

IRF21/3447

Gateway determination report – PP-2021-4677

Rezoning and reclassification of 4 Pennant Avenue, Gordon

September 21



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Contents

1	Pla	anning proposal	1
	1.1	Overview	1
	1.2	Objectives of planning proposal	1
•	1.3	Explanation of provisions	2
•	1.4	Site description and surrounding area	2
•	1.5	Mapping	4
•	1.6	Background	8
2	Ne	ed for the planning proposal	9
3	Str	rategic assessment	9
(3.1	District Plan	9
(3.2	Local	10
(3.3	Section 9.1 Ministerial Directions	12
;	3.4	State environmental planning policies (SEPPs)	15
4	Site	e-specific assessment	16
4	4.1	Environmental	16
4	4.2	Social and economic	17
4	4.3	Infrastructure	19
5	Co	nsultation	19
į	5.1	Community	19
į	5.2	Agencies	19
6	Tin	neframe	19
7	Loc	cal plan-making authority	19
8	As	sessment summary	19
9	Red	commendation	20
,	Attacl	hments	21

1 Planning proposal

1.1 Overview

Table 1: Planning proposal details

LGA	Ku-ring-gai
PPA	Ku-ring-gai Council
NAME	Rezoning of 4 Pennant Avenue, Gordon (9 homes)
NUMBER	PP-2021-4677
LEP TO BE AMENDED	Ku-ring-gai Local Environmental Plan (LEP) 2015
ADDRESS	4 Pennant Avenue, Gordon
DESCRIPTION	Lot Y DP387680
RECEIVED	23/07/2021
FILE NO.	IRF21/3447
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 of planning proposal

The intended outcomes of the planning proposal are to:

Rezone the site from RE1 – Public Recreation to R2 Low Density Residential to facilitate the sale of land and enable potential residential development resulting in 9 dwellings (with a second reference scheme option for 17 Seniors Living dwellings). The sale of land will provide funding for other community infrastructure and the renewal and replacement of Council assets.

It is noted that the proposal contains a reclassification of the land from Community to Operational.

1.3 Explanation of provisions

The planning proposal seeks to amend the Ku-ring-gai LEP 2015 per the changes below:

Table 2: Current and proposed controls

Control	Current	Proposed
Zone	RE1 – Public Recreation	R2 – Low Density Residential
Maximum height of the building	N/A	9.5m
Floor space ratio	N/A	0.3:1
Minimum lot size	N/A	840m²
Number of dwellings	N/A	9
Number of jobs	N/A	0

The proposal also proposes to reclassify the site from Community land to Operational land.

The planning 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

The site is a slightly irregular shaped area located at 4 Pennant Avenue, Gordon. It is legally described as Lot Y DP387680 with an area of 1.12ha (11,200m²) (**Figure 1**).

The site is the former Gordon Bowling Club which comprises a clubhouse, a hard stand car park, three bowling greens, a greenskeeper storage shed and a single access handle containing a pedestrian link to Bushlands Avenue to the north. The site is currently vacant, and Council states the bowling club closed in early 2018 due to declining membership. The lease between Council and the bowling club has since expired.

The adjoining parcel of land legally known as Lot X DP387680, has an area of 1,668m² and contains endangered ecological community Sydney Turpentine-Ironbark Forest vegetation. This is to be retained as a public reserve for passive recreation purposes (**Figure 2**).

Both sites are owned by Council (**Attachment C3**) and are classified in the Ku-ring-gai LEP 2015 as 'Community Land' under the *Local Government Act 1993*.

Within the immediate surrounding area Council recently constructed Greengate Park which is located 500m from the proposal site. In 2016 Ku-ring-gai Council resolved to convert Gordon Golf Course, 350m from the site, to a regional park in 2023.

The site is approximately 700m walking distance from the Gordon local centre to the north. The site is well serviced by train being 600m from the Gordon Station and in addition to local and regional bus connections.



Figure 1: Subject site (Source: Near Map – overlay by DPIE)



Figure 2: Map showing lot numbers (Source: Six Maps – overlay by DPIE)



Figure 3: Site location (Source: Six Maps – overlay by DPIE)

Under the Ku-ring-gai LEP 2015, the site:

- is zoned RE1 Public Recreation (Figure 4);
- has no maximum building height control (Figure 5);
- has no maximum FSR control (Figure 6);
- has no minimum lot size (Figure 7); and
- is in the vicinity of several heritage items and heritage conservation area C19 Smith Grant Conservation Area (Figure 8).

Part of the site is identified as 'category 3a' on the Riparian Land Map and (**Figure 9**) which refers to a discontinuous or piped watercourse. Some development types within 40m of the land will require referral to the NSW Office of Water as integrated development.

The land is identified on the Terrestrial Biodiversity Map (**Figure 10**) as an area potentially containing significant ecological flora or fauna habitats.

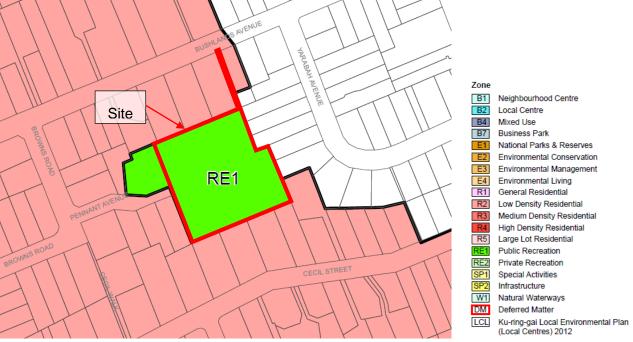


Figure 4: Ku-ring-gai LEP 2015 Land Zoning Map (LZN_014)



Figure 5: Ku-ring-gai LEP 2015 Height of Buildings Map (HOB_014)



Site

| Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | Site | S

Figure 7: Ku-ring-gai LEP 2015 Lot Size Map (LSZ_014)



Figure 9: Ku-ring-gai LEP 2015 Riparian Lands and Watercourses Map (WCL_014)



Figure 10: Ku-ring-gai LEP 2015 Terrestrial Biodiversity Map (BIO_014)

1.5 Mapping

The planning proposal seeks to amend the following maps in the Ku-ring-gai LEP 2015:

- Land zoning map sheet LZN_014 from RE1 Public Recreation to R2 Low Density Residential;
- FSR map sheet FSR_014 to apply an FSR of 0.3:1;
- Height of buildings map sheet HOB_014 to apply a height of building control of 9.5m; and
- Lot size map sheet LSZ_014 to apply a Minimum Lot Size of 840m².

1.6 Background

Council acquired the rear portions of properties fronting Bushlands Avenue and Cecil Street between 1951 and 1953 for the Gordon Bowling Club, including pedestrian access to Bushlands Avenue.

On 15 August 2017 Gordon Bowling club Limited advised Council that they wanted to terminate their lease and vacate the property in early 2018.

On 8 May 2018, at the Ordinary Meeting, Council considered two options for the site and resolved to adopt 'Option 1' to rezone Lot Y DP 387680 and change the development controls to allow residential development. 'Option 2' was to reclassify and rezone both Lot Y and Lot X for residential development. It was indicated that the future sale of the Gordon Bowling Club could raise funds for the restoration and expansion of Council assets such as the Marian Street Theatre.

On 17 September 2018, the Ku-ring-gai Planning Panel (KLPP) (**Attachment I**) stated that the planning proposal had strategic and site-specific merit and recommended that the planning proposal be sent to the Department for Gateway

Council submitted a Planning Proposal on 3 October 2018 to rezone the Council owned former Gordon Bowling Club at 4 Pennant Avenue, Gordon, from RE1 Public Recreation to R3 Medium Density Residential. It also sought to apply a floor space ratio of 0.8:1, a maximum building height of 11.5m and a minimum lot size of 1200m².

On 17 February 2020, a Gateway determination was issued for the site to rezone the land to R2 Low Density Residential, with 12 months to make the LEP (Attachment E). The Gateway determination required the proposal to be amended and a number of conditions were included that Council were required to address and seek endorsement from the Department prior to exhibition of the updated proposal.

Council submitted a revised Planning Proposal on 26 March 2021 to address the pre-exhibition Gateway conditions. The Department undertook an assessment of the revised proposal and concluded that the additional information satisfactorily addressed the pre-exhibition conditions.

However, as the timeframe to make the LEP had lapsed, the Department altered the Gateway determination to not proceed (**Attachment F**) on 30 May 2021. Council were instead encouraged, in the accompanying letter (**Attachment G**), to resubmit the revised planning proposal and seek a new Gateway determination with an updated timeframe. The updated timeframe would allow both Council and the Department to monitor the progression of the proposal in a timely manner.

On 22 July 2021, Council resubmitted the planning proposal on the planning portal (Attachment D1 and D2).

2 Need for the planning proposal

The planning proposal is not a result of any strategic study or report. The site is Council owned land (Attachment C3) and was occupied by the former Gordon Bowling Club that closed in early 2018 due to declining membership. The site is currently classified as 'community land'.

Council has stated that the site is no longer required for the public recreation purposes which it was originally acquired for. Council states that the future (2023) development of the Gordon Golf Course regional park, located less than 350m from the site, will provide recreational open space for the area. Council states that the loss of the bowling club open space will be offset by this new regional space and Greengate Park which is approximately 500m from the site.

Council plans to sell the site in order to fund other Council projects. Council is unable to develop, sell, exchange or dispose of community land under the *Local Government Act 1993*. Therefore, a planning proposal is necessary to reclassify the land as 'operational land' to facilitate Council's plans to dispose of the site.

3 Strategic assessment

3.1 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.

Table 3: District Plan Assessment

District Plan	Justification
Priorities	

Planning priority N3 – Providing services and social infrastructure to meet people's changing needs	The site was historically used as the Gordon Bowling Club, with the club no longer operating. The proposal will facilitate the sale of land for Council to divest in other social infrastructure required by the community.
Planning priority N5 – Providing housing supply, choice and affordability with access to jobs, services and public transport	The planning proposal will provide future residential development that is close to existing public transport (Gordon Station), infrastructure and services. It will also contribute to the 20-year strategic housing target of 92,000 dwellings for the North District and provide dwellings close to existing services, public transport and infrastructure.
Planning priority N12 – Delivering integrated land use and transport planning and a 30- minute city	The site is in an accessible location within 600m walking distance of the Gordon Station, and approximately 700m to Gordon Local Centre. The proposal will allow for further low-density residential uses in an area close to existing public transport, shops, services and infrastructure.
Planning Priority N20 – Delivering high quality open space	The site was originally acquired by Council for use as a bowling club and had been continuously leased by and used by the Gordon Bowling Club since 1953. Due to declining membership, the Gordon Bowling Club terminated the lease with Council and vacated the property in early 2018.
	With a changing population, there are different preferences for recreation and leisure emerging, and the decline in participation rates in bowling is a key example.
	Council has indicated that the area has undergone very little development on the western side of the railway station, in the vicinity of the site. Council has also recently constructed a park on Bruce Avenue (Greengate Park) and has resolved to develop the Gordon golf course as a regional park (less than 300m from the site).

The planning proposal is generally consistent with the priorities for infrastructure and collaboration, liveability, productivity, 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*.

3.2 Local

Ku-ring-gai Local Strategic Planning Strategy

The planning proposal addresses consistency with Council's Local Strategic Planning Statement (LSPS), specifically Local Planning Priorities K1, K3, K4 and K21. The proposal outlines that the site presents an opportunity for asset recycling to acquire new assets or renew existing ones.

The rezoning of the site will enable future residential development within walking distance of public transport and other services at the Gordon Local Centre.

The proposal states that any future divestment of the site is earmarked to assist Council in meeting community expectations for the renewal and replacement of community infrastructure, such as the Marian Street Theatre and the St Ives High School Joint Use Indoor Courts.

Ku-ring-gai Community Strategic Plan 2038

Council's strategic plan was adopted in June 2018 and outlines plans to preserve the area's character combined with the need to plan and provide for a growing and changing population.

The proposal was assessed against the objectives in the strategy. The rezoning and reclassification will facilitate the development of residential dwellings with good access to public transport and the Gordon Local Centre.

The future sale of the site would provide Council with additional funds to meet community expectations for the renewal and replacement of existing community assets. Specifically, on 8 May 2018, Council resolved at its Ordinary Meeting that the future sale of the site would facilitate the renovation and expansion of existing community facilities in accordance with Councils Long Term Financial Plan and the Delivery Program 2018-2021, and Operational Plan 2020-2021.

Open Space Acquisition Strategy 2007

The proposal has been assessed by Council against its Open Space Acquisition Strategy, which establishes principles for acquiring open space in Ku-ring-gai.

A report to Council on 8 May 2018 outlined that the suitability of the site for open space was found to be minimal as:

- The site is in an area where significant residential growth is unlikely to occur in the surrounding area.
- Proximity to alternative open space Council has constructed Greengate Park 500m from the site. Council also resolved in 2016 to convert Gordon Golf Course (350m from the site) to a regional park in 2023. Council considers that there is sufficient public open space in the immediate area to service the residential population without this site (Figure 11).
- Biodiversity will be protected and preserved The adjoining site, Lot X DP387680 is 1,668m² contains an endangered ecological community Sydney Turpentine-Ironbark Forest vegetation will be retained in Council ownership and will remain available for public use (Figure 11).
- Access The site has only one active street frontage; the strategy requires that new parks have at least two street frontages (Figure 11).
- Safety Access to the site is limited, not consistent with safe design principles and, Council
 believes, not suitable for public open space. The location is consistent with 'Safe by Design'
 principles in terms of passive surveillance but would be improved with the development of the
 site.
- Contamination Council has identified the site as likely to be affected by contamination as identified in the Stage 1 and Stage 2 report (**Attachment C1 and C2**). Further assessment of the contamination of land is at **Section 3.4.**

For the above reasons Council considered the site unsuitable for public open space and therefore are seeking to rezone the site for a residential use.



Figure 11: Local open space opportunities and constraints (Source: Nearmap).

3.3 Section 9.1 Ministerial Directions

The proposal is consistent with the relevant section 9.1 Directions except Directions 4.3 and 6.2.

Direction 4.3 Flood Prone Land

The objectives of this direction are:

- 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.

The proposal is inconsistent with this Direction as part of the site is flood-prone land and Council proposes to rezone the land from public recreation to residential uses.

The site is within the Blackbutt Creek catchment, draining to the Lane Cove River, and is identified as being partially flood prone. Council's Blackbutt Creek Flood Study and Plan (2014) and Blackbutt Creek Floodplain Risk Management Study (2018) identify the site as being within the 1-in-100-year flood event (**Figure 12**), within the overland flow path and within a flood evacuation risk zone. The site is mapped under the LEP 2015 as 'category 3a' Riparian Land and is a discontinuous or piped watercourse (**Figure 9**).

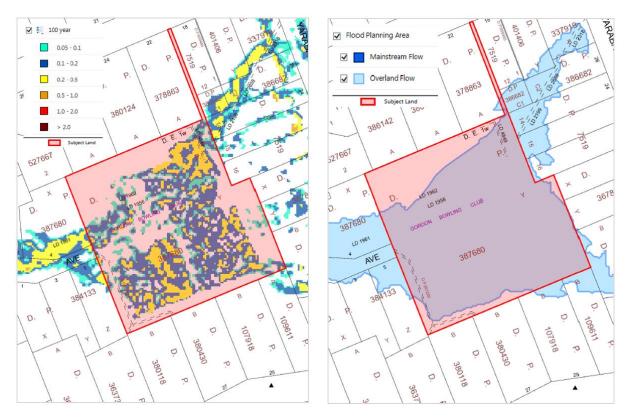


Figure 12: 1 in 100 Year Flood and Flood Planning Area maps (Source: Ku-ring-gai Council)

A Flood Impact Assessment (Attachment C7), prepared by Catchment Simulation Solutions, has concluded that the concepts (9 residential dwellings and 17 lot seniors living development) provide suitable management of the flood risk within the site and would not burden areas outside the site.

The main floodwaters have been identified to enter the site from the north-east and south-east corners. The proposed mitigation measures involve a cascading central storage area and two drainage swales towards the eastern boundary of the site (Figure 13). The swale proposed for the south-east corner is consistent with the 3a riparian land that runs through the site as shown in Figure 9.

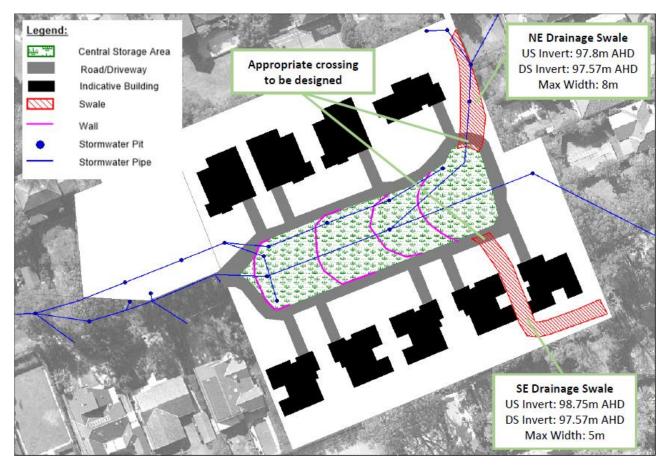


Figure 13: Low density residential concept (Source: Flood Impact Assessment – Catchment Simulation Solutions)

Direction 6.2 Reserving Land for Public Purposes

The objectives of this direction are:

- a) to facilitate the provision of public services and facilities by reserving land for public purposes, and
- b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.

Clause 4 of the Direction dictates that a planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Secretary of the Department of Planning, Industry and Environment (or the Secretary delegate). While the proposal is inconsistent with this part of the Direction, it is recommended that the Secretary's delegate agree that the inconsistency can be justified.

The site is no longer used by the former Gordon Bowling Club and is vacant. Council assessed the site against the criteria in Council's *Open Space Acquisition Strategy* (discussed above) and identified in May 2018 that Council no longer requires the land for public open space.

Council have prepared a planning proposal requesting that the site be zoned R2 Low Density Residential and indicated that any funds from the sale of the site would contribute to social infrastructure in the area.

The Department considers that Gateway determination can be given to amend the site's zone from RE1 Public Recreation to R2 Low Density Residential. This is consistent with the character, height of buildings, floor space area and the minimum lot size of the existing low-density surrounding area (**Figures 4 to 7**).

As the proposal involves the reclassification of land, Council will be required to hold a public hearing. Council must provide the community with an additional opportunity to present to an independent person after Council's report on the planning proposal has gone on exhibition.

3.4 State environmental planning policies (SEPPs)

With exception of State Environmental Planning Policy 55 – Remediation of Land, 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	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP 55	(a) the planning authority has considered whether the land is contaminated, and (b) if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and (c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose. Stage 1 and Stage 2 contamination investigations have been undertaken	Yes. Can be consistent through future mitigation as part of a future development application.	Stage 1 and Stage 2 contamination investigations have been conducted (Attachments C1 and C2). The Stage 2 assessment concluded that the contaminants found are generally unlikely to present an unacceptable risk to human health through exposure and that the site could be made suitable through the appropriate consideration of a Remedial Action Plan (RAP). The REP at Attachment C8 concludes that the site can be made suitable for the proposed land use, subject to: Implementation of the strategies set out in the RAP Prepare an addendum to the RAP, should previously unidentified unacceptable material be found The preparation of a waste classification for all soils that are to be removed from the site; and All remedial works being monitored and validated by a suitable qualified environmental consultant.

4 Site-specific assessment

4.1 Environmental

Contamination

Stage 1

The Stage 1 report conducted by Alliance Geotechnical, identified issues in their report dated 23 March 2018 (Attachment C1), including a number of areas of environmental concern that may present unacceptable exposure risk. It also concluded that the site could be made suitable for future land use settings, however a further assessment would be required.

Stage 2

A Stage 2 report was conducted by Alliance Geotechnical, dated 3 July 2018 (Attachment C2). The Stage 2 report recommended that:

Supplementary contamination assessment be undertaken to further characterise the extent
of asbestos in areas of concern (AEC04 and in the vicinity of TP08) and to characterise the
nature and extent of soil contamination in AEC06 once the clubhouse building has been
removed.

It was also recommended that a remedial action plan (RAP) be prepared to address identified asbestos in soil risks.



Figure 14: Sampling areas for contamination on the subject site (Source: Alliance Geotechnical)

A Remedial Action Plan (Attachment C8) concludes that the remedial strategies can be achieved, and that the site can be made suitable for residential use, subject to:

- the implementation of the strategies contained within the RAP;
- made amendments to the RAP if unacceptable land contamination risks are identified;
- the appropriate classification of soils to be removed be prepared by an environmental consultant; and
- the ongoing monitoring and validated of remedial works by a suitably qualified environmental consultant.

4.2 Social and economic

As identified in the Ku-ring-gai Local Strategic Planning Statement (LSPS) Council intends to employ "asset recycling", whereby the future sale of the site will raise funds to contribute to the restoration and expansion of Council assets. The Ku-ring-gai Long Term Financial Plan and the Delivery Program 2018-2021 and Operational Plan 2020-2021 identify projects for funding from the sale of properties. Some of these include:

- The renewal of the St Ives Sports Centre and Marian Street Theatre;
- Update general assets (buildings, roads, kerbs and gutters, footpath, stormwater network, swimming pool, parks, and tennis courts; and
- Major Town Centre Projects such as Lindfield Village Hub and the Turramurra Hub.

Built Form

The proposal contains an Urban Design Study (Attachment C4) that demonstrates that possibility of 9 lots, each with a single dwelling house being constructed with appropriate setbacks and landscaping in accordance with Council's DCP (Figure 15 and 16, below). The Urban Design Study is considered satisfactory to inform the public of the intended built form outcomes, with a more detailed design to be provided during the development application stage. It is noted that the Urban Design Study also contains a concept that involves Seniors Living (being a possibility under the Seniors Living SEPP).



Figure 15: Proposed lot layout and indicative dwelling setbacks



Figure 16: Proposed landscaping and general lot layout (Source: Urban Design Study)

Heritage

The site is within a number of heritage items but is well separated by other developments and roads. The site is adjacent to both sections of the Smith Grant Conservation Area (C19 & C19B) and the Yarabah Conservation Area (C18) and close to the St Johns Avenue Conservation Area (C16A) (Figure 17).

A heritage report (Attachment C6) prepared by John Outram Heritage and Design, concluded that the scale of development (either option) would not have any impact on the setting of significant of surrounding items. The report also indicates that The Saint Johns Avenue Conservation Area is well separated for the subject site and any development on the site at the scale anticipated will have no impact on its setting or significance.

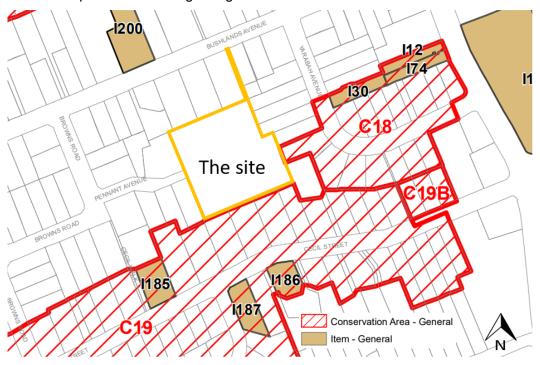


Figure 17: KLEP 2015 Heritage Map (Source: NSW Legislation)

4.3 Infrastructure

Traffic and Transport

The proposal contains a traffic and transport study report **(Attachment C5)** prepared by SMEC Australia Pty Limited, that details the capacity of local road network and the impacts of the proposal on the road network. The study concluded that that development of 9 lots would have modest impacts comparable to the historic use of the site as a bowls club, and no further upgrading of roads is necessary.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered appropriate, and forms to the conditions of the Gateway determination.

5.2 Agencies

It is recommended the following agencies be consulted on the planning proposal and given 14 days to comment:

- Transport for NSW;
- Sydney Water; and
- Ausgrid.

6 Timeframe

Council proposes roughly a timeline of 3 months to complete the LEP, or by the end of November 2021.

The Department recommends a time frame of 9 months to ensure there is time to complete the public hearing and for the Department to finalise the proposal which includes a step to seek approval of the reclassification from the Executive Council. It is recommended that if the gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

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

7 Local plan-making authority

Given the nature of the proposal, Council should not be authorised to be the plan-making authority considering Council's interest in the subject land.

8 Assessment summary

It is considered that the planning proposal has general strategic merit in relation to providing residential development and residential diversity in a location close to public transport and services.

The planning proposal will repurpose surplus land allowing the divestment of this land and allow Council to "recycle their assets" and finance the rebuilding, renovation and expansion of existing community facilities.

9 Recommendation

It is recommended that the delegate of the Secretary:

1. agree that the inconsistency with section 9.1 Direction 6.2 Reserving Land for Public Purposes and 4.3 Flooding, is minor and has been justified.

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

- 1. Community consultation is required under section 3.34(2)(c) and schedule 1, clause
 - 4 of the Environmental Planning and Assessment Act 1979 (the Act) as follows:
 - a) the planning proposal must be made publicly available for a minimum of 28 days; and
 - b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be publicly available along with planning proposals as identified in section 5.5.2 of A guide to preparing local environmental plans (Department of Planning and Environment 2016).
- 2. Consultation is required with the following public authorities under section 3.34(2)(d) of the Act:
 - Transport for NSW, incorporating Roads and Maritime Services;
 - Sydney Water; and
 - Ausgrid.

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

- 3. The time frame for completing the LEP is to be 9 months from the date of the Gateway determination.
- 4. Given the nature of the proposal, Council should not be authorised to be the plan-making authority to make this plan.

91 Millie	(Signature)	10 September 2021	(Date)
David Hazeldine	, ,		, ,
Manager, North District			
Brench Metcalfe		23 September 2021	
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Director, North District			

Assessment officer

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Attachments

Attachment	Document
Proposal	Planning Proposal
А	Gateway Determination
В	Letter to Council
C1-C8	Appendices to revised Planning Proposal
D1-D2	Council Report and Resolution - 20 July 2021
E	Original Gateway determination – 17 February 2020
F	Previous Gateway alteration 'to not proceed' – 30 May 2021
G	Previous Letter to Council – 30 May 2021
Н	Gateway Alteration Report for previous Planning Proposal – May 2021