form controls; and
  - discuss in more detail why Council considers the proposed amendment to the zoning, built form controls and Schedule 1 of the LEP is suitable and the best means of achieving the proposal's intended outcomes.
- Prior to community consultation, the revised planning proposal is to be provided to the Department for review and approval for public exhibition.
- Community consultation is required for a minimum of 28 days.
- Consultation is required with the Department of Education.
- A public hearing is not required to be held into the matter.
- The timeframe for completing the LEP is to be 9 months.

## PROPOSAL

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### Objectives or intended outcomes

The stated intended outcomes of the planning proposal are to:

- ensure the existing and approved use of the land is a permissible form of development in the zone;
- ensure principal building envelope controls (height and FSR) are legislated to allow for any future redevelopment of the site; and
- provide certainty in the community in relation to any future redevelopment of the site.

### Explanation of provisions

The planning proposal intends to amend the Hurstville LEP 2012 in relation to 12-14 Pindari Road, Peakhurst Heights as follows:

- amend the land use zoning from SP2 Infrastructure (Church) to R2 Low Density Residential;
- introduce a maximum height of building control of 9m;
- introduce a maximum FSR control of 1:1; and
- amend Schedule 1 – Additional Permitted Uses to include 'office premises' and 'restaurant or café'.

The explanation of provisions adequately addresses the intended method of achieving the objectives of the planning proposal, however it is noted that the intention to introduce a minimum lot size requirement of 450m<sup>2</sup> for the subject site has not been included. The planning proposal will need to be updated prior to exhibition to include the proposed minimum lot size control within the explanation of provisions.

While the explanation of provisions is clear, the planning proposal lacks an adequate explanation as to why the proposed provisions are the best means of achieving the intended outcomes of the proposal. This is discussed further in the 'Need for the Planning Proposal' section of this report.

### **Mapping**

The planning proposal contains maps which adequately show the current and proposed zoning, building height and FSR controls. These maps are considered adequate for public exhibition purposes.

The proposal does not include maps indicating the current and proposed minimum lot size controls. The planning proposal will need to be updated to include these maps prior to exhibition.

### **NEED FOR THE PLANNING PROPOSAL**

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The planning proposal is not a result of any strategic study or report and has been prepared in response to a request by Learning Links who currently own and occupy the site. The planning proposal states that the current SP2 Infrastructure (Church) zoning restricts redevelopment of the site for alternative uses by prohibiting all development types except for 'roads' and 'for the purposes shown on the Land Zoning Map', in this case being 'Church'.

The Learning Links component of the site, which provides services for children with learning difficulties, is defined as a 'community facility' and was permissible under the former Hurstville LEP 1994. The former Municipality of Hurstville approved a building application for the child care centre component in 1968 as a 'pre-school kindergarten'. A development application (DA) was also approved by the former Hurstville City Council in 1990 for 'office space and after school accommodation'. The planning proposal notes that the intention is to maintain the primary use of the site as a community facility and associated child care centre.

It is noted that Learning Links could rely on existing use rights if seeking to further extend or renovate the existing premises. However, a complete demolition and rebuild, even to accommodate the same uses, cannot be approved under existing use rights. The planning proposal will allow the permissible land uses to be formally identified under the Hurstville LEP 2012 and no longer open to interpretations under existing use rights.

Therefore, the site's SP2 Infrastructure (Church) zoning is considered to be overly restrictive as it does not relate to the current and approved uses on the land, and limits opportunity for expanding uses and/or redeveloping the site. Further, the site has not been used as a place of public worship for over 24 years and therefore the current zoning is outdated.

### **Suitability of proposed zoning and development standards**

The planning proposal states that an assessment was undertaken to determine the most appropriate future zoning of the site specifically considering consistency with the surrounding zoning. The planning proposal provides limited detail regarding the method of this assessment.

It is noted that the initial planning proposal request, submitted to Council in June 2017, sought to amend the land zoning to B1 Neighbourhood Centre and apply height and FSR controls consistent with the B1 zone. Council staff supported the proposed rezoning of the site to B1 Neighbourhood Centre.

However, the proposal was subsequently amended following the Georges River Independent Hearing and Assessment Panel (IHAP) meeting of 26 October 2017. At this meeting the IHAP deferred the proposal and requested the proponent reassess the suitability of the B1 zoning, the IHAP also recommended the proposal be amended to rezone the site to R2 Low Density Residential, introduce a maximum building height of 9m and a maximum FSR of 1:1, and amend Schedule 1 to include 'office premises' and 'restaurant or café' as additional permitted uses.

The IHAP stated that they did not consider the proposed change of the zoning to B1 Neighbourhood Centre to be an appropriate planning outcome in relation to the existing and likely future zoning and built form outcome. No further elaboration was provided, however, Council staff have advised that the recommendation to change the proposed zoning from B1 Neighbourhood Centre to R2 Low Density Residential was principally to prevent shop top housing becoming a permissible use on the subject site.

#### Proposed zoning

The stated intention of the planning proposal is to formalise the existing uses on the site and to allow future expansion of the community facility to permit offices ancillary to the existing uses including health consulting rooms. The proposal also wishes to allow for restaurant and/or cafe uses on the site.

With respect to the proposed R2 Low Density Residential zone, the objectives of the zone are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage development of sites for a range of housing types, where such development does not compromise the amenity of the surrounding area, or the natural or cultural heritage of the area.*
- *To ensure that a high level of residential amenity is achieved and maintained.*
- *To encourage greater visual amenity through maintaining and enhancing landscaping as a major element in the residential environment.*
- *To provide for a range of home business activities where such activities are not likely to adversely affect the surrounding residential amenity.*

It is noted that 'community facilities', 'health consulting rooms' and 'centre-based child care facilities' are permissible in the R2 Low Density Residential zone. However, 'office premises' and 'restaurant or café' uses are prohibited and an amendment to Schedule 1 is therefore required.

With respect to the B1 Neighbourhood Centre zone, the objective of the zone is:

- *To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.*

As noted the planning proposal seeks to facilitate a number of uses on the site, all of which are permissible within the B1 Neighbourhood Centre zone.

In considering the most appropriate zoning for the site there is a need to consider the relationship to the adjoining sites as well as the objectives of the proposed zone.

Rezoning the site to B1 Neighbourhood Centre would generally achieve the proposal's intended outcomes and avoid the need for a Schedule 1 amendment. However, this pathway would also allow for potential uses on the site that are not necessarily desirable and/or considered to be compatible with the adjoining low density residential land uses. Specifically, a key difference between the R2 and B1 zones is the permissibility of 'shop top housing' (permissible in the B1 zone). If the site's current owner was to sell and the site's existing use primarily as a community facility was to cease, shop top housing may prove to be an attractive land use alternative under the B1 zone.

While the position of IHAP and Council is understood adequate justification or explanation for the decision to rezone the site to R2 rather than B1 has not been provided within the planning proposal. It is therefore recommended the planning proposal be updated prior to exhibition to provide adequate justification for the R2 zoning and associated Schedule 1 amendment.

#### Proposed Schedule 1 Amendment

The proposed Schedule 1 amendment seeks to allow for 'office premises' as a permissible use on the site. The use of the site for 'office premises' is consistent with the site's existing approval and use for 'office space'. Further, it is considered to be an appropriate land use in the context of the surrounding area and site's associated location to the existing Peakhurst Heights Neighbourhood centre to the south.

The proposed Schedule 1 amendment also seeks to allow for 'restaurant or café' as a permissible use on the site. The use of the site for 'restaurant or café' is considered to be acceptable given the site's proximity to, and relationship with, the Peakhurst Heights Neighbourhood centre, which currently provides for similar uses.

The additional permitted uses of 'office premises' and 'restaurant or café' appear to be appropriate in the context of the site and surrounding area, and therefore not considered to warrant additional site-specific studies such as traffic, noise, land use conflict, etc. Allowing the proposal to proceed as proposed will provide opportunity for the community to review and comment on these additional uses and suitability with the local area.

It is also noted that a detailed review of the suitability of an office, restaurant and/or café at the site would be undertaken under any future development application process.



### Proposed built form controls

The existing former church building has a building height of approximately 7.57m (the building also contains an architectural church spire which reaches a maximum height of 9.8m) and the consolidated sites FSR has been calculated to be approximately 0.6:1.

A maximum FSR development standard of 1:1 has been proposed for the subject site, which is higher than the standard FSR control of 0.6:1 applicable to the adjoining R2 Low Density Residential zone and that estimated currently on the site.

The proposed maximum building height for the subject site is 9m, which is consistent with both the adjoining R2 Low Density Residential and nearby B1 Neighbourhood Centre zones. The proposed FSR and building height controls are consistent with IHAP's recommendation. However, adequate justification as to why the controls are appropriate for the site has not been provided within the planning proposal.

A concept or block diagram to demonstrate that the proposed built form controls will result in an appropriate development outcome in terms of transition of bulk and scale to the surrounding area should be provided prior to the exhibition of the planning proposal.

The proposed minimum lot size control of 450m<sup>2</sup> is consistent with the control applicable to the surrounding R2 Low Density Residential zone and considered to be appropriate in the context of the area.

Generally, it is considered the proposal has sufficient strategic merit to proceed, however further work is required prior to exhibition to demonstrate why the proposed amendments are the best means of achieving the proposal's intended outcomes.

## **STRATEGIC ASSESSMENT**

### **State**

#### A Plan for Growing Sydney

The planning proposal is generally consistent with the goals and guiding principles of A Plan for Growing Sydney. Specifically, the planning proposal is consistent with the following objectives:

#### **Goal 1 - A competitive economy with world-class services and transport**

- Direction 1.7: Grow strategic centres providing more jobs closer to home
- Direction 1.10: Plan for education and health services to meet Sydney's growing needs
- Direction 1.11 - Deliver Infrastructure

The planning proposal will contribute towards achieving this Goal by supporting the provision of a community facility that helps support children with learning difficulties and disabilities. The facility also seeks to provide for associated health and child care services. The site benefits from its proximity to Peakhurst South Public School and the Peakhurst Heights Neighbourhood centre. Generally, the proposal supports the delivery of social infrastructure which plays an important role in serving the needs of the local community.

Furthermore, by retaining the site's employment generating uses and allowing for additional employment generating uses the proposal will help to support the provision of jobs across Greater Metropolitan Sydney. While the site is not located within a strategic centre, by providing for employment close to homes the proposal has the potential to contribute to increased productivity through reduced travel times and congestion.

**Goal 3** - A great place to live with communities that are strong, healthy and well connected

- Direction 3.1: Revitalise existing suburbs
- Direction 3.3: Create healthy built environments

The planning proposal will contribute towards achieving this Goal by allowing for a variety of permissible uses on the site including 'community facilities', 'health consulting rooms', 'centre based child care facilities', 'office premises' and 'restaurant or café'. Providing for a range of uses will help promote a mixed-use hub which is convenient for local residents and visitors. By ensuring that local services, employment and housing are located in close proximity the proposal has the potential to revitalise the local community and contribute to an attractive and well-connected suburb.

#### Draft Greater Sydney Region Plan

The planning proposal is generally consistent with the aims and provisions of the draft Greater Sydney Region Plan. Specifically, the proposal achieves the following relevant Directions and Objectives:

#### **Direction 3 - A city for people**

Objective 6: Services and infrastructure meet communities' changing needs

Objective 7: Communities are healthy, resilient and socially connected

The proposal allows for the continuation of the existing uses on the site, primarily being for community and child care purposes. By providing for vital social services, as well as a wider range of uses, the proposal has the potential to provide a platform to build and strengthen social connections and networks in the local community.

#### **Direction 7 - Jobs and skills for the city**

Objective 22: Investment and business activity in centres

The proposal will allow for the continued provision of valuable social services including health, education and child care services, in close proximity to Peakhurst Heights Neighborhood centre and Peakhurst South Public School. The proposal also allows for commercial and employment generating land uses on the subject site. Together these offerings will help support the vitality of the existing Peakhurst Heights Neighborhood centre.

## **Regional / District**

### Revised Draft South District Plan

The planning proposal is generally consistent with the revised draft South District Plan which proposes a 20-year vision for the South District. Specifically, the planning proposal is consistent with the following relevant planning priorities:

- Planning Priority S3 - Providing services and social infrastructure to meet people's changing needs;
- Planning Priority S4 - Fostering healthy, creative, culturally rich and socially connected communities; and
- Planning Priority S6 - Creating and renewing great places and local centres, and respecting the District's heritage.

As noted above, the proposal provides for the continued use of the site for children's educational support services and child care. The proposal also provides opportunity for new ancillary uses to cluster around existing facilities and services in the area including Peakhurst South Public School and the Peakhurst Heights Community centre. The site's proximity to homes, services and employment will help to promote a well-connected and strong community.

## **Local**

### Draft Georges River Employment Lands Study (ELS)

The draft Georges River ELS provides Council with a strategic direction for employment lands across the Georges River local government area. The subject site was not included in draft ELS due to its SP2 Infrastructure (Church) zoning. However, the draft ELS considered the B1 Neighbourhood Centre zoned land to the south of the subject site (referred to in the ELS as Peakhurst Heights – Pindari Road Precinct).

The study identifies the Pindari Road Precinct as a centre that has opportunity to accommodate growth. The current development standards applying to the centre allow for a maximum FSR of 1.5:1 and building height of 9m.

The draft ELS provided the following recommendations in relation to the Peakhurst Heights Pindari Road Precinct:

- retain the existing B1 Neighbourhood Centre zone;
- increase the maximum building height control from 9m to 12m in order to enable the maximum FSR of 1.5:1 to be realised; and
- review the permissible land uses in the B1 Neighbourhood Centre zone with sight to allow for additional land uses.

It is understood that the Learning Links facility is one of the largest employers in the area. Submissions were made during the public exhibition of the draft ELS requesting consideration of the site's inclusion into the existing Peakhurst Heights – Pindari Road Precinct. This wasn't progressed nor are there any local strategic directions or plans to expand the existing B1 zoned Peakhurst Heights Neighbourhood centre.

It is therefore considered suitable that the proposal proceeds as proposed.



### Hurstville Development Control Plan (DCP)

The Hurstville DCP No.1 currently applies to the site and will need to be taken into consideration at the DA stage.

### Hurstville Community Strategic Plan 2025

The planning proposal is generally consistent with the Hurstville Community Strategic Plan 2025. Specifically, the proposal is consistent with the actions and objectives that relate to social and cultural development and economic prosperity.

#### **A2 - Building and maintaining community facilities and services**

The strategic plan seeks to promote and provide access to affordable, well maintained multi-purpose community facilities. The proposal will achieve this by allowing for the retention of a centre based child care facility and community facility within close proximity to the Peakhurst Heights Neighbourhood centre and Peakhurst South Public School. This is valuable in helping to meet the community's growing need for child care and associated services.

#### **C6 - Supporting and attracting local businesses and encouraging local employment**

The proposal will maintain and broaden existing local employment opportunities. It is noted that the site currently generates a significant amount of employment for the local area and wider community and the broader range of uses proposed such as 'restaurant or café' may allow for increased employment opportunities into the future.

### Georges River Council Policy on Planning Agreements

Council has not applied their VPA to the planning proposal in this instance.

## **Section 9.1 Ministerial Directions**

### Direction 3.1 - Residential Zones

The objectives of this Direction are to encourage a variety and choice of housing types, make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and minimise the impact of residential development on the environment and resource lands.

While the intent of the proposal is not to provide for residential uses on the site the proposal is considered to be consistent with the objectives of this Direction as the proposed R2 zoning will allow a range of residential development types as well as uses that support the local community.

### Direction 6.3 - Site Specific Provisions

The objective of this Direction is to discourage unnecessarily restrictive site-specific planning controls.

The planning proposal is consistent with this Direction as the site is proposed to be rezoned to an existing zone under Hurstville LEP 2012 and does not propose any restrictive site specific provisions.

### 7.1 Implementation of A Plan for Growing Sydney

The proposal is generally consistent with the objectives of A Plan For Growing Sydney, as assessed in the Strategic Assessment section of this report.

## **State Environmental Planning Policies**

### State Environmental Planning Policy (SEPP) No. 19 – Bushland in Urban Areas

This SEPP aims to protect and preserve bushland within urban areas. This SEPP applies to land adjoining land zoned or reserved for public open space. The subject site adjoins RE1 Public Recreation zoned land however it is not considered likely the proposal will have any effect on the public open space land. The proposal is therefore considered to be consistent with the SEPP but the SEPP will need to be considered further at the DA stage.

### SEPP (Educational Establishment and Child Care Facilities) 2017

This SEPP aims to facilitate the effective delivery of educational establishments and early education and care facilities across the State.

Any future DA seeking to redevelop or modify the site for the purpose of education or child care will need to carefully consider the requirements of the SEPP.

### Greater Metropolitan Regional Environmental Plan No. 2 - Georges River Catchment

This SEPP contains planning principles to help guide plans that apply to the land within the Georges River Catchment. The subject site is located within the Georges River Catchment. The planning proposal is unlikely to result in any affect on the Catchment.

The requirements of this SEPP will need to be considered further at the DA stage.

### SEPP No. 55 Remediation of Land

This SEPP aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. The planning proposal states that the site is unlikely to be subject to land contamination due to its long-term history of use as a church and children's education facility.

In this instance the planning authority has considered whether the land is contaminated and determined that the land is unlikely to be contaminated. The planning proposal is therefore considered to consistent with the SEPP, however the requirements of this SEPP will need to be considered further at the DA stage.

## **SITE-SPECIFIC ASSESSMENT**

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### **Social**

By formally recognising the site's existing uses under Hurstville LEP 2012 the proposal will allow for the potential redevelopment of the site. The proposal notes that the owner intends to maintain the site's existing community and child care uses. The proposal therefore has the potential to enhance the existing social infrastructure already on offer to the local community. It is understood that social infrastructure can help to provide for an increased sense of connection amongst the local community. Further, the additional permitted uses of 'office premises' and 'café or restaurant' have the potential to enhance the liveability and vibrancy of the area.

## **Environmental**

The site is located within the established suburb of Peakhurst Heights and it is unlikely that critical habitats or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal.

### Compatibility with existing and future surrounding uses

As noted above, a concept or block diagram to indicate that the proposed built form controls (max 9m building height, max 1:1 FSR and 450m<sup>2</sup> minimum lot size) will result in an appropriate transition of bulk and scale to the surrounding area should be provided prior to the exhibition of the planning proposal.

It is considered that the proposed controls and uses will result in an outcome that is compatible with the surrounding context specifically considering the site's proximity to Peakhurst Heights Neighbourhood centre and Peakhurst South Public School. Further, it has been noted that rezoning the site to R2 Low Density Residential rather than B1 Neighbourhood Centre will ensure that potentially incompatible shop top housing is not permissible on the site.

## **Economic**

The planning proposal states that it will contribute to the protection of an important local shopping centre (Peakhurst Heights Neighbourhood centre) by ensuring it remains economically viable in a manner consistent with the existing approval for the site. This statement is somewhat invalid considering the proposal will not result in the site's inclusion in the existing B1 zoned Peakhurst Heights Neighbourhood centre. While the proposal will allow for some employment uses on the site, the R2 zoning will not guarantee the site is maintained for employment uses into the future. Specifically, the proposal allows for the potential redeveloped and use of the site for solely residential purposes.

The planning proposal states that the Learning Links facility currently provides employment for approximately 22 full time staff, 47 part time staff, 122 casual staff and 1 volunteer. It is noted that the site plays an important role in providing employment for the local community. While the site's use for employment purposes is not guaranteed, the proposal allows for a number of employment generating land uses that are likely to continue to support and maintain local employment opportunities.

The planning proposal states that the existing infrastructure accommodates the existing development on the site and notes the proposal is to permit existing and additional uses only. It is therefore not anticipated that the planning proposal will place unnecessary additional demands on public infrastructure, however infrastructure requirements will have to be considered at the DA stage.



## **CONSULTATION**

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### **Community**

The planning proposal states it will be exhibited in accordance with the requirements of the Gateway determination. An exhibition period of 28 days is considered acceptable given the nature of the proposed amendment.

### **Agencies**

The planning proposal states that State and Commonwealth public authorities will be consulted in accordance with the Gateway determination. This approach is considered acceptable.

It is considered that the NSW Department of Education should be consulted with regards to the proposal considering the site's location next to Peakhurst South Public School.

## **TIME FRAME**

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Council has proposed a timeframe of approximately seven months to complete the LEP. A timeframe of nine months is considered to be more appropriate given the requirements involved in finalising the proposal.

## **LOCAL PLAN-MAKING AUTHORITY**

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Council has requested authorisation to be the local plan-making authority in relation to the planning proposal. It is recommended that Council be authorised to be the local plan-making authority as the proposal constitutes a local planning matter.

## **CONCLUSION**

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The planning proposal is supported to proceed with conditions as it:

- generally satisfies State, draft district and local planning objectives, which encourage proposals that promote the provision of social infrastructure;
  - contributes to local employment by maintaining and broadening the site's employment uses; and
  - updates outdated zoning and provides the community and landowner with certainty regarding the permissible use of the land.
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## RECOMMENDATION


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

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. Consultation is required with the following public authorities:
  - NSW Department of Education.
3. The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should be the local plan-making authority.
5. The planning proposal should be updated prior to exhibition to:
  - (a) include the proposed minimum lot size control within the explanation of provisions;
  - (b) include maps indicating the current and proposed minimum lot size controls;
  - (c) include a concept or block diagram to demonstrate the proposed built form controls; and
  - (d) discuss in more detail why Council considers the proposed amendment to the zoning, built form controls and Schedule 1 of the LEP is suitable and the best means of achieving the proposal's intended outcomes.

Prior to community consultation, the revised planning proposal is to be provided to the Department for review and approval for public exhibition.

  
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