



Planning,
Industry &
Environment

IRF21/1605

Gateway Determination Report PP_2021_2018 Avalon Beach Bowling Club

The rezoning of part Lot 7 DP 1240400 from R2 Low Density Residential to RE1 Public Recreation – Avalon Beach Bowling Club, 5 Bowling Green Lane, Avalon Beach

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Contents

1	Planning Proposal	2
1.1	Overview	2
1.2	Objectives and Intended Outcomes	2
1.3	Explanation of provisions	3
1.4	Site description and surrounding area	3
1.5	Mapping	5
2	Need for the Planning Proposal and Background	6
3	Strategic assessment	6
3.1	Regional Plan	6
3.2	District Plan	6
3.3	Local	7
3.4	Section 9.1 Ministerial Directions	8
3.5	State Environmental Planning Policies (SEPPs)	9
4	Site-specific assessment	9
4.1	Environmental	9
4.2	Social and economic	9
4.3	Infrastructure	10
5	Exhibition	10
5.1	Community	10
5.2	Agencies	10
6	Timeframe	10
7	Local Plan-Making Authority	10
8	Assessment Summary	10
9	Recommendation	11
	Attachments	12

1 Planning Proposal

1.1 Overview

Table 1 Planning Proposal details

LOCAL GOVERNMENT AREA	Northern Beaches
PLANNING PROPOSAL AUTHORITY	Northern Beaches Council
NAME	Rezoning of land from R2 Low Density Residential to RE1 Public Recreation
NUMBER	PP-2021-2018
LEP TO BE AMENDED	Pittwater Local Environment Plan 2014
ADDRESS	5 Bowling Green Lane, Avalon Beach
LOT AND DP	Lot 7 DP 1240400
DATE RECEIVED	16/03/2021
FILE NO.	IRF21/1605
NO. OF DWELLINGS PROPOSED	Nil
NO. OF JOBS PROPOSED	Nil
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

1.2 Objectives and Intended Outcomes

The planning proposal notes the following objective / intended outcome:

- *To amend the Pittwater Local Environmental Plan 2014 to rezone land at 5 Bowling Green Lane, Avalon Beach for recreational purposes*

The proposal involves updating the corresponding Land Zoning Map (Sheet LZN_016) under Pittwater LEP 2014 to identify the subject area as RE1 Public Recreation.

The objective of the planning proposal is considered clear.

The proposal does not require amendments to any planning controls under Pittwater LEP 2014.

1.3 Explanation of provisions

The planning proposal seeks to amend the Pittwater LEP 2014 with the changes below:

Table 1 Current and Proposed controls

Control	Current	Proposed
Zone	R2 Low Density Residential	RE1 Public Recreation
Maximum height of the building	8.5m	<i>No change</i>
Floor space ratio	Nil	<i>No change</i>
Minimum lot size	Nil	<i>No change</i>

The proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

Note: Reference to the 'subject site' is the area subject to land rezoning of this planning proposal.

The subject site is specific to the area known as 'Green 3' of the Avalon Beach Bowling Club (ABBC) and forms the far western section of Lot 7 DP 1240400, Dunbar Park (**Figure 1**). 'Green 3' continues to be utilised by the Club for lawn bowls and club related purposes.

It is noted that 'Green 3' was purchased by the former Pittwater Council from Avalon Bowling and Recreation Centre Limited on 26 September 2016 in line with a Council Resolution of 15 February 2016 (refer to **Section 2** of this report for further detail).

The subject site has an area of approximately 2,880sqm with internal road access running along the northern boundary to Bowling Green Lane in the east.

The land at Lot 7 DP 1240400 is owned and managed by Council and includes the Avalon Recreation Centre and Community Library, the ABBC (leased from Council) and the Avalon RSL Club outdoor area (leased from Council). The western section of the land (including the subject site) is leased to Avalon Bowling and Recreation Centre Limited to operate the ABBC.

The subject site adjoins land developed for residential purposes to the north, south and west. Dunbar Park and the ABBC are located to the east.



Figure 1 Subject site in context of Lot 7 DP 1240400 (source: Nearmap)



Figure 2 Site context (source: Nearmap)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Land Zoning Map (**Figure 4**), which is suitable for exhibition.

The map will be required to be consistent with Department standard should the plan proceed to finalisation.

No changes are proposed to any other LEP maps.

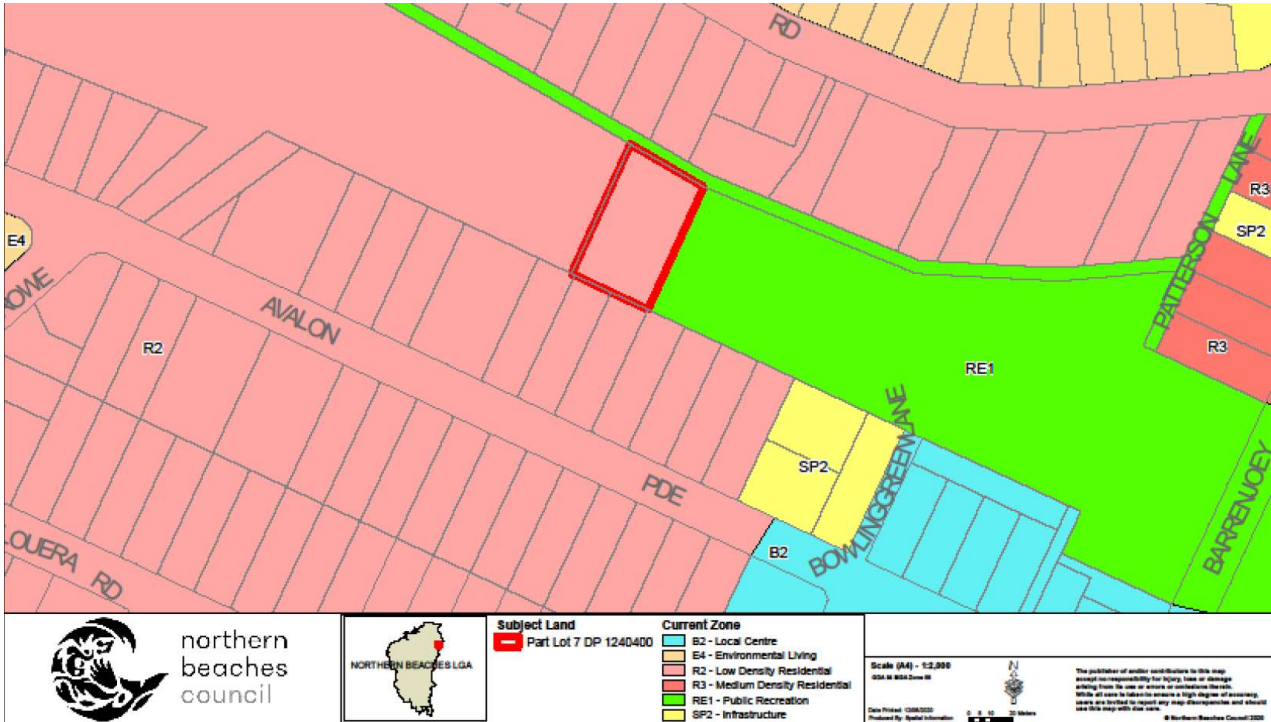


Figure 3 Current zoning map

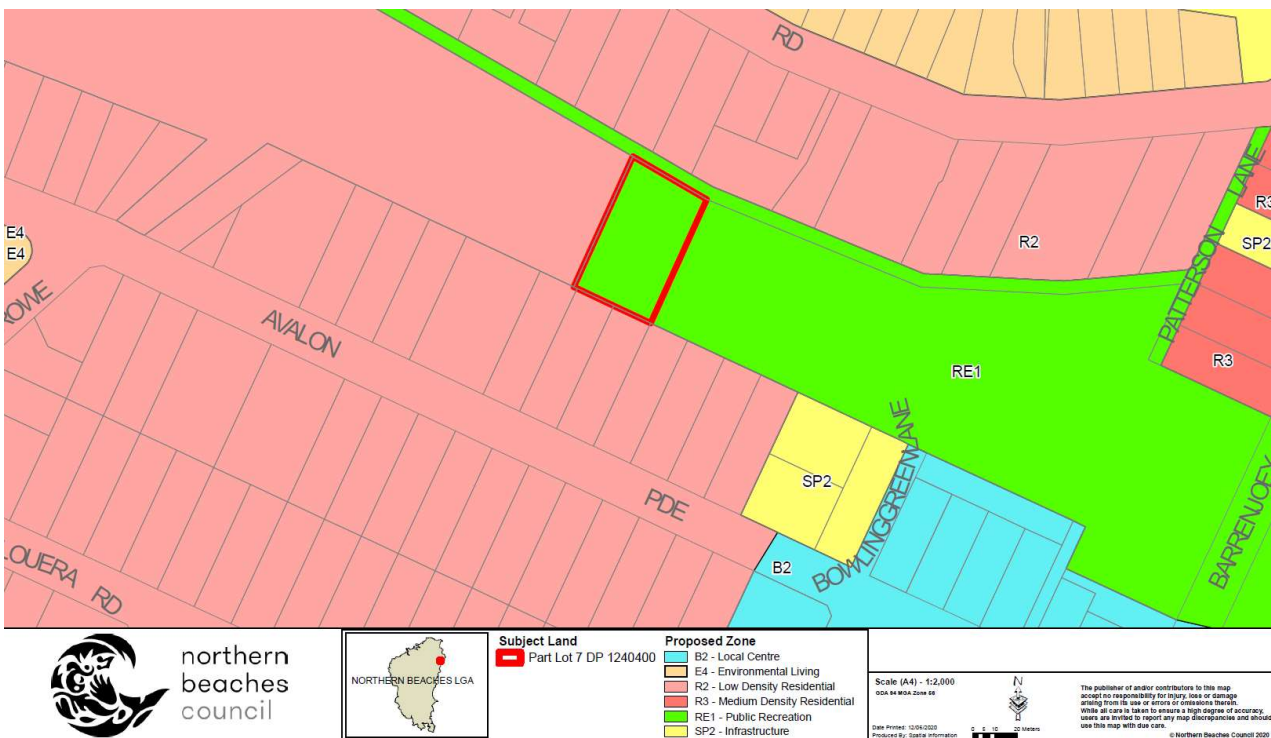


Figure 4 Proposed zoning map

2 Need for the Planning Proposal and Background

The Planning Proposal is the result of a former Pittwater Council Meeting resolution of 15 February 2016 (refer to page 8 of Planning Proposal Report at **Attachment A1**) that required the following actions be undertaken following Council's purchase of 'Green 3' of the ABBC:

- Reclassify 'Green 3' (part of Lot 7 DP 1240400) from Operational Land to Community Land (this was completed on 26 December 2016); and
- Rezone 'Green 3' from R2 Low Density Residential to RE1 Public Recreation.

The proposal to change the zoning of the subject site will allow the lessee, Avalon Beach Bowling Recreation Centre, to use 'Green 3' for recreational uses in conjunction with the ABBC.

It is noted the planning proposal is not the result of any endorsed Local Strategic Planning Statement, strategic study or report. This is contrary to what is noted in the Planning Proposal Report (**Attachment A**) at *Section A – Need for the Planning Proposal: Q1. Is the Planning Proposal a result of an endorsed Local Strategic Planning Statement, strategic study or report?*

It is recommended that the Planning Proposal Report be updated to reflect that the proposal is the result of a former Pittwater Council Meeting resolution of 15 February 2016, prior to exhibition.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Greater Sydney Region Plan, A Metropolis of Three Cities. The Planning Proposal is consistent with the vision for the Eastern Harbour City and aligns with objectives in the plan as outlined below.

Table 2 Regional Plan assessment

Regional Plan Objectives	Justification
Objective 3 – Infrastructure adapts to future needs	The proposal will facilitate additional open space in proximity to the Avalon Beach town centre and will service the needs and requirements of an ageing population.
Objective 7 – Communities are healthy, resilient and socially connected	The proposal will enable the continued use of the site for recreational purposes associated with the ABBC and facilitate recreational and social activities for an ageing population within the community.
Objective 12 – Great places that bring people together	
Objective 31 – Public open space is accessible, protected and enhanced	The proposal will support the continuation of the site for open space and recreation uses undertaken by Avalon Beach Bowling Recreation Centre.

The planning proposal does not consider Objective 31 of the Greater Sydney Region Plan. It is recommended the planning proposal be updated to address this prior to exhibition.

3.2 District Plan

The site is within the North District and the Greater Sydney Commission released the North District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for liveability and sustainability in the plan as outlined below.

The Department is satisfied the planning proposal gives to the District Plan in accordance with section 3.8 of the Environmental Planning and Assessment Act 1979. The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 3 District Plan assessment

District Plan Priorities	Justification
Planning Priority N3 – Providing services and social infrastructure to meet's people's changing needs	The proposal will facilitate recreational and social activities for an ageing population within the community by enabling the continued use of the site for recreational purposes associated with the ABBC.
Planning Priority N4 – Fostering healthy, creative, culturally rich and socially connected communities	
Planning Priority N20 – Delivering high quality open space	The site will continue to be used for open space and recreation uses undertaken by Avalon Beach Bowling Recreation Centre. These uses align with the objectives of the RE1 Public Recreation land zoning.
Planning Priority N22 – Adapting to the impacts of urban and natural hazards and climate change	The planning proposal notes that the site is affected by the 1% AEP flood event. The current zoning permits residential development which may be exposed to potential flooding hazards. The proposal seeks to remove the residential zoning and replace it with a public recreation zone which is compatible with the flood affectation of the site.

3.3 Local

The site is subject to Council's Local Strategic Planning Statement (LSPS). The following table includes an assessment of the planning proposal against relevant priorities of the LSPS.

Table 5 LSPS assessment

LSPS Priorities	Justification
Priority 6 – High quality open space for recreation	The proposal will retain the current use of the site for the ABBC and rezone the land to RE1 Public Recreation to reflect the use and ensure it remains open space into the future.
Priority 11 – Community facilities and services that meet changing community needs	The proposal seeks to rezone the site to RE1 Public Recreation to support the continuation of the site for open space and recreation uses of the ABBC. The proposal will also enable the expansion of the bowling club grounds to meet the increasing demands of an ageing population within the community.

The Pittwater Public Space and Recreation Strategy 2014 identifies lawn bowls as one of 35 recreational activities the local community participates in, noting that bowling greens are primarily used for lawn bowls and used by people aged 55 and over. The proposal is consistent with this finding as it facilitates the continued use of the site for recreational lawn bowls and supports future expansion of these facilities by the ABBC.

3.4 Section 9.1 Ministerial Directions

The Planning Proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 4 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Direction 2.6 Remediation of Contaminated Land	Yes	<p>This direction applies as the Planning Proposal is on land that is currently zoned for residential purposes and is seeking to be amended to a recreational land use.</p> <p>It is considered the risk of contamination to be negligible given the current use of the site is for a recreational purpose (bowling green), which will align with the proposed RE1 Public Recreation land zoning.</p>
Direction 3.1 Residential Zones	No Considered justifiably inconsistent.	<p>The proposal is inconsistent with this Direction in that it is reducing land for residential purposes.</p> <p>However, it is noted that while the site is currently zoned for residential purposes, it has historically been used for recreational purposes associated with the ABBC. The proposal enables the site to align with Council's current and long-term use of the land as open space and recreation.</p> <p>Further, no loss of existing residential dwellings will result from the proposal.</p> <p>The inconsistency with this direction is therefore considered justified.</p>
Direction 3.4 Integrating Land Use and Transport	Yes	<p>The site is located in close proximity to Avalon Beach town centre and is expected to retain its existing recreational uses.</p> <p>Having regard to the minor nature of the changes proposed, the proposal is not considered to be inconsistent with this Direction.</p>
Direction 4.3 Flood Prone Land	Yes	<p>The objectives of this direction are:</p> <ul style="list-style-type: none"> (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land. <p>The planning proposal notes that the site is affected by the 1% AEP flood event. The current zoning permits residential development which may be exposed to potential flooding hazards. The proposal seeks to remove the residential zoning and replace it with a public recreation zone which is compatible with the flood affectation of the site.</p>

Direction 6.2 Reserving Land for Public Purposes	Yes	Council purchased the site on 26 September 2016 from Avalon Beach Bowling and Recreation Centre. Council seeks to amend the existing zoning from R2 Low Density to RE1 Public Recreation to reflect the current and long term use of the land as open space and recreation. The planning proposal is consistent with this Direction.
Direction 6.3 Site Specific Provisions	Yes	The planning proposal does not include any unnecessarily restrictive site-specific planning controls and is therefore consistent with this Direction.

It is recommended that the planning proposal be updated prior to exhibition to address the following:

- Note the inconsistency with Direction 3.1 has been justified.
- Consider consistency with Direction 3.4; and
- Remove reference to Direction 7.1, which has since been revoked (November 2020).

3.5 State Environmental Planning Policies (SEPPs)

The Planning Proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 5 Assessment of Planning Proposal against relevant SEPPs

SEPPs	Requirement	Proposal	Complies
SEPP 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 site is currently zoned R2 Low Density Residential and caters for residential land uses. The Planning Proposal seeks to rezone the site to RE1 Public Recreation to align with the site's current recreational use and Council's long term plans for the site. Given the current zoning and history of the site, the risk of contamination possibilities is considered low.	Yes

4 Site-specific assessment

4.1 Environmental

The planning proposal notes that no threatened species, critical habitat or ecological communities are mapped on or within close proximity of the site. The site is also not mapped on the Pittwater LEP 2014 biodiversity map. The site is currently used as a bowling green that forms part of the ABBC.

4.2 Social and economic

The planning proposal has considered potential social and economic effects and determined that it will not have any negative effects on the Avalon Beach locality.

The current residential zoning of the site is inconsistent with the remainder of Lot 7 in DP1240400 which forms Dunbar Park. The proposal seeks to address this inconsistency and rezone the site to

public recreation which is consistent with its current and future use and is in line with community expectation.

4.3 Infrastructure

The site is presently used for recreational purposes which align with the permissible land uses and objectives of the proposed recreational land zoning. In this regard, the site is deemed to be serviced by adequate infrastructure.

5 Exhibition

5.1 Community

Council has considered an exhibition period of 28 days (**Attachment F1**) for the planning proposal.

An exhibition period of 28 days is considered appropriate. This has been included as part of the conditions of the Gateway determination.

It is noted Council placed the proposal on non-statutory exhibition for 14 days between 6 to 20 November 2020, where three submissions supporting the proposal were received.

5.2 Agencies

The proposal does not specifically raise which agencies will be consulted.

Given the nature of the proposal, no specific agencies are recommended to be consulted.

6 Timeframe

Council proposes a 6 month time frame to complete the LEP.

The Department recommends a time frame of 6 months to ensure it is completed in line with its commitment to reduce processing times.

A condition to the above effect is recommended in the Gateway determination.

7 Local Plan-Making Authority

Council has requested delegation to be the local plan-making authority.

As the planning proposal is minor in nature, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment Summary

The planning proposal is supported to proceed with conditions as the proposal has been adequately justified. The proposal will enable the continued use of the site for recreational purposes and ensure this purpose is maintained into the future to service the local community.

9 Recommendation

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal is to be amended to address the following matters prior to public exhibition:
 - Delete any reference to Ministerial Section 9.1 Direction 3.3 Home Occupations and Direction 7.1 Implementation of A plan for Growing Sydney, which have been repealed;
 - Update the proposal to note it is justifiably inconsistent with the Direction 3.1 Residential Zones;
 - Address consistency with Direction 3.4 Integrating Land Use and Transport;
 - Address Objective 31 of the Greater Sydney Region Plan; and
 - In line with the Department's *A guide to preparing planning proposals*, correctly respond to, 'Is the Planning Proposal a result of an endorsed Local Strategic Planning Statement, strategic study or report?'
2. The Planning Proposal should be made available for exhibition for a minimum of 28 days.
3. The timeframe for completing the LEP is to be 6 months from the date of the Gateway Determination.
4. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



10 May 2021

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14 May 2021

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Attachments

Attachment Gateway – Gateway Determination

Attachment Letter – Letter to Council advising of decision

Attachment A – Planning proposal documentation

- **A1** – Planning Proposal Report
- **A2** – Planning Proposal Cover Letter
- **A3** – Information Checklist
- **A4** – Evaluation for Delegation
- **A5** – Land Identification Map

Attachment B – Site map

Attachment C – Locality context map

Attachment D – Existing LEP maps

Attachment E – Proposed LEP maps

Attachment F – Council correspondence

- **F1** – Council Report
- **F2** – Council Resolution

Attachment G – Local Planning Panel

- **G1** – Local Planning Panel Report
- **G2** – Local Planning Panel Advice